



Shire of
Serpentine
Jarrahdale



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Agenda

7pm

Monday, 18 March 2024

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In Person

Shire of Serpentine Jarrahdale

6 Paterson Street, Mundijong WA 6123

Open Monday to Friday 8.30am-5pm (closed public holidays)



www.sjshire.wa.gov.au



Councillor Attendance Register

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

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

Council 1 January 2024 -

Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Vacant
06/03/24	WORKSHOP	✓	EPNG	✓	✓	✓	✓	
06/03/24	PCF (Special)	✓	EPNG	✓	✓	✓	✓	
28/02/24	WORKSHOP	✓	A	✓	✓	A	A	
26/02/24	PCF	✓	A	A	✓	✓	✓	
05/02/24	PCF	✓	✓	A	✓	✓	✓	
29/01/24	PCF	✓	✓	✓	✓	✓	✓	

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.

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



Dear Elected Member

The next Ordinary Council Meeting of the Shire of Serpentine Jarrahdale will be held on Monday, 18 March 2024 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong, commencing at 7pm.

Paul Martin

Chief Executive Officer

8 March 2024

Agenda

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

2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting – Monday, 19 February 2024

Questions asked by **Mrs Lee Bond** at the Ordinary Council Meeting, Monday, 19 February 2024. Correspondence was sent to Mrs Bond on Wednesday, 28 February 2024 (OC24/3422).

Question 1

Why is it predicted to take possibly two years to establish how much contamination is on the Watkins Road Transfer station site and whether it can be cleaned up, what has been the total cost of this contamination surfaced, what is the total cost for the contract, does it include the clean up? If not, is another amount required, another amount for the clean up? If yes, what is the total cost, who is doing the assessment of the contamination and who authorised the opening of this site to be used as a waste station, the date, and the reason it was originally closed as a tip in the first place and a date?

Response (Director Infrastructure Services)

For clarity of response, the question has been broken down as follows:

Why is it predicted to take possibly two years to establish how much contamination is on the Watkins Road Transfer station site?

It has been difficult to determine the source of the asbestos which was found on the surface of the WTS. The asbestos may have found its way to the surface of the site through the following sources:

- *It may have been dumped on the site illegally between the landfill closing and WTS opening.*



- *It may have been transported and dumped by visitors to the site as part of the operations of the WTS.*
- *It could have come to the surface through deterioration of the cap over the old landfill facility.*
- *It may have been part of the initial cap itself.*
- *Or a combination of some or all of these sources.*

We may never know how the asbestos found its way to the surface.

Furthermore, the identification of asbestos on the surface has prompted Officers to go back to the initial landfill closure process and conditions in 2000. What has been identified is that some of these conditions (eg ground water monitoring) have not been implemented as required by the State Government.

This called into question if the initial cap was constructed to any relevant standard.

Therefore, we thought the best option was to do a complete detailed site investigation and prepare a report with options for Council to consider moving forward. This will identify the full scale of the contamination and options for remediation so that health risks for customers, nearby residents and staff is managed into the future, should the facility be reopened. This was the recommendation of the initial consultant who deals with contaminated sites and it was also supported by the WA Department of Health.

This detailed site investigation is planned to take less than six months to complete. Consultants were engaged in December 2023 to undertake investigation and testing to determine the full extent of contamination on site. To date, the consultants have completed preliminary site investigations including air monitoring, groundwater testing and soil sampling. We anticipate the extent of asbestos contamination to be determined in the coming weeks which will be followed by collecting and disposal of all identified surface asbestos.

..... whether it can be cleaned up (assuming the Site can be cleaned from asbestos)?

The surface asbestos can be collected and removed from site once the monitoring and testing works have been completed in early April 2024. The remediation plan will provide details on how the asbestos under the surface can be best managed moving forward depending upon the option Council chooses.

..... what has been the total cost of this contamination surfaced?

The collection and disposal of surface asbestos identified so far has not been completed. The collection, removal from site and disposal is likely to cost approximately \$10,000 and is included in the current consultancy contract that is in progress.

..... what is the total cost for the contract, does it include the clean up?

The total cost of the contaminated sites consultancy works (current contract) including site investigation, testing, preparation of a remediation plan which will also include the clean-up is expected to be \$150,000.

..... If not is another amount required another amount for the clean up?



Refer to the response to the previous two questions.

..... If yes, what is the total cost, who is doing the assessment of the contamination?

As above.

.....who authorised the opening of this site to be used as a waste station?

Council resolved to reopen the Watkins Road site as a Waste Transfer Station as part of the Shires Waste Management Strategy 2020 – 2024 at the OCM on 15 June 2020.

..... the date and the reason it was originally closed as a tip in the first place and a date?

The Shire records indicate that the facility ceased to operate as a landfill in September 2000. Shire Officers have been unable to locate records which would explain the reasons for closing the landfill.

Question 2

Please provide dates, times, temperatures, what animals were incarcerated at the time and what Officer of the Shire attended the animal incarceration site on Watkins Road, Mundijong from the date you claim to have performed the above at the site and does the Shire still have the agreement with Armadale Council to move incarcerated animals within an hour of them being impounded? Has any Councillor made any serious attempt, evidence based, to bring this matter to Council since 2015 to have this site either closed down or built to a standard which is nothing less of what is required by law for the safety of all animals?

Response (Director Development Services)

In terms of the current facility, animals are kept in the pound for the shortest period as possible.

The temperatures were taken by an Officer on 19 December 2020, at four times between 1120hrs and 1400hrs. There were no cats or dogs impounded at the facility on this date. The times and temperatures taken are as per the table below:

<i>Temperatures recorded on 19 December 2020 - Watkins Road facility</i>				
<i>Time</i>	<i>1120hrs</i>	<i>1230hrs</i>	<i>1340hrs</i>	<i>1400hrs</i>
<i>Mundijong reported (as per online report)</i>	32°	33°	33°	33°
<i>Pound Ambient temperature</i>	31.3°	32.1°	31.4°	30.9°
<i>Pound floor</i>	26.3°	26.8°	25.9°	26.7°
<i>Pound first/top tin roof (that was installed to stop radiation of heat)</i>	49.8°	54.4°	39°	45.9°



<i>Temperatures recorded on 19 December 2020 - Watkins Road facility</i>				
<i>Time</i>	<i>1120hrs</i>	<i>1230hrs</i>	<i>1340hrs</i>	<i>1400hrs</i>
<i>Pound second/lower roof (showing how much radiating heat the first roof stops)</i>	<i>34.9° 29.9% cooler</i>	<i>38° 30.1% cooler</i>	<i>32.7° 16.1% cooler</i>	<i>33.3° 27.4% cooler</i>

The Shire has a current agreement with the City of Armadale (CoA) where the Shire may impound dogs at the CoA facility. The trigger to transfer a dog to the CoA facility is if the dog is aggressive or a declared dangerous dog. This is based upon ensuring safety of Shire Officers in handling such animals.

The Shire's current Animal Management Facility is not in breach of any animal welfare legislation. Further, where dogs or cats are microchipped with up-to-date contact details, Officers will, in most cases, reunite animals within the same day.

The report presented to the February 2024 meeting of Council presents an update and intended business case for analysing interim options.

Question asked by **Mrs Michelle Rich** at the Ordinary Council Meeting, Monday, 19 February 2024. Correspondence was sent to Mrs Rich on Friday, 8 March 2024 (OC24/4316).

Question 1

Can I please ask that the CEO publish in the minutes of this meeting, the number of farmland concession property owners that have seen this item come to Council whether they put their applications to have this heard by Council in writing and the localities in the Shire of where those property owners come from. Thank you.

Response (Director Corporate Services)

Shire Officers have not received any requests from farmland concession property owners to amend the timeframe of the review.

2.2 Public questions:

3. Public statement time:

4. Petitions and deputations:

5. President's Report:

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

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

7.1 Ordinary Council Meeting – 19 February 2024

That the minutes of the Ordinary Council Meeting held on 19 February 2024 be CONFIRMED (E24/2398).



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 – 26 February 2024

Attachments (available under separate cover)

- 8.1 – attachment 1 – Audit, Risk and Governance Meeting Minutes – 26 February 2024 (E24/2980)

Voting Requirements: Simple Majority

That Council

- 1. RECEIVES the Unconfirmed Minutes of the Audit, Risk and Governance Meeting held on 26 February 2024 (E24/2980).**
- 2. ADOPTS Audit, Risk and Governance Committee Resolution ARG03/02/24 and:**
 - 1. APPROVES the 2023 Compliance Audit Return for the period 1 January 2023 to 31 December 2023, 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 2023 Compliance Audit Return being submitted to the Department of Local Government, Sport and Cultural Industries.**
- 3. ADOPTS Audit, Risk and Governance Committee Resolution ARG04/02/24 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 with the following amendments:**
 - Add 'within 42 days' to the target date wording of Risk Mitigation Strategy Action 9 of risk 7.
- 4. ADOPTS Audit, Risk and Governance Committee Resolution ARG04/02/24 and:**
 - 1. RECEIVES the Asset Management Audit report contained in Attachment 1**
 - 2. NOTES the management comments prepared by Officers in Attachment 1**
 - 3. REQUESTS the Chief Executive Officer, as part of the 2024/25 budget process, prepare and submit a business case for additional resource consideration by Council to implement the 2023 Asset Management Audit actions.**

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

9.1 - Notice of Motion – Lake Allambee, The Glades (SJ4374)	
Elected Member	Councillor Mack
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Notice of Motion

A Notice of Motion was received from Councillor Mack via email on 14 February 2024.

The Notice of Motion is “That Council REQUESTS the Chief Executive Officer to:

1. Investigate the feasibility of putting a floating garden/habitat in Lake Allambee, The Glades, in collaboration with the Byford Community Garden.
2. Investigate external funding opportunities to install a floating garden/habitat in Lake Allambee, The Glades.
3. Provide a report back to Council at a future date advising of the outcomes of points 1 and 2.”

Relevant Previous Decisions of Council

Nil.

Officer Comment

Lake Allambee captures localised stormwater and overflows downstream for approximately 1.2km, filtrating into the surrounding site and ground water. Multiple aerators are in place and following a recent inspection of the lake, a range of water birds were observed on the water and in the surrounding reed edge of the water body.

The installation of a floating garden would provide aesthetics and support for bird and turtle habitat, but there would be no significant benefit to the quality of water in the lake.

Costs obtained from the City of South Perth, who supplied, installed and established a 6 x 1.8m (10.8m²) floating wetland, with 3 x nesting platforms and ramps for birds and turtles, 2 x moorings, anti-bird net and plants, in 2018 was \$6,341.00 ex gst.

Images of the floating garden are provided below:



Figure 1: Floating Garden – Turtle Access



Figure 2: City of South Perth floating garden

Shire Officers have engaged with the Byford Community Garden regarding the initiative and they have advised they are supportive of the floating garden for Lake Allambee and that they could grow the plants for the floating garden. External funding would need to be secured to deliver the project and grant funding opportunities would be explored if the Notice of Motion is supported.

Ongoing maintenance would be required by the Shire for weed control, rubbish removal, replacement and harvesting of plant stock to maintain appropriate densities, possible re-anchoring to secure the wetland and remove any trapped birds from inside the bird netting. Quarterly monitoring would be required and all maintenance would have to be done by boat or kayak. Ongoing maintenance costs would be further explored through the development of the project, should the Notice of Motion be supported.

Following initial engagement with the Byford Community Garden, Shire Officers can progress the actions identified within the Notice of Motion within existing resources and a report can be presented back to Council at a future date when the outcomes of the feasibility and external funding opportunities are understood should the Notice of Motion be supported.

Attachments (available under separate cover)

Nil.

Voting Requirements: Simple Majority

Elected Member Recommendation

That Council REQUESTS the Chief Executive Officer to:

- 1. Investigate the feasibility of putting a floating garden/habitat in Lake Allambee, The Glades, in collaboration with the Byford Community Garden.**
- 2. Investigate external funding opportunities to install a floating garden/habitat in Lake Allambee, The Glades.**
- 3. Provide a report back to Council at a future date advising of the outcomes of points 1 and 2.**

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

10.1.1 - Proposed 'Liquor Store - Small' - Lot 8, 25 Richardson Street, Serpentine (PA23/920)	
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:	Harley Dykstra
Owner:	Winterville Holdings Pty Ltd
Date of Receipt:	7 December 2023
Lot Area:	2,028.85m ²
Local Planning Scheme No. 3 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a development application for a 'Liquor Store - Small' at Lot 8, 25 Richardson Street, Serpentine.

The application is presented to Council as variations are sought to Local Planning Policy 3.3 - Wellard and Richardson Street Design Guidelines (LPP3.3) by way of design, side setback and car parking. Variations are also sought to Local Planning Policy 4.20 - Licensed Premises (LPP4.20) by way of design and location. The application also received 55 objections. Officers do not have delegated authority to determine development applications where policy variations are proposed or where three or more objections are received, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

It is considered that the proposal is consistent with the objectives of the planning framework and that the objections can be appropriately addressed. It is therefore recommended that Council approve the development application, subject to conditions.



Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background

Existing Development

The subject site of 2,028.85m² is located on the corner of Richardson Street and Wellard Street in Serpentine and is developed with a tavern (Serpentine Falls Tavern). This place comprises an important heritage building, which is on the Shire's Heritage List and Local Heritage Survey, and designated as Category 2 (being very important to the heritage of the Serpentine locality). The building is currently undergoing renovations.

The site is zoned 'Urban Development' under Local Planning Scheme No. 3 (LPS3) and is subject to the Serpentine Townsite Local Structure Plan (LSP). An aerial image of site and surrounding area is shown following:



Aerial image

Proposed Development

The application seeks approval for a 'liquor store - small' with a drive-through. The proposed development includes the following:

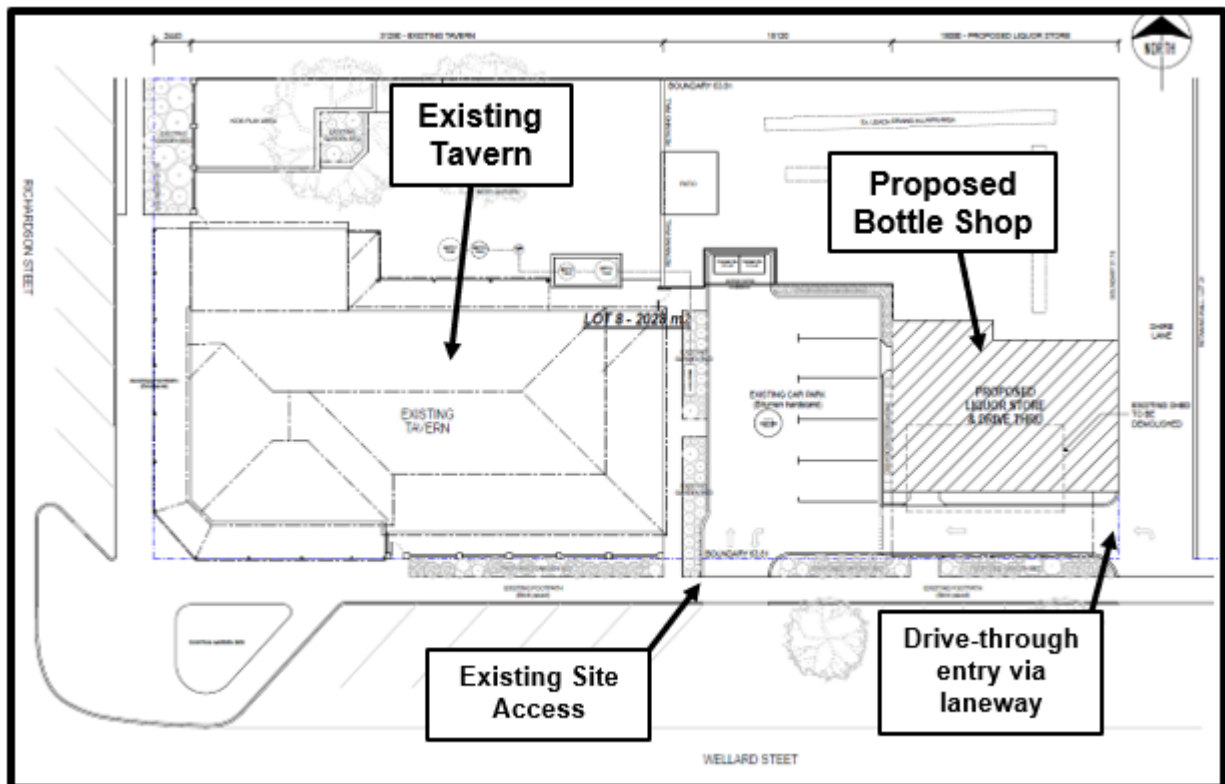
- A 169.5m² liquor store - small located towards the south-east of the site;
- A drive-through service lane with a three-car bay capacity;
- Removal of an existing shed;
- Five parking bays;



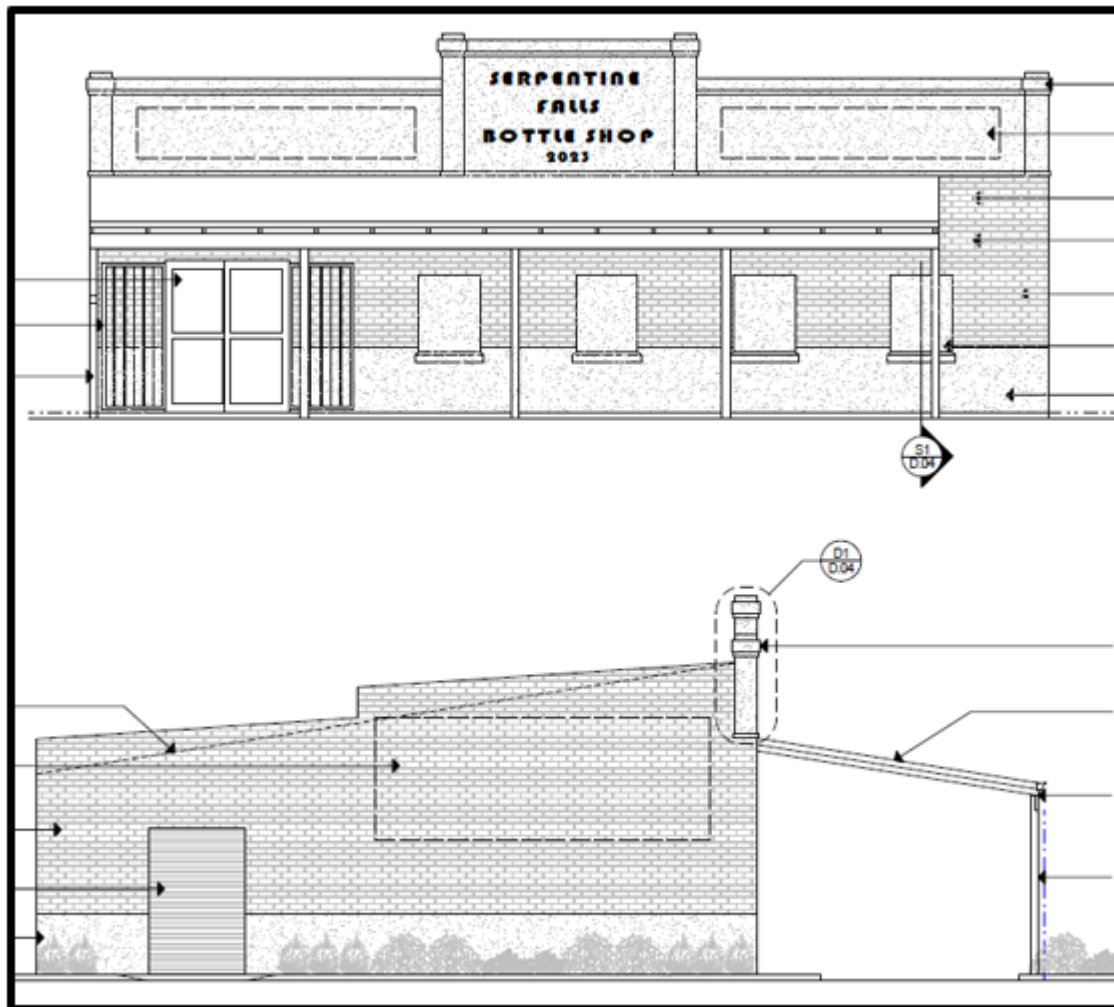
- Resurfacing of a portion of the laneway to the east of the site, which will be utilised as a single way vehicle access point for the drive-through;
- Landscaping along the verges and building edges;
- A bin store located to the north of the existing car park;

Hours of operation are proposed to be 10:00am to 8:00pm on Monday to Saturday and 10:00am to 6:00pm on Sunday.

The site plan and elevations are depicted following, full details of the proposal can be viewed in **attachment 1**.



Site plan



Elevations

Community / Stakeholder Consultation

The application was advertised for a period of 21 days from 20 December 2023 to 24 January 2024 (excluding the public holiday period) to surrounding landowners within a 200m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period. At the conclusion of the consultation, 57 submissions were received. 55 submissions objected to or raised concerns with aspects of the proposal and two submissions were in support.

The majority of objections relate to the proximity the proposal would be from the existing liquor store on the adjacent lot. Concerns included the following:

- That there is already an existing bottle shop, and the new liquor store would adversely impact business for the existing shop; and
- That Serpentine requires other amenities and services, other than the proposal.

Officers acknowledge these concerns however these are not matters that are able to be considered as part of a merits-based planning assessment, in accordance with Clause 67 of the Deemed Provisions.



Firstly, business impact through increased competition is, in almost all cases, not a matter that can be considered. Courts hold that planning authorities are not to regulate competition. However, there can be a relevant planning consideration to focus on a community, and whether the introduction of a trade competitor would result in a loss of amenity to the community by reason of a loss of facilities that is not made good by the proposal itself.

To explain this in planning terms, if (for example) shopping facilities presently enjoyed by a community or planned for it in the future, are put in jeopardy by some proposed development, whether that jeopardy be due to physical or financial causes, and if the resultant community detriment will not be made good by a proposed development itself, such is a consideration proper to be taken into account. Thus, in this case, the risk of business competition is not relevant as it does not meet this threshold.

In terms of considering other development options needed in Serpentine, it is not relevant to consider that a proposal could be better or different. Rather, an applicant submits their proposal, and it is that proposal that must be considered and assessed.

Additional concerns were raised in submissions, relate to the following matters which are all considered relevant planning matters:

- Traffic;
- Emergency access;
- Dust and noise from vehicles using the laneway; and
- Social, health and wellbeing.

The full list of submissions together with the applicant's response and Officer comments is contained within **attachment 2**. The matters raised are addressed under the relevant headings of the report.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 3.5 - Historic Heritage Conversion (SPP3.5)
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3)
- Serpentine Townsite Local Structure Plan (LSP)
- Local Planning Policy 1.4 - Public Consultation on Planning Matters Policy (LPP1.4)
- Local Planning Policy 3.3 - Wellard and Richardson Street Serpentine Design Guidelines (LPP3.3)
- Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)



- Local Planning Policy 4.20 - Licensed Premises (Liquor) (LPP4.20)

Planning Assessment

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

Land Use

The proposed development falls within the land use of 'Liquor Store - Small' defined under Local Planning Scheme No.3 (LPS3) as:

"premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of not more than 300 m²."

The subject site is zoned 'Urban Development' under LPS3 where the land use of 'Liquor Store - Small' is an 'A' use. This land use therefore requires the exercising of discretion and is subject to advertising.

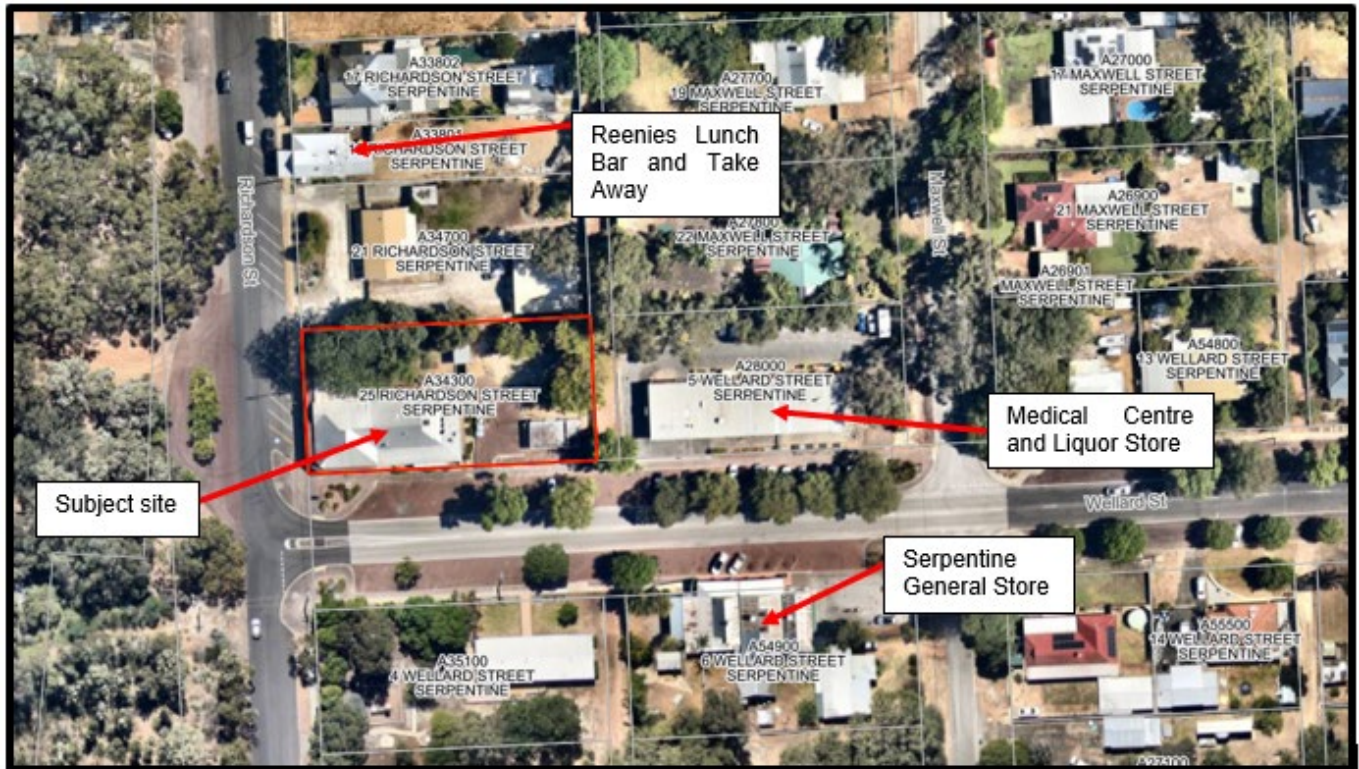
Land use and development in the 'Urban Development' zone is generally guided by Structure Plans. The site is designated as 'Neighbourhood Centre' under the Serpentine Townsite Local Structure Plan (LSP). Under LPS3, a 'Liquor Store - Small' is a 'D' use in the 'Neighbourhood Centre' zone and as such considered consistent.

Car Parking

Section 4.3 of LPS3 sets out car parking requirements for developments based on the land use. A 'Liquor Store - Small' land use is required to provide one bay per 20m² of Net Leasable Area (NLA). The development proposes a NLA of 142m² resulting in a requirement of seven car parking bays for the proposed development. There are eight parking bays proposed, five adjacent to the building and three located within the drive-through area.

It is worth noting that whilst the proposal is compliant, the tavern on the same lot is not currently in operation. It should be ensured that there would still be sufficient bays for this land use should it recommence operations. Under LPS3 the 'tavern' land use requires one bay per 4m² of dining, drinking and/or lounge areas and one bay per 4m² of public assembly areas. This results in a requirement of approximately 61 bays. Based on this, the tavern has an existing shortfall of 55 bays.

As previously stated, the site is located within Serpentine Townsite Neighbourhood Centre, in this locality parking is provided on the main street and not within site boundaries. This is consistent for all the commercially designated land including the general store, the existing medical centre and liquor store, and the lunch bar located on Richardson Street as shown following:



The townsite Neighbourhood Centre seeks to “Provide services for the immediate neighbourhoods that are easily accessible, which do not adversely impact on adjoining residential areas” and “Encourage high quality, pedestrian-friendly, street-orientated development.” The visual appearance of parking areas can detract from the character of a local townsite where patrons are likely to visit more than one commercial tenancy per visit. They may also walk to the townsite, given its proximity to residential areas and the nature of the goods and services provided. Street orientated development in such centres often relies on on-street parking. Furthermore, the sale of alcohol for consumption off the premises is often an ancillary development to a tavern. Customers not attending the tavern are likely to use the drive through and park for a shorter period of time.

In determining whether the parking is sufficient in this case, it is important to consider the available on street parking bays that could be utilised by patrons of the subject site, as depicted following.

Also, noting that this proposal provides one surplus bay in this respect.



On street bays (blue) and five long term bays on the site (yellow)

A Traffic Impact Statement (TIS) was submitted as part of the application detailing that most of the traffic generated by the development would be from the drive through and not the shop, the peak period being 5:00pm to 6:00pm.

The TIS provides the following justification in relation to parking provisions and considers that the proposal would not result in queuing on the laneway due to parking provision:

- Based on previous experience in similar projects, the liquor store drive-thru is assumed to serve 90 customers per day. If we adopt that PM peak hour traffic is 20% of the daily traffic, this calculates to 18 customers in peak hours = 36 vehicular trips per hour.
- The above calculates to an average of 1 customer arriving every 3.5 minutes. Therefore, if with a conservative 5 minutes turnaround time per customer, it will be highly unlikely that more than 3 vehicles are in the drive-thru queue in peak hours.
- Therefore, Shire Lane is not expected to be blocked during peak hours of liquor store operation.

Based on this, five bays would remain available for patrons wishing to use the liquor store. Given the justification and the total bays available on and off site, there is sufficient parking to accommodate the proposal and the existing uses.

Traffic

Access to the site is primarily from Wellard Street, which is classified as an 'Access Street' under the Main Roads Western Australia (MRWA) road hierarchy and has a speed limit of 50 km/h. The TIS analysed traffic generation and modelled traffic growth over the next ten years.

The TIS includes the following table for traffic generated by the development:



Land Use Type	Rate above	Yield	Daily Traffic Generation	Peak Hour Traffic Generation	
				AM	PM
Existing					
Warehouse/Storage	Daily – 4 VPD per 100m ² GFA	67m ²	4	1	1
	AM Peak – 0.5 VPH per 100m ² GFA				
	PM Peak – 0.5 VPH per 100m ² GFA				
Proposed					
Liquor Store – Store component	Daily – 20 VPD per 100m ² GFA	78.95m ² – sales area	16	1	3
	AM Peak – 1.25 VPH per 100m ² GFA				
	PM Peak – 4 VPH per 100m ² GFA				
Liquor Store – Drive-thru component	Daily – 2 VPD per patron	90 patrons expected	180	11	36
	AM Peak – 20% of the daily traffic				
	PM Peak – 6.25% of the daily traffic				
Total traffic from the proposed development (A)			196	12	39
Total Existing Traffic from the subject site (A ⁰)			4	1	1
Total Additional traffic from the proposed development (A-A ⁰)			192	11	38

Traffic generation model from the applicant's TIS

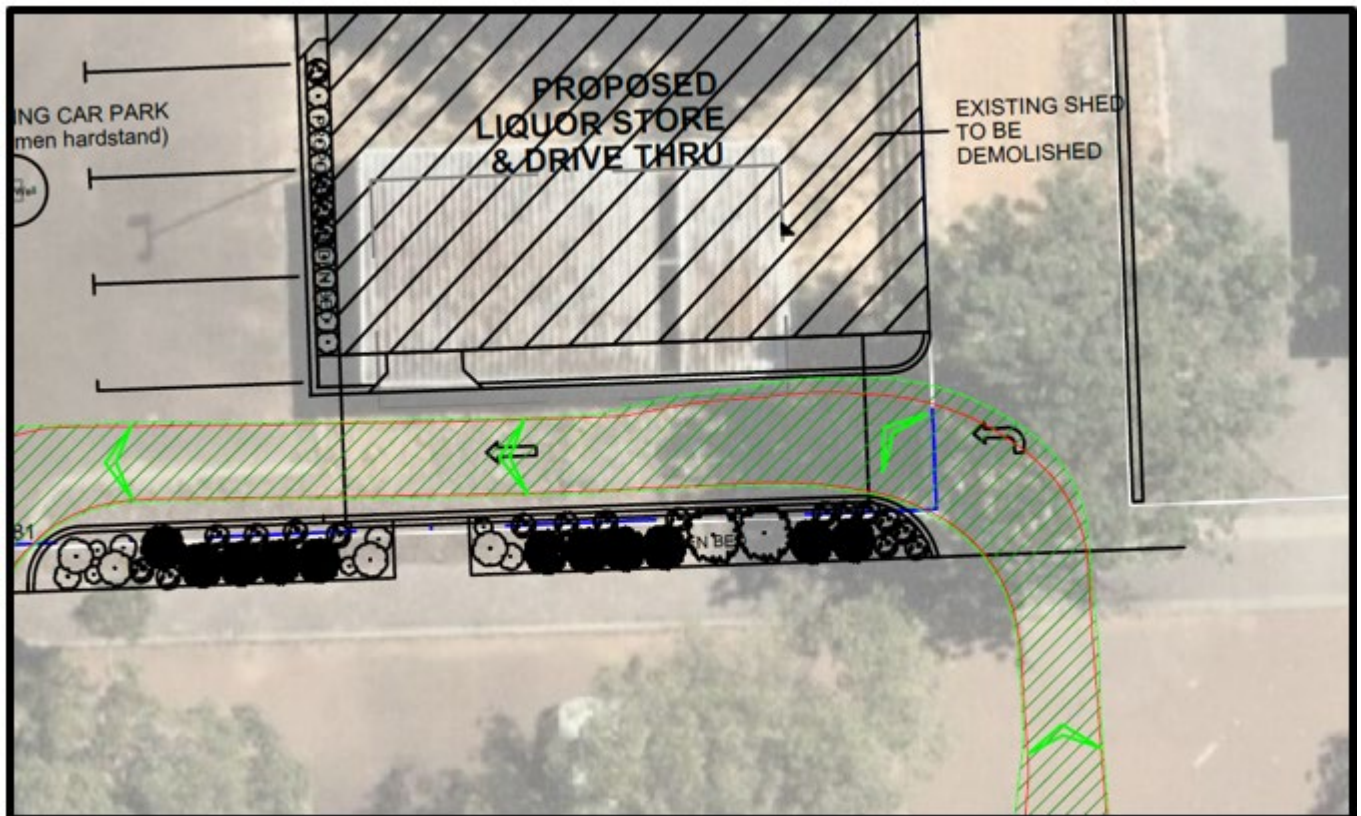
The site is anticipated to generate a total of 38 trips in the PM traffic peak hour and 192 daily trips. The Western Australian Planning Commission (WAPC) guideline document “*Transport Impact Assessment Guidelines*” (2016) states “As a general guide, an increase in traffic of less than 10 percent of capacity would not normally be likely to have a material impact on any particular section of road but increases over 10 percent may.

The TIS uses traffic counts from the LSP Traffic Impact Assessment to ascertain the capacity of the local road network. It states that Wellard Street currently accommodates approximately 1,000 vehicles per day (vpd). The maximum desirable traffic volume for this road is 3,000 vpd according to its classification. The proposed development would result in a total of 1,192 VPD on Wellard Street, less than a 10% increase in its capacity.

The TIS states that Richardson Street currently accommodates 569 vpd between Wellard Street and Tonkin Street and 1,096 vpd 100m south of Karnup Road. Richardson Street is also classified as an Access Street with a maximum desirable traffic volume of 3,000 vpd. The traffic generated by the development would also be less than 10% of the roads capacity and therefore would not have a material impact.

Service vehicles would attend the site outside of peak periods and would utilise the existing parking bays on site. A condition is recommended for service vehicles to service the site during off peak hours so as to not take up parking bays or impact upon traffic flow.

The TIS demonstrates that there is adequate turning room for vehicles entering and exiting the site, as seen in the figure following. There is a tree located on the lot boundary adjacent to the laneway and the neighbouring lot to the east. Whilst the turning diagrams adequately demonstrate that this tree would not be impacted upon, a condition is recommended to ensure the hardstand does not impact upon its root zone:



Swept path avoiding tree trunk



Tree pictured in centre

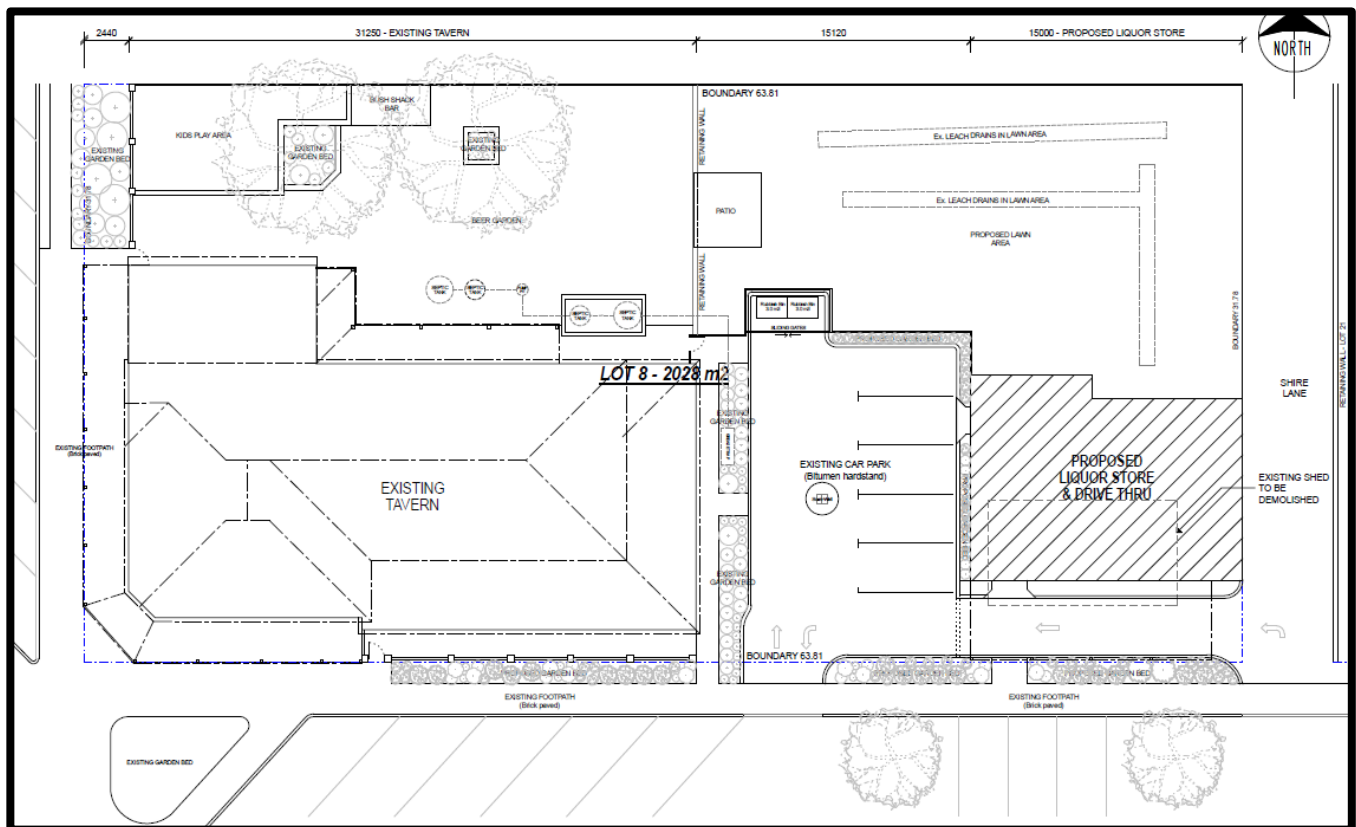


Form of Development

LPS3:

Schedule 4 of LPS3 contains development standards, including specific provisions for the 'Neighbourhood Centre' zone. Section 4.2 requires no greater than 50% site coverage and a maximum plot ratio of 1:0. The proposal complies and provides approximately 28.5% site coverage and a plot ratio of 0.285.

LPS3 requires 10% of the site to be landscaped, with 5% of this area located within the front setback. The site is considered to have more landscaping than is required under LPS3 however, with the building built up to the street boundary, 5% would not be within the setback area. The proposal includes a modest landscaping strip along the front of the proposed building and additional landscaping within the carparking area. Existing landscaping is established within the garden of the tavern and the proposed lawned area to the north-west.



It is considered that the landscaping within the site and on the verge would ensure the character and amenity of the streetscape is maintained and that the requirement for 5% landscaping within the front setback can be varied in this instance. A condition is recommended requiring a Landscaping Plan to ensure the details of the landscaping are to the Shire's satisfaction.

Serpentine Townsite Local Structure Plan (LSP):

The LSP provides guidance on the aims for development within the Serpentine Townsite. The LSP provides the following objective:

- *The neighbourhood centre is intended to function as a 'main street' form of development which generates activity towards the street.*



The proposed building addresses Wellard Street to the south. The form and design as a 'main street' development is considered broadly consistent with the LSP.

Heritage:

The site is identified as a place of local heritage significance under the Shire's Local Heritage Survey and LPS3. This pertains to the Serpentine Falls Tavern building to the west of the subject development. The Serpentine Falls Tavern is a Category 2 listing and is deemed important to the heritage of the locality. No works are proposed to the heritage building itself however it is important that new buildings do not detract from the existing heritage significance.

The existing tavern features a modified '*Federation Queen Anne*' architectural style; a single storey building with a roof with a high-pitched hipped shape. The façade towards the street features timber treatments and a bullnose verandah over the footpaths. The façade includes heritage red brickwork walls, with an off-white rendered lower portion.



Existing tavern

The building is significant as it represents the influence of the railways and sawmills to Serpentine. Given its proximity to the railway, it meant that patrons had relatively easy access and was an important meeting place for visitors and residents. Its corner location gives it a landmark quality location and increase importance to the locality.

Under Part 1, Clause 9 of LPS3, the aims of the Scheme include the intent to, "*Preserve heritage values, amenity and areas of cultural significance and integrate new built environments with the existing local character*". Furthermore, State Planning Policy 3.5 - Historic Heritage Conservation provides relevant considerations for considering heritage elements in development assessments. These include ensuring the proposal is sympathetic to the heritage values of the area, considering the siting, scale, style, form, materials and finishes. The Shire's Local Planning Policy 3.3 - Wellard and Richardson Street Serpentine Design Guidelines (LPP3.3) also lists several design criteria requiring heritage design to be implemented for new buildings.

The proposed design seeks to demonstrate consistency with the existing heritage building on the site. It would be of red brick construction with elements of painted rendered finish. It would incorporate a corbelled façade projecting above the building which would be painted to match the tavern. In lieu of glazing, the applicant proposes rendered brick panels, recessed into the wall with sills to create blind windows, which attempt to follow the rhythm of the tavern building.



Whilst new development should be sympathetic to existing heritage buildings, it is considered that it should not aim to overly replicate it. Contemporary design incorporating elements of the historic significance of an adjacent heritage building can appear sympathetic whilst also distinguishing between the old and new.

In this case, it is considered that the roof projection would appear somewhat at odds with the design of the existing tavern. The 'brick window' designs are not considered to replicate the design of the tavern windows and the roof form is inconsistent with the prominent gables typically found during this era of architecture. Furthermore, the security gates are considered to set the tone of an unwelcoming, guarded centre.

Notwithstanding these matters, the remainder of the building is of a modest form and scale that would not detract from the heritage building. The external appearance, in particular the front elevation, is considered to require some minor amendments to its design, to make it more sympathetic and to match the Local Planning Policy. The redesign should give the building the appearance of being subservient to the heritage building whilst acknowledging the history by incorporating subtle elements of red brick and timber.

For example, the use of a traditional facebrick material with prominent horizontal bands, common to the tavern building, could be integrated but adopt a more modern form through integrating contemporary angles and window patterns. This can also help create security into the building, in a more sympathetic manner than a tact on cage. This would only require minor changes to the street façade element of the building, and local examples that could be borrowed from include:

- recent addition to Highgate Primary School (character building area);



- recent addition to East Fremantle Workers Cottage (character building area);



A condition to modify the street elevation in this regard is proposed.

Local Planning Policy 3.3 - Wellard and Richardson Street Serpentine Design Guidelines (LPP3.3):

LPP3.3 provides specific design guidelines and requirements applicable to the subject site. A full assessment against these provisions is contained within the Technical Assessment. Variations are detailed in the table following:

LP3.3 Requirement	Comment
Setbacks: side A building shall have a minimum setback of one and a half metres (1.5) metres to a	The subject development proposes a nil setback to the side boundary adjacent to the laneway. The applicant details that as the site would take access from this laneway and as it



LP3.3 Requirement	Comment
<p>common side boundary at the ground floor. This may be relaxed to nil in those circumstances described in the "Variation Criteria" criteria for this Guideline Statement.</p> <p>Variation Criteria</p> <p>A side setback may be relaxed to nil where:</p> <ul style="list-style-type: none">i) the subject development is proposed on those lots nominated to have a nil or two metre front setback (on Figure 5).ii) the proposed development is a shop, restaurant, café or office.	<p>will operate as a 'shop' it is consistent with the variation criteria.</p> <p>The relevant objectives of the LPP are to maintain the heritage character and encourage development forms that will enhance the character of the town and strengthen its identity as a desirable place to live and visit. In this case, the setback variation to the boundary with the laneway is not considered to compromise the objectives of the LPP and the development, by way of its siting, would maintain the desired form and streetscape outcomes.</p>
<p>Windows: At Street Level</p> <p>No less than sixty (60%) percent of the vertical area of a building façade facing a street (or formal public space such as a square) at street level shall comprise windows, or glazed doors.</p>	<p>The elevation facing the street does not include glazing consistent with the requirements of the LPP. It is considered that the frontage should be redesigned as discussed previously and as part of this the glazing elements should be addressed.</p>
<p>Windows: Design</p> <p>Windows shall generally have a vertical emphasis. Window frames visible from the street should be of a timber-famed casement or awning type. Window detailing should include a header or soldier lintel course, and a header sill course.</p>	
<p>Signage on building fronts should be limited to panels no greater than 3.0metres² in area and situated on the façade above 4.0 metres.</p> <p>Panel signs shall be limited to one per tenancy. Awning signs facing the street, and affixed to the street edge of the awning are permitted, but should not exceed 0.5 metres in vertical dimension. Under-awning signs are permitted. Painting out of more than 50% of the area of windows with signage is not permitted.</p>	<p>The application details that two 3.4m x 1.8m 'signage zones' are proposed on the building front and are located above 4m from ground level. An additional 5.2m x 1.9m panel sign is proposed for the eastern facade adjacent to the existing car parking area. These areas exceed the areas prescribed under the LPP.</p> <p>To preserve the character of the site and surrounding area, a Condition is recommended to require a signage strategy prior to the display of any signage, and redesign of the street facade as previously mentioned. The signage strategy should demonstrate compliance with LPP3.3.</p>

**Amenity**

Local Planning Policy 4.20 - Licenced Premises (LPP4.20) aims to ensure that licensed premises “*protect and promote good levels of safety and amenity in our community centres*” as well as ensuring licensed premises do not “*adversely impact the character of the Shire*”. A full assessment is contained within the technical assessment, variations are addressed in the table as shown following:

Policy requirement	Comment
Location	
Proposals should be located at least 200m from existing or proposed sensitive premises. However, where proposed to be located within 200m, consideration of the following is required: i. Orientation of design and frontage of development; ii. Whether signage and advertising is visible; iii. Whether the development forms part of a broader mixed-use development.	The subject site is located adjacent to a medical centre (5 Wellard Street). This tenancy also contains a liquor store. i. The proposed development faces Wellard Street and does not front onto the sensitive premise. ii. As discussed previously, a Condition is recommended for the submission of a signage strategy. The strategy will be assessed in accordance with this LPP. iii. The development is supplementary to the existing tavern on site.
Licensed premises should be located in proximity to public transport facilities, and be integrated in respect of such facilities (linked with safe, well-lit footpaths, good signage).	The proposal is located opposite the Serpentine Train station. No bus service currently exists for the Serpentine Town area. The development forms part of the neighbourhood centre, the objective of which is to provide goods and services to local residents. It is considered that the footpath network is of a good standard in this area.
Design	
The form and external appearance of buildings should be responsive to local character.	Refer to Form of Development section of report
Discourage large expanse of blank walls on important frontages, and instead encourage these buildings to have a public face that is organised for the benefit of the street.	Refer to Form of Development section of report
Encourage large expanses of glazing at street level and upper levels to promote	There as no proposed glazing expanses proposed as part of the development. Refer to Form of Development section of report.



Policy requirement	Comment
surveillance of the street, as well as upper level balconies.	
Access to the building should be from the active frontage and access from back lanes must be avoided. Building edges should provide at least one full active edge to the street, two aesthetic edges and no more than one service (loading/unloading/drive-through/waste management) edge.	Pedestrian access is proposed from the primary street. Whilst vehicular access is via the laneway. It is considered that the design of the building should be reconsidered to include aesthetic edges.
Signage should be integrated into the design of the building and be externally illuminated.	A signage strategy is recommended as a Condition to ensure the design is appropriate.

As detailed, variations are sought to the LPP in terms of design and location. These variations are supported in part, however, are not supported in respect of the current street façade design. The design of the façade, factoring in the need to unite the two buildings on the site but not attempt to mimic heritage, results in the recommendation that the street façade be redesigned in a manner that creates a design distinction that is discernible. Local examples identified in this report show this approach to be generally adopted elsewhere, in situations where important heritage character buildings are having additions proposed. The utilisation of facebrick materials, horizontal bands and windows arrangements are such that the design on requires minor adjustment to make it more respectful of the heritage context.

Officers thus consider that amendments to the design should be undertaken to ensure it is responsive to local character, respectful to the heritage building (by not trying to copy it) and more effective in addressing a relationship to the street (than through the current blind windows). A signage strategy is also recommended by way of a Condition to ensure that signage responds to LPP4.20.

It is noted that concerns were raised in relation to noise specifically from vehicles accessing the site via the laneway. With regard to noise, the proposal is not considered a noise generating development requiring an acoustic assessment. The activities are synonymous to a shop and the site is located within a Neighbourhood Centre. The laneway where the vehicles would access the site abuts a commercial development to the east and only a small section of the laneway would be used to access the site. Based on this, it is considered that noise associated with the development would not unduly impact the amenity currently afforded to local residents by way of noise.

Options

Option 1

1. That Council APPROVES the development application for the construction of a 'Liquor Store - Small' as contained within **attachment 1** at Lot 8, 25 Richardson Street, Serpentine subject to the following Conditions:



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

Plans and Specifications	Development Plans (P1-P4) received at the Shire Offices on 7 December 2023. Bushfire Management Plan (P5) dated 29 November 2023. Traffic Impact Statement (P6) dated 29 November 2023.
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- b. Operating hours are permitted between 10:00am and 8:00pm on Monday to Saturday and 10:00am to 6:00pm on Sundays.
- c. Prior to the submission of a building permit, a revised plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale showing the following information:
- Repaving of the Shire laneway so as to achieve a suitable separation from the base of the tree partly in the laneway;
 - A revised front (street) elevation, depicting a contemporary design incorporating facebrick materials, horizontal banding and windows set within a modern building face which does not attempt to mimic the heritage of the existing tavern building in either shape or form;
 - A Signage Strategy which demonstrates compliance with all relevant Local Planning Polices, in association with redesign of the street elevation as per point (ii);
 - A Lighting Plan, ensuring the car parking area and access points to the site and building are appropriately lit to mitigate the risk of antisocial behaviour.

Once approved, development shall be constructed in accordance with the plan.

- d. Prior to the submission of a Building Permit, plans and specifications shall be submitted to and approved by the Shire of Serpentine Jarrahdale depicting the detailed design of the carpark that ensures curbing design, drainage locations and landscaping areas will enable manoeuvrability of loading and unloading vehicles. Such plans and specifications are to also depict vehicle parking areas, access ways, customer paths and crossovers being designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale. This infrastructure must be fully constructed prior to commencement of the use.
- e. Prior to the submission of a Building Permit, A Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall include all areas of retained vegetation and proposed additional planting. Once approved all landscaping is to be installed and maintained prior to occupancy of the development to the satisfaction of the Shire.
- f. All stormwater shall be directed so stormwater is disposed of within the property, to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses, and drainage lines is not permitted.

Option 2

As per Option 1 but deleting Condition (c)(ii) so as to not require redesign of the front elevation.

Option 3

That Council REFUSES the application for the following reasons:



- a. The design of the development does not demonstrate a suitable street interface to Richardson Street;
- b. The development does not suitably demonstrate a positive relationship to the street, by virtue of lacking windows and openings onto Richardson Street.

Option 1 is recommended.

Conclusion

The application seeks approval for a 'Liquor Store - Small' within the lot boundaries of an existing tavern. The application seeks variations to Local Planning Policies and 55 objections were received. It is considered that, subject to conditions, the proposal is consistent with the objectives of the planning framework and the objections have been addressed. The application is therefore recommended for approval.

Attachments (available under separate cover)

- **10.1.1 - attachment 1** - Development Plans (E24/1696)
- **10.1.1 - attachment 2** - Summary of Submissions (E24/127)
- **10.1.1 - attachment 3** - Clause 67 Assessment (E24/1697)

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
Liveable	
2.	Improve maintenance and investment in roads and paths

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	There are no significant risks associated with this Option.						



2	That the development is not required to improve its street frontage, which results in a suboptimal design outcome that does not reflect the planning framework and deteriorates the public realm of Serpentine.	Planning framework.	Social Community Outcomes /	Possible	Moderate	MODERATE	Nil.
3	That the development is refused and the decision is appealed to the SAT, which impacts costs of the Shire.	Planning framework.	Financial	Possible	Moderate	MODERATE	Ensure valid reasons for refusal.

Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **APPROVES** the development application for the construction of a 'Liquor Store - Small' as contained within attachment 1 at Lot 8, 25 Richardson Street, Serpentine subject to the following Conditions:
- a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except were amended by other Conditions of this consent.

Plans and Specifications	Development Plans (P1-P4) received at the Shire Offices on 7 December 2023. Bushfire Management Plan (P5) dated 29 November 2023. Traffic Impact Statement (P6) dated 29 November 2023.
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- b. Operating hours are permitted between 10:00am and 8:00pm on Monday to Saturday and 10:00am to 6:00pm on Sundays.
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 - i. Repaving of the Shire laneway so as to achieve a suitable separation from the base of the tree partly in the laneway;
 - ii. A revised front (street) elevation, depicting a contemporary design incorporating facebrick materials, horizontal banding and windows set within a modern building face which does not attempt to mimic the heritage of the existing tavern building in either shape or form;
 - iii. A Signage Strategy which demonstrates compliance with all relevant Local Planning Policies, in association with redesign of the street elevation as per point (ii);



- iv. A Lighting Plan, ensuring the car parking area and access points to the site and building are appropriately lit to mitigate the risk of antisocial behaviour.**

Once approved, development shall be constructed in accordance with the plan.

- d. Prior to the submission of a Building Permit, plans and specifications shall be submitted to and approved by the Shire of Serpentine Jarrahdale depicting the detailed design of the carpark that ensures curbing design, drainage locations and landscaping areas will enable manoeuvrability of loading and unloading vehicles. Such plans and specifications are to also depict vehicle parking areas, access ways, customer paths and crossovers being designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale. This infrastructure must be fully constructed prior to commencement of the use.**
- e. Prior to the submission of a Building Permit, A Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall include all areas of retained vegetation and proposed additional planting. Once approved all landscaping is to be installed and maintained prior to occupancy of the development to the satisfaction of the Shire.**
- f. All stormwater shall be directed so stormwater is disposed of within the property, to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses, and drainage lines is not permitted.**

**10.1.2 - Section 31 Reconsideration - Proposed Educational Establishment - Lot 218, 575 Abernethy Road, Oakford (PA23/588)**

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:	Element Advisory Pty Ltd
Owner:	Free Reformed School Association
Date of Receipt:	18 January 2024
Lot Area:	37.31 hectares
Local Planning Scheme No. 3 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a Responsible Authority Report (RAR) (**attachment 1**) prepared for a development application for an 'Educational Establishment' at Lot 218, 575 Abernethy Road, Oakford. The application proposes a combined kindergarten to year 12 campus, with an ultimate capacity of 1,200 students.

The development application was initially refused by the Metro Outer Joint Development Assessment Panel (MODAP) at its meeting of 5 December 2023 for the following reasons:

- "1. The development is considered to have an adverse impact on the existing road network, due to the volume of traffic generated by the development relying primarily on a single intersection to access the site.*
- 2. The proposed development has not provided sufficient information to demonstrate appropriate road infrastructure will be provided to address traffic generated.*
- 3. Inadequate provision of pedestrian infrastructure has been provided, inconsistent with Operational Policy 2.4 - Planning for School Sites."*



The reasons for refusal focussed on the issue of traffic, road and pedestrian infrastructure.

Subsequently, the applicant lodged an appeal with the State Administrative Tribunal (SAT). Through the SAT process, the applicant sought to address the reasons for refusal through offering additional information and seeking support for additional conditions for an approval (**attachment 2**). These additional conditions deal with, inter alia, the applicant seeking to construct roundabout intersection improvements to Abernethy Road and Kargotich Road, and the provision of additional pedestrian infrastructure.

Based on the additional information submitted, the SAT has invited the MODAP to reconsider its decision under Section 31 of the *Planning and Development (Development Assessment Panels) Regulations 2011*. As part of this process, the Shire is required to provide a new RAR to the MODAP for consideration.

The previous merits based assessment of the original application demonstrated a degree of alignment to the planning framework, but misalignment in terms of traffic, road and pedestrian infrastructure issues. The application, as mentioned, has been updated to include a response to these issues, and is subject to fresh assessment in this report.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 14 December 2020 - OCM278/11/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council RESOLVES the following Responsible Authority Report Recommendation:

- 1. That the Metro Outer Joint Development Assessment Panel REFUSES the development application for the proposed Educational Establishment at Lot 218, 575 Abernethy Road, Oakford, as contained within attachment 2, for the following reasons:*
 - a. The development is considered to represent an adverse impact on the existing road environment, due to the volume of traffic generated by the development relying primarily on a single intersection to access the site and such intersection failing to provide a safe level of service.*
 - b. The proposed development has not provided sufficient information to demonstrate how infrastructure issues will be addressed, or that the development is capable of being staged in a viable manner according to current infrastructure levels.*
 - c. There is no certainty to the adequate provision of pedestrian or vehicle infrastructure, insofar that there is no allocated funding to undertake these works. The expected cost of full pedestrian and road infrastructure improvements is expected to be between \$5m to \$10m, taking account of the need for land acquisition, utility changes, clearing permits, offsets etc. The development is considered to have an adverse impact on the existing locality, due to the volume of traffic generated by the development relying primarily on a single intersection to access the site.*

Background

Existing Development

The subject site is 37.31ha in area and located within the rural area of Oakford. The site is zoned 'Rural' under Local Planning Scheme No. 3 (LPS3) and adjoins Kargotich Road, beyond which is 'Rural Residential' zoned land to the east. The site is bound by Kargotich Road to the east and Abernethy Road to the north. The site consists of undeveloped pastureland and scattered mature trees. There are strands of vegetation along the lot boundaries and fence lines.

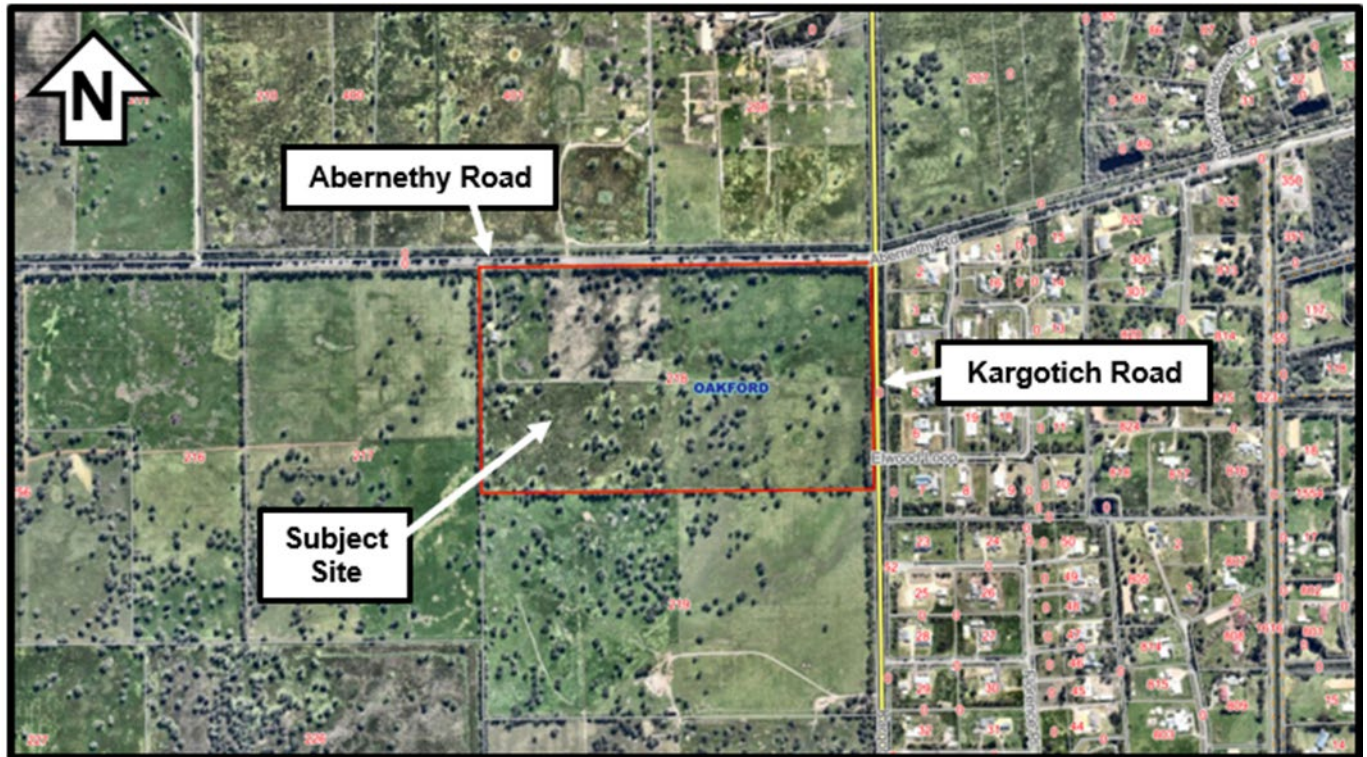


Figure 1: Aerial Locality

Initial Development

The initial application sought approval for an 'Educational Establishment' comprising of the following components:

- An ultimate capacity of 1,200 students across the primary and secondary campus:
 - 432 primary school students (Years K-6) – two streams;
 - 768 secondary school students (Years 7-12) – four streams;
 - 45 primary school teachers;
 - 80 secondary school teachers;
 - 25 Administration staff.
- A staged development, which would see the construction of the secondary school component developed prior to the primary school.
- Operational hours:
 - Students arriving at the site at approximately 8:15am;
 - First classes beginning at 8:40am;
 - School finish times 3:00pm for primary and 3:15pm for secondary;
 - Unspecified extracurricular or outside of school hour activities are likely to occur during evenings or on weekends.
- A series of classrooms and learning facilities including; science buildings, a library, visual arts and music.
- Administrative buildings.



- Courtyards and hardcourt play areas.
- Ovals for sporting activities and events.
- Maintenance facilities.
- 564 carparking bays.
- Internal road network on the periphery of the site.
- Landscaping and a central vegetated drainage corridor.

The site plan and perspectives of the proposal are shown following. The development plans in full are contained within **attachment 3**.

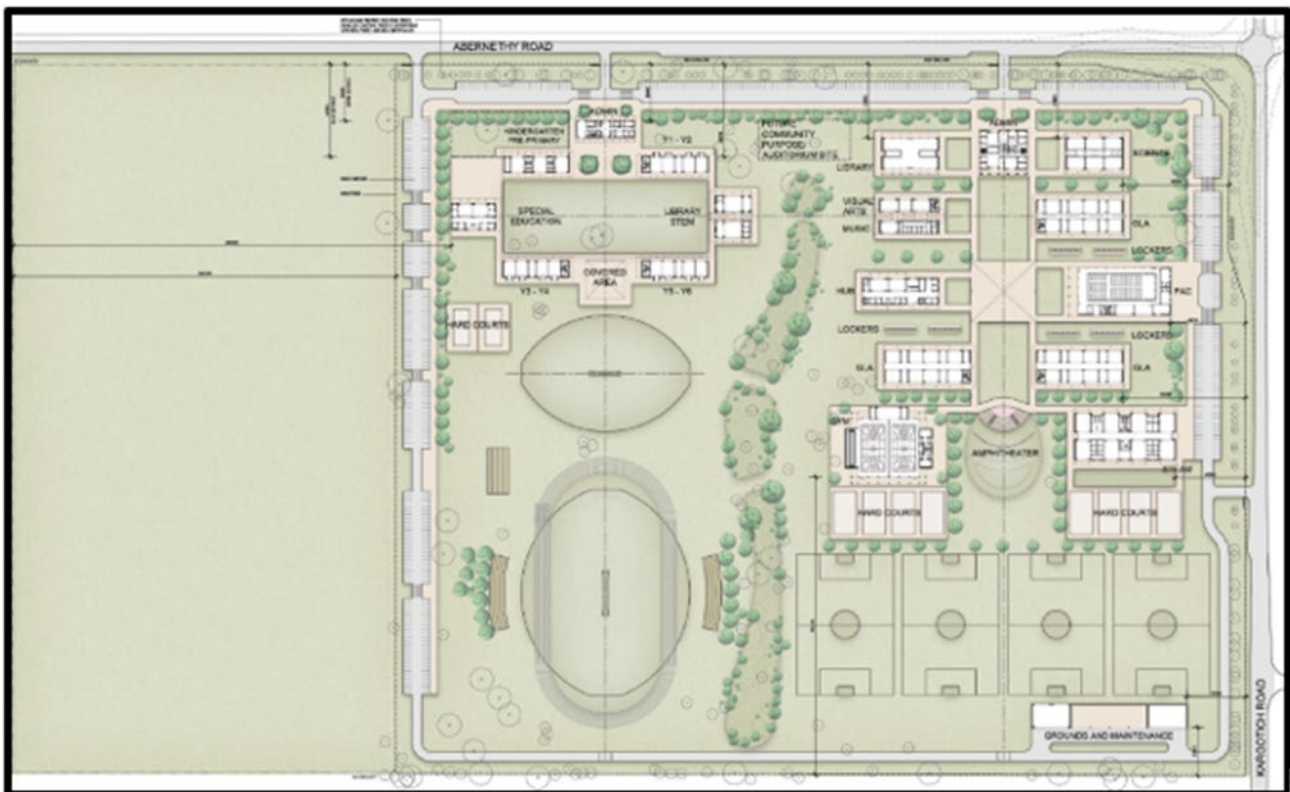
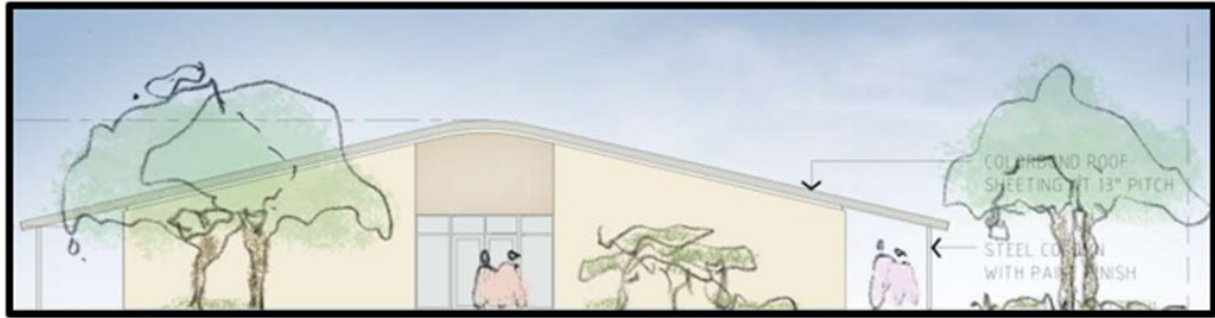


Figure 2: Site layout plan



Figure 3: Perspective of the gymnasium

**Figure 4: Perspective of a secondary classroom**

The Officer assessment of that original application, is summarised in the following table:

Question of orderly and proper planning?	The Officer assessment concluded that, due to the issues pertaining to traffic, road and pedestrian infrastructure absences and uncertainties, the application was not consistent with orderly and proper planning of the locality.
Land use acceptability?	<p>With the subject land being zoned Rural, the use class of Educational Establishment was a 'D' or discretionary use within the 'Rural' zone. Discretion needed to be applied to determine whether or not to grant development approval.</p> <p>This was assessed according to the zone based objectives of the Rural zone. This determined as follows:</p> <p>Objective 1 - <i>"To provide for the maintenance or enhancement of specific local rural character."</i></p> <p>Whilst the proposal by way of land use, is a land use that can be considered within the 'Rural' zone, careful consideration should be given to the form, scale, degree and extent of development to ensure that it would not detract from the locality. The size of the site and setback of development were considered to help manage the form of development in a way that did not detract from the local rural character of the area.</p> <p>Objective 2 - <i>"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."</i></p> <p>In terms of established rural uses in the locality the dominant productive rural use is grazing. The Local Planning Strategy mapping of this site for other rural uses showed low capacity for annual horticulture, perennial horticulture and dryland cropping activities. Instead, 50-70% of the site was shown to have a moderate to high capability for grazing activities.</p> <p>Objective 3 - <i>"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."</i></p> <p>The site was noted to be in an environmentally sensitive area, being within a 'floodplain'. Additionally, the site featured scattered local native <i>Casuarina</i></p>



	<p>Obesa or Swamp She-Oaks trees. These landscape features needed to be suitably responded to in the form of arrangement of development, management of fill and drainage, and revegetation / landscaping opportunities.</p> <p>Objective 4 - <i>“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.”</i></p> <p>The presence of a school was noted to potentially compromise the ability of neighbouring lots to be used for grazing purposes (i.e. cattle, sheep, horses), depending on scale and intensity of farming proposed.</p> <p>Objective 5 - <i>“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.”</i></p> <p>It was noted that the intent of the zone under LPS3 was to allow for land uses which provide benefit to the local community and do not adversely impact surrounding rural uses. Officers considered the proposal for an ‘Educational Establishment’ could be consistent with this, by facilitating the expansion of the existing private community-based facility within the Shire.</p>
Local Planning Policy 4.26 - Development in the Rural Zone (LPP4.26)	<p>LPP4.26 acknowledged that a wide range of ‘non-rural’ land uses can be considered for approval within the ‘Rural’ zone, according to LPS3. LPP4.26 assists with the consideration of these ‘non-rural’ land uses in that it identifies potentially beneficial uses, which ‘Educational Establishments’ are identified as. Potentially beneficial land uses are to be assessed against the following considerations according to LPP4.26:</p> <ul style="list-style-type: none">• A benefit analysis of the proposal to ensure the development is beneficial to the local community;• Whether rural uses are impacted by the proposal on the site or on surrounding land;• Built form character; and• Impacts to traffic, amenity and other external impacts. <p>Officers considered that broadly the development as a private ‘Educational Establishment’ provided a degree of benefit to the local community. The size and extent of the proposal, as most of the site (25.7ha of the 37.3ha) is to be utilised for the school, did provide capability for the balance of the land for rural uses to occur (11.57ha). Built form character was considered to reflect rural character, with an approach which adopted expansive yet simple building forms, mimicking elements like large rural buildings.</p>
Form of Development	<p>Schedule 4 of LPS3. Section 4.2 required development in the ‘Rural’ zone to be set back 20m from the primary street boundary and 10m to other lot boundaries. The proposed site layout was compliant with this requirement. Given site layout and building spacing, it was considered that the built form of the site would not dominate the streetscapes adjacent to the site, and would ensure opportunities for natural landscape features such as rows of trees and vegetation to be prominent.</p>



Perimeter fencing	<p>The proposal proposed to install a black steel post, garrison styled fence of a 2.4m height on the perimeter of the school site. Officers noted that the height, form and material of the fence was not commonly associated with a rural landscape. It was recommended that the fence be adjusted, if approval was contemplated, to include earth blocks or rammed earth structure with infill garrison.</p>
Operational Policy 2.4 - Planning for School Sites (OP24)	<p>The original proposal was found to be generally not aligned with the Policy, due to the issues associated with traffic management, road and pedestrian infrastructure. The existing local road network was noted to be made up of rural roads, not designed to deal with the volume of traffic that would be generated by the development. In the technical opinion of Officers, it was concluded that the intersection of Abernethy Road and Kargotich Road was not capable of adequate safe operation, given level of service E (for right and through movements without upgrade) and level of service D and C (for right and through movements with minor upgrade of a right turn pocket on Abernethy Road approach).</p> <p>In respect of the objective for safe pedestrian and cyclist movement, Officers also considered the original proposal was not acceptable on the basis that it included no detail of extending the existing path network to connect to the development.</p> <p>The original Officer assessment did not specifically discuss the question of road frontages, which is contained within the Policy. Specifically, policy provision 3.5.1 states:</p> <p><i>All new school sites must be designed with at least three road frontages. For a primary school, at least one frontage shall be a neighbourhood connector and one frontage shall be a lesser order road (minimum Access Road B). For secondary schools, one frontage shall be an integrator arterial road and one frontage shall be a lesser order road (minimum Access Road B). Cul-de-sacs or laneways are not acceptable roads adjacent to school sites.</i></p> <p>It should be noted however, that policy provision 1.2 states:</p> <p><i><u>This policy is intended to assist in addressing issues that may arise in residential areas between schools and their surroundings, particularly for traffic and noise generating activities, and mitigation of impacts on existing transport network and services.</u></i></p> <p>Given the subject land is not within a residential area, the issue of traffic management is focussed primarily on the impacts on existing transport network and services (particularly safety for the community and potential school attendees). This is compared to built up residential neighbourhoods, where the additional 'traffic' issues are often parking, traffic flows, blocking of residential driveways, parking on footpaths, and the general congestion of residential streets. This is why in residential areas, road frontages on at least 3 sides, to distribute and spread traffic in concentrated environments, is relevant, whereas in rural areas such is not.</p>
Traffic	<p>This formed a key concern of the original proposal. In this regard:</p>



- The impact of traffic generated by the development was a material consideration in the assessment of development applications.
- A total of six traffic accidents had occurred near the site between 2018 and 2022.
- A significant number of community objections raised serious concerns that the proposal would adversely impact the locality by way of traffic volume, safety and congestion.
- The TIA's traffic distribution modelling suggested that the majority of the traffic associated with the development would utilise the intersection of Kargotich Road/Abernethy Road. This equated to approximately an additional 700 vehicles travelling through the intersection during the peak AM and PM hour, at the full capacity scenario. This was a significant increase to traffic utilising the intersection, and could not be safely accommodated in the technical opinion of Officers, including traffic engineering assessment.
- The analysis undertaken showed that, with a roundabout, the intersection would generally perform at a sufficient level to manage traffic. However no roundabout was proposed by the application.
- The intersection was shown to include unreasonable and undesirable delays, and intersection close to failure. Specifically, it showed:
 - a. An undesirable saturation level (above 0.8);
 - b. A delay of 35s for through traffic, 45s for right hand turn traffic and 24s for left turn traffic;
 - c. Traffic queues of around 24m.
- With a limited upgrade, Level of service was only improved from D to E, which was still a concern as to safe operating capacity. The proposed turning lane for westbound traffic approaching along Abernethy Rd, was only 15m in length, only two or three vehicles could utilise it. Given the still significant wait times for traffic turning right from Abernethy Road onto Kargotich Road northbound, traffic may still queue beyond the turning lane, reducing the intersection back to a single lane in any case. This design solution was also based upon the first stage of the school only and did not address the full capacity of 1,200 students proposed. Accordingly, this secondary solution did not adequately address concerns regarding traffic volume and safety, pointing again towards the need to ensure a suitable intersection upgrade prior to this development proceeding.
- The traffic impacts were considered to have the potential to adversely impact driver behaviours. Behavioural impacts included an increased likelihood that vehicles would attempt to take risky manoeuvres or timing when entering the intersection.
- To contemplate either a staged or full development approval with the current intersection, would not represent orderly and proper planning.



- Moreover, the roundabout was considered fundamental to an approval of the development and without it the road network was incapable of adequately facilitating the traffic generated.
- The applicant also proposed to require their school buses to leave the site in a west direction on Abernethy Road. On review, the road quality to the west of the site on Abernethy Road was not of a sufficient quality to cater for the buses. Neither would this significantly reduce the number of vehicles or delays at the intersection, given the large volume of traffic expected to be generated by parents leaving the site.
- To the west, Abernethy Road was rated as a very poor asset. Further, it was very limited and highly restricted in terms of upgrading, given the significant arch of trees, known as the 'cathedral of trees', which required protection. Accordingly, it would be unsafe for bus movements to be directed in a west bound direction.



Figure 5: Abernethy Road extent

- Once through the intersection, Officers considered the provision of an auxiliary turn lane of approximately 32m would support efficient access to the site. The traffic turning into the high school (red) would not result in queues impacting buses or traffic moving to the primary school entry (blue).

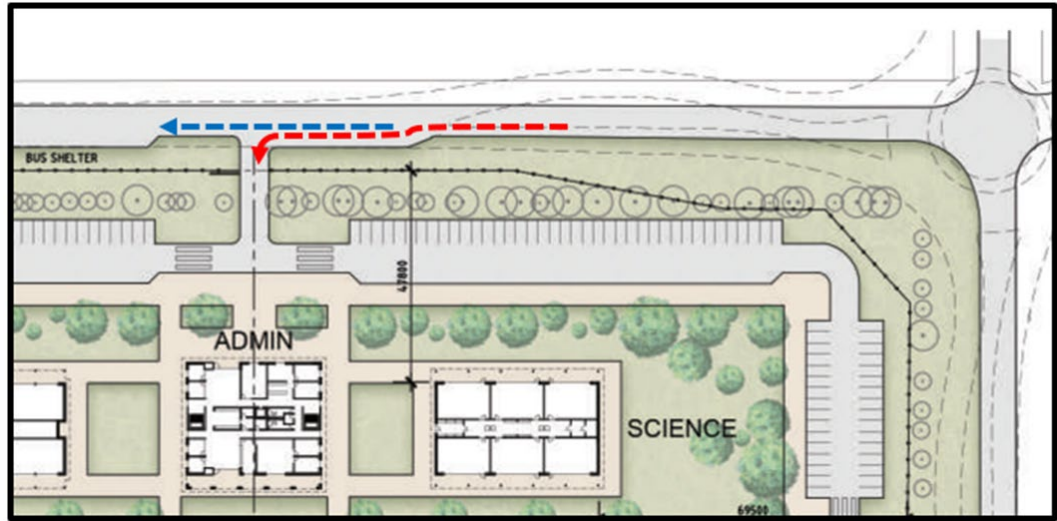


Figure 6: Provided auxiliary turn lane into first access point

Noise

- The acoustic report provided by the applicant considered the following key noise sources:
 - Noise from vehicle movements within the development;
 - Outdoor play areas such as basketball courts;
 - Mechanical services such as plant noise;
 - Breakout noise from the gymnasium and associated activities; and
 - Outdoor noise from the amphitheatre.
- The acoustic report provided a depiction of all noise generated accumulatively by the development in the following Figure:

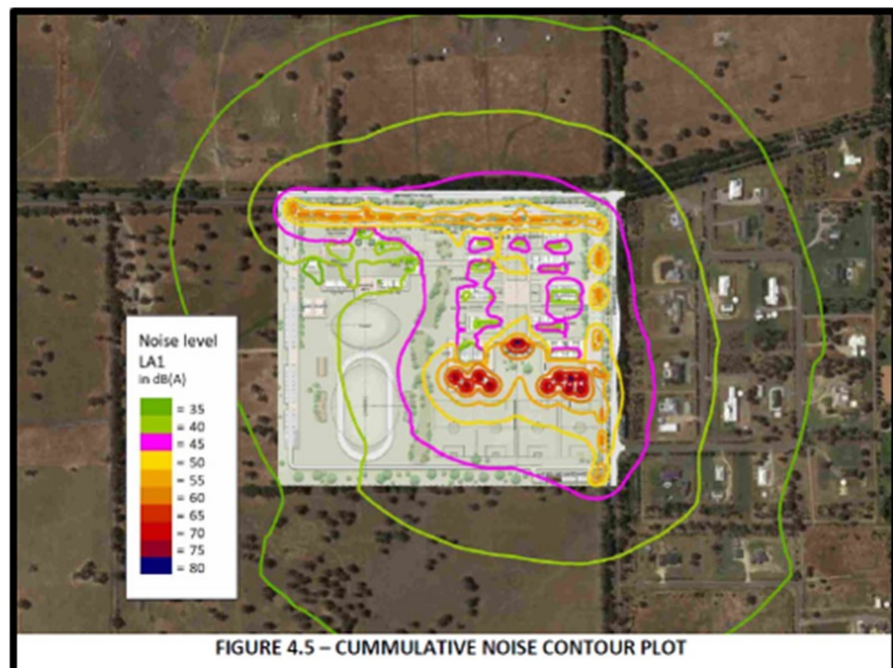


Figure 7: Cumulative noise generated by the development



	<ul style="list-style-type: none">- The modelling demonstrated a general level of compliance with the <i>Noise Regulations</i>. The highest noise level received at the closest nearby residences would be between 40-45dB. This meets the assigned noise level for LA10 and LA1 noise which were 45dB and 55dB respectively.- By way of additional justification, the acoustic report rationalised that the noise generated by existing traffic on Kargotich Road (50-55dB) was greater than that which would be generated by the development.- Officers considered as the development maintained general compliance with the <i>Noise Regulations</i> it would be in keeping with the expected amenity of the locality, by way of noise. However, it was also considered reasonable that of approval was considered, additional design measures should be applied to further reduce and mitigate noise levels received by sensitive receptors in the locality.
Environment	<ul style="list-style-type: none">- The mapped multi use wetland in the area no longer provided significant environmental value and functions, and would not be compromised by the proposed development.- Several submissions raised concern relating to the possible impacts on local fauna and removal of habitat for endangered Black Cockatoos.- The application would result in the removal of a significant portion of trees. However, the intent of the proposal was to retain the significant rows of trees on lot boundaries (shelter belts), as well as propose significant revegetation across the site.- The application would impact several native She-Oaks, scattered centrally within the site. The environment section of the applicant's preliminary site investigation report detailed that these native She-Oaks may provide nesting habitat for Black Cockatoos. However, the report also acknowledges that the site was historically cleared of vegetation for the purposes of farming and grazing. The earliest aerial imagery (70 years ago) indicated that overtime scattered regrowth had occurred, meaning many of the trees had been established for some time. This regrowth has been compromised overtime as some trees were removed. As there was not a significant volume or community of trees, it was considered there would be limited quality nesting habitats.- While removal of existing vegetation was proposed, which does form part of the character of the locality, the site was zoned 'Rural' enabling land uses to be contemplated that required the clearing to facilitate the use. Furthermore, the application provided a concept landscape masterplan which would see significant revegetation efforts undertaken throughout the site.
Stormwater	<ul style="list-style-type: none">- The applicant supplied a Water Management Strategy (WMS) which proposed the following methodology:<ul style="list-style-type: none">• Creation of a 'living stream' centrally to the site, acting as a drainage swale to detain stormwater events.



	<ul style="list-style-type: none">• The grading of the drainage swale from the north down to the south, to prevent extended ponding of water and to maintain the natural direction of surface water movement.• Overflow from large storm events to be discharged at a release point to the south of the drainage swale.• Managing water quality through filtering stormwater via grassed swales and the vegetated drainage swale.• Minimum habitable building floor levels having a 0.3m clearance from the top water level of the drainage swale. <p>- The methods identified in the WMS were supported in principle, though their effectiveness would need to be confirmed through undertaking site analysis, engineering assessment and preparation of a detailed SWMP.</p>
State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)	<ul style="list-style-type: none">- The subject site was located within a Bushfire Prone Area and subject to assessment under SPP3.7, which classifies Educational Establishments as 'vulnerable' land uses requiring the submission of a Bushfire Management Plan (BMP) to be jointly endorsed by the local government and the Department of Fire and Emergency Services (DFES).- DFES has provided a submission not objecting to the development. The BMP would be required to achieve consistency with the Guidelines for Planning in Bushfire Prone Areas (Guidelines).- DFES also commented on the Bushfire Emergency Evacuation Plan (BEEP) provided within the application, highlighting that the considerations within Clause 5.5.4 of the Guidelines would be relevant to the BEEP.
Local Planning Policy 1.6 - (LPP 1.6) - Public Art for Major Developments	<ul style="list-style-type: none">- If approval had been contemplated, a condition for percent for art would have been imposed.
Servicing strategy	<ul style="list-style-type: none">- The application indicated it would be connected to reticulated water, power and appropriate waste water system.
Decision	<ul style="list-style-type: none">- The decision was for refusal, based on the issues which were considered to compromise orderly and proper planning. These being the noted traffic issues not adequately addressed, and the road and pedestrian infrastructure requirements not adequately provided for.

Revised Development

New information has now been proposed by the applicant, through the SAT process, in response to the planning refusal. There are no changes to the original proposed plans and technical reports, other than the additional information being added. Thus, the preceding analysis of the original



proposal, as undertaken, remains relevant except for new assessment of the additional information.

The additional information proposed by the applicant in relation to traffic, road and pedestrian infrastructure, is as follows:

- Proposing to make satisfactory arrangements to cede 2,167.58m² of land from Lot 218 on Deposited Plan 202681, free of cost, as required by the Hypergrowth Road Project to enable the construction of the Abernethy Road roundabout.
- Proposing to fully construct the roundabout at the intersection of Abernethy Road and Kargotich Road, prior to the commencement of the School's operations.
- Proposing to fully construct a suitable footpath along Abernethy Road, which links the development to the principal shared path designed along the Tonkin Highway extension.

The following planning assessment deals specifically with this additional information.

Community / Stakeholder Consultation

Initial Consultation Period

The application was initially advertised for a period of 21 days from 21 August 2023 to 11 September 2023 to surrounding landowners within a 500m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period. At the conclusion of the consultation, 63 submissions were received. This consisted of 44 submissions either objecting or raising concerns with aspects of the proposal and 19 submissions in support of the proposal, or that did not object to it.

The objections and concerns related to the following issues:

- Orderly and proper planning principles - lack of a Local Structure Plan or appropriate zoning/designation for this site.
- Traffic safety and existing road infrastructure capacity.
- Visual amenity and rural character.
- Noise and vibrations.
- Privacy impacts to nearby residents.
- Contradicts the intent for the Rural zone in the Local Planning Strategy.
- Strain on groundwater supply.
- Increase to bushfire threat.
- Tree removal and revegetation - impacting local fauna and rural character.
- Environmental impacts.
- Burden to telecommunications infrastructure; and
- Lack of direct benefit to the local community.

The full submissions, the applicant's response and Officer comments for this period of advertising are contained within **attachment 4**.



Revised Consultation Period

Following notification of the reconsideration, advertising was undertaken for a period of 21 days from 22 January 2024 to 12 February 2024 to surrounding landowners within a 500m radius of the subject site. This specifically presented the additional information, pertaining to the details now forming part of the application (roundabout and pathway connection). At the conclusion of the second consultation, 17 submissions were received, 15 of which either object to or raise concerns with the proposal and two providing support. This was a reduction in the level of objection received, or concerns raised, compared to the original proposal.

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

- Traffic safety and existing road infrastructure capacity;
- Visual amenity and rural character;
- Noise and vibrations;
- Privacy impacts to nearby residents;
- Contradicts the intent for the Rural zone in the Local Planning Strategy;
- Strain on groundwater supply;
- Tree removal and revegetation - impacting local fauna and rural character;
- Environmental impacts;
- Burden to telecommunications infrastructure; and
- Lack of direct benefit to the local community.

The full submissions, the applicant's response and Officer comments for this advertising period are contained within **attachment 5**.

Government Agency Responses

As the additional information pertains to traffic, road and pedestrian infrastructure additions to the original proposal, Main Roads WA were re-referred the application for comment. MRWA provided a submission which raised no objections to the development.

In terms of other agencies that were referred the original application, the following outlines their respective positions.

Department of Water and Environmental Regulation (DWER)

DWER do not support the development in its current form. However, DWER made recommendations to address issues including groundwater management, DWER's works licence process, site and soil evaluation, flood management, native vegetation clearing and stormwater management. Advice was also provided from DWER's Noise Branch providing considerations relating to amenity impacts of the proposal.

Department of Fire and Emergency Services (DFES)

DFES provided a submission that raised no objections to the development. DFES provided advice regarding the assessment of the Bushfire Emergency Plan and a minor modification to the Bushfire Attack Level assessment.



Department of Health (DoH)

DoH provided comments on wastewater management, drinking water management, mosquito management and chemical hazards.

Department of Education (DoE)

DoE provided a submission that raised no objections to the development.

Water Corporation

Water Corporation provided a submission advising that the development is situated 2.5km from the nearest extension of the water network and 3.2km from the nearest suitable connection point to the sewer network.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 2.5 - Rural Planning
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- State Planning Policy 7.0 - Design of the Built Environment
- Operational Policy 2.4 - Planning for School Sites

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy (Strategy)
- Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3)
- Local Planning Policy 1.4 - Public Consultation on Planning Matters Policy (LPP1.4)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP 4.15)
- Local Planning Policy 4.16 - Tree Retention and Planting (LPP4.16)
- Local Planning Policy 4.26 - Development in the Rural Zone (LPP4.26)



Planning Assessment

The applicant has provided additional information and draft conditions to support the reconsideration of the previous decision. These form the basis of discussion following:

Bus Turnaround

The applicant proposes to introduce a bus turnaround, in order to have buses utilise the Abernethy Road and Kargotich Road intersection for all inbound and outbound movements. The applicant has proposed a condition to require this.

Officer Comment

It is considered that the bus turnaround area will ensure the safe manoeuvring of buses given the local road network does not support bus movements in a western direction along Abernethy Road. This is supported by Officers and is considered to suitably address the issues about buses utilising Abernethy Road and Nicholson Road, west of the site.

Ceding of land for future roundabout

The applicant proposes to cede 2,167.58m² of land from Lot 218 (the subject land), free of cost, to enable the construction of the Abernethy Road roundabout.

Officer Comment

This reflects the required land to be able to deliver the future roundabout. Given this infrastructure is required for the development, the land ceding is supported.

Requirement to build the roundabout

The applicant now seeks to deliver the roundabout, at the intersection of Abernethy Road and Kargotich Road, and for this to be fully constructed by the applicant prior to the commencement of the School's operations. Associated with this proposal, however, is a request that the Shire would use its best endeavours in order to try to secure grant funding for the cost, estimated to be in the vicinity of \$6m.

Officer Comment

By proposing to be responsible to deliver the roundabout, the application now addresses what was a key reason for refusal. Officers do note, however, some uncertainty in respect of how securing of grant monies could impact this. The subject intersection does require upgrading, and it is possible that some grant monies may be provided for this to occur. Officers consider, therefore, that an associated condition needs to be worded such that:

- on the one hand, the applicant needs to be responsible to deliver the roundabout should no grant be secured;
- but, on the other hand, should the Shire receive a partial grant and thus be responsible to deliver the roundabout, the applicant should be required to make a contribution to bring up that grant to meet the full cost to deliver the roundabout.

In respect of the second point, given the intersection qualifies as a State Government blackspot (rather than a Federal), a grant would likely be received for up to two thirds of the cost (circa \$4m), meaning a shortfall of one third (\$2m) would remain. A suitable condition needs to be developed to address this issue, for such arrangement to be future proofed.



Footpath connection

The applicant has proposed to deliver a suitable footpath along Abernethy Road, which links the development to the principal shared path designed along the Tonkin Highway extension. This seeks to provide safe pedestrian connectivity to and from the School.

Officer comment

It is considered that this condition would satisfy the Shire's initial concerns in relation to the lack of pedestrian infrastructure. This would also need to be supported by suitable bike parking provision, with this needed to be captured through a condition.

Based on this additional information, Officers are now of the opinion, subject to suitable conditions, that the proposal can be recommended to the Development Assessment Panel, for approval.

Options**Option 1**

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Joint Development Assessment Panel APPROVES the development application for the proposed Educational Establishment at Lot 218, 575 Abernethy Road, Oakford, subject to the following conditions:
 - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of its consent.

Plans and Specification	Development Plans dated June 2022 Traffic Impact Assessment dated July 2023 Supplemental Traffic Impact Assessment dated October 2023 Water Management Strategy dated July 2023 Acoustic Report dated October 2023 Bushfire Management Plan and Bushfire Emergency Plan dated July 2023 Additional information pertaining to the provision of roundabout and footpath infrastructure dated 23 January 2024
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- b. Prior to lodgement of a Building Permit, a detailed Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation. The Stormwater Management Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines.
 - c. The vehicle parking areas, accessways, internal roads and crossover must:
 - i. Be designed in accordance with the relevant Australian/New Zealand Standard;
 - ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
 - iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.



Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a Building Permit. The works are to be completed prior to operation of the development, and thereafter maintained.

- d. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
- e. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- f. Prior to issue of a Building Permit, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted to and approved by the Shire of Serpentine Jarrahdale, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- g. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy should demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the Strategy.
- h. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development must be in accordance with the approval Waste Management Plan.
- i. Prior to the commencement of the development, a Construction Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during the peak periods. Once approved, the Construction Management Plan shall be adhered to at all times.
- j. Prior to the lodgement of a Building Permit, an amended Bushfire Attack Level Assessment shall be provided to the Shire of Serpentine Jarrahdale. An updated vegetation and topography map and table shall be provided identifying separation distance measurements from buildings to the classified vegetation, to the satisfaction of the Shire of Serpentine Jarrahdale.
- k. Prior to the lodgement of a building permit, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall detail the following, to the satisfaction of the Shire of Serpentine Jarrahdale:
 - i. Provision of vegetative landscaping within the adjoining verges of the site, and the full management of verges adjoining the site;
 - ii. Detailed planting regime and plans, identifying the number of plants, species, size of tubs;
 - iii. A schedule of planting including the how vegetation is planted, monitored for failure and replaced where required.

Once approved, the Landscaping Plan shall be implemented prior to occupation and maintained thereafter.



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- I. Prior to the lodgement of a Building Permit, updated plans and information shall be submitted to and approved by the Shire of Serpentine Jarrahdale, detailing the following:
 - i. Amended perimeter fencing which incorporates rammed earth and/or earth block column supports, with infill garrison type fencing;
 - ii. An amended layout of pedestrian infrastructure connecting the school site to car parking areas, bus stop locations and the required connection to upgraded pedestrian infrastructure connecting into the site;
 - iii. Provision of bicycle parking in accordance with Local Planning Scheme No. 3; and
 - iv. A school bus turnaround onsite.
 - m. Prior to the commencement of the development, a Mosquito Management Plan must be submitted to and approved by the Shire. The Mosquito Management Plan shall demonstrate appropriate management of artificial water bodies or drainage basins created as part of the development, to avoid conditions that may generate mosquito breeding.
 - n. Prior to the lodgement of a Building Permit, a detailed Noise Management Plan must be prepared by a suitably qualified acoustic consultant, and submitted to and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan shall address the following to the satisfaction of the Shire of Serpentine Jarrahdale:
 - i. Adoption of recommendations of the stamped Acoustic Report;
 - ii. Where necessary, the provision of additional design measures to mitigate amenity impacts to nearby sensitive receptors to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*; and
 - iii. Appropriate restrictions and measures to manage noise generated from afterschool activities or events that occur outside of normal school hours;

Once approved, the Noise Management Plan shall be implemented prior to occupation and maintained thereafter.

- o. Prior to the commencement of the development, a revised Bushfire Emergency Plan shall be submitted to and approved by the Shire. The Bushfire Emergency Plan shall demonstrate appropriate emergency management measures in accordance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas and Clause 5.5.4 of the Guidelines for Planning in Bushfire Prone Areas.
- p. Satisfactory arrangements being made with the Shire of Serpentine Jarrahdale, to cede 2,167.58m² of land from Lot 218 on Deposited Plan 202681, free of cost, as required by the Hypergrowth Road Project to enable the construction of the Abernethy Road roundabout.
- q. Prior to the lodgement of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating the provision by the applicant of a roundabout at the intersection of Abernethy Road and Kargotich Road. This roundabout must be fully constructed by the applicant, at its cost, in accordance with the approved plans prior to the commencement of the development's operations. Should the Shire receive a grant for the roundabout prior to the applicant commencing works on the roundabout, the applicant shall instead provide a monetary contribution to the Shire to cover any residual amount not covered by the grant, to fully deliver the roundabout.



- r. Prior to the issue of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating the provision of a suitable footpath along Abernethy Road, which links the development to the principal shared path designed along the Tonkin Highway extension. The footpath shall be fully constructed by the applicant and must be completed prior to the commencement of the school's operations.

Option 2

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Joint Development Assessment Panel REFUSES the development application for the proposed Educational Establishment at Lot 218, 575 Abernethy Road, Oakford for the following reasons:
 - a. The development, by nature of its size and scale, is considered to not reflect the amenity reasonably expected to be provided within the Rural zone of the Shire.

Option 1 is recommended.

Conclusion

This application seeks to address the reasons for refusal of the initial 'Educational Establishment' application. It is considered that the additional information provided, supported by suitable conditions, can adequately address the refusal reasons in relation to traffic and road and pedestrian infrastructure. It is therefore recommended that the application be recommended for approval to the DAP.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** - Responsible Authority Report (E24/1694)
- **10.1.2 - attachment 2** - Additional information and conditions provided by the Applicant (IN24/2264)
- **10.1.2 - attachment 3** - Development Plans (E23/14510)
- **10.1.2 - attachment 4** - Initial Summary of Submissions (E23/14511)
- **10.1.2 - attachment 5** - Second Summary of Submissions (E24/933)

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
Liveable	
2.	Improve maintenance and investment in roads and paths
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

The applicant would be responsible to fund the delivery of the roundabout, based on the additional information provided. However, as the worst blackspot intersection in the Shire, it is likely that a partial grant could be secured from the State Government to fund the infrastructure. If this did occur on the basis of a two third one third funding split, it is important to ensure a suitable condition is developed to deal with the situation of having the applicant instead contribute to make up any residual amount that the grant otherwise would not cover.

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	That the DAP approved the development and it results in an adverse impact on the amenity of the locality or traffic safety on the local road network.	Ensure conditions of approval effectively manage risk.	Physical or Psychological	Possible	Moderate	MODERATE	Nil.
2	That the DAP refuses the development and the applicant proceeds to call a full hearing at the SAT which results in staff costs to the Shire in participating in such hearing.	Ensuring reasons for refusal are valid planning concerns.	Reputation	Possible	Minor	MODERATE	Ensuring reasons for refusal are valid planning concerns.

Voting Requirements: Simple Majority

Officer Recommendation

That Council RESOLVES the following Responsible Authority Report Recommendation:

- 1. That the Metro Outer Joint Development Assessment Panel APPROVES the development application for the proposed Educational Establishment at Lot 218, 575 Abernethy Road, Oakford, subject to the following conditions:**
 - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of its consent.**



Plans and Specification	Development Plans dated June 2022 Traffic Impact Assessment dated July 2023 Supplemental Traffic Impact Assessment dated October 2023 Water Management Strategy dated July 2023 Acoustic Report dated October 2023 Bushfire Management Plan and Bushfire Emergency Plan dated July 2023 Additional information pertaining to the provision of roundabout and footpath infrastructure dated 23 January 2024
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- b. Prior to lodgement of a Building Permit, a detailed Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation. The Stormwater Management Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines.
- c. The vehicle parking areas, accessways, internal roads and crossover must:
- Be designed in accordance with the relevant Australian/New Zealand Standard;
 - Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
 - Be constructed, sealed, kerbed, drained, marked and thereafter maintained.
- Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a Building Permit. The works are to be completed prior to operation of the development, and thereafter maintained.
- d. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
- e. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- f. Prior to issue of a Building Permit, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted to and approved by the Shire of Serpentine Jarrahdale, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- g. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy should demonstrate



compliance with Local Planning Policy 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the Strategy.

- h. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development must be in accordance with the approved Waste Management Plan.
- i. Prior to the commencement of the development, a Construction Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during the peak periods. Once approved, the Construction Management Plan shall be adhered to at all times.
- j. Prior to the lodgement of a Building Permit, an amended Bushfire Attack Level Assessment shall be provided to the Shire of Serpentine Jarrahdale. An updated vegetation and topography map and table shall be provided identifying separation distance measurements from buildings to the classified vegetation, to the satisfaction of the Shire of Serpentine Jarrahdale.
- k. Prior to the lodgement of a building permit, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall detail the following, to the satisfaction of the Shire of Serpentine Jarrahdale:
 - i. Provision of vegetative landscaping within the adjoining verges of the site, and the full management of verges adjoining the site;
 - ii. Detailed planting regime and plans, identifying the number of plants, species, size of tubs;
 - iii. A schedule of planting including the how vegetation is planted, monitored for failure and replaced where required.

Once approved, the Landscaping Plan shall be implemented prior to occupation and maintained thereafter.

- l. Prior to the lodgement of a Building Permit, updated plans and information shall be submitted to and approved by the Shire of Serpentine Jarrahdale, detailing the following:
 - i. Amended perimeter fencing which incorporates rammed earth and/or earth block column supports, with infill garrison type fencing;
 - ii. An amended layout of pedestrian infrastructure connecting the school site to car parking areas, bus stop locations and the required connection to upgraded pedestrian infrastructure connecting into the site;
 - iii. Provision of bicycle parking in accordance with Local Planning Scheme No. 3; and
 - iv. A school bus turnaround onsite.
- m. Prior to the commencement of the development, a Mosquito Management Plan must be submitted to and approved by the Shire. The Mosquito Management Plan shall demonstrate appropriate management of artificial water bodies or drainage basins created as part of the development, to avoid conditions that may generate mosquito breeding.



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- n. Prior to the lodgement of a Building Permit, a detailed Noise Management Plan must be prepared by a suitably qualified acoustic consultant, and submitted to and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan shall address the following to the satisfaction of the Shire of Serpentine Jarrahdale:
- i. Adoption of recommendations of the stamped Acoustic Report;
 - ii. Where necessary, the provision of additional design measures to mitigate amenity impacts to nearby sensitive receptors to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*; and
 - iii. Appropriate restrictions and measures to manage noise generated from afterschool activities or events that occur outside of normal school hours;
- Once approved, the Noise Management Plan shall be implemented prior to occupation and maintained thereafter.
- o. Prior to the commencement of the development, a revised Bushfire Emergency Plan shall be submitted to and approved by the Shire. The Bushfire Emergency Plan shall demonstrate appropriate emergency management measures in accordance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas and Clause 5.5.4 of the Guidelines for Planning in Bushfire Prone Areas.
- p. Satisfactory arrangements being made with the Shire of Serpentine Jarrahdale, to cede 2,167.58m² of land from Lot 218 on Deposited Plan 202681, free of cost, as required by the Hypergrowth Road Project to enable the construction of the Abernethy Road roundabout.
- q. Prior to the lodgement of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating the provision by the applicant of a roundabout at the intersection of Abernethy Road and Kargotich Road. This roundabout must be fully constructed by the applicant, at its cost, in accordance with the approved plans prior to the commencement of the development's operations. Should the Shire receive a grant for the roundabout prior to the applicant commencing works on the roundabout, the applicant shall instead provide a monetary contribution to the Shire to cover any residual amount not covered by the grant, to fully deliver the roundabout.
- r. Prior to the issue of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating the provision of a suitable footpath along Abernethy Road, which links the development to the principal shared path designed along the Tonkin Highway extension. The footpath shall be fully constructed by the applicant and must be completed prior to the commencement of the school's operations.



10.1.3 - Approval of Local Planning Policy 2.8 Public Open Space Standards (SJ4359)	
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

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

The purpose of this report is for Council to consider the submissions received on Draft Local Planning Policy 2.8: Public Open Space Standards (LPP2.8) (refer **attachment 1**) following public advertising. This is in accordance with Clause 4(3) of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.

Officers recommend that Council endorse the policy, in light of submissions received and the policy purpose of updating the Shire's approach to public open space standards. Minor modifications are recommended in terms of the POS classification hierarchy, in order to align the classification of Neighbourhood Parks with that provided under 'Liveable Neighbourhoods', and with a preference for this general arrangement over smaller / pocket parks.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 November 2023 - OCM275/11/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council, pursuant to Clause 4(1) of the Deemed Provisions, RESOLVES to prepare Draft Local Planning Policy 2.8 Public Open Space Standards and REQUESTS the Chief Executive Officer to advertise Local Planning Policy 2.8 Public Open Space Standards in accordance with Clause 87 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Background

Local Planning Policies (LPPs) perform a function in the local planning framework to support planning decision making, by assisting in the guidance of discretion on planning matters.

Proposed Draft LPP 2.8 seeks to:

- Ensure that public open space (POS) is delivered in a manner which optimises community benefit;
- Provides local contextualisation of the Western Australian Planning Commission's (WAPC's) Liveable Neighbourhoods Operational Policy (Liveable Neighbourhoods); and
- Guide Council, Officers, and applicants in the planning for POS.



It also seeks to ensure sustainable, cost-effective maintenance and asset management throughout whole of life of POS.

The LPP is set up to address the following:

1. Objective, scope, and purpose;
2. Policy provisions;

• General	• Distribution of POS	• Development of POS
• Sport POS design	• Location of POS	• Co-location of POS with School Sites
• Community Purpose Sites	• POS in Industrial Areas	• Landscape and Vegetation Management Plans
• Urban Water Management within POS	• Irrigation of POS	• Multiple Use Corridors
• Playgrounds	• Barbeques	• Toilet Facilities
• Cash-in-Lieu of POS	• Viable asset management	• Consultation

Schedule 1 - Public Open Space Requirements

Schedule 2 - Public Open Space Hierarchy & Development Requirements

Schedule 3 - Play Equipment Items

Community / Stakeholder Consultation

Draft LPP2.8 was publicly advertised for submissions pursuant to Clause 4 of the Deemed Provisions of the Scheme, from 6 December 2023 to 22 January 2024. Three submissions were received (refer **attachment 2** Summary of Submissions).

The submissions raised the following key points:

- support for a preference towards sustainably sourced wooden based nature play equipment over plastic equipment;
- preference to also consider natural playground surface treatments beyond rubberised 'soft-fall';
- encouragement to consider collaboration with local design companies which have been innovating in nature based design, and some more adventurous design options;
- general support for the policy provisions, though a request for further time to make submissions.

In respect of this feedback, the support for natura based sustainably sourced equipment remains an important part of the Policy, and is supported by the submissions received. This will also assist Council in considering options for playground renewal, which (if adopted) will see the Policy shape replacing existing plastic assets with these sustainably sourced wooden options.



In terms of playground surface treatments, the option to consider sand and wood chip treatments does at times come at the cost of accessibility and concerns of safety. In terms of accessibility, play equipment in the middle of a sand / woodchip surface becomes inaccessible to people in wheel chairs, and can create barriers to parents assisting an elder sibling with a swing (for example) if they have a younger sibling in a pram. There have been previously noted concerns as to safety, and the Shire has indeed chosen to replace some of its playground locations (Paterson Street, Mundijong) with soft fall materials which address these two issues. The Policy is considered appropriate to encourage the use of soft fall where appropriate, but can consider other options in limited circumstances where such could be justified.

In terms of the length of time of advertising the policy, this was extended to afford people time to provide feedback.

Statutory Environment

Legislation

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

State Government Policies

- Liveable Neighbourhoods

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3

Planning Assessment

The draft LPP seeks to articulate the Shire's position on the planning, provision, location, design, development, and interim maintenance of POS. It is intended to be considered by applicants, administration, stakeholders and Council in the design, assessment, and determination of Scheme amendments; structure plans; local development plans; subdivision applications and development applications.

The stated objectives of the draft LPP are to ensure Public Open Space areas provide a balance of the following:

- Sufficient area for active recreation sporting activities;
- A diversity of recreational uses and options for the community;
- Hydrozoned parks, ensuring that useable and sustainable areas of irrigated turf are provided;
- Natural areas protecting and enabling the enhancement of local natural assets and habitats whilst providing the community with managed access;
- Incorporation of water sensitive urban design principles;
- Appropriate levels of amenity, in accordance with Schedule 2;
- Environmental sustainability;
- Effective playground equipment with a preference to sustainable sourced wooden based nature play equipment over plastic equipment, that is accessible to all ages and abilities, in accordance with Schedule 2 and 3;



- Sufficient space and separation to enable shade trees and an increase in canopy cover;
- Economically sustainable parks that ensures easy and cost-effective maintenance.

With respect of formulating the draft LPP, a cross functional team was formed to analyse the current situation and issues that were emerging in terms of POS provision. The following was documented:

- Unclear policy guidance in respect of what constitutes 'suitable design' of POS, contemplating functionality, accessibility, connectivity, useability, asset provisions and safety in POS design;
- The acceptable circumstances for drainage integration within POS, especially the upper limits whereby drainage may be considered as a suitable integrated element;
- Absent policy guidance in respect of the situations whereby toilets may be suitable for design and inclusion within POS;
- How to manage shade within POS, which contributes both to year round useability and also achievement towards urban tree canopy objectives of the Shire's Urban and Rural Forest Strategy 2018-2028;
- Complementary infrastructure design to be associated with the provision of small activity nodes such as BBQ areas;
- How cash in lieu of POS matters outside Development Contribution Areas are to be considered in exceptional circumstance;
- How imperative it was to effect good design in circumstances of considering colocation, to ensure oval functionality (size / configuration / flexibility / accessibility) is not compromised;
- How multiple use corridors needed a closer design focus, given situations of inconsistent provision which has led (in some circumstances) to high asset costs associated with the maintenance and management.

State government has also required reduced allocations of groundwater for use when the rate of growth and new POS provision is only accelerating in the Shire. This is also compounded by the unique microclimate of the Shire, whereby cooling from the sea breeze is not achieved to the same degree which areas closer to the coast enjoy. This places a large expectation on POS to be a green and well hydrated component of the landscape, that can aid in cooling the microclimate, to combat the broader macroclimatic features of the weather on a particular day.

The modifications recommended as part of endorsement, pertain to the 'Hierarchy Table' section of the Policy that details land requirements (acceptable size) to the functional class (type) of open space. The modification will be specifically addressing the criteria set for 'Neighbourhood' POS type and amended to ensure that the draft LPP2.8 is consistent with the standard 'Liveable Neighbourhoods' POS provisions. The Policy also contains preference for this form of POS over pocket parks, which create high maintenance costs and provide limited functional use.

In considering the submissions received, and following final Officer review, it is recommended that Council proceed with the LPP with minor modifications.



Options**Option 1**

That Council:

1. Pursuant to Clause 4(3) of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, RESOLVES TO PROCEED with Local Planning Policy 2.8: Public Open Space Standards, subject to modifications as contained within **attachment 3**.
2. Pursuant to Clause 4(4) of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, PUBLISH notice of Local Planning Policy 2.8: Public Open Space Standards in accordance with Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Option 2

That Council resolves NOT TO PROCEED with draft LPP2.8: Public Open Space Standards and provides reasons for the decision.

Option 1 is recommended.

Conclusion

The new LPP2.8 relates to the standards of the provisions of POS within the Shire, to ensure that POS is delivered in a manner which optimises community benefit, provides local interpretation of the WAPC Liveable Neighbourhoods Operational Policy, guides Council, Officers, and applicants in planning for POS. It seeks to ensure sustainable design and asset management, and across the landscape a more effective provision of this important element of land use.

The community consultation process resulted in three submissions being received, raising points regarding the implementation of future sustainable and natural playground equipment and materials, and support on the general approach towards the Shire's considerations to improved planning and provision for POS standards. Officers recommend minor modification to the 'Hierarchy table' in accordance with 'Liveable Neighbourhoods'.

Attachments (available under separate cover)

- **10.1.3 - attachment 1** - Draft LPP2.8 - Public Open Space Standards (E23/14483)
- **10.1.3 - attachment 2** - Summary of Submissions (E23/16909)
- **10.1.3 - attachment 3** - Schedule of Modifications (E24/1985)

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
4. Ensure sustainable and optimal use of Shire resources and finances
Liveable
3. Preserve and enhance our natural places, parks, trails and reserves
4. Invest in facilities and amenities to meet current and future needs



5. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment
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
4. Facilitate an inclusive community that celebrates our history and diversity

Financial Implications

The draft policy also includes a draft provision on the consideration of specified area rating, where a developer seeks to impose a level of POS creation which exceeds the standard set through the LPP. Such examples could include created water bodies, elevated board walks and structure surrounding such water bodies, highly embellished boulevard treatments including ornamental lighting, significant adventure playgrounds, etc. There is also an alternative avenue to specified area rating identified, which includes an extended maintenance period because of POS development above set standards. This would be from the required two years to seven years.

The LPP may also create expectations for the standard of future public open spaces provided by the Shire (including upgrading and renewal) with possible additional costs. It would be important for the Shire to lead by example in providing improved POS as part of park renewal, which set the keynote for POS expectations to be delivered by developers.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered to address strategic risks for the Shire.						
2	If Council resolves not to proceed with the proposed LPP, the current situation will result in suboptimal POS outcomes for the Shire, community and new lot owners.	Planning Framework	Reputation	Possible	Moderate	MODERATE	Accept Officer Recommendation



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- 1. Pursuant to Clause 4(3) of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, resolves to PROCEED with Local Planning Policy 2.8: Public Open Space Standards, subject to modifications as contained within attachment 3.**
- 2. Pursuant to Clause 4(4) of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, PUBLISH notice of Local Planning Policy 2.8: Public Open Space Standards in accordance with Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**10.1.4 - Consideration to Initiate Amendment No. 2 to Local Planning Scheme No. 3 - Amendment to Development Contribution Plans (SJ3048)**

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

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

The purpose of this report is for Council to consider Scheme Amendment No. 2, which seeks to update the Development Contribution Plans contained within Local Planning Scheme No. 3. This report is the first step, being consideration to initiate the amendment to the Scheme. If initiated, the amendment will be considered by the Western Australian Planning Commission (WAPC) for consent to advertise, and also be subject to Environmental Protection Authority (EPA) consideration.

It is recommended that the amendment be initiated, particularly noting it deals with ensuring the Shire's development contribution plans remain aligned to the State Planning Framework, and take account for changes in development areas as a result of recent additions of new urban land within the Shire.

Relevant Previous Decisions of Council

*Ordinary Council Meeting - 17 December 2018 - OCM147/12/18 - COUNCIL RESOLUTION / Officer Recommendation - **extract**.*

That Council:

- 2. Pursuant to Part 5, Division 2, Clause 37 of the Planning and Development (Local Planning Schemes) Regulations 2015 deems Scheme Amendment 208 to be a Complex scheme amendment in terms of clause 35(1) and deems it satisfactory for advertising.*
- 3. Pursuant to Section 75 of the Planning and Development Act 2005 (as amended) and regulation 35(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to proceed to advertise Scheme Amendment 208 Byford Development Contribution Scheme to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.*

Background

The Shire has in place four Development Contribution Plans (DCPs) which enable collection of funds from developers for included infrastructure items within the urban areas of Byford, Mundijong-Whitby and the West Mundijong Industrial area. These DCPs are as follows:



- The Byford Traditional Infrastructure DCP
- The West Mundijong Industrial Area DCP
- The Mundijong-Whitby Traditional Infrastructure DCP
- The Community Infrastructure DCP

Recent Amendments 207, 208 and 209 to Town Planning Scheme No. 2 (now replaced by Local Planning Scheme No. 3), updated a number of items within the Byford, West Mundijong and Community DCPs, and introduced a new DCP for the Mundijong-Whitby area.

The timeline from advertising the amendments, to final Ministerial approval, took over three years. During that time, the development front within those DCP areas has progressed and further updates to the DCAs and inclusions are now required.

This takes the form of a Complex Amendment to the Local Planning Scheme, and is Amendment No. 2 (**attachment 1**).

Community / Stakeholder Consultation

Byford and Mundijong Industry Reference Groups (MIRG & BIRG)

Consultation has been undertaken with the MIRG and BIRG groups between November and December 2023 in respect of the inclusions and detail of the proposed Amendment, and feedback received. The revised Amendment 2, which takes into account the feedback, has received agreement (in principle) from both groups.

Department of Planning, Lands and Heritage (DPLH) DCP Team

The Amendment, Scheme Report and updated costings have been shared with the newly formed DCP Team within the DPLH during January 2024. The DPLH DCP Team have advised that they have no objections to the content of the Amendment, and no issue with Council submitting the Amendment to the Western Australian Planning Commission (WAPC) for permission to formally advertise the Amendment.

Statutory Environment

Legislation

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

A DCP is incorporated into the Local Planning Scheme by means of a Complex Amendment to that Planning Scheme.

The amendment is therefore required to follow the statutory process set out under the regulations for complex amendments. This process will commence once the amendment is assessed by the WAPC and deemed satisfactory for advertising. This will namely include a 60 day public consultation process.

State Government Policies

- State Planning Policy 3.6 - Infrastructure Contributions (SPP 3.6)

SPP 3.6 specifies the appropriate inclusions, provisions and operating principles for DCPs and the associated DCP Reports. The Amendment complies with those principles.



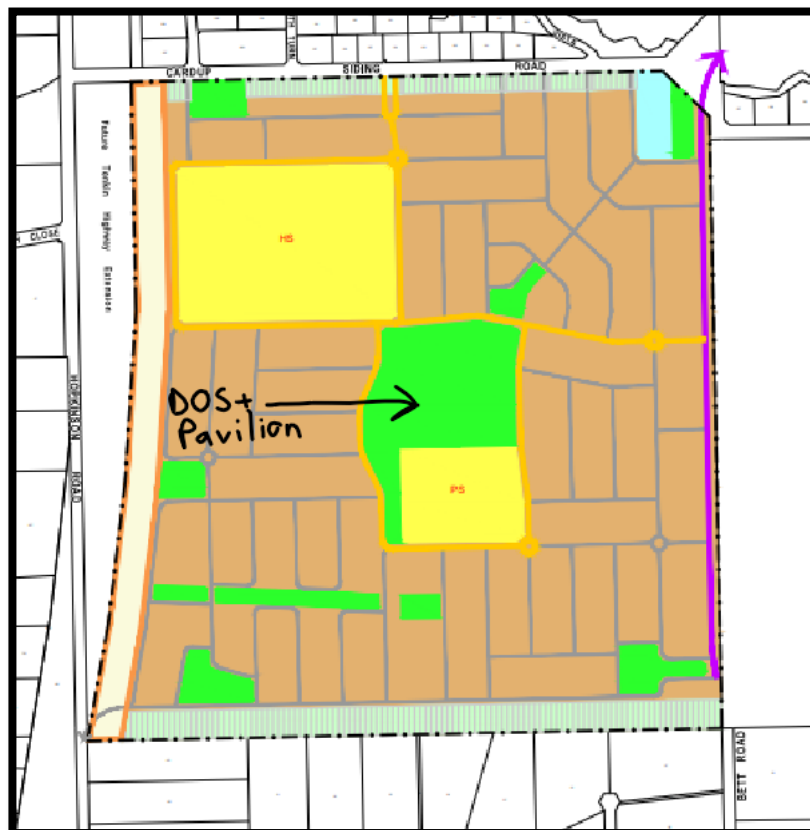
SPP 3.6 also provides that a DCP report that reflects the provisions of a new Amendment be advertised at the same time as the Scheme Amendment for the DCP. Updated DCP Reports reflecting the provisions of the proposed Amendment are provided as **attachment 2**, **attachment 3** and **attachment 4** to this report.

It is noted that the DCP Reports do not need to be adopted by Council at this time, as the current adopted Reports remain in force until such time that the Amendment is considered “Seriously Entertained” (being submitted to the WAPC for final Ministerial Approval post-advertising and submissions). That said, the Reports will be advertised concurrently with the Amendment, and therefore require Council approval as part of this authorisation to advertise process.

Comment

The key changes proposed in Amendment 2 are as follows:

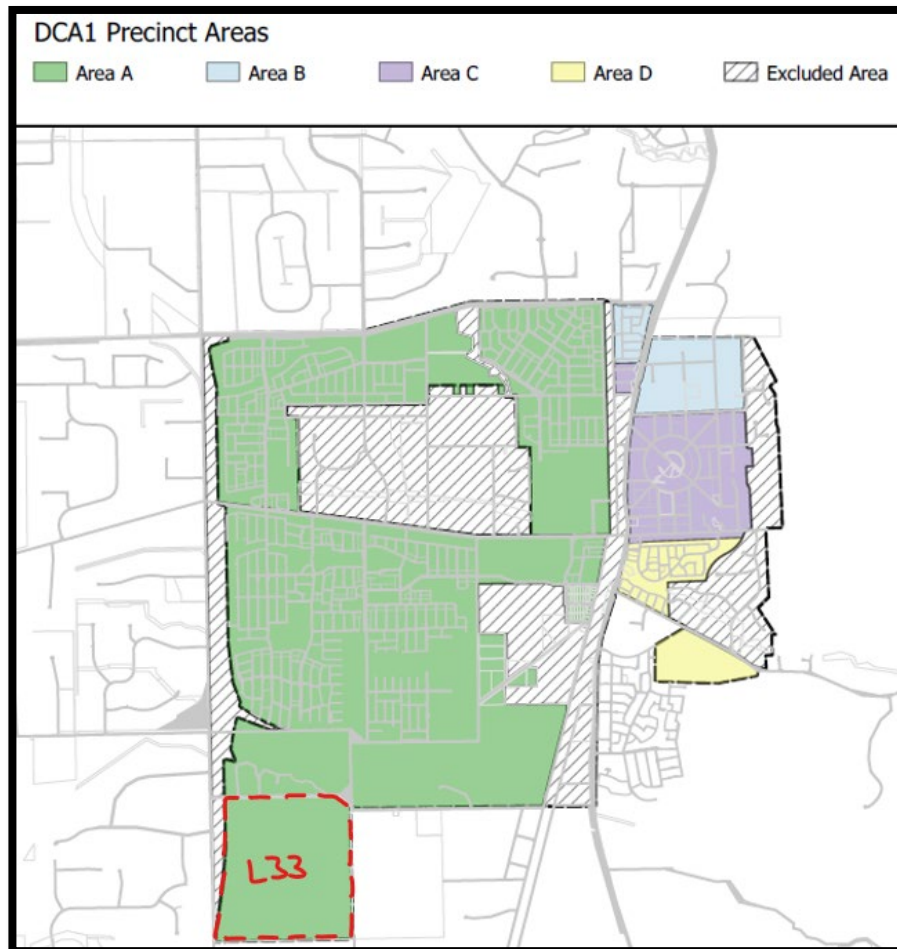
- The inclusion of Lot 33 Hopkinson Road within the DCA1 (Byford Traditional DCP) and DCA4 (Community DCP) boundaries, plus inclusion of the District Open Space (DOS) planned on this site (as detailed within the Local Structure Plan for this lot). The cost of the DOS is to be split between the Byford Traditional DCP (the oval and land) and the Community DCP (the building and lights). The requirements for the additional DOS reflects the now approved Structure Plan for Lot 33, which includes:
 - Provision for a new Public High School site;
 - Provision for a new Public Primary School site;
 - Provision for a centralised District Open Space, accommodating a senior AFL sized oval and space for Community Pavilion, with opportunity for shared use agreement with the adjoining Public Primary School site. This is shown following:



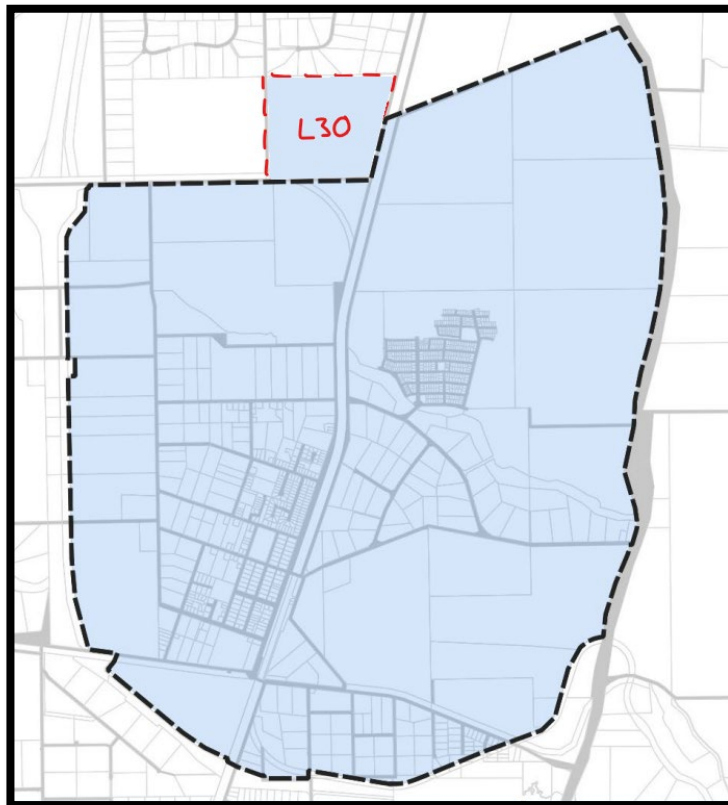


(Please note the above structure plan is still undergoing modifications to reflect the decision of the WAPC to approve the structure plan at the Statutory Planning Committee [SPC] meeting held 12 December 2023).

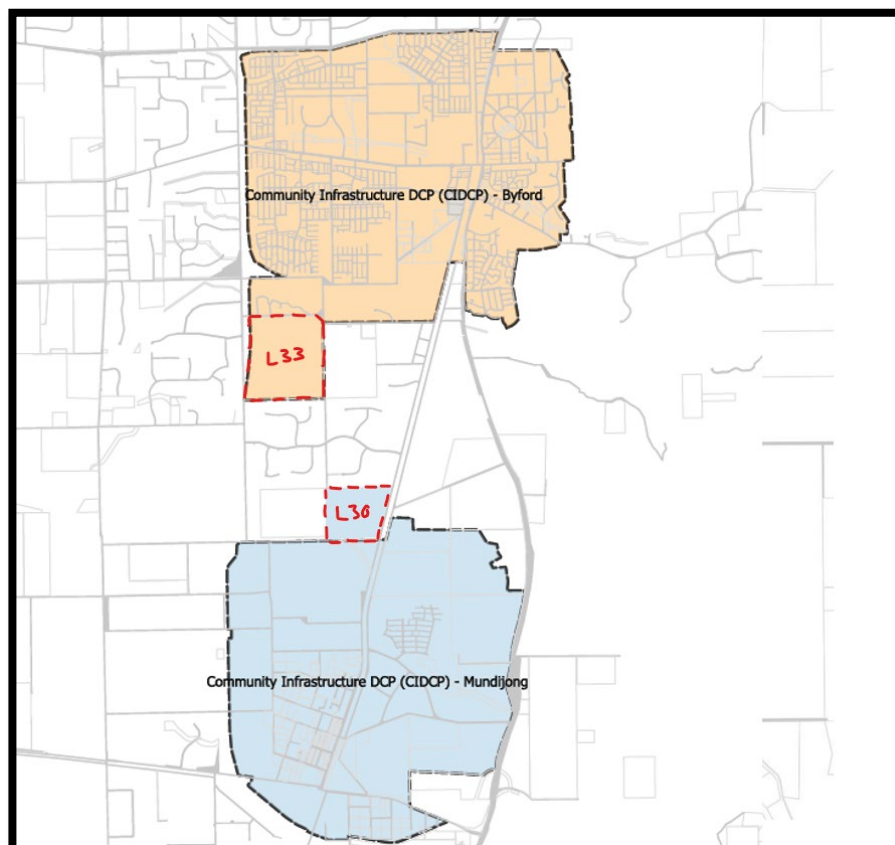
Lot 33 is shown following:



- The inclusion of Lot 30 Soldiers Road within DCA3 (Mundijong - Whitby Traditional DCP) and DCA4 (Community DCP boundaries). There are no additional infrastructure items required as a result of the inclusion of Lot 30, given that there are no further traditional or community items required which have not already been identified. For example, the traditional items already include provisions for Bishop Road, land for public open space and land for drainage which are the common costed items in the DCP. Lot 30 is at the final stages of being zoned Urban under the Metropolitan Region Scheme, and is therefore suitable for inclusion. Unlike DCA1 (Byford Traditional), there are also no Precincts under DCA3.



- The relevant DCP Map for DCA4 now being as follows:





- Extension of the DCP life by 10 years for the West Mundijong DCP (DCA2), and the re-prioritisation of road infrastructure delivery to place Bishop Road above Kargotich Road. This reflects the delivery of Tonkin Highway, which will include an interchange at Bishop Road. Placing Bishop Road as short term, reflects this being delivered earlier than Kargotich Road. Also by placing Kargotich Road under longer term, enables grants to also be pursued to assist delivery of the Kargotich Road infrastructure.
- Inclusion of the “Adams Street” portion to the south of the existing “Taylor Street” infrastructure item in the Mundijong-Whitby Urban DCP (DCA3), and the associated Neighbourhood Open Space for that area. This reflects the likely development front and infrastructure requirements.
- Introduction of short, medium and long term timeframes for the staging of infrastructure delivery.

For the purposes of the WAPC review, all changes to the current Scheme are identified in the “comments” pane within the Amendment Report (**attachment 1**). It is noted that the marked-up comments will not be shown in the formally advertised copy (unless requested otherwise by the WAPC).

Details of the above changes and new inclusions, as well as the need and nexus for these items, is detailed within the Scheme Amendment Report text, which will form part of the advertised Amendment.

The forecast changes in DCP rates are discussed under the Financial Implications section.

Options

Option 1

1. Pursuant to Part 5 Division 2 Regulation 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to PROCEED to advertise (subject to WAPC consents being received) the proposed Scheme Amendment No. 2 to Local Planning Scheme No. 3 for the Development Contribution Plan as contained in **attachment 1**, with modifications as follows:

- 1.1 Replacing the text in ‘Schedule 7.1 - Byford Development Contribution Plan’ with the following:

Development Contribution Plan	DCP1
Development Contribution Area Name	Development Contribution Area 1 - Byford
Reference Number on Scheme Map(s)	SCA6/DCA1
Items	Thomas Road (Primary Regional Road) between Tonkin Highway and Wungong South Road: <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve,



	<p>to achieve a 50-metre-wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.</p> <ul style="list-style-type: none">• Earthworks for the unconstructed carriageway.• The construction and upgrade of one carriageway to a Primary Regional Road standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Abernethy Road (Integrator A) between Tonkin Highway reserve and the Perth to Bunbury railway reserve where the portion of Abernethy Road adjacent to the Byford Trotting Complex area incurs only half the cost of road widening, construction and upgrade with the DCP:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30-metre-wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Neighbourhood Connector A standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Orton Road (Integrator B) between Tonkin Highway and the South Western Highway:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30-metre-wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• One at-grade rail crossing.• Complete road construction to a Liveable Neighbourhoods
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	<p>Integrator B standard, including intersection treatments and traffic control devices as required.</p> <ul style="list-style-type: none">• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Note: The construction of the at-grade crossing is subject to agreement between the Road Manager and Rail Infrastructure Manager. The Local Government is responsible to manage communications between all stakeholders, obtain the required approvals and arrange for an Australian Level Crossing Assessment Model (ALCAM) Report and a Rail Safety Report to be undertaken.</p> <p>In the event that an at-grade rail crossing is not approved, the local government is to apply any funds already collected to an approved alternate rail crossing or if no rail crossing is approved any collected funds shall be applied to the Orton Road infrastructure item generally or other infrastructure items in the DCP.</p> <p>Kardan Boulevard (Neighbourhood Connector A) between Thomas Road and Abernethy Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 25-metre-wide road reserve from Abernethy Road to Fawcett Road and a 30m wide road reserve from Fawcett Road to Thomas Road, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Neighbourhood Connector A standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Indigo Parkway (Integrator B) between Thomas Road and Larsen Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 22.5-metre-wide road reserve adjacent to
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	<p>Public Open Space, a 30-metre-wide road reserve for the Malarkey Rd section, and a 27.5-metre-wide road reserve for the remaining areas, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.</p> <ul style="list-style-type: none">• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Sansimeon Boulevard (Integrator B) south of Larsen Road to Abernethy Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 22.5-metre-wide road reserve between Larsen Road and Armadan Court, and a 30m wide road reserve for the remaining areas, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Doley Road (Neighbourhood Connector A) between Abernethy Road and Orton Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30-metre-wide road reserve and where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Neighbourhood Connector A standard, including intersection treatments and traffic control devices as
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	<p>required.</p> <ul style="list-style-type: none">• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Warrington Road (Neighbourhood Connector B) between Abernethy Road and Orton Road:</p> <ul style="list-style-type: none">• Land required where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Neighbourhood Connector B standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Byford Central District Open Space Improvements:</p> <ul style="list-style-type: none">• Earthworks.• Grassing.• Irrigation; and• Associated costs relating to construction including design and management. <p>West Byford Primary School/Kalimna District Open Space Improvements (under JUA):</p> <ul style="list-style-type: none">• Earthworks.• Grassing.• Irrigation; and• Associated costs relating to construction including design and management. <p>The Glades District Open Space Improvements</p> <p>This will be a district level Futsal space (hardcourts).</p> <ul style="list-style-type: none">• Earthworks.
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- Grassing and/or Hard Landscaping.
- Irrigation; and
- Associated costs relating to construction including design and management.

Orton Road District Open Space Improvements and REW Enhancement:

This is a shared project with the Community Infrastructure DCP to provide a District Open Space with one full sized AFL oval. The building and lights will be covered by the Community DCP, and the oval and land will be provided through the Byford Traditional Infrastructure DCP. Works covered under the Byford Traditional DCP include:

- Earthworks.
- Grassing.
- Irrigation; and
- Associated costs relating to construction including design and management.

In addition to the above, the buffer associated with the Cardup Brook Resource Enhancement Wetland (REW) is considered a regionally valuable ecological and environmentally sensitive corridor. As such, the Shire requires the REW along the Cardup Brook to be developed to a standard considered above minimum standard.

Hopkinson Road DOS (Oval):

This is a shared project with the Community Infrastructure DCP to provide a District Open Space with one full sized AFL oval. The building and lights will be covered by the Community DCP, and the oval and land will be provided through the Byford Traditional Infrastructure DCP. Works covered under the Byford Traditional DCP include:

- Earthworks.
- Grassing.
- Irrigation; and
- Associated costs relating to construction including design and management.

Land for District Open Space, Public Open Space, Drainage and Roads:

All land required for district open space, public open space (including Community Purpose POS), multiple use drainage corridors and new roads or road widening (excluding the standard 20m road reserve).



	<p>Water Monitoring:</p> <p>All expended and estimated future costs for the post development water monitoring programme required by the Byford Townsite Drainage and Water Management Plan.</p> <p>Administrative:</p> <p>All future costs associated with administration of the DCP, including:</p> <ul style="list-style-type: none">• Costs to prepare and administer the DCP.• Costs associated with the annual review of cost estimates.• Cost associated with the review of the cost apportionment schedules based on land development undertaken since the last review.• Costs for undertaking valuations.• Fees for professional services directly linked to the preparation and implementation of the DCP.• Costs for Computer software and/or hardware upgrades necessary to enable DCP preparation.• Proportion of staff salaries directly related to DCP administration.• Financial institution fees and charges associated with the administration of DCP funds; and• Interest charged on loans taken out to pre-fund items included in the DCP.
Contribution Methodology	<p>The Byford development contribution area is divided into five precincts as shown within Schedule 7.1.</p> <p>Cost Contribution rate is to be calculated on a m² basis based on the remaining developable land in the DCP Precinct/Area identified in Schedule 7.1. The remaining DCP cost is shared proportionally across the remaining developable land in the DCP Precinct/Area as follows:</p> <p>(Remaining Cost / Remaining Developable land = \$ contribution rate per m²).</p> <p>For simplicity of calculation, all Residential lots/dwellings will be calculated as an average R20 (450m²) lot. For Non-Residential subdivision or development, the actual lot area is used for the calculation.</p> <p>A cost review is to be undertaken at least annually, at which time the Contribution rate will be established based on:</p> <ul style="list-style-type: none">• Road Upgrades and Construction;



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	<ul style="list-style-type: none">• District Open Space Improvements;• Land required for Roads, POS, Community Purposes POS, Drainage and DOS;• Water monitoring costs;• Administration costs;• Yields and Lots completed and expected;• Escalation Rates. <p>To ensure costs remain current between Cost Reviews all costs will be calculated on a daily basis based upon an annual escalation rate to be established through the Cost Review.</p> <p>The start date for daily escalation is the approval date for the prevailing Cost Review.</p> <p>The Contribution Rate is to be applied as follows where DER is the daily escalation rate and D is the number of days since the last cost review:</p> <p><u>Standard residential subdivision or development</u></p> <p>The number of additional dwellings/lots being created at the time of subdivision/development multiplied by the applicable development contribution rate.</p> <p>(Precinct contribution rate per lot/dwelling x DER x D x number of additional lots or dwellings being created = Required development contribution)</p> <p><u>Non-standard residential subdivision or development</u></p> <p>E.g., Lifestyle village, retirement village, caravan park, park home estate or similar.</p> <p>The number of additional dwellings, residential units or similar created at the time of subdivision/development multiplied by the applicable development contribution rate.</p> <p>(Precinct contribution rate per lot/dwelling x DER x D x number of additional lots or dwellings being created = Required development contribution)</p> <p><u>Non-residential subdivision or development</u></p> <p>A development contribution is required for the creation of non-residential lots based on the actual size and number of lots created (minus the equivalent of one lot), multiplied by the applicable development contribution rate. Where a subdivision creates a lot that accommodates an existing non-residential development, that lot shall be exempt from the requirement for a development contribution to be made.</p> <p>For clarity purposes, the area of the lot accommodating the existing approved non-residential development is to be</p>
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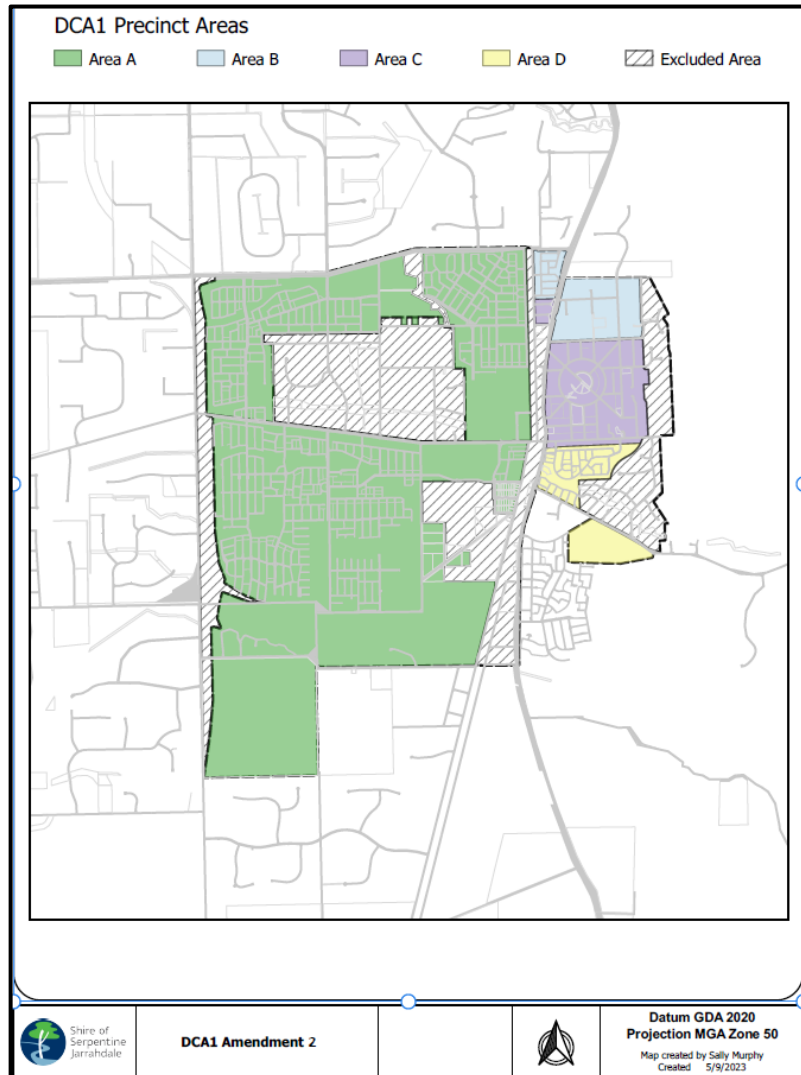
		<p>subtracted from the overall subdivision area, before calculating the development contribution for the remaining balance of the subdivision area.</p> <p>New non-residential development (including alteration and additions to existing non-residential development) will not be required to make a development contribution unless the new non-residential development results in increased traffic to the subject land, as identified by the information provided by the applicant in support of the development application for that new non-residential development. Where increased traffic is identified to occur, the applicable development contribution is to be calculated as follows:</p> <ul style="list-style-type: none">• Square metre rate x square metre size of land being developed (including alterations and additions) = Required development contribution.• For new private education establishments and associated development, provided a shared use agreement for public access to district open space is agreed to the satisfaction of the Local Government, development contributions shall be levied at 0.3 percent of the total development costs of the site, as agreed with the Local Government based on the building licence application. <p><u>Mixed-use development</u></p> <p>The R20 subdivision/development potential of the site, or the actual number of lots/dwellings being created at the time of subdivision/development, whichever is the greater (minus the equivalent of one lot or dwelling), multiplied by the applicable development contribution rate.</p> <p>Where based on dwelling potential -</p> <p>(Precinct contribution rate per lot/dwelling x DER x D x R20 subdivision/development potential of the site - the equivalent of one lot or one dwelling = Required contribution rate).</p> <p>Where based on the actual number of dwellings -</p> <p>(Precinct contribution rate per lot/dwelling x DER x D x actual number of residential lots/dwellings being created - the first dwelling being created = Required development contribution).</p>
Period of operation	of	20 years (2034)
Priority timing of infrastructure provision	and of	A summary of the estimated timing and priority for the delivery of each item of infrastructure is provided below to align with the Council's long-term strategic plan and infrastructure plan with



	<p>the details outlined in the Development Contribution Plan Report.</p> <p>The following infrastructure items are priority items at the time of this Amendment:</p> <p>1. Indigo Parkway</p> <p>The infrastructure items are to be delivered in the following broad timeframes with a more detailed timeline provided in the Development Contribution Plan Report.</p> <table><tr><th>Priority</th><th>Project</th><th>Timeline (Completion)</th></tr><tr><td>1.</td><td>Byford Central DOS</td><td>Completed</td></tr><tr><td>2.</td><td>Kalimna DOS</td><td>Completed</td></tr><tr><td>3.</td><td>Kardan Boulevard</td><td>Completed</td></tr><tr><td>4.</td><td>Abernethy Road</td><td>Completed</td></tr><tr><td>5.</td><td>Thomas Road</td><td>Completed</td></tr><tr><td>6.</td><td>Sansimeon Boulevard</td><td>Completed</td></tr><tr><td>7.</td><td>Indigo Parkway</td><td rowspan="5">Short Term: 2024 - 2029</td></tr><tr><td>8.</td><td>The Glades DOS</td></tr><tr><td>9.</td><td>Orton Road DOS & REW</td></tr><tr><td>10.</td><td>Doley Road</td></tr><tr><td>11.</td><td>Warrington Road</td></tr><tr><td>12.</td><td>Orton Road</td><td rowspan="2">Medium Term: 2030 - 2032</td></tr><tr><td>13.</td><td>Hopkinson Road DOS</td></tr></table>	Priority	Project	Timeline (Completion)	1.	Byford Central DOS	Completed	2.	Kalimna DOS	Completed	3.	Kardan Boulevard	Completed	4.	Abernethy Road	Completed	5.	Thomas Road	Completed	6.	Sansimeon Boulevard	Completed	7.	Indigo Parkway	Short Term: 2024 - 2029	8.	The Glades DOS	9.	Orton Road DOS & REW	10.	Doley Road	11.	Warrington Road	12.	Orton Road	Medium Term: 2030 - 2032	13.	Hopkinson Road DOS
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Review process	<p>The development contribution plan will be reviewed when considered appropriate, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing, but not exceeding a period of five years.</p>																																					



1.2 Replacing the map for “Development Contribution Area 1 - Byford”



1.3 Amending the Scheme Maps to replace the DCA1 boundary with the DCA boundary shown on the Proposed Zoning Map.

1.4 Replacing the text in ‘Schedule 7.2 - ‘West Mundijong Industrial Development Contribution Plan’ with the following:

Development Contribution Plan	DCA2
Development Contribution Area Name	Development Contribution Area 2 – West Mundijong Industrial
Reference Number on Scheme Map(s)	SCA7/DCA2



Relationship to other planning instruments	The development contribution plan generally aligns with the district and/or local structure plans (as approved) prepared for the development contribution area.
Items	<p>Mundijong Road (West) (Integrator B) between Kargotich Road and the Tonkin Highway reservation:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve to achieve a 40m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• The construction and upgrade of one carriageway to a Liveable Neighbourhoods Integrator B standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including, intersection treatments incorporating slip lanes and associated works (to be confirmed by MRWA).• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design, administration, and management. <p>Kargotich Road (Integrator B) between the freight rail crossing and Mundijong Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including intersection treatments incorporating slip lanes and associated works.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design, administration, and management.



	<p>Bishop Road (West) (Integrator B) between Kargotich Road and Tonkin Highway reservation:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B Standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including one set of traffic lights, intersection treatments incorporating slip lanes and associated works.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design, administration, and management. <p>North South Spine Road (Integrator B) between Bishop Road and Mundijong Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 27m wide road reserve between Scott Road and Leipold Road, and a 30m wide road reserve for the remaining length, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including intersection treatments incorporating slip lanes and associated works.• Shared paths; and• Associated costs including design, administration, and management. <p>Land for drainage: All land required for district drainage purposes.</p>
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	<p>Administrative:</p> <p>All expended and estimated future costs associated with administration, planning, review and development of the District Structure Plan, District Water Management Plan/s, preparation and implementation of the West Mundijong Industrial Development Contribution Plan and any technical documents necessary for the implementation of the above, including:</p> <ul style="list-style-type: none">• Planning studies.• Traffic studies.• Drainage studies.• Road design costs where not allocated to specific road items under the DCP.• Other related technical and professional studies.• Legal Costs.• Valuations and cost review estimates.• Borrowing costs (including loan repayments); and• Scheme Management Costs (including administration and management of the Development Contribution Plan).
Contribution Methodology	<p>A Cost Contribution rate is to be calculated on a per hectare or square metre basis.</p> <p>The formula for calculating cost contributions on a per hectare basis is as follows:</p> <ul style="list-style-type: none">• Total Costs Outstanding / Total Remaining Developable Land = Contribution cost per hectare• To ensure costs remain current between Cost Reviews all costs will be calculated on a daily basis based upon an annual escalation rate to be established through the Cost Review. <p>The weighted escalation rate (ER) is detailed below:</p> $ER = (\%IC/TC \times IER) + (\%LV/TC \times LVER) + (\%AC/TC \times AER)$ <p>Where -</p> <ul style="list-style-type: none">• ER - is the weighted Escalation Rate• DER - is the daily escalation rate (ER/365)• IC - is the estimated Infrastructure Cost• LV - is the estimated Land Value• AC - is the estimated Administration Cost



	<ul style="list-style-type: none">• TC - is the Total Cost being IC + LV+ AC• IER - is the Infrastructure Escalation Rate• LVER - is the Land Value Escalation Rate• AER - is the Administration Escalation Rate; and• D - is the number of days since the last cost review. <p>The start date for daily escalation is the review date for the prevailing Cost Review.</p>														
Period of operation	20 years (2038)														
Priority and timing of infrastructure provision	<p>A summary of the estimated timing and priority for the delivery of each item of infrastructure is provided below to align with the Council’s long-term strategic plan and infrastructure plan with the details outlined in the Development Contribution Plan Report.</p> <p>The following items are priority items at the time of this Amendment:</p> <p>1. Kargotich Road</p> <p>The infrastructure items are to be delivered in the following broad timeframes with a more detailed timeline provided in the Development Contribution Plan Report.</p> <table><tr><th>Priority</th><th>Project</th><th>Timeline (Completion)</th></tr><tr><td>1.</td><td>Bishop Road (West)</td><td>Short Term: 2024 - 2029</td></tr><tr><td>2.</td><td>North South Spine Road</td><td>Medium Term: 2030 - 2034</td></tr><tr><td>3.</td><td>Kargotich Road</td><td rowspan="2">Long term: 2035 - 2038</td></tr><tr><td>4.</td><td>Mundijong Road (West)</td></tr></table>	Priority	Project	Timeline (Completion)	1.	Bishop Road (West)	Short Term: 2024 - 2029	2.	North South Spine Road	Medium Term: 2030 - 2034	3.	Kargotich Road	Long term: 2035 - 2038	4.	Mundijong Road (West)
Priority	Project	Timeline (Completion)													
1.	Bishop Road (West)	Short Term: 2024 - 2029													
2.	North South Spine Road	Medium Term: 2030 - 2034													
3.	Kargotich Road	Long term: 2035 - 2038													
4.	Mundijong Road (West)														
Review Process	<p>The Plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment area since the last review and the degree of development potential still existing.</p> <p>The estimated costs will be reviewed at least annually to reflect the changes in the funding, indexing and revisions to remaining infrastructure or land costs. Revisions to costs of</p>														



	<p>infrastructure and value of land will be undertaken by a suitably qualified person.</p> <p>Contribution values will be adjusted to reflect these changes to estimated costs, as well as taking into account any adjustment for the DCP fund being in surplus or deficit revenue received versus expenditure incurred).</p>
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- 1.5 Replacing the text in 'Schedule 7.3 - 'Mundijong Urban Development Contribution Plan' with the following:

Development Contribution Plan	DCP3
Development Contribution Area Name	Development Contribution Area 3 - Mundijong Urban
Reference Number on Scheme Map(s)	SCA8/DCA3
Items	<p>Bishop Road (East) (Integrator B) upgrade between Tonkin Highway reserve and Bett Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including one set of traffic lights and one roundabout.• Upgrade of one existing at-grade rail crossing.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design, administration, and management.



Taylor Road/Adams Street (Integrator B) upgrade between Bishop Road and Mundijong Road:

- Land required that is in excess of a standard 20m reserve, to achieve a 30m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.
- Earthworks for the whole road reserve.
- Complete road construction to a Liveable Neighbourhoods Integrator B standard.
- Associated drainage works including water sensitive urban design measures.
- Traffic control devices, including one set of traffic lights and one roundabout.
- Shared paths.
- Utility removal, relocation and insertion; and
- Associated costs including design, administration, and management.

Town Centre Distributor Road (Whitby New Road) (Integrator B) construction between Taylor Road and South Western Highway:

- Land required that is in excess of a standard 20m reserve, to achieve a 30m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.
- Earthworks for the whole road reserve.
- Complete road construction to a Liveable Neighbourhoods Integrator B standard.
- Associated drainage works including water sensitive urban design measures.
- Traffic control devices including intersection treatments and associated works.
- Construction of one at-grade rail crossing.
- Costs associated with one rail crossing closure (Keirnan Street).
- Shared paths.
- Utility removal, relocation and insertion; and
- Associated costs including design and management.

Note: The construction of the at-grade crossing is subject to agreement between the Road Manager and Rail Infrastructure Manager. The Local Government is responsible to manage



	<p>communications between all stakeholders, obtain the required approvals and arrange for an Australian Level Crossing Assessment Model (ALCAM) Report and a Rail Safety Report to be undertaken.</p> <p>Construction of the at-grade crossing should not be considered prior to the freight rail being realigned away from the Mundijong Urban area. In the event that an at-grade rail crossing is not approved, the local government is to apply any funds already collected to an approved alternate crossing or if no crossing is approved any collected funds shall be applied to the Town Centre Distributor Road item generally or other items in the DCP.</p> <p>North-South Road (Integrator B) construction between Watkins Road and Galvin Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including intersection treatments and associated works.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Skyline Boulevard (Neighbourhood Connector A) construction between Town Centre Distributor Road (Whitby New Road) and Tinspar Avenue:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 25m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Connector A standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including intersection treatments and associated works.
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- Shared paths.
- Utility removal, relocation and insertion; and
- Associated costs including design and management.

Tinspar Avenue (Neighbourhood Connector A) construction between Skyline Boulevard and South Western Highway:

- Land required that is in excess of a standard 20m reserve, to achieve a 25m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.
- Earthworks for the whole road reserve.
- Complete road construction to a Liveable Neighbourhoods Connector A standard.
- Associated drainage works including water sensitive urban design measures.
- Traffic control devices including intersection treatments and associated works.
- Shared paths.
- Utility removal, relocation and insertion; and
- Associated costs including design and management.

Whitby High School District Sporting Space (LSP Precinct A):

Improvements for a single playing field with minimum dimension of 205m x 175m with costs shared with the Department of Education:

- Earthworks.
- Grassing.
- Irrigation; and
- Associated costs relating to construction including design and management.

Kiernan Park Stage 3 District Sporting Space (LSP Precinct C):

Improvements for two playing fields, each having minimum dimension of 205m x 175m:

- Earthworks.
- Grassing.
- Irrigation; and
- Associated costs relating to construction including design and management.



	<p>Taylor Road/Scott Road Primary School Neighbourhood Open Space (LSP Precinct G):</p> <p>Improvements for a single playing field with a minimum dimension of 205m x 175m with costs shared with the Department of Education:</p> <ul style="list-style-type: none">• Earthworks.• Grassing.• Irrigation; and• Associated costs relating to construction including design and management. <p>Adams Street / Cockram Street Primary School Neighbourhood Open Space (LSP Precinct E1):</p> <p>Improvements for a single playing field with a minimum dimension of 205m x 175m with costs shared with the Department of Education:</p> <ul style="list-style-type: none">• Earthworks.• Grassing.• Irrigation; and• Associated costs relating to construction including design and management. <p>Land for District Open Space, Public Open Space, and Drainage:</p> <p>All land required for district open space, public open space and/or drainage purposes.</p> <p>Water Monitoring:</p> <p>All expended and estimated future costs for the post development water monitoring programme required by the Mundijong Drainage and Water Management Plan.</p> <p>Administrative:</p> <p>All expended and estimated future costs associated with administration, planning, review and development of the District Structure Plan, District Water Management Plan/s, preparation and implementation of the Mundijong Urban Development Contribution Plan and any technical documents necessary for the implementation of the above, including:</p> <ul style="list-style-type: none">• Planning studies.• Traffic studies.• Drainage studies.• Road design costs where not allocated to specific road items
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	<p>under the DCP.</p> <ul style="list-style-type: none"> • Other related technical and professional studies. • Legal Costs. • Valuation. • Borrowing costs (Including loan repayments); and • Scheme Management Costs (including administration and management of the DCP).
Contribution Methodology	<p>A Cost Contribution rate is to be calculated on a m² basis based on the remaining developable land in the DCP Precinct/Area. The remaining DCP cost is shared proportionally across the remaining developable land in the DCP Precinct/Area as follows:</p> <ul style="list-style-type: none"> • (Remaining Cost / Remaining Developable land = \$ contribution rate per m²). • For simplicity of calculation, all Residential lots/dwellings will be calculated as an average R25 (350m²) lot. For Non-Residential subdivision or development, the actual lot area is used for the calculation. <p>A Cost Review is to be undertaken at least annually at which time the Contribution Rate will be established based on:</p> <ul style="list-style-type: none"> • Summary of Costs. • Estimated Future Lot Yield by approved Local Structure Plan by Precinct. • Estimated Future Lot Yield by intended Local Structure Plan by Precinct. • Contribution Rate Per Lot by cost Item. • Outstanding Cost of Completed Works (Expenditure on All Cost Items - Value of All Contribution Received). • Infrastructure Cost Escalator. • Land Value Escalator. • Administration Cost Escalator. • Precinct Daily Escalation Rate. <p>To ensure costs remains current between Cost Reviews all costs will be calculated on a daily basis based upon an annual escalation rate to be established through the Cost Review.</p> <p>The weighted escalation rate (ER) is detailed below -</p> $ER = (\%IC/TC \times IER) + (\%LV/TC \times LVER) + (\%AC/TC \times AER)$ <p>Where:</p>



- ER - is the weighted Escalation Rate
- DER - is the daily escalation rate (ER/365)
- IC - is the estimated Infrastructure Cost
- LV - is the estimated Land Value
- AC - is the estimated Administration Cost
- TC - is the Total Cost being IC + LV + AC
- IER - is the Infrastructure Escalation Rate
- LVER - is the Land Value Escalation Rate
- AER - is the Administration Escalation Rate; and
- D - is the number of days since the last cost review.

The start date for daily escalation is the review date for the prevailing Cost Review.

R25 zoning (350m² average dwelling) has been selected as the most appropriate for the Mundijong Urban area, given the current and forecasted trends for subdivision applications, and high likelihood that much of the development will cater towards first-time homebuyers.

The Contribution Rate is to be applied as follows where DER is the daily escalation rate, D is the number of days since the last cost review and the R25 potential is the developable site/lot area divided by 350m² -

Standard residential subdivision or development

The number of additional dwellings/lots being created at the time of subdivision/development multiplied by the applicable development contribution rate.

(Contribution rate per lot/dwelling x DER x D) x number of additional lots or dwellings being created = Required development contribution

Non-standard residential subdivision or development (e.g. Lifestyle village, retirement village, caravan park, park home estate or similar)

The number of additional dwellings, residential units or similar created at the time of subdivision/development multiplied by the applicable development contribution rate.

(Contribution rate per lot/dwelling x DER x D) x number of additional lots or dwellings being created = Required development contribution

Non-residential subdivision or development

A development contribution is required for the creation of non-residential lots based on the actual size and number of lots



	<p>created (minus the equivalent of one lot), multiplied by the applicable development contribution rate. Where a subdivision creates a lot that accommodates an existing approved non-residential development, that lot shall be exempt from the requirement for a development contribution to be made. For clarity purposes, the area of the lot accommodating the existing approved non-residential development is to be subtracted from the overall subdivision area, before calculating the development contribution for the remaining balance of the subdivision area.</p> <p>New non-residential development (including alterations and additions to existing non-residential development) will not be required to make a development contribution unless the new non-residential development results in increased traffic to the subject land, as identified by the information provided by the applicant in support of the development application for that new non-residential development. Where increased traffic is identified to occur, the applicable development contribution is to be calculated as follows:</p> <ul style="list-style-type: none">• Square metre rate x square metre size of land being developed (including alterations and additions) = Required development contribution• For new private education establishments and associated development, provided a shared use agreement for public access to district open space is agreed to the satisfaction of the Local Government, development contributions shall be levied at 0.3 percent of the total development costs of the site, as agreed with the Local Government based on the building licence application. <p><u>Mixed-use development</u></p> <p>The R25 subdivision/development potential of the site, or the actual number of lots/dwellings being created at the time of subdivision/development, whichever is the greater (minus the equivalent of one lot or dwelling), multiplied by the applicable development contribution rate.</p> <p>Based on the R25 site calculation</p> <p>(Precinct contribution rate per lot/dwelling x DER x D) x (R25 subdivision/development potential of the site - the equivalent of one lot or one dwelling) = Required contribution rate.</p> <p>Based on the number of dwellings.</p> <p>(Precinct contribution rate per lot/dwelling x DER x D) x (actual number of residential lots/dwellings being created - the first dwelling being created) = Required development contribution.</p>
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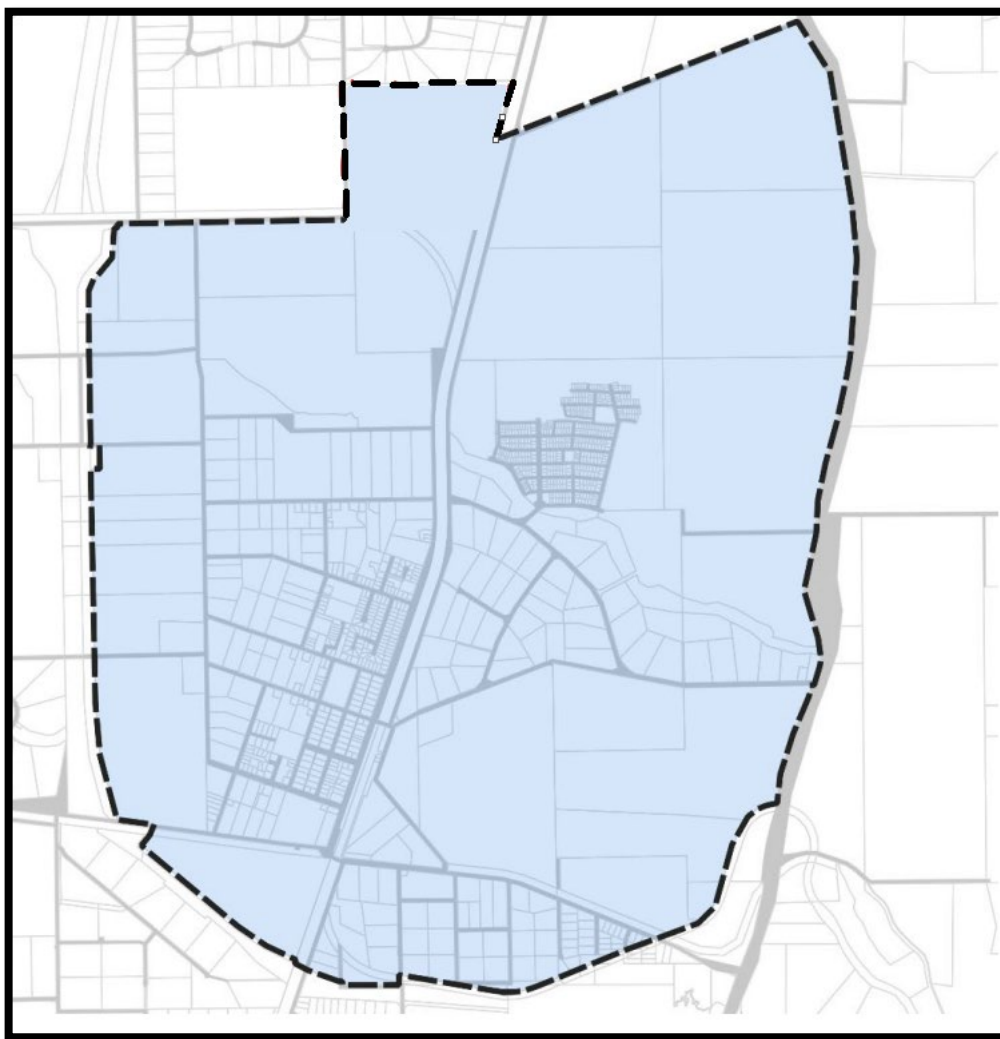


Period of operation	15 years (2038)																										
Priority and timing of infrastructure provision	<p>A summary of the estimated timing and priority for the delivery of each item of infrastructure is provided below to align with the Council’s long-term strategic plan and infrastructure plan with the details outlined in the Development Contribution Plan Report.</p> <p>The following infrastructure items are priority items at the time of this Amendment -</p> <p>1. Kiernan Park Stage 1 District Sporting Space</p> <p>The infrastructure items are to be delivered in the following broad timeframes with a more detailed timeline provided in the Development Contribution Plan Report.</p> <table><tr><th>Priority</th><th>Project</th><th>Timeline (Completion)</th></tr><tr><td>1.</td><td>Kiernan Park Stage 1 DSS</td><td rowspan="4">Short Term: 2024 - 2029</td></tr><tr><td>2.</td><td>Taylor Road / Adams Street</td></tr><tr><td>3.</td><td>Town Centre Distributor Road (Whitby New Road)</td></tr><tr><td>4.</td><td>Bishop Road (East)</td></tr><tr><td>5.</td><td>North South Road</td><td rowspan="4">Medium Term: 2030 to 2034</td></tr><tr><td>6.</td><td>Whitby High School DSS</td></tr><tr><td>7.</td><td>Skyline Boulevard</td></tr><tr><td>8.</td><td>Taylor Road / Scott Road NOS</td></tr><tr><td>9.</td><td>Adams Street / Cockram Street NOS</td><td rowspan="2">Long Term: 2035 to 2036</td></tr><tr><td>10.</td><td>Tinspar Avenue</td></tr></table>	Priority	Project	Timeline (Completion)	1.	Kiernan Park Stage 1 DSS	Short Term: 2024 - 2029	2.	Taylor Road / Adams Street	3.	Town Centre Distributor Road (Whitby New Road)	4.	Bishop Road (East)	5.	North South Road	Medium Term: 2030 to 2034	6.	Whitby High School DSS	7.	Skyline Boulevard	8.	Taylor Road / Scott Road NOS	9.	Adams Street / Cockram Street NOS	Long Term: 2035 to 2036	10.	Tinspar Avenue
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10.	Tinspar Avenue																										
Review process	<p>The Plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment area since the last review and the degree of development potential still existing.</p>																										



	<p>The estimated costs will be reviewed at least annually to reflect changes in funding, indexing and revisions to remaining infrastructure or land costs. Revisions to costs of Infrastructure and value of land will be undertaken by a suitable qualified person.</p> <p>Contribution values will be adjusted to reflect these changes to estimated costs, as well as taking into account any adjustment for the DCP fund being in surplus or deficit (revenues received versus expenditure incurred).</p>
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- 1.6 Replacing the map for “Development Contribution Area 3 - Mundijong Urban”



- 1.7 Amending the Scheme Maps to replace the DCA3 boundary with the DCA boundary shown on the Proposed Zoning Map.
- 1.8 Replacing the text in ‘Schedule 7.4 - ‘Byford and Mundijong Community Infrastructure Development Contribution Plan’ with the following:



Development Contribution Plan	DCP4
Development Contribution Area Name	Development Contribution Area 4 - Byford and Mundijong Community Infrastructure
Reference Number on Scheme Map(s)	SCA9/DCA4
Relationship to other planning instruments:	<p>The CIDCP generally conforms to:</p> <ul style="list-style-type: none">• Integrated Planning and Reporting Framework (IPRF)• Strategic Community Plan (SCP)• Corporate Business Plan (CBP)• Long Term Financial Plan (LTFP)• State Planning Policy 3.6 (SPP3.6)• Community Infrastructure and Public Open Space Strategy (CIPOSS)• Community Infrastructure Implementation Plan (CIIP)• Byford District Structure Plan & Development Contribution Plan (BDSP & DCP)• Mundijong District Structure Plan & Development Contribution Plan (MDSP & DCP)
Items	<p>Byford Community Infrastructure:</p> <p>B01: Byford Library & Multi-Agency Service Centre - Building</p> <p>B02: Briggs Park Pavilion</p> <p>B03: Briggs Park Youth Centre</p> <p>B04: Briggs Park Recreation Centre Extension</p> <p>B05: Orton Road District Sport Space - Building & Lights</p> <p>B06: Byford Skate Park - Extension & Pump Track</p> <p>B07: Cardup Brook Themed Playground - Nature Play</p> <p>B08: Lindt Street Themed Playground - Adventure Playground</p> <p>B09: The Glades District Community Facility - Building</p> <p>B11: Hopkinson Road DOS - Building & Lights</p> <p>Mundijong Community Infrastructure:</p> <p>M01: Whitby District Sporting Space - Building & Lights</p>



	<p>M02: Mundijong Whitby Skate Park & Pump Track</p> <p>M05: Themed Playground - Dog Park</p> <p>M06: Keirnan Park Youth Centre</p> <p>M07: Whitby Themed Playground - Adventure Playground</p> <p>M11: Keirnan Park District Sporting Space -Building & Lights</p> <p>Region wide at Keirnan Park:</p> <p>S01: Keirnan Park BMX relocation Regional facility (Stage 2)</p> <p>Administrative costs of the CIDCP:</p> <ul style="list-style-type: none">• Costs to prepare and administer the CIDCP.• Costs associated with the annual review of cost estimates.• Costs associated with the review of the cost apportionment schedules based on land development undertaken since the last review.• Costs for undertaking valuations.• Fees for professional services directly linked to the preparation and implementation of the CIDCP.• Costs for computer software and/or hardware upgrades necessary to enable CIDCP preparation.• Proportion of staff salaries directly related to CIDCP administration.• Financial institution fees and charges associated with the administration of CIDCP funds.• Interest charged on loans taken out to pre-fund items included in the CIDCP.
Contribution Methodology	<p>The Shire's Integrated Planning and Reporting Framework identifies the needs that impact on the CIDCP. The contributions outlined in this plan have been derived based on the need for facilities generated by additional development in DCA4. This calculation excludes the:</p> <ul style="list-style-type: none">• demand for a facility that is generated by the current population;• demand created by external usage - the proportion of the use drawn from outside the main catchment area;• future usage – the proportion of usage that will be generated by future development outside the development contribution plan timeframe. <p>Infrastructure costs have been allocated to the DCA4 area which they will service, or if servicing both areas, have been apportioned proportionally to the forecasted growth of each area.</p>



		<p>The Shire will carry a portion of these costs based on the existing population.</p> <p>$(\text{Additional Forecasted Population} / \text{Total Forecasted Population}) \times 100 = \text{Allocated\%}$.</p> <p>Costs of each DCA sub-area are then divided by the anticipated number of new lots. The cost per new lot can then be used in the following formula:</p> <p>Contribution Rate per lot/dwelling x number of additional lots/dwellings being created =</p> <ul style="list-style-type: none"> Required Development Contribution Details of the apportionment percentages and how they have been derived are included in the CIDCP Report. 																				
Period of operation	of	The CIDCP will be in operation until 2036.																				
Priority timing of infrastructure provision	and of	<p>A summary of the estimated timing and priority for the delivery of each item of infrastructure is provided below to align with the Council's long-term strategic plan and infrastructure plan with the details outlined in the Development Contribution Plan Report.</p> <p>The following infrastructure items are priority items at the time of this Amendment -</p> <ol style="list-style-type: none"> Kiernan Park Stage 2 BMX relocation. Keirnan Park DSS. <p>The infrastructure items are to be delivered in the following broad timeframes with a more detailed timeline provided in the Development Contribution Plan Report.</p> <table border="1"> <thead> <tr> <th>Priority</th><th>Project</th><th>Timeline (Completion)</th></tr> </thead> <tbody> <tr> <td>1.</td><td>Byford Skate Park</td><td>Grant received covers this item</td></tr> <tr> <td>2.</td><td>Kiernan Park Stage 1b BMX</td><td rowspan="4">Short Term: 2024 to 2029</td></tr> <tr> <td>3.</td><td>Keirnan Park Stage 1a DSS</td></tr> <tr> <td>4.</td><td>Briggs Park Pavilion</td></tr> <tr> <td>5.</td><td>The Glades District Community Facility</td></tr> <tr> <td>6.</td><td>Byford Library</td><td rowspan="2">Medium Term: 2030 to 2035</td></tr> <tr> <td>7.</td><td>Briggs Park Youth Centre</td></tr> </tbody> </table>	Priority	Project	Timeline (Completion)	1.	Byford Skate Park	Grant received covers this item	2.	Kiernan Park Stage 1b BMX	Short Term: 2024 to 2029	3.	Keirnan Park Stage 1a DSS	4.	Briggs Park Pavilion	5.	The Glades District Community Facility	6.	Byford Library	Medium Term: 2030 to 2035	7.	Briggs Park Youth Centre
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**Ordinary Council Meeting Agenda
Monday, 18 March 2024**

	8.	Orton Road DSS	
	9.	Lindt Street Playground	
	10.	Whitby (Reilly Road) DSS	
	11.	Mundijong Dog Park	
	12.	Whitby Playground	
	13.	Briggs Park Recreation Centre Extension	
	14.	Cardup Brook Playground	
	15.	Mundijong Whitby Skate Park	
	16.	Hopkinson Road DSS	
	17.	Keirnan Park Youth Centre	
			Long Term: 2036
Review process	<p>The CIDCP shall be reviewed five years from the date of gazettal of the local planning scheme or amendment to the local planning scheme to incorporate the CIDCP, or earlier should the local government consider it appropriate having regard to the rate of development in the area and the degree of development potential still existing.</p> <p>The estimated infrastructure costs shown in the cost apportionment schedule shall be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by the qualified person undertaking the certification of costs.</p>		



Conclusion

The Amendment complies with the relevant legislation and policies and is necessary to ensure that infrastructure needs from future growth, and the respective cost impost of this infrastructure is funded and shared appropriately between Developers and Shire ratepayers.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Amendment 2 (E24/367)
- **10.1.4 - attachment 2** - Byford Traditional DCP Draft Report Revision 8 (E24/787)
- **10.1.4 - attachment 3** - West Mundijong Industrial Draft DCP Revision 5 (E24/788)
- **10.1.4 - attachment 4** - Mundijong-Whitby Urban Draft DCP Revision 2 (E24/789)
- **10.1.4 - attachment 5** - Community Infrastructure Draft DCP Revision 4 (E24/790)

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
Liveable	
2.	Improve maintenance and investment in roads and paths
4.	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
2.	Contribute to a well-connected, accessible and health community

Financial Implications

The new infrastructure inclusions within the Traditional DCPs that are proposed within the Amendment are fully funded from the respective DCP. As such there is no financial implication to the Shire if the Amendment is approved.

If these items are not incorporated into the DCP(s) then there would be a likelihood of funding by the Shire, or responsibility for funding.

The District Open Space infrastructure item related to Lot 33 Hopkinson Road, Byford is a shared item between the Byford Traditional DCP and the Community DCP. The Amendment identifies the associated Building and Lights for the District Open Space to be part of the Community DCP. The Community DCP attracts a "Shire Share" component, and as such an additional \$338,325 is required over the life of the CIDCP Shire Cashback fund (to be funded from Municipal funds) with the inclusion of this item.



In terms of the changes associated with this Scheme amendment, the following updated rates of contribution apply:

DCA	Per lot rate (per sqm rate for DCA2)
DCA1	\$14,120.65 (Area A)
DCA2	\$20.33
DCA3	\$17,339.50
DCA4	\$3,000.42 (Byford) and \$2,930.94 (Mundijong)

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 risk associated with this Option.						
2	Infrastructure items introduced in this Amendment will need to be fully funded by Municipal funds.	Unsure	Financial	Possible	Moderate	MODERATE	Approve Officer recommendation

Voting Requirements: Simple Majority

Officer Recommendation

1. Pursuant to Part 5 Division 2 Regulation 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to **PROCEED** to advertise (subject to WAPC consents being received) the proposed Scheme Amendment No. 2 to Local Planning Scheme No. 3 for the Development Contribution Plan as contained in attachment 1, with modifications as follows:

- 1.1 Replacing the text in 'Schedule 7.1 - Byford Development Contribution Plan' with the following:

Development Contribution Plan	DCP1
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Development Contribution Area Name	Development Contribution Area 1 - Byford
Reference Number on Scheme Map(s)	SCA6/DCA1
Items	<p>Thomas Road (Primary Regional Road) between Tonkin Highway and Wungong South Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 50-metre-wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the unconstructed carriageway.• The construction and upgrade of one carriageway to a Primary Regional Road standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Abernethy Road (Integrator A) between Tonkin Highway reserve and the Perth to Bunbury railway reserve where the portion of Abernethy Road adjacent to the Byford Trotting Complex area incurs only half the cost of road widening, construction and upgrade with the DCP:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30-metre-wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Neighbourhood Connector A standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.



	<ul style="list-style-type: none">• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Orton Road (Integrator B) between Tonkin Highway and the South Western Highway:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30-metre-wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• One at-grade rail crossing.• Complete road construction to a Liveable Neighbourhoods Integrator B standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Note: The construction of the at-grade crossing is subject to agreement between the Road Manager and Rail Infrastructure Manager. The Local Government is responsible to manage communications between all stakeholders, obtain the required approvals and arrange for an Australian Level Crossing Assessment Model (ALCAM) Report and a Rail Safety Report to be undertaken.</p> <p>In the event that an at-grade rail crossing is not approved, the local government is to apply any funds already collected to an approved alternate rail crossing or if no rail crossing is approved any collected funds shall be applied to the Orton Road infrastructure item generally or other infrastructure items in the DCP.</p> <p>Kardan Boulevard (Neighbourhood Connector A) between Thomas Road and Abernethy Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 25-metre-wide road reserve from Abernethy Road to Fawcett Road and a 30m wide road reserve from Fawcett Road to Thomas Road, plus additional land where necessary to accommodate channelization and/or roundabout construction at
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	<p>intersections.</p> <ul style="list-style-type: none">• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Neighbourhood Connector A standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Indigo Parkway (Integrator B) between Thomas Road and Larsen Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 22.5-metre-wide road reserve adjacent to Public Open Space, a 30-metre-wide road reserve for the Malarkey Rd section, and a 27.5-metre-wide road reserve for the remaining areas, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Sansimeon Boulevard (Integrator B) south of Larsen Road to Abernethy Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 22.5-metre-wide road reserve between Larsen Road and Armadan Court, and a 30m wide road reserve for the remaining areas, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.
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	<ul style="list-style-type: none">• Complete road construction to a Liveable Neighbourhoods Integrator B standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Doley Road (Neighbourhood Connector A) between Abernethy Road and Orton Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30-metre-wide road reserve and where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Neighbourhood Connector A standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Warrington Road (Neighbourhood Connector B) between Abernethy Road and Orton Road:</p> <ul style="list-style-type: none">• Land required where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Neighbourhood Connector B standard, including intersection treatments and traffic control devices as required.• Associated drainage works including water sensitive urban design measures.• Shared paths.• Utility removal, relocation and insertion; and
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	<ul style="list-style-type: none">• Associated costs including design and management. <p>Byford Central District Open Space Improvements:</p> <ul style="list-style-type: none">• Earthworks.• Grassing.• Irrigation; and• Associated costs relating to construction including design and management. <p>West Byford Primary School/Kalimna District Open Space Improvements (under JUA):</p> <ul style="list-style-type: none">• Earthworks.• Grassing.• Irrigation; and• Associated costs relating to construction including design and management. <p>The Glades District Open Space Improvements</p> <p>This will be a district level Futsal space (hardcourts).</p> <ul style="list-style-type: none">• Earthworks.• Grassing and/or Hard Landscaping.• Irrigation; and• Associated costs relating to construction including design and management. <p>Orton Road District Open Space Improvements and REW Enhancement:</p> <p>This is a shared project with the Community Infrastructure DCP to provide a District Open Space with one full sized AFL oval. The building and lights will be covered by the Community DCP, and the oval and land will be provided through the Byford Traditional Infrastructure DCP. Works covered under the Byford Traditional DCP include:</p> <ul style="list-style-type: none">• Earthworks.• Grassing.• Irrigation; and• Associated costs relating to construction including design and management. <p>In addition to the above, the buffer associated with the Cardup Brook Resource Enhancement Wetland (REW) is considered a regionally valuable ecological and environmentally sensitive corridor. As such, the Shire</p>
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	<p>requires the REW along the Cardup Brook to be developed to a standard considered above minimum standard.</p> <p>Hopkinson Road DOS (Oval):</p> <p>This is a shared project with the Community Infrastructure DCP to provide a District Open Space with one full sized AFL oval. The building and lights will be covered by the Community DCP, and the oval and land will be provided through the Byford Traditional Infrastructure DCP. Works covered under the Byford Traditional DCP include:</p> <ul style="list-style-type: none">• Earthworks.• Grassing.• Irrigation; and• Associated costs relating to construction including design and management. <p>Land for District Open Space, Public Open Space, Drainage and Roads:</p> <p>All land required for district open space, public open space (including Community Purpose POS), multiple use drainage corridors and new roads or road widening (excluding the standard 20m road reserve).</p> <p>Water Monitoring:</p> <p>All expended and estimated future costs for the post development water monitoring programme required by the Byford Townsite Drainage and Water Management Plan.</p> <p>Administrative:</p> <p>All future costs associated with administration of the DCP, including:</p> <ul style="list-style-type: none">• Costs to prepare and administer the DCP.• Costs associated with the annual review of cost estimates.• Cost associated with the review of the cost apportionment schedules based on land development undertaken since the last review.• Costs for undertaking valuations.• Fees for professional services directly linked to the preparation and implementation of the DCP.• Costs for Computer software and/or hardware upgrades necessary to enable DCP preparation.• Proportion of staff salaries directly related to DCP administration.
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	<ul style="list-style-type: none">• Financial institution fees and charges associated with the administration of DCP funds; and• Interest charged on loans taken out to pre-fund items included in the DCP.
Contribution Methodology	<p>The Byford development contribution area is divided into five precincts as shown within Schedule 7.1.</p> <p>Cost Contribution rate is to be calculated on a m² basis based on the remaining developable land in the DCP Precinct/Area identified in Schedule 7.1. The remaining DCP cost is shared proportionally across the remaining developable land in the DCP Precinct/Area as follows:</p> <p>(Remaining Cost / Remaining Developable land = \$ contribution rate per m²).</p> <p>For simplicity of calculation, all Residential lots/dwellings will be calculated as an average R20 (450m²) lot. For Non-Residential subdivision or development, the actual lot area is used for the calculation.</p> <p>A cost review is to be undertaken at least annually, at which time the Contribution rate will be established based on:</p> <ul style="list-style-type: none">• Road Upgrades and Construction;• District Open Space Improvements;• Land required for Roads, POS, Community Purposes POS, Drainage and DOS;• Water monitoring costs;• Administration costs;• Yields and Lots completed and expected;• Escalation Rates. <p>To ensure costs remain current between Cost Reviews all costs will be calculated on a daily basis based upon an annual escalation rate to be established through the Cost Review.</p> <p>The start date for daily escalation is the approval date for the prevailing Cost Review.</p> <p>The Contribution Rate is to be applied as follows where DER is the daily escalation rate and D is the number of days since the last cost review:</p> <p><u>Standard residential subdivision or development</u></p>



	<p>The number of additional dwellings/lots being created at the time of subdivision/development multiplied by the applicable development contribution rate.</p> <p>(Precinct contribution rate per lot/dwelling x DER x D x number of additional lots or dwellings being created = Required development contribution)</p> <p><u>Non-standard residential subdivision or development</u></p> <p>E.g., Lifestyle village, retirement village, caravan park, park home estate or similar.</p> <p>The number of additional dwellings, residential units or similar created at the time of subdivision/development multiplied by the applicable development contribution rate.</p> <p>(Precinct contribution rate per lot/dwelling x DER x D x number of additional lots or dwellings being created = Required development contribution)</p> <p><u>Non-residential subdivision or development</u></p> <p>A development contribution is required for the creation of non-residential lots based on the actual size and number of lots created (minus the equivalent of one lot), multiplied by the applicable development contribution rate. Where a subdivision creates a lot that accommodates an existing non-residential development, that lot shall be exempt from the requirement for a development contribution to be made.</p> <p>For clarity purposes, the area of the lot accommodating the existing approved non-residential development is to be subtracted from the overall subdivision area, before calculating the development contribution for the remaining balance of the subdivision area.</p> <p>New non-residential development (including alteration and additions to existing non-residential development) will not be required to make a development contribution unless the new non-residential development results in increased traffic to the subject land, as identified by the information provided by the applicant in support of the development application for that new non-residential development. Where increased traffic is identified to occur, the applicable development contribution is to be calculated as follows:</p> <ul style="list-style-type: none">• Square metre rate x square metre size of land being developed (including alterations and additions) = Required development contribution.• For new private education establishments and associated development, provided a shared use agreement for public access to district open space is
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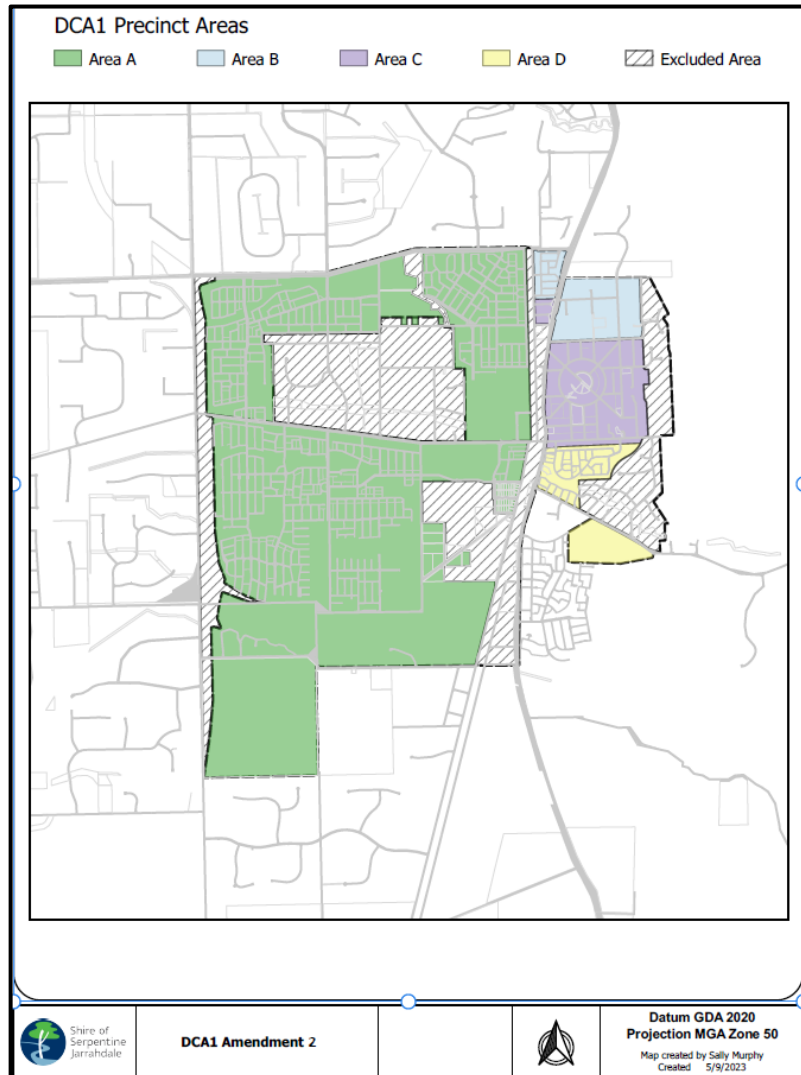
	<p>agreed to the satisfaction of the Local Government, development contributions shall be levied at 0.3 percent of the total development costs of the site, as agreed with the Local Government based on the building licence application.</p> <p><u>Mixed-use development</u></p> <p>The R20 subdivision/development potential of the site, or the actual number of lots/dwellings being created at the time of subdivision/development, whichever is the greater (minus the equivalent of one lot or dwelling), multiplied by the applicable development contribution rate.</p> <p>Where based on dwelling potential -</p> <p>(Precinct contribution rate per lot/dwelling x DER x D x R20 subdivision/development potential of the site - the equivalent of one lot or one dwelling = Required contribution rate).</p> <p>Where based on the actual number of dwellings -</p> <p>(Precinct contribution rate per lot/dwelling x DER x D x actual number of residential lots/dwellings being created - the first dwelling being created = Required development contribution).</p>									
Period of operation	of 20 years (2034)									
Priority and timing of infrastructure provision	<p>A summary of the estimated timing and priority for the delivery of each item of infrastructure is provided below to align with the Council’s long-term strategic plan and infrastructure plan with the details outlined in the Development Contribution Plan Report.</p> <p>The following infrastructure items are priority items at the time of this Amendment:</p> <p>1. Indigo Parkway</p> <p>The infrastructure items are to be delivered in the following broad timeframes with a more detailed timeline provided in the Development Contribution Plan Report.</p> <table><tr><th>Priority</th><th>Project</th><th>Timeline (Completion)</th></tr><tr><td>1.</td><td>Byford Central DOS</td><td>Completed</td></tr><tr><td>2.</td><td>Kalimna DOS</td><td>Completed</td></tr></table>	Priority	Project	Timeline (Completion)	1.	Byford Central DOS	Completed	2.	Kalimna DOS	Completed
Priority	Project	Timeline (Completion)								
1.	Byford Central DOS	Completed								
2.	Kalimna DOS	Completed								

**Ordinary Council Meeting Agenda
Monday, 18 March 2024**

	3.	Kardan Boulevard	Completed	
	4.	Abernethy Road	Completed	
	5.	Thomas Road	Completed	
	6.	Sansimeon Boulevard	Completed	
	7.	Indigo Parkway	Short Term: 2024 - 2029	
	8.	The Glades DOS		
	9.	Orton Road DOS & REW		
	10.	Doley Road		
	11.	Warrington Road		
	12.	Orton Road	Medium Term: 2030 - 2032	
	13.	Hopkinson Road DOS		
	Review process	The development contribution plan will be reviewed when considered appropriate, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing, but not exceeding a period of five years.		



1.2 Replacing the map for “Development Contribution Area 1 - Byford”



1.3 Amending the Scheme Maps to replace the DCA1 boundary with the DCA boundary shown on the Proposed Zoning Map.

1.4 Replacing the text in ‘Schedule 7.2 - ‘West Mundijong Industrial Development Contribution Plan’ with the following:

Development Contribution Plan	DCA2
Development Contribution Area Name	Development Contribution Area 2 – West Mundijong Industrial
Reference Number on Scheme Map(s)	SCA7/DCA2



Relationship to other planning instruments	The development contribution plan generally aligns with the district and/or local structure plans (as approved) prepared for the development contribution area.
Items	<p>Mundijong Road (West) (Integrator B) between Kargotich Road and the Tonkin Highway reservation:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve to achieve a 40m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• The construction and upgrade of one carriageway to a Liveable Neighbourhoods Integrator B standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including, intersection treatments incorporating slip lanes and associated works (to be confirmed by MRWA).• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design, administration, and management. <p>Kargotich Road (Integrator B) between the freight rail crossing and Mundijong Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including intersection treatments incorporating slip lanes and associated works.• Shared paths.• Utility removal, relocation and insertion; and



	<ul style="list-style-type: none">• Associated costs including design, administration, and management. <p>Bishop Road (West) (Integrator B) between Kargotich Road and Tonkin Highway reservation:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B Standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including one set of traffic lights, intersection treatments incorporating slip lanes and associated works.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design, administration, and management. <p>North South Spine Road (Integrator B) between Bishop Road and Mundijong Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 27m wide road reserve between Scott Road and Leipold Road, and a 30m wide road reserve for the remaining length, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including intersection treatments incorporating slip lanes and associated works.• Shared paths; and• Associated costs including design, administration, and management.
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	<p>Land for drainage:</p> <p>All land required for district drainage purposes.</p> <p>Administrative:</p> <p>All expended and estimated future costs associated with administration, planning, review and development of the District Structure Plan, District Water Management Plan/s, preparation and implementation of the West Mundijong Industrial Development Contribution Plan and any technical documents necessary for the implementation of the above, including:</p> <ul style="list-style-type: none">• Planning studies.• Traffic studies.• Drainage studies.• Road design costs where not allocated to specific road items under the DCP.• Other related technical and professional studies.• Legal Costs.• Valuations and cost review estimates.• Borrowing costs (including loan repayments); and• Scheme Management Costs (including administration and management of the Development Contribution Plan).
Contribution Methodology	<p>A Cost Contribution rate is to be calculated on a per hectare or square metre basis.</p> <p>The formula for calculating cost contributions on a per hectare basis is as follows:</p> <ul style="list-style-type: none">• Total Costs Outstanding / Total Remaining Developable Land = Contribution cost per hectare• To ensure costs remain current between Cost Reviews all costs will be calculated on a daily basis based upon an annual escalation rate to be established through the Cost Review. <p>The weighted escalation rate (ER) is detailed below:</p> $\text{ER} = (\%IC/TC \times IER) + (\%LV/TC \times LVER) + (\%AC/TC \times AER)$ <p>Where -</p> <ul style="list-style-type: none">• ER - is the weighted Escalation Rate• DER - is the daily escalation rate (ER/365)• IC - is the estimated Infrastructure Cost



		<ul style="list-style-type: none">• LV - is the estimated Land Value• AC - is the estimated Administration Cost• TC - is the Total Cost being IC + LV+ AC• IER - is the Infrastructure Escalation Rate• LVER - is the Land Value Escalation Rate• AER - is the Administration Escalation Rate; and• D - is the number of days since the last cost review. <p>The start date for daily escalation is the review date for the prevailing Cost Review.</p>														
Period of operation	of	20 years (2038)														
Priority timing of infrastructure provision	and of	<p>A summary of the estimated timing and priority for the delivery of each item of infrastructure is provided below to align with the Council's long-term strategic plan and infrastructure plan with the details outlined in the Development Contribution Plan Report.</p> <p>The following items are priority items at the time of this Amendment:</p> <p>1. Kargotich Road</p> <p>The infrastructure items are to be delivered in the following broad timeframes with a more detailed timeline provided in the Development Contribution Plan Report.</p> <table><tr><th>Priority</th><th>Project</th><th>Timeline (Completion)</th></tr><tr><td>1.</td><td>Bishop Road (West)</td><td>Short Term: 2024 - 2029</td></tr><tr><td>2.</td><td>North South Spine Road</td><td>Medium Term: 2030 - 2034</td></tr><tr><td>3.</td><td>Kargotich Road</td><td rowspan="2">Long term: 2035 - 2038</td></tr><tr><td>4.</td><td>Mundijong Road (West)</td></tr></table>	Priority	Project	Timeline (Completion)	1.	Bishop Road (West)	Short Term: 2024 - 2029	2.	North South Spine Road	Medium Term: 2030 - 2034	3.	Kargotich Road	Long term: 2035 - 2038	4.	Mundijong Road (West)
Priority	Project	Timeline (Completion)														
1.	Bishop Road (West)	Short Term: 2024 - 2029														
2.	North South Spine Road	Medium Term: 2030 - 2034														
3.	Kargotich Road	Long term: 2035 - 2038														
4.	Mundijong Road (West)															
Review Process		<p>The Plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in</p>														



	<p>the catchment area since the last review and the degree of development potential still existing.</p> <p>The estimated costs will be reviewed at least annually to reflect the changes in the funding, indexing and revisions to remaining infrastructure or land costs. Revisions to costs of infrastructure and value of land will be undertaken by a suitably qualified person.</p> <p>Contribution values will be adjusted to reflect these changes to estimated costs, as well as taking into account any adjustment for the DCP fund being in surplus or deficit revenue received versus expenditure incurred).</p>
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1.5 Replacing the text in 'Schedule 7.3 - 'Mundijong Urban Development Contribution Plan' with the following:

Development Contribution Plan	DCP3
Development Contribution Area Name	Development Contribution Area 3 - Mundijong Urban
Reference Number on Scheme Map(s)	SCA8/DCA3
Items	<p>Bishop Road (East) (Integrator B) upgrade between Tonkin Highway reserve and Bett Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including one set of traffic lights and one roundabout.• Upgrade of one existing at-grade rail crossing.• Shared paths.



	<ul style="list-style-type: none">• Utility removal, relocation and insertion; and• Associated costs including design, administration, and management. <p>Taylor Road/Adams Street (Integrator B) upgrade between Bishop Road and Mundijong Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices, including one set of traffic lights and one roundabout.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design, administration, and management. <p>Town Centre Distributor Road (Whitby New Road) (Integrator B) construction between Taylor Road and South Western Highway:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including intersection treatments and associated works.• Construction of one at-grade rail crossing.• Costs associated with one rail crossing closure (Keirnan Street).• Shared paths.• Utility removal, relocation and insertion; and
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	<ul style="list-style-type: none">• Associated costs including design and management. <p>Note: The construction of the at-grade crossing is subject to agreement between the Road Manager and Rail Infrastructure Manager. The Local Government is responsible to manage communications between all stakeholders, obtain the required approvals and arrange for an Australian Level Crossing Assessment Model (ALCAM) Report and a Rail Safety Report to be undertaken.</p> <p>Construction of the at-grade crossing should not be considered prior to the freight rail being realigned away from the Mundijong Urban area. In the event that an at-grade rail crossing is not approved, the local government is to apply any funds already collected to an approved alternate crossing or if no crossing is approved any collected funds shall be applied to the Town Centre Distributor Road item generally or other items in the DCP.</p> <p>North-South Road (Integrator B) construction between Watkins Road and Galvin Road:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 30m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Integrator B standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including intersection treatments and associated works.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Skyline Boulevard (Neighbourhood Connector A) construction between Town Centre Distributor Road (Whitby New Road) and Tinspar Avenue:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 25m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Connector A standard.
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	<ul style="list-style-type: none">• Associated drainage works including water sensitive urban design measures.• Traffic control devices including intersection treatments and associated works.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Tinspar Avenue (Neighbourhood Connector A) construction between Skyline Boulevard and South Western Highway:</p> <ul style="list-style-type: none">• Land required that is in excess of a standard 20m reserve, to achieve a 25m wide road reserve, plus additional land where necessary to accommodate channelization and/or roundabout construction at intersections.• Earthworks for the whole road reserve.• Complete road construction to a Liveable Neighbourhoods Connector A standard.• Associated drainage works including water sensitive urban design measures.• Traffic control devices including intersection treatments and associated works.• Shared paths.• Utility removal, relocation and insertion; and• Associated costs including design and management. <p>Whitby High School District Sporting Space (LSP Precinct A):</p> <p>Improvements for a single playing field with minimum dimension of 205m x 175m with costs shared with the Department of Education:</p> <ul style="list-style-type: none">• Earthworks.• Grassing.• Irrigation; and• Associated costs relating to construction including design and management. <p>Kiernan Park Stage 3 District Sporting Space (LSP Precinct C):</p> <p>Improvements for two playing fields, each having minimum dimension of 205m x 175m:</p> <ul style="list-style-type: none">• Earthworks.
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	<ul style="list-style-type: none">• Grassing.• Irrigation; and• Associated costs relating to construction including design and management. <p>Taylor Road/Scott Road Primary School Neighbourhood Open Space (LSP Precinct G):</p> <p>Improvements for a single playing field with a minimum dimension of 205m x 175m with costs shared with the Department of Education:</p> <ul style="list-style-type: none">• Earthworks.• Grassing.• Irrigation; and• Associated costs relating to construction including design and management. <p>Adams Street / Cockram Street Primary School Neighbourhood Open Space (LSP Precinct E1):</p> <p>Improvements for a single playing field with a minimum dimension of 205m x 175m with costs shared with the Department of Education:</p> <ul style="list-style-type: none">• Earthworks.• Grassing.• Irrigation; and• Associated costs relating to construction including design and management. <p>Land for District Open Space, Public Open Space, and Drainage:</p> <p>All land required for district open space, public open space and/or drainage purposes.</p> <p>Water Monitoring:</p> <p>All expended and estimated future costs for the post development water monitoring programme required by the Mundijong Drainage and Water Management Plan.</p> <p>Administrative:</p> <p>All expended and estimated future costs associated with administration, planning, review and development of the District Structure Plan, District Water Management Plan/s, preparation and implementation of the Mundijong Urban Development Contribution Plan and any technical</p>
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	<p>documents necessary for the implementation of the above, including:</p> <ul style="list-style-type: none">• Planning studies.• Traffic studies.• Drainage studies.• Road design costs where not allocated to specific road items under the DCP.• Other related technical and professional studies.• Legal Costs.• Valuation.• Borrowing costs (Including loan repayments); and• Scheme Management Costs (including administration and management of the DCP).
Contribution Methodology	<p>A Cost Contribution rate is to be calculated on a m² basis based on the remaining developable land in the DCP Precinct/Area. The remaining DCP cost is shared proportionally across the remaining developable land in the DCP Precinct/Area as follows:</p> <ul style="list-style-type: none">• (Remaining Cost / Remaining Developable land = \$ contribution rate per m²).• For simplicity of calculation, all Residential lots/dwellings will be calculated as an average R25 (350m²) lot. For Non-Residential subdivision or development, the actual lot area is used for the calculation. <p>A Cost Review is to be undertaken at least annually at which time the Contribution Rate will be established based on:</p> <ul style="list-style-type: none">• Summary of Costs.• Estimated Future Lot Yield by approved Local Structure Plan by Precinct.• Estimated Future Lot Yield by intended Local Structure Plan by Precinct.• Contribution Rate Per Lot by cost Item.• Outstanding Cost of Completed Works (Expenditure on All Cost Items - Value of All Contribution Received).• Infrastructure Cost Escalator.• Land Value Escalator.• Administration Cost Escalator.



- **Precinct Daily Escalation Rate.**

To ensure costs remains current between Cost Reviews all costs will be calculated on a daily basis based upon an annual escalation rate to be established through the Cost Review.

The weighted escalation rate (ER) is detailed below -

$$ER = (\%IC/TC \times IER) + (\%LV/TC \times LVER) + (\%AC/TC \times AER)$$

Where:

- ER - is the weighted Escalation Rate
- DER - is the daily escalation rate (ER/365)
- IC - is the estimated Infrastructure Cost
- LV - is the estimated Land Value
- AC - is the estimated Administration Cost
- TC - is the Total Cost being IC + LV + AC
- IER - is the Infrastructure Escalation Rate
- LVER - is the Land Value Escalation Rate
- AER - is the Administration Escalation Rate; and
- D - is the number of days since the last cost review.

The start date for daily escalation is the review date for the prevailing Cost Review.

R25 zoning (350m² average dwelling) has been selected as the most appropriate for the Mundijong Urban area, given the current and forecasted trends for subdivision applications, and high likelihood that much of the development will cater towards first-time homebuyers.

The Contribution Rate is to be applied as follows where DER is the daily escalation rate, D is the number of days since the last cost review and the R25 potential is the developable site/lot area divided by 350m² -

Standard residential subdivision or development

The number of additional dwellings/lots being created at the time of subdivision/development multiplied by the applicable development contribution rate.

(Contribution rate per lot/dwelling x DER x D) x number of additional lots or dwellings being created = Required development contribution

Non-standard residential subdivision or development (e.g. Lifestyle village, retirement village, caravan park, park home estate or similar)



	<p>The number of additional dwellings, residential units or similar created at the time of subdivision/development multiplied by the applicable development contribution rate.</p> <p>$(\text{Contribution rate per lot/dwelling} \times \text{DER} \times \text{D}) \times \text{number of additional lots or dwellings being created} = \text{Required development contribution}$</p> <p><u>Non-residential subdivision or development</u></p> <p>A development contribution is required for the creation of non-residential lots based on the actual size and number of lots created (minus the equivalent of one lot), multiplied by the applicable development contribution rate. Where a subdivision creates a lot that accommodates an existing approved non-residential development, that lot shall be exempt from the requirement for a development contribution to be made. For clarity purposes, the area of the lot accommodating the existing approved non-residential development is to be subtracted from the overall subdivision area, before calculating the development contribution for the remaining balance of the subdivision area.</p> <p>New non-residential development (including alterations and additions to existing non-residential development) will not be required to make a development contribution unless the new non-residential development results in increased traffic to the subject land, as identified by the information provided by the applicant in support of the development application for that new non-residential development. Where increased traffic is identified to occur, the applicable development contribution is to be calculated as follows:</p> <ul style="list-style-type: none">• Square metre rate x square metre size of land being developed (including alterations and additions) = Required development contribution• For new private education establishments and associated development, provided a shared use agreement for public access to district open space is agreed to the satisfaction of the Local Government, development contributions shall be levied at 0.3 percent of the total development costs of the site, as agreed with the Local Government based on the building licence application. <p><u>Mixed-use development</u></p> <p>The R25 subdivision/development potential of the site, or the actual number of lots/dwellings being created at the time of subdivision/development, whichever is the greater (minus the equivalent of one lot or dwelling), multiplied by the applicable development contribution rate.</p>
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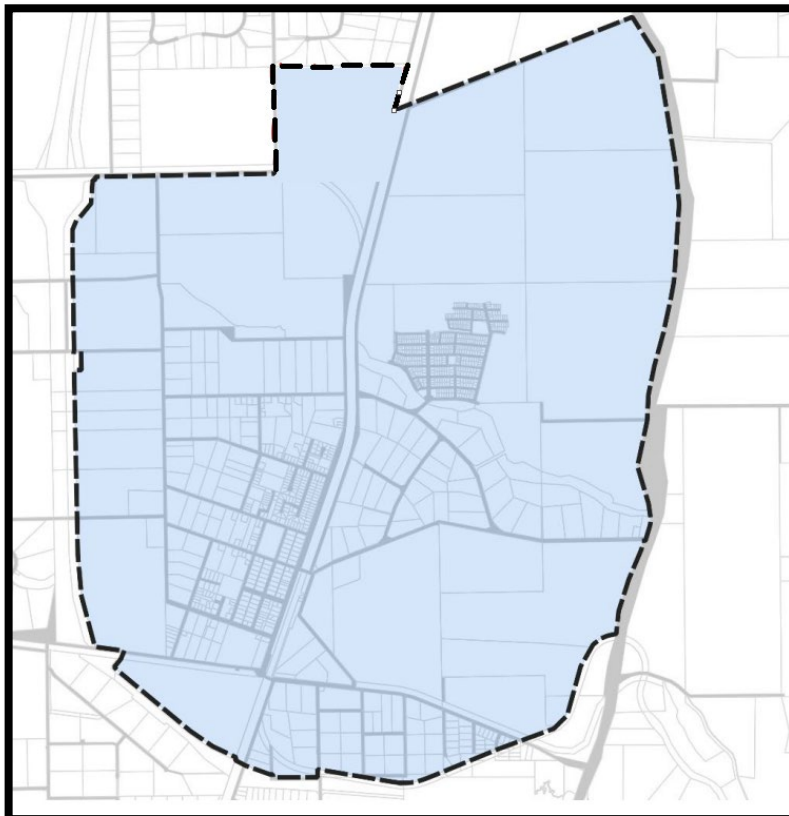


	<p>Based on the R25 site calculation</p> <p>(Precinct contribution rate per lot/dwelling x DER x D) x (R25 subdivision/development potential of the site - the equivalent of one lot or one dwelling) = Required contribution rate.</p> <p>Based on the number of dwellings.</p> <p>(Precinct contribution rate per lot/dwelling x DER x D) x (actual number of residential lots/dwellings being created - the first dwelling being created) = Required development contribution.</p>																					
Period of operation	15 years (2038)																					
Priority and timing of infrastructure provision	<p>A summary of the estimated timing and priority for the delivery of each item of infrastructure is provided below to align with the Council’s long-term strategic plan and infrastructure plan with the details outlined in the Development Contribution Plan Report.</p> <p>The following infrastructure items are priority items at the time of this Amendment -</p> <p>1. Kiernan Park Stage 1 District Sporting Space</p> <p>The infrastructure items are to be delivered in the following broad timeframes with a more detailed timeline provided in the Development Contribution Plan Report.</p> <table><tr><th>Priority</th><th>Project</th><th>Timeline (Completion)</th></tr><tr><td>1.</td><td>Kiernan Park Stage 1 DSS</td><td rowspan="4">Short Term: 2024 - 2029</td></tr><tr><td>2.</td><td>Taylor Road / Adams Street</td></tr><tr><td>3.</td><td>Town Centre Distributor Road (Whitby New Road)</td></tr><tr><td>4.</td><td>Bishop Road (East)</td></tr><tr><td>5.</td><td>North South Road</td><td rowspan="4">Medium Term: 2030 to 2034</td></tr><tr><td>6.</td><td>Whitby High School DSS</td></tr><tr><td>7.</td><td>Skyline Boulevard</td></tr><tr><td>8.</td><td>Taylor Road / Scott Road NOS</td></tr></table>	Priority	Project	Timeline (Completion)	1.	Kiernan Park Stage 1 DSS	Short Term: 2024 - 2029	2.	Taylor Road / Adams Street	3.	Town Centre Distributor Road (Whitby New Road)	4.	Bishop Road (East)	5.	North South Road	Medium Term: 2030 to 2034	6.	Whitby High School DSS	7.	Skyline Boulevard	8.	Taylor Road / Scott Road NOS
Priority	Project	Timeline (Completion)																				
1.	Kiernan Park Stage 1 DSS	Short Term: 2024 - 2029																				
2.	Taylor Road / Adams Street																					
3.	Town Centre Distributor Road (Whitby New Road)																					
4.	Bishop Road (East)																					
5.	North South Road	Medium Term: 2030 to 2034																				
6.	Whitby High School DSS																					
7.	Skyline Boulevard																					
8.	Taylor Road / Scott Road NOS																					



	9.	Adams Street / Cockram Street NOS	
	10.	Tinspar Avenue	Long Term: 2035 to 2036
Review process	<p>The Plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment area since the last review and the degree of development potential still existing.</p> <p>The estimated costs will be reviewed at least annually to reflect changes in funding, indexing and revisions to remaining.</p> <p>infrastructure or land costs. Revisions to costs of Infrastructure and value of land will be undertaken by a suitable qualified person.</p> <p>Contribution values will be adjusted to reflect these changes to estimated costs, as well as taking into account any adjustment for the DCP fund being in surplus or deficit (revenues received versus expenditure incurred).</p>		

1.6 Replacing the map for “Development Contribution Area 3 - Mundijong Urban”





- 1.7 Amending the Scheme Maps to replace the DCA3 boundary with the DCA boundary shown on the Proposed Zoning Map.
- 1.8 Replacing the text in 'Schedule 7.4 - 'Byford and Mundijong Community Infrastructure Development Contribution Plan' with the following:

Development Contribution Plan	DCP4
Development Contribution Area Name	Development Contribution Area 4 - Byford and Mundijong Community Infrastructure
Reference Number on Scheme Map(s)	SCA9/DCA4
Relationship to other planning instruments:	The CIDCP generally conforms to: <ul style="list-style-type: none">• Integrated Planning and Reporting Framework (IPRF)• Strategic Community Plan (SCP)• Corporate Business Plan (CBP)• Long Term Financial Plan (LTFP)• State Planning Policy 3.6 (SPP3.6)• Community Infrastructure and Public Open Space Strategy (CIPOSS)• Community Infrastructure Implementation Plan (CIIP)• Byford District Structure Plan & Development Contribution Plan (BDSP & DCP)• Mundijong District Structure Plan & Development Contribution Plan (MDSP & DCP)
Items	Byford Community Infrastructure: B01: Byford Library & Multi-Agency Service Centre - Building B02: Briggs Park Pavilion B03: Briggs Park Youth Centre B04: Briggs Park Recreation Centre Extension B05: Orton Road District Sport Space - Building & Lights B06: Byford Skate Park - Extension & Pump Track B07: Cardup Brook Themed Playground - Nature Play



	<p>B08: Lindt Street Themed Playground - Adventure Playground</p> <p>B09: The Glades District Community Facility - Building</p> <p>B11: Hopkinson Road DOS - Building & Lights</p> <p>Mundijong Community Infrastructure:</p> <p>M01: Whitby District Sporting Space - Building & Lights</p> <p>M02: Mundijong Whitby Skate Park & Pump Track</p> <p>M05: Themed Playground - Dog Park</p> <p>M06: Keirnan Park Youth Centre</p> <p>M07: Whitby Themed Playground - Adventure Playground</p> <p>M11: Keirnan Park District Sporting Space -Building & Lights</p> <p>Region wide at Keirnan Park:</p> <p>S01: Keirnan Park BMX relocation Regional facility (Stage 2)</p> <p>Administrative costs of the CIDCP:</p> <ul style="list-style-type: none">• Costs to prepare and administer the CIDCP.• Costs associated with the annual review of cost estimates.• Costs associated with the review of the cost apportionment schedules based on land development undertaken since the last review.• Costs for undertaking valuations.• Fees for professional services directly linked to the preparation and implementation of the CIDCP.• Costs for computer software and/or hardware upgrades necessary to enable CIDCP preparation.• Proportion of staff salaries directly related to CIDCP administration.• Financial institution fees and charges associated with the administration of CIDCP funds.• Interest charged on loans taken out to pre-fund items included in the CIDCP.
Contribution Methodology	<p>The Shire's Integrated Planning and Reporting Framework identifies the needs that impact on the CIDCP. The contributions outlined in this plan have been derived based on the need for facilities generated by additional development in DCA4. This calculation excludes the:</p> <ul style="list-style-type: none">• demand for a facility that is generated by the current population;

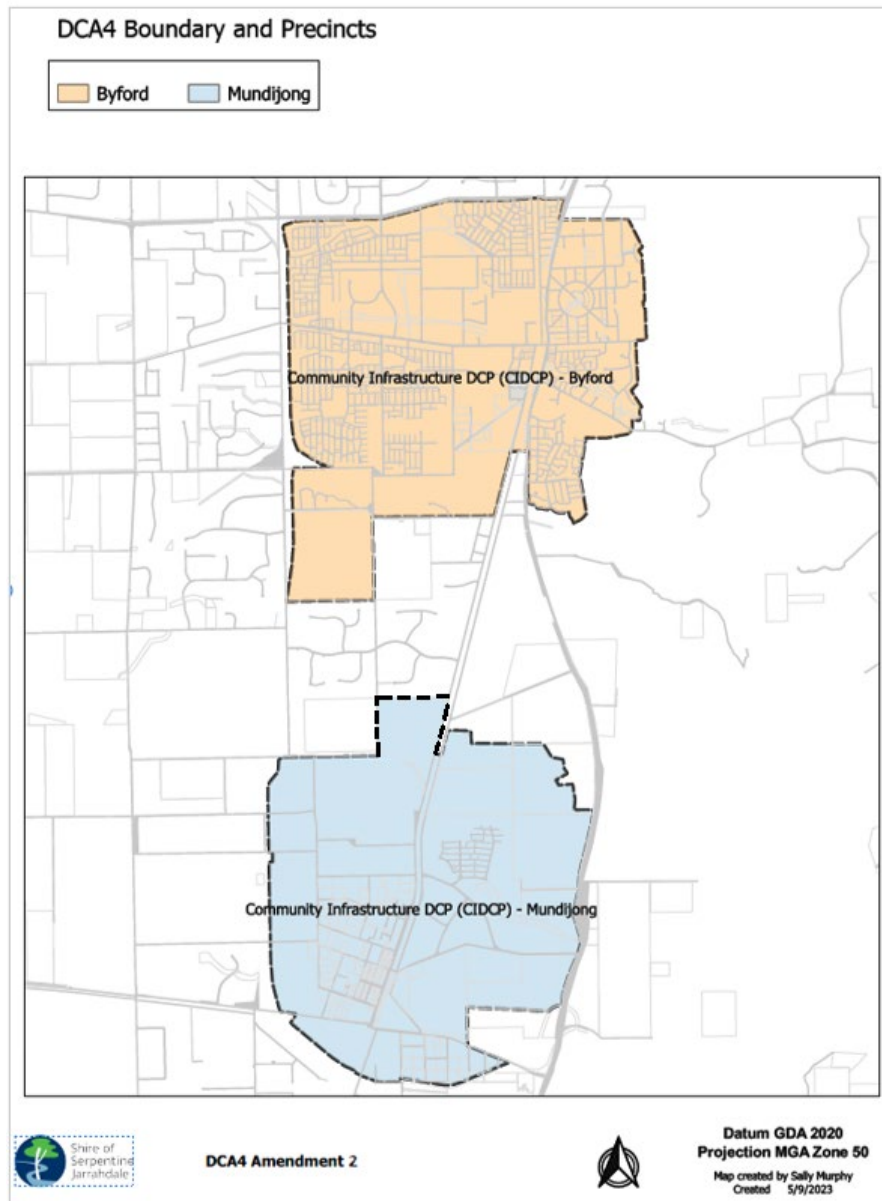


	<ul style="list-style-type: none">• demand created by external usage - the proportion of the use drawn from outside the main catchment area;• future usage – the proportion of usage that will be generated by future development outside the development contribution plan timeframe. <p>Infrastructure costs have been allocated to the DCA4 area which they will service, or if servicing both areas, have been apportioned proportionally to the forecasted growth of each area. The Shire will carry a portion of these costs based on the existing population.</p> <p>(Additional Forecasted Population/Total Forecasted Population) x 100 = Allocated%.</p> <p>Costs of each DCA sub-area are then divided by the anticipated number of new lots. The cost per new lot can then be used in the following formula:</p> <p>Contribution Rate per lot/dwelling x number of additional lots/dwellings being created =</p> <ul style="list-style-type: none">• Required Development Contribution• Details of the apportionment percentages and how they have been derived are included in the CIDCP Report.									
Period of operation	The CIDCP will be in operation until 2036.									
Priority and timing of infrastructure provision	<p>A summary of the estimated timing and priority for the delivery of each item of infrastructure is provided below to align with the Council’s long-term strategic plan and infrastructure plan with the details outlined in the Development Contribution Plan Report.</p> <p>The following infrastructure items are priority items at the time of this Amendment -</p> <ol style="list-style-type: none">1. Kiernan Park Stage 2 BMX relocation.2. Keirnan Park DSS. <p>The infrastructure items are to be delivered in the following broad timeframes with a more detailed timeline provided in the Development Contribution Plan Report.</p> <table><tr><th>Priority</th><th>Project</th><th>Timeline (Completion)</th></tr><tr><td>1.</td><td>Byford Skate Park</td><td>Grant received covers this item</td></tr><tr><td>2.</td><td>Kiernan Park Stage 1b BMX</td><td>Short Term:</td></tr></table>	Priority	Project	Timeline (Completion)	1.	Byford Skate Park	Grant received covers this item	2.	Kiernan Park Stage 1b BMX	Short Term:
Priority	Project	Timeline (Completion)								
1.	Byford Skate Park	Grant received covers this item								
2.	Kiernan Park Stage 1b BMX	Short Term:								



	3.	Keirnan Park Stage 1a DSS	2024 to 2029	
	4.	Briggs Park Pavilion		
	5.	The Glades District Community Facility		
	6.	Byford Library	Medium Term: 2030 to 2035	
	7.	Briggs Park Youth Centre		
	8.	Orton Road DSS		
	9.	Lindt Street Playground		
	10.	Whitby (Reilly Road) DSS		
	11.	Mundijong Dog Park		
	12.	Whitby Playground		
	13.	Briggs Park Recreation Centre Extension		
	14.	Cardup Brook Playground		
	15.	Mundijong Whitby Skate Park		
	16.	Hopkinson Road DSS	Long Term: 2036	
	17.	Keirnan Park Youth Centre		
	Review process	<p>The CIDCP shall be reviewed five years from the date of gazettal of the local planning scheme or amendment to the local planning scheme to incorporate the CIDCP, or earlier should the local government consider it appropriate having regard to the rate of development in the area and the degree of development potential still existing.</p> <p>The estimated infrastructure costs shown in the cost apportionment schedule shall be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by the qualified person undertaking the certification of costs.</p>		

1.9 Replacing the map for “Development Contribution Area 4 - Byford and Mundijong Community Infrastructure”



- 1.10 Amending the Scheme Maps to replace the DCA4 boundary with the DCA boundary shown on the Proposed Zoning Map.**
- 2. Provide two (2) copies of the proposed Scheme Amendment No.2 to Local Planning Scheme No. 3 for Development Contribution Plan to the Western Australian Planning Commission in accordance with Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**



10.1.5 - Brickwood Reserve Environmental Offset Proposal - Byford Rail Extension (SJ2201)	
Responsible Officer:	Manager Economic Development
Senior Officer/s:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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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Proponent: Shire of Serpentine Jarrahdale

Owner: Shire of Serpentine Jarrahdale

Date of Receipt: N/A

Lot Area: 12ha (Offset Management Area)

Local Planning Scheme No 3 Zoning:

Metropolitan Region Scheme Reservation: Parks and Recreation

Report Purpose

The purpose of this report is for Council to consider a proposal received from the Public Transport Authority (PTA), in which they seek to partner with the Shire in order for the Shire to deliver required environmental offsets on behalf of the PTA.

The PTA wrote to the Shire on 8 November 2023 (refer **attachment 1**) setting out as follows:

The PTA has identified an 'Offset Allocation Area' of approximately 7.5 ha within Brickwood Reserve that contains sufficient extent of SCP 3a and CCW to achieve State and Federal requirements for the BRE project. As Brickwood Reserve contains approximately 34 ha of SCP 3a in total, there would be ample unallocated area remaining should the Shire require it for other environmental offsets in the future.

In consultation with the Shire's environmental team, the PTA has also identified an 'Offset Management Area' of approximately 12 ha, within which the Offset Allocation Area is situated (Figure 1). This larger area is based on available access and will provide for practical on-ground management of the Offset Allocation Area and its buffer.

The PTA proposes to provide funding to the Shire for the implementation of on-ground management within the 12 ha 'Offset Management Area' as part of the environmental offset package for the BRE project. On-ground management measures may include, but are not limited



to, the installation of fencing and signage, formalisation of access, rehabilitation of degraded areas, rubbish removal, weed control, surveys and monitoring.'

The purpose of this report is to establish Council's position on this proposal, given it is the first of this nature received by the Shire.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The Byford Rail Extension (BRE) to extend the Armadale line to Byford as part of the Metronet State Government project was approved by the WA Minister for Environment on 1 February 2022 and the Federal Minister for the Environment on 7 February 2022.

The project identified significant residual impacts from the proposal which remain and require an offset. The significant impacts identified are:

- Threatened ecological community (TEC) *Corymbia calophylla* - *Kingia australis* woodlands on heavy soils (SCP3a), listed as Endangered under the EPBC Act and assessed as Critically Endangered by the WA Threatened Ecological Communities Advisory Committee.
- Threatened ecological community *Corymbia calophylla* - *Xanthorrhoea preissii* woodlands and shrublands (SCP3c), listed as Endangered under the EPBC Act and assessed as Critically Endangered by the WA Threatened Ecological Communities Advisory Committee.
- Carnaby's cockatoo *Calyptorhynchus latirostris*, listed as Endangered under the EPBC Act and the BC Act.
- Forest red-tailed black cockatoo *Calyptorhynchus banksii*, listed as Vulnerable under the EPBC Act and the BC Act.
- Baudin's cockatoo *Calyptorhynchus baudinii*, listed as Endangered under the EPBC Act and the BC Act.
- Conservation Category Wetlands - wetlands which support a high level of attributes and functions and are the highest priority for management (DBCA 2012).
- Bush Forever - identifies regionally significant bushland for protection in the Perth Metropolitan area (GoWA 2002a).

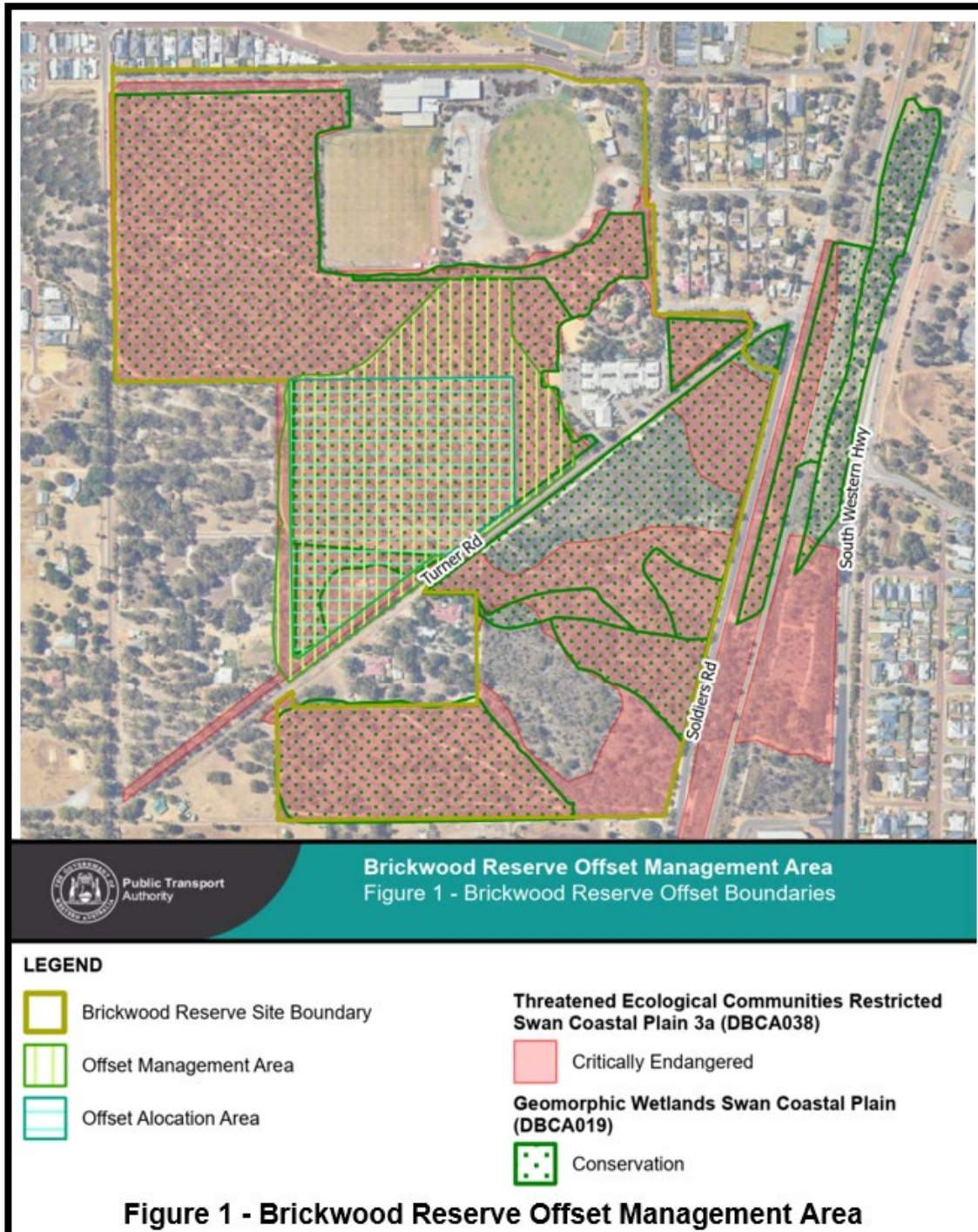
Under the approval conditions, the PTA is required to prepare and implement an environmental offset strategy, offset management plans and a research plan, that detail measures to counterbalance the projects environmental impacts.

The Ministerial Statement 1183 requires that the environmental offset measures are to be implemented at four locations, including Brickwood Reserve. The extent of the environmental values within Brickwood Reserve requiring environmental offset measures to be implemented are as follows.

The PTA has identified an 'Offset Management Area' of approximately 12ha, within which the Offset allocation area is situated:



- 6.5 ha of threatened ecological community (TEC) Swan Coastal Plain type 3a (SCP 3a) 'Corymbia calophylla - Kingia australis woodlands on heavy soils community of the Swan Coastal Plain';
- 4.2 ha of Conservation Category Wetland (CCW)





Community / Stakeholder Consultation

Stakeholder

Key stakeholders include the State Government, specifically the PTA, Environmental Protection Authority (EPA) and Department of Biodiversity, Conservation and Attractions (DBCA), and the relevant portfolio Ministers at both State and Federal Government levels. The community and community groups involved in active management of Brickwood Reserve, are also key stakeholders in respect of outcomes that may affect this important environmental asset.

Statutory Environment

State Government Policies

- State Planning Policy 2.8 (SPP2.8)
- *Biodiversity Conservation Act 2016*
- *Environmental Protection Act 1986*

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3

Comment

The PTA have approached the Shire on the following basis:

- The PTA proposes to provide funding to the Shire for the implementation of on-ground management within the 12 ha 'Offset Management Area' as part of the environmental offset package for the BRE project.
- On-ground management measures may include, but are not limited to, the installation of fencing and signage, formalisation of access, rehabilitation of degraded areas, rubbish removal, weed control, surveys and monitoring.
- If supported by the Shire, the PTA would prepare a Memorandum of Understanding (MoU) in consultation with the Shire, which would outline the obligations of each party, including in relation to financial management, on ground management, governance and reporting.
- The basis of such arrangement would seek to mirror established similar arrangements, formed between the DBCA and the PTA for other Metronet environmental offsets.

The PTA is seeking confirmation of the Shire's in-principle support to utilise a portion of Brickwood Reserve as an environmental offset for the BRE project.

In making this approach, Officers have noted the following aspects for consideration:

1. The Shire is one of the fastest growing LGs in Australia, and has a number of planned infrastructure projects which (in and of themselves) may generate the need for offsets to occur.
2. Having an agency fund the Shire directly to improve one of its most important Natural Reserves (Brickwood Reserve) would deliver measurable positive outcomes for both the environment and the community of Byford.
3. By the Shire allowing an agency to (in this case) utilise 12 ha of Brickwood Reserve for 'Offset Management Purposes', could be regarded as reducing the Shire's flexibility in being able to deliver upon its own extensive infrastructure program, needed to meet the demands of a



doubling of population that is occurring every 17 years, which equates to an annual growth rate of 5%.

4. Officers note that, in taking account of the lack of knowledge about what future offsets may be required, there is some uncertainty as to the ability of the Shire to meet these. For example, current projects planned for Brickwood Reserve include the skatepark extension, Recreation Centre Extension, Pumptrack, new Clubroom and Youth Centre, all of which are yet to fully quantify the final offsets requirements.
5. The current application process for the skatepark extension, which involves the removal of five trees, is being faced with an offset requirements of 2.5ha, which could be inhibited by allowing parts of Brickwood Reserve to be used as offsets by agencies on other projects.
6. The Shire has significant demands on its budgets, so receiving a commitment of 20 years of funding to maintain and improve Brickwood Reserve would be a unique and positive circumstance for the Shire to utilise.

These complex observations / questions resulted in Officers seeking some independent review of the proposal, in order to better inform itself of whether it was something to be supportive of.

In this regard, the Shire engaged an environmental consultant to review the Shire's infrastructure road program planned for the next ten years, and look to whether there would likely be significant impacts on the Vegetation Type 3A (SCP3A). If there were foreseen impacts, the environmental consultant was then asked to note any potential issues that could inhibit the Shire offsetting such impacts, by supporting the proposal put forward by PTA to occur.

In this regard, the following advice was received (refer **attachment 2**).

- *Based on the strategic road projects provided by the Shire, Emerge suggest that there will be situations whereby road expansion projects will encounter SCP 3a.*
- *Given the significance of SCP 3a under the environmental policy and approval frameworks, we would strongly recommend that avoidance be the first option pursued for road upgrades (i.e. design roads to avoid or minimise the extent to which SCP 3a is impacted/cleared).*
- *While the SCP 3a mapping shows the extent of potential impacts associated with the road projects, the same approach could also be used to find potential offset site opportunities beyond those already known in Brickwood Reserve (the reserve).*
- *In relation to the Brickwood Reserve offset proposal, we note that this would not take up all of the extent of SCP 3a, and therefore the extent of potential offset opportunities within the reserve.*
- *Emerge do not see any reason why the Shire should not progress with providing in-principle support for the offset proposal, but this would then subsequently provide more detail around the specifics of the offset proposal and the Shire's benefits and obligations arising from this.*
- *Emerge strongly suggest that the Shire avoid taking on any of the statutory compliance obligations associated with the offset delivery, and this would require careful consideration of the actual offset delivery agreement with the Public Transport Authority (PTA).*
- *More broadly, we would recommend that the Shire undertake a review of potential offset opportunities that might be available within land already under the control of the Shire, and this would assist with understanding the extent to which the Shire can respond to its own potential future offset requirements, as well as any requests that come in the future from Government or the private sector. With the policy expectation that offsets are moving from*



averted loss to restoration based outcomes, this could provide an opportunity for funding for environmental restoration within the Shire.

This advice is useful, as it does reveal that (at a high level) there could be predicted impacts on the same vegetation type associated with future infrastructure provision by the Shire. This could need to be offset also within Brickwood Reserve, however there may be other occurrences on other land (public and private) that could be pursued to deal with the requirement for offset, if infrastructure could not avoid impact. Officers also concur with the recommendation of avoiding any and all statutory compliance obligations such arrangement could bring, and has been a point of concern expressed from the earliest approaches that were made to the Shire in this regard.

Establishing a Council Position

The approach received from the PTA is the first of its kind for the Shire. With the Shire to be receiving other major infrastructure investments in the short term (Tonkin Highway extension, Thomas Road upgrade, freight rail deviation, Anketell / Thomas Road Westport Freight Corridor etc), it is uncertain what level of environmental offsetting these projects may require. As a result, it is uncertain whether future approaches from agencies, like that received from PTA, will also be likely.

Officers consider that having as much land available for offsetting, will benefit whole of government in delivering upon the major infrastructure needs of the Shire over the coming decades. To this end, Officers are of the view that support for the proposal put forward by PTA should be subject to additional land being brought under Crown ownership that could be made available for offsets.

In this case, the Offset Management Area of 12ha is being proposed, which could conceivably reduce Shire or other agency abilities to meet offsets. A simple response to reduce that risk, could be to acquire additional land that could vest in the Crown as an offsets area, that could be utilised accordingly.

Further to this, Officers recommend that clarity would be needed prior to indicating an in-principle position of support (or otherwise), that any and all statutory compliance obligations would remain entirely with the agency required to offset, and not in any way fall upon the Shire.

These would consider to represent reasonable Council positions on offset partnerships proposed by State agencies within the Shire, namely:

- That additional land equivalent to the offset area be secured and vested for the purposes of future offsetting needs; and
- There be a written legal position provided by the State Solicitors Office, that clearly state the Shire would have no statutory compliance obligations in respect of fulfilling the offsets strategy imposed by way of State and Federal Government approvals of projects.

These forms the basis of the recommendation to Council.

Options

Option 1

That Council:

1. REQUESTS that the Chief Executive Officer write to the Public Transport Authority, in response to its letter dated 8 November 2023, advising that prior to further consideration of the matter, the Shire seeks the following additional information:



- a. How additional land equivalent to the offset area (12ha) will be secured and vested for the purposes of future offsetting needs that can be utilised by the Shire; and
 - b. A written legal position provided by the State Solicitors Office, that clearly states the mechanisms by which the Shire will have no statutory compliance obligations in respect of fulfilling the offset requirements imposed by way of State and Federal Government statutory environmental approvals of the Public Transport Authority project.
2. Upon receipt of a response received under Part 1, REQUESTS a further report on the matter for Council's consideration.

Option 2

That Council:

1. SUPPORTS in principle, the Public Transport Authority to utilise part of the Brickwood Reserve for its offset needs in delivering the Byford Rail Extension project; and
2. AUTHORISES the Chief Executive Officer to write to the Public Transport Authority advising to commence the preparation of the Memorandum of Understanding (MoU) to outline the obligations between the Shire of Serpentine Jarrahdale and the Public Transport Authority in this regard.

Option 1 is recommended.

Conclusion

Officers have recommended a cautious position in respect of the whole issue of offsets. This is primarily driven by the significant infrastructure obligations that must be delivered upon over the coming two decades, and that any project by project consideration could prevent (in the worse case) the Shire being able to meet its offset needs for critical future infrastructure like roads and community projects. The Officer recommendation provides this cautious approach, which while not closing the door on the request made by PTA, seeks further information to report back to Council on before a final decision is made.

Attachments (available under separate cover)

- **10.1.5 - attachment 1** - Letter from Public Transport Authority dated 8 November 2023 (E24/2617).
- **10.1.5 – attachment 2** - Independent environmental review dated 5 March 2024 (IN24/5429).

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
4. Ensure sustainable and optimal use of Shire resources and finances

Financial Implications

The PTA proposes to provide funding to the Shire for the implementation of on-ground management within the 12ha 'Offset Management Area' as part of the environmental offset



package. This would provide a funding source not currently available to the Shire, to manage this natural reserve. However, as already discussed, the Shire could face its own significant offset requirements, which could be impacted by allowing other agencies to meet their needs on Shire managed land.

Further information is needed to better inform the degree of financial risk this could pose to the organisation.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	The Shire delays a position on the PTA proposal, which adds further uncertainty to the management of environmental impacts associated within the Byford Rail Extension (BRE).	Environmental protection framework	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Continue to engage with PTA on the matter.
2	The Shire supports the proposal, which results in the Shire reducing its ability to meet its future offset obligations required by road and community infrastructure.	Environmental protection framework	Financial	Possible	Moderate	SIGNIFICANT	Accept Option 1.



Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

- 1. REQUESTS that the Chief Executive Officer write to the Public Transport Authority, in response to its letter dated 8 November 2023, advising that prior to further consideration of the matter, the Shire seeks the following additional information:**
 - a. How additional land equivalent to the offset area (12ha) will be secured and vested for the purposes of future offsetting needs that can be utilised by the Shire; and**
 - b. A written legal position provided by the State Solicitors Office, that clearly states the mechanisms by which the Shire will have no statutory compliance obligations in respect of fulfilling the offset requirements imposed by way of State and Federal Government statutory environmental approvals of the Public Transport Authority project.**
- 2. Upon receipt of a response received under Part 1, REQUESTS a further report on the matter for Council's consideration.**

**10.2 Infrastructure Services reports:**

10.2.1 – Minutes of the Rivers Regional Council – Ordinary Council Meeting – 15 February 2024 (SJ2812)	
Responsible Officer:	Manager Waste and Fleet
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to enable Council to note the minutes of the Rivers Regional Council Ordinary Meeting held on 15 February 2024.

Relevant Previous Decisions of Council

Nil.

Background

The Rivers Regional Council (RRC) is a regional local government established under s3.61 of the *Local Government Act 1995*. The Shire of Serpentine Jarrahdale (the Shire) is a member of the RRC.

The RRC provides waste services on behalf of member local governments.

Community / Stakeholder Consultation

Nil.

Statutory Environment

From a legislative perspective, the RRC is a distinct local government entity. Except for the sections listed in s3.66 of the Act, RRC is required to comply with the Act as any other local government.

Comment

The RRC Council Meeting was held on 15 February 2024. The Shire was represented by Cr Mack and Cr Jerrett.

The following items were discussed and carried unanimously:

- Payments for the Period 1 December 2023 to 31 January 2024;
- Financial Report for the Period 1 December 2023 to 31 January 2024;



- Compliance Audit Return – 1 January 2023 to 31 December 2023;
- CEO Report;
- Audit Committee Meeting.

The next meeting will be held on Wednesday, 17 April 2024 at the City of Armadale.

Options

Option1

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 15 February 2024 as contained in **attachment 1**.

Option 2

That Council DOES NOT NOTE the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 15 February 2024.

Option 1 is recommended.

Conclusion

As a member of the RRC, the unconfirmed minutes of the RRC Ordinary Council Meeting held on 15 February 2024 are attached for Council's information.

Attachments (available under separate cover)

- **10.2.1 - attachment 1** – Rivers Regional Council Ordinary Council Meeting Minutes – 15 February 2024 (IN24/4355)

Alignment with our Council Plan 2023-2033

Liveable
5. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment

Financial Implications

Nil.

Risk Implications

Nil.

Voting Requirements: Simple Majority

Officer Recommendation

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 15 February 2024 as contained in attachment 1.

**10.2.2 - Award Request for Tender – RFT 01/2024 – Green Waste Verge Collection (SJ4393)**

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

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 Council consideration of RFT 01/2024 – Green Waste Verge Collection.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 11 December 2023 - OCM308/12/23 - COUNCIL RESOLUTION Extract

That Council:

- 1. NOTES the summary of the asbestos findings and planned actions and requests that the Chief Executive Officer present a follow-up report in 2024 to determine to future of the site.*
- 2. CALLS TENDERS for procurement of:*
 - a) 2 green waste verge collections per annum for a term of 2 years with the option to extend for a further 1 year; and*
 - b) pre booked bulk waste collection services for the Shire of Serpentine Jarrahdale residents combined with illegal dumping collection services for a term of 2 years with the option for a further 1 year.*

Background

As per Council resolution of 11 December Ordinary Council Meeting (OCM308/12/23), Shire Officers have tendered for the green waste verge collection services for a period of two years with an option to extend for a further 12 months. The service allows for two green waste verge collections per annum.

Community / Stakeholder Consultation

Nil.



Submissions

The Request for Tender RFT 01/2024 – Green Waste Verge Collection was advertised on Friday 26 January and closed at 2.00pm on Friday 16 February 2024

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

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

One (1) submission was received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

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

The Tender submission was received from the following company:

#	Company Name
1	Steann Pty Ltd

Evaluation Panel

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

- Manager Waste and Fleet;
- Coordinator Waste Services;
- Coordinator Fleet Services.

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

Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	50%
Relevant experience with: <ul style="list-style-type: none">• Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years	20%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none">• Capacity to deliver the services including:• Key personnel / Professional skills;• Describe the key personnel who will be involved in the work, including	15%



EVALUATION CRITERIA	WEIGHTING
past work of a similar nature.	
Demonstrated Understanding with: <ul style="list-style-type: none">• Project schedule;• Process for delivery of goods/services;• Project Management Plan;• Critical assumptions; and• Any additional information.	15%

Comment

The tender submission received was assessed against the evaluation criteria and the qualitative and quantitative results of this assessment and prices are documented in **CONFIDENTIAL attachment 1**.

Following the assessment of the submission, against the selection criteria, the tender submitted by Steann Pty Ltd was assessed as being the best value for money that meets the Shire's requirements.

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

Following several enquiries received by the Shire regarding the need for additional services for green waste collection, Steann Pty Ltd (preferred contractor) was contacted by Shire Officers to establish if they were able to provide additional collections and the applicable cost. Steann confirmed that they are able to conduct an additional green waste verge collection in July/ August 2024 at the same contract rate submitted in their tender, if this service was requested by the Shire.

The amount of green waste collected through the last round of verge collection in November – December 2023 was 711 tonnes. Based on this data, it is estimated that 1,400 tonnes of green waste will be collected through the next two rounds of verge collections. It is anticipated that the amount of green waste collected through the additional third round will be lower.

Statutory Environment

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

Division 2 under Part 4 of the *Local Government (Functions and General) Regulations 1996* prescribes the kinds of contracts that must be publicly invited. Regulation 11(1) states:

Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

The Regulations also prescribe requirements and processes to apply when undertaking a public tender.



Options

The following options have been identified:

Option 1

That Council:

1. AWARDS the contract as recommended in **CONFIDENTIAL attachment 1** – RFT 01/2024 – Green Waste Verge Collections for an initial period of two (2) years (1 April 2024 till 31 March 2026) with an option to extend for one (1) year at the Chief Executive Officer's discretion to Steann Pty Ltd allowing for two rounds of green waste verge collection per annum;
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFT 01/2024 – Green Waste Verge Collections.

Option 2

That Council:

1. AWARDS the contract as recommended in **CONFIDENTIAL attachment 1** – RFT 01/2024 – Green Waste Verge Collections for an initial period of two (2) years (1 April 2024 till 31 March 2026) with an option to extend for one (1) year at the Chief Executive Officer's discretion to Steann Pty Ltd allowing for two rounds of green waste verge collection per annum;
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFT 01/2024 – Green Waste Verge Collections;
3. AUTHORISES the Chief Executive Officer to vary the contract on behalf of the Shire of Serpentine Jarrahdale for RFT 01/2024 – Green Waste Verge Collections, to allow for an additional green waste verge collection between June 2024 and February 2025.

Option 3

That Council DOES NOT AWARD RFT 13/2023 and REQUESTS the Chief Executive Officer retender.

Option 1 is recommended.

Conclusion

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

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

Attachments (available under separate cover)

- **10.2.2 – CONFIDENTIAL attachment 1** – RFT 01/2024 – Green Waste Verge Collections - Evaluation Report (E24/2182)

Alignment with our Council Plan 2023-2033

Liveable
5. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment



Financial Implications

The total annual cost of the contract is estimated to be approximately \$266,000 based on estimated 1,400 tonnes of green waste being collected through two rounds of collections. This cost is offset by the cost savings due to the Waste Transfer Station not being operational.

Inclusion of the third collection will likely result in an increase in total green waste being collected across the Shire. Based on estimated 700 tonnes of green waste being collected in each round, the estimated additional cost of the third round of collection could be as high as \$133,000, however this estimated cost is more likely to be lower.

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	Complaints from residents after April 2024 about insufficient number of options for green waste collections and public backlash.	Have the option available to introduce additional green waste collections if required.	Social Community Outcomes /	Possible	Minor	MODERATE	NA
2	Confusion with communications to residents at the time of the introduction of the new pre-booked bulk verge collection services, resulting in delays, additional costs and public backlash.	Avoid providing an additional green waste collection service in July/August 2024 and consider delaying until January/February 2025.	Social Community Outcomes /	Almost Certain	Moderate	SIGNIFICANT	Authorise amendments to budgets for additional communications and staffing.
3 & 4	Delays in procurement of the green waste verge collection services resulting public backlash.	Award the tender to Steann Pty Ltd.	Social Community Outcomes /	Almost Certain	Major	HIGH	NA



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- 1. AWARDS the contract as recommended in CONFIDENTIAL attachment 1 RFT 01/2024 – Green Waste Verge Collections for an initial period of two (2) years (1 April 2024 till 31 March 2026) with an option to extend for one (1) year at the Chief Executive Officers discretion to Steann Pty Ltd allowing for two rounds of green waste verge collection per annum;**
- 2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFT 01/2024 – Green Waste Verge Collections.**

**10.3 Corporate Services reports:**

10.3.1 - Confirmation of Payment of Creditors – February 2024 (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 2024 to 29 February 2024 is provided in **attachment 1**.

Options

Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 February 2024 to 29 February 2024, totalling \$5,155,451.44

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 01 February 2024 to 29 February 2024, totalling \$5,155,451.44

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 29 February 2024 (E24/2789)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 December 2023 to 28 January 2024 – Redacted (E24/2790)
- **10.3.1 - attachment 3** – Fuel Purchasing Cards Report – 01 January 2024 to 31 January 2024 – Redacted (E24/2791)

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 2024 to 29 February 2024 totalled \$5,155,451.44

**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 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

Officer Recommendation

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 February 2024 to 29 February 2024 totalling \$5,155,451.44 as contained in attachment 1.

**10.3.2 - Monthly Financial Report – January 2024 (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 2024.

Relevant Previous Decisions of Council

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

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

- a) ≥ 10% of the amended budget and ≥ \$10,000 of the amended budget; or*
- b) ≥ \$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 2024.

The municipal surplus as at 31 January 2024 is \$22,586,304 which is favourable, compared to a budgeted amount of \$18,495,465. This is primary due to a higher than anticipated opening position which will be resolved once the prior year surplus is allocated by Council.

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

Operating Activities

Operating Revenue

Rates

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

Operating Grants, Subsidies and Contributions

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

Fees and Charges

Favourable variance of \$175,817 primarily due to:

- Increase in Building and Development Application fees higher than anticipated for the period of \$123,576
- Permanent variance – Refuse Charges higher than anticipated due to interim rate service charges for new properties - \$78,009

Interest Earnings

Favourable variance of \$850,138 primarily due to:

- Higher than anticipated interest received on reserve backed Term Deposits - \$658,683
- Higher than anticipated interest received on municipal backed Term Deposits - \$152,501
- Interest on rate installment due to higher than anticipated rate payers choosing installment payment option - \$57,698

Other Revenue

Favourable permanent variance of \$55,655 primarily due to:

- Refund received from Telstra due to overcharge in prior months - \$82,672

Profit on Asset Disposal

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



Operating Expenses

Employee Costs

Favourable variance of \$785,829 primarily due to vacancies across organisation.

Materials and Contracts

Favourable variance of \$283,172 primarily due to:

- Permanent variance of bulk waste disposal due to unanticipated closure of Waste Transfer Station – \$225,263.

Utility Charges

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

Depreciation

Unfavourable variance of \$2,256,457 primarily due to an higher than anticipated asset value following the 2022/23 revaluation, 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

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

Proceeds from Disposal of Assets

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

Capital Expenditure

Unfavourable variance of \$137,194 primarily due to:

- 80280 - Briggs Park Dugouts: Project completed last financial year. There are no additional cost expected. The over spent was due to design certification cost were more than anticipated. - \$15,598.
- 80202 - Drainage Renewal: Timing of project delivery - \$26,465.
- 80314 - Nettleton Road: Project completed. There are no additional cost expected. Officers are awaiting line marking to be completed before submitting the final claim which will cover the overrun - \$10,318.



- 80411 - Mundijong Road: Project completed. There are no additional cost expected. Officers will be submitting the final claim for this project which will cover the overrun - \$28,209.
- 80366 and 80367 - Kubota Mower: 1 large Machine purchase instead of 2 smaller mowers.
- 80441 - Dual Cab - CEO: Purchase less than anticipated - \$11,168.

Financing Activities

Proceeds from new Borrowings

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

Transfer from Reserve

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

Repayment of new Borrowings

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

Payment for principal portion of lease liabilities

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

Transfer to Reserve

Variance of \$609,676 due primarily to

- Higher than anticipated interest earned on reserved backed Term Deposits - \$658,683

Options

Option 1

That Council RECEIVES the Monthly Financial Report for January 2024 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 2024, 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 2024 (E24/2431)

**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 2024, the Shire's respective cash position was as follows:

Municipal Fund: \$14,435,363

Trust Fund: \$304,221

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 May leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	Accept Officer Recommendation

Voting Requirements: Simple Majority

Officer Recommendation

That Council RECEIVES the Monthly Financial Report for January 2024 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.

**10.3.3 – Budget Adjustment for Unallocated Surplus (E24/166)**

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

The purpose of this report is to seek approval from Council to adjust the 2023-2024 Budget to redistribute the unallocated surplus from the 2022-2023 financial year.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 19 February 2024 - OCM020/02/24

That the Council DEFER the matter to the next Policy Concept Forum to discuss the Keirnan Park BMX project overspend.

*Ordinary Council Meeting – 11 December 2023- OCM310/12/23 – **Extract***

That Council APPROVES the schedule of variations to the 2023/24 Budget as presented below, in accordance with section 6.8 of the Local Government Act 1995, resulting in a decrease to the opening municipal surplus (net current assets) of \$3,013,839 as at 1 July 2023

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

The Council ADOPTS, in accordance with section 6.2 of the Local Government Act 1995, the Municipal Fund Budget as contained in attachment 1, Amended Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2024 incorporating amendments as per the following table:

<i>Description</i>	<i>Expenditure Type</i>	<i>Amount</i>
<i>Increase Transfer to Reserve – Investment Reserve</i>	<i>Transfer to Reserve</i>	<i>\$55,789</i>

Background

At the time the 2023-2024 Budget was adopted by Council on 31 July 2023, the Annual Financial Statements for the 2022-2023 year end had not been complete, therefore any surplus or deficit resulting from the 2022-2023 financial year was not known.



Community / Stakeholder Consultation

Nil

Statutory Environment

Section 6.8 of the *Local Government Act 1995* requires a local government is not to incur expenditure from municipal funds for an additional purpose except where the expenditure:

- is incurred in a financial year before the adoption of the annual budget by the local government;
- is authorised in advance by Council resolution; and
- is authorised in advance by the President in an emergency.

Comment

The 2022-2023 Annual Financial Statements have now been audited and the actual income and expenditure to be carried forward has been finalised.

Summary of Overall Financial Performance 2022-2023

The year ended 30 June 2023 has seen the Shire continue to deal with the impacts of being a fast-growing local government. This is reflected in the Financial Health indicator (FHI) and ratio information presented below.

Description	OAG Benchmark	2023	2022	2021	2020	2019
Current Ratio	1.00	1.55	1.80	2.72	1.45	1.46
Asset Consumption Ratio	0.45	0.82	0.75	0.75	0.73	0.74
Asset Renewal Funding Ratio	0.6	1.04	0.71	1.02	0.93	0.70
Asset Sustainability Ratio	0.8	0.90	0.95	0.55	0.85	0.94
Debt Service Cover Ratio	1.9	6.04	6.21	5.92	10.61	9.94
Operating Surplus Ratio	0.00	(0.09)	(0.12)	(0.11)	(0.05)	(0.05)
Own Source Revenue Coverage Ratio	0.35	0.82	0.80	0.82	0.85	0.86
Financial Health Indicator Score	40	75	73	69	72	73

These ratios indicate a slight improvement to the Shire's financial sustainability in the 2022-23 financial year despite facing continued inflationary pressures. The 2022/23 year saw Perth experience an CPI increase of 4.9% year on year. Although this is considerably less than the prior 12 month with Perth CPI of 7.3% in June 2022, the combined impact of a 12.2% increase in a short period of 24 months has had a significant impact to the cost of delivering services to the community.

Despite continued economic pressures, through sound financial management the Shire has not only been successful in maintaining its financial health it has also been able to demonstrate a slight improvement.

The Shire has been able to do so by continuing to focus heavily on assets renewal programs whilst simultaneously keeping operational cost creep to a minimum.



The Shire needs to continue to focus on improving the Operating Surplus ratio, which reflects the amount of municipal funds used to fund Operational activities. With uncertainty around the continued inflationary pressures, costs associated with the undertaking of operational activities will potentially continue to increase. Any improvement to the Operating Surplus ratio will continue to be challenging.

2022/23 Surplus Position

After all adjustments are processed, an additional \$2,200,501 has become available to be allocated in the 2022-2023 Budget.

	Surplus/(Deficit)
2021/22 Total Surplus	8,013,900
Less Carryforwards	-5,813,399
Remaining Unallocated Surplus/(Deficit)	2,200,501

The surplus of \$2,200,501 is comprised of the following:

Category	Surplus/(Deficit)
Operating Activities (including Rates)	2,474,358
Investing Activities	59,815
Financing Activities	(333,672)
Total Surplus/(Deficit)	2,200,501

The 2022/23 Surplus is made up of the following key variances:

Operating Activities including rates (*Under budget, \$2,373,132, favourable*)

This is made up of the following:

Rates

Over budget \$101,226, favourable

The Shire income relating to rates is higher than anticipated due to higher than anticipated interim rates.

Operating Grants and Subsidies

Over budget \$111,047, favourable

The Shire income relating to fees and charges was higher than anticipated primarily due to receiving the following unbudgeted grants/contributions:

- Higher than anticipated Financial Assistance grants - \$38,252
- All Clubs sports grant - \$30,000
- Road Maintenance Contribution for King Road - \$19,187
- Street Lighting Subsidy - \$17,212
- Main Road Maintenance Agreement Contribution - \$13,317

Fees and Charges

Over budget \$325,321, favourable

The Shire income relating to fees and charges was higher than anticipated primarily due to:



- Higher than anticipated Development applications, building permits and subdivision fees - \$166,662
- Higher than anticipated fines and penalties - \$93,456
- Higher than anticipated traffic Management fees - \$12,554
- Higher than anticipation Cemetery fees - \$10,692

Interest Earnings

Over budget \$934,818, favourable

The Shire income relating to interest earnings was higher than anticipated primarily due to higher than anticipated term deposit interest rates. Officers are expecting to see this trend continue in the 2023/24 financial year.

Other Revenue

Over budget \$199,833, favourable

The Shire income relating to other revenue was higher than anticipated primarily due to:

- Higher than anticipated reimbursement of legal costs from Rates collections - \$102,528
- Insurance claim reimbursements including worker compensation - \$78,133
- Severe Weather Road Flooding funds received from DFES - \$28,371

Employee Cost

Under budget \$1,451,888, favourable

Throughout the 2022/23 financial year that Shire experiences a significant number of vacant positions which has resulted in lower than anticipated Employee costs to the amount of \$1,451,888.

Materials and Consumable

Over budget \$663,672, unfavourable

The Shires expenditure relating the materials and consumables was higher than anticipated by \$663,672.

This overspend was primarily due to the following:

- Agency and Labour hire across the organisation due to vacancies - \$520,230 over budget
- Rates revaluation higher than anticipated due to triannual GRV revaluation - \$113,375 over budget
- Landlines phone charges higher than budget – a credit has been issued in 2023/24 - \$105,671 over budget
- Community Infrastructure grants not awarded in 2022/23 and not required to be carried forward- offset with a reduction in transfers from reserve - \$75,000 under budget

Investing Activities (Under Budget, \$59,815, favourable)

This is made up of the following:

Non-Operating Grants

Over Budget, \$25,930, favourable



The majority of this favourable variance is a result of the Shire being successful in attaining additional grant funds including:

- Karnup and Yangedi \$52,309
- Anketell Road \$6,657

Furthermore, the Shire was required to return unspent grants of \$32,946 due to projects being completed under budget.

Capital Expenditure

Under budget, \$42,937, favourable

After adjusting for any unfinished projects which required the budgets to be carried forward into the 2022/23 Financial year, the Shires capital expenditure on completed projects was lower than anticipated by \$42,937.

The overspend is made up of the following:

Capital Works Program	Under/(Over)
The following capital projects/programs were overspent	
Keirnan Park BMX Relocation Detailed Design*	(275,623)*
Parks	(7,291)
Total Overspends	(282,914)
The following capital projects/programs were underspent	
Engineering Capital (roads, bridges, drainage etc)	186,459
Facilities	80,155
Plant	56,313
ICT	2,924
Total Underspends	(325,851)
Total Under/(over) spends	53,868

*This is due to allocation of internal costs.

This result is reflective of the better controls put in place due to the implementation of the Project Management Framework. This requires regular project updates from project managers, as well as the introduction of change management mechanisms for tracking changes in scope and price which may have an impact on project budgets.

Financing Activities (*Over budget, \$333,672, unfavourable*)

This is made up of the following:

Loan and Lease Repayments

Overbudget, \$29,449, unfavourable

The Shire lease repayments were higher than anticipated due to the Shire entering into new leases for photocopiers upon the expiry of the previous leases.

**Transfers To Reserve***Overbudget, \$150,633, unfavourable*

The Shire transferred more to reserve than anticipated by \$150,633 primarily due to:

- Reserve Interest income being more than anticipated, resulting in a more than anticipated interest being transferred to the reserves - \$185,318 more transferred to reserve.
- Jarrahdale Communication Tower Reserve – The transfer to the reserve in relation to income received in 2022/23 was not processed prior to end of financial year- this will be processed in the 2023/24 financial and is reflected in the surplus allocation below - \$36,646 less transferred to reserve.

Transfers From Reserve*Under budget, \$153,589, unfavourable*

The Shire transferred less from reserves than anticipated by \$153,589 primarily due to:

- Community Grants Reserve - Major Events and Community Infrastructure grant applications were less than anticipated in 2022/23 which resulted in lower than anticipated transfer from reserve - \$97,979 less transferred from reserve.
- Plant and Fleet Reserve – Some vehicles were purchased for less than anticipated budget. This resulted in lower than anticipated transfer from reserve - \$60,296 less transferred from reserve.
- Waste Reserve – Reuse shop fit out costs slightly higher than anticipated resulting in a higher reserve draw down - \$10,931 additional transferred from reserve.

Additional Information**Surplus Allocation**

Officers recommend that the 2022/23 surplus funds be allocated in the 2023/24 budget as follows:

Account Number	Type	Account Description	Debit \$	Credit \$
5300-17302-5200-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Administration Building Reserve	800,000	
Reason: Funds to provide for future works on the Administration Building.				
5300-17302-NEW-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Operations Optimisation Reserve	750,000	
Reason: Funds to provide for future operational and capital requirements of the Shire's Operations function to optimise service delivery to the community.				
5300-17302-5243-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Oakford Fire Brigade Reserve	350,000	



Account Number	Type	Account Description	Debit \$	Credit \$
Reason: Additional funds transferred to Oakford Fire Brigade to ensure sufficient funds for construction following further project phase planning.				
5300-17302-5202-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Building Asset Management Reserve	200,000	
Reason: Funds to provide for future works on Shire facilities.				
5300-17302-5239-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Waste Reserve	63,855	
Reason: Funds for future waste initiatives				
3510-30028-5216-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Jarrahdale Communications Tower Reserve	36,646	
Reason: Revenue received for the Jarrahdale Communications Tower was not processed in the 2022/23 financial year and will need to be transferred in 2023/24.				

Options

Option 1

That Council:

1. APPROVES the schedule of variations to the 2023-2024 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*:

Account Number	Type	Account Description	Debit \$	Credit \$
5300-17302-5200-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Administration Building Reserve	800,000	
5300-17302-NEW-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Operations Optimisation Reserve	750,000	
5300-17302-5243-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Oakford Fire Brigade Reserve	350,000	
5300-17302-5202-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Building Asset Management Reserve	200,000	



Account Number	Type	Account Description	Debit \$	Credit \$
5300-17302-5239-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Waste Reserve	63,855	
3510-30028-5216-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Jarrahdale Communications Tower Reserve	36,646	
10-9000-9000-3900-0	Increase Equity	Accumulated Surplus - Municipal		2,200,501

2. APPROVES the establishment of the following reserve and purpose:

Name: Operations Optimisation Reserve

Purpose: To provide funds for future operational and capital requirements of the Shire's Operations function to optimise service delivery to the community.

Option 1 is recommended.

Conclusion

At the time the 2023-2024 Budget was adopted by Council on 31 July 2023, the Annual Financial Statements for the 2022-2023 year end had not been completed. Any surplus or deficit resulting from the 2022-2023 financial year was not known.

Following finalisation of the 2022-2023 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 2023-2023

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

The financial implications 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 option 1.						

Voting Requirements: Absolute Majority (s 6.8 of the *Local Government Act 1995*)

Officer Recommendation

That Council:

- APPROVES** the schedule of variations to the 2023-2024 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*:

Account Number	Type	Account Description	Debit \$	Credit \$
5300-17302-5200-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Administration Building Reserve	800,000	
5300-17302-NEW-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Operations Optimisation Reserve	750,000	
5300-17302-5243-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Oakford Fire Brigade Reserve	350,000	
5300-17302-5202-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Building Asset Management Reserve	200,000	
5300-17302-5239-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Waste Reserve	63,855	
3510-30028-5216-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Jarrahdale Communications Tower Reserve	36,646	
10-9000-9000-3900-0	Increase Equity	Accumulated Surplus - Municipal		2,200,501

- APPROVES** the establishment of the following reserve and purpose:



Name: Operations Optimisation Reserve

Purpose: To provide funds for future operational and capital requirements of the Shire's Operations function to optimise service delivery to the community.

**10.3.4 – Statutory Budget Review (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 present the Statutory Budget Review for the 2023/24 Budget as at 31 January 2024. This review includes proposed budget variations, which results in no change in projected net current assets as at 30 June 2024.

Relevant Previous Decisions of Council

Special Council Meeting – 21 July 2023 - SCM016/07/23 - COUNCIL RESOLUTION – extract

The Council ADOPTS, in accordance with section 6.2 of the Local Government Act 1995, the Municipal Fund Budget as contained in attachment 1, Amended Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2024 incorporating amendments as per the following table:

<i>Description</i>	<i>Expenditure Type</i>	<i>Amount</i>
<i>Increase Transfer to Reserve – Investment Reserve</i>	<i>Transfer to Reserve</i>	<i>\$55,789</i>

Background

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

Nil.



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 2023/2024 Budget includes all proposed budget adjustments to amend the adopted budget for 2023/2024 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 2024 of actuals against the amended budget.

Operating Revenue

Rates

Over budget \$115,901 favourable, immaterial permanent difference.



This is due to higher than anticipated interim rates during the first half of the 2023/24 Financial year. Adjustment is included as part of this budget review.

Operating Grants, Subsidies and Contributions

Over budget \$90,350 favourable, immaterial permanent difference.

This is primarily as a result of:

- Supplementary grant payment received from DFES in relation to overspends in prior years of \$109,567.

Fees and Charges

Over budget \$175,817, favourable, material permanent difference.

Variance is primarily as a result of:

- Increase in Building and Development Application fees higher than anticipated for the period \$123,576 and,
- Increase in Refuse Charges higher than anticipated due to interim rate service charges for new properties - Permanent variance.

Interest Earnings

Over budget \$850,138, favourable, material permanent difference.

Variance is primarily as a result of:

- Higher than anticipated interest received on reserve backed Term Deposits - \$658,683
- Higher than anticipated interest received on municipal backed Term Deposits - \$150,000
- Interest on rate instalment due to higher than anticipated rate payers choosing instalment payment option - \$38,954

Other Revenue

Over budget \$55,655, favourable, material permanent difference.

This is primarily as a result of:

- Refund received from Telstra due to overcharge in prior months

Operating Expenses

Employee Costs

Under budget \$785,829, favourable, material difference.

This is due to various vacancies throughout the organisation.

Materials and Contracts

Under budget \$264,798 favourable, material permanent difference.

The permanent variance is primarily due to:

- Permanent variance of bulk waste disposal due to unanticipated closure of Waste Transfer Station – \$225,263.



Operating Budget Adjustments

The 2023/2024 Operating Budget has been reviewed and approval is sought for the following budget operating budget adjustments for the reasons specified.

These adjustments result in additional funding requirements of \$224,799 in Capital which will be funded from savings in the Shire's Operating budget.

Account Number	Type	Account Description	Debit	Credit
4100-16000-6003-0000	Increase Expenditure	Communications - Salaries - Casual	48,668	
Reason: Engagement of Casual Communications officer to support increase in communications expectations and requirements e.g., the Waste Transfer station closure, the North Ward election and increased videography completed in house. If Council wants to maintain this increased level of service in communications an additional FTE will need to be considered as part of the 2024/25 Budget process.				
5300-17300-4562-0000	Decrease Income	General Purpose Funding - Discounts	29,000	
Reason: Discounts are no longer being offered by suppliers for early payment of invoices.				
4800-12100-6230-0000	Increase Expenditure	Fire and Emergency Management - Consultancy	28,000	
Reason: Increase budget for the cost of the CESM (Community emergency service manager) to match co-contribution with DFES.				
3210-13300-4304-0000	Decrease Income	Subdivision - Subdivision Fees	20,000	
Reason: Subdivision fees anticipated to come in lower than budget				
2100-12300-6326-0000	Increase Expenditure	Development Compliance - Legal Fees	20,000	
2100-12504-6326-0000	Increase Expenditure	Town Planning - Legal Fees	20,000	
2100-12504-6230-0000	Increase Expenditure	Town Planning - Consultancy	20,000	
Reason: Additional legal and consultancy budget required for compliance and town planning activities due to an increased number of cases being referred to SAT as well increased complexity of applications requiring additional expert advice and legal opinions.				
5200-17101-6374-0000	Increase Expenditure	Members of Council - Elections	20,000	



Reason: Additional funds required to conduct North Ward Election.				
5300-17302-various-0000	Increase Trf to Reserve	Reserve Transfer - Trf to Reserve (Interest)	588,684	
5300-17300-4511-0000	Increase Income	General Purpose Funding - Interest on Investments - Reserves		588,684
Reason: Recognising additional interest on Reserves received. Funds transferred to respective reserves.				
5300-17300-4501-0000	Increase Income	General Purpose Funding - Interest on Investments - General Funds		140,000
Reason: Recognising additional interest received in quarter over what has been budgeted				
5300-17501-4004-0000	Increase Income	Rates - Interim Rates		115,900
Reason: Recognising additional revenue received in quarter from new property interim rates				
4800-12102-4127-0000	Increase Income	Volunteer Bushfire Brigade – Grant – Operating – LG Grants Scheme		109,567
Reason: Supplementary Grant payment received from DFES due to overspends in items eligible for additional DFES grant funding in the 2021/22 financial year.				
2310-12600-4335-0000	Increase Income	Building Service - Building Permits		40,000
2100-12504-4300-0000	Increase Income	Town Planning - Development Applications		15,000
2310-12600-4303-0000	Increase Income	Building Service - Footpath/Kerb Inspections		10,000
Reason: Recognising anticipated revenue from building permit applications, development applications and footpath/kerbing inspections				

Capital Expenditure

The expenditure year to date is \$7,277,680 which is 30% of the overall Capital Works budget.

Please refer to the Capital Works Expenditure detailed in **attachment 1** for further information with regard to Capital Works.

The following Capital projects have been identified as requiring adjustments to the current budget and the resulting shortfall of \$224,799 will be covered by savings from Operating budget:



Ordinary Council Meeting Agenda Monday, 18 March 2024

Account Number	Type	Account Description	Debit \$	Credit \$
6400-80403-4808-0000	Decrease Revenue	Larsen Road (SLK 0.2-SLK1.64)	111,528	
6400-80403-6610-0000	Decrease Expenditure	Larsen Road (SLK 0.2-SLK1.64) - Carryforward Expenditure		156,729
Reason: Project is finished under budget due to a reduction in scope - remaining grant funds will not be received.				
6200-80445-6600-0000	Increase Expenditure	Depot Asphalt - Capital Expenditure	220,000	
Reason: Additional funds required for complete entire project in one stage, rather than multiple stages including earthworks, drainage and asphalt at the Depot as considered in accordance with the Project Management Framework. This project is an Operations Centre Structure Review action.				
6410-80201-6600-0000	Increase Expenditure	Gravel Resheeting - Capital Expenditure	50,000	
Reason: Additional funds required to complete additional gravel re-sheeting that have been identified as urgent works as considered in accordance with the Project Management Framework.				
6300-80438-6600-0000	Increase Expenditure	Skidsteer Loader – Capital Purchase	100,000	
6300-80438-5021-0000	Increase Trf from Reserve	Skidsteer loader - Trf From Reserve - Plant and Fleet		65,000
6300-80438-4611-0000	Increase Income	Skidsteer loader - Proceeds of Sale		35,000
Reason: Skid steer was due for replacement in the 2023/24 renewal schedule however was inadvertently omitted from the plant renewal program as part of the budget process. Funds exist in the reserve to fund this renewal. Officers believes this needs to be replaced as soon as possible.				
6000-89000-4908-0000	Increase Income	Byford Developer Contributions - Capital Contributions - Byford DCP	16,599	



Account Number	Type	Account Description	Debit \$	Credit \$
6000-89000-5204-0000	Increase Transfer to Reserve	Byford Developer Contributions - Transfer to Reserve - Byford DCP		16,599
Reason: Recognition of Developer Contribution funds received year to date as well as the corresponding transfer to reserve.				
6000-89001-4909-0000	Increase Income	Community Infrastructure DCP Contributions - Capital Contributions - Community Infrastructure DCP	7,311	
6000-89001-5210-0000	Increase Transfer to Reserve	Community Infrastructure DCP Contributions- Transfer to Reserve - Community Infrastructure Reserve		7,311
Reason: Recognition of Developer Contribution funds received year to date as well as the corresponding transfer to reserve.				

OptionsOption 1

That Council:

1. ADOPTS the 2023/2024 Statutory Budget Review report as per **attachment 1** and APPROVES the schedule of variations 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

That Council:

1. DOES NOT ADOPT the 2023/2024 Statutory Budget Review report as per **attachment 1** and DOES NOT APPROVE the schedule of variations as contained within this report.
2. DOES NOT REQUEST 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

The formal review of the 2023/2024 budget has been completed. A list of budget variations requiring approval has been identified.

**Attachments (available under separate cover)**

- **10.3.4 - attachment 1** – 2023/2024 Budget Review (E24/2597)

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 quarterly budget review and proposed amendments.						
2	If Council DOES NOT adopt budget adjustments, this leads to poor fiscal management resulting in financial risk due to overspending, in addition to being non-compliance with Financial Regulations.	The organisation undertakes a quarterly finance and costing review prior to making council recommendation. Law restricts expenditure when expenditure from municipal funds are not included in annual budget unless authorised by resolution.	Financial	Unlikely	Moderate	MODERATE	Accept Officer Recommendation (Option 1)



Voting Requirements: **Part 1: Absolute Majority** (*Regulation 33A of the Local Government (Financial Management) Regulations 1996*)
 Part 2: Simple Majority

Officer Recommendation

1. **ADOPTS the 2023/2024 Statutory Budget Review report as per attachment 1 and APPROVES the schedule of variations as contained within this report:**

Account Number	Type	Account Description	Debit	Credit
4100-6000-6003-0000	Increase Expenditure	Communications - Salaries - Casual	48,668	
5300-7300-4562-0000	Decrease Income	General Purpose Funding - Discounts	29,000	
4800-12100-6230-0000	Increase Expenditure	Fire and Emergency Management - Consultancy	28,000	
3210-13300-4304-0000	Decrease Income	Subdivision - Subdivision Fees	20,000	
2100-12300-6326-0000	Increase Expenditure	Development Compliance - Legal Fees	20,000	
2100-12504-6230-0000	Increase Expenditure	Town Planning - Consultancy	20,000	
2100-12504-6326-0000	Increase Expenditure	Town Planning - Legal Fees	20,000	
5200-17101-6374-0000	Increase Expenditure	Members of Council - Elections	20,000	
5300-17302-various-0000	Increase Trf to Reserve	Reserve Transfer - Trf to Reserve (Interest)	588,684	
5300-17300-4511-0000	Increase Income	General Purpose Funding - Interest on Investments - Reserves		588,684
5300-17300-4501-0000	Increase Income	General Purpose Funding - Interest on Investments - General Funds		140,000
5300-17501-4004-0000	Increase Income	Rates - Interim Rates		115,900
4800-12102-4127-0000	Increase Income	Volunteer Bushfire Brigade - Grant -		109,567

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Account Number	Type	Account Description	Debit	Credit
		Operating – LG Grants Scheme		
2310-12600-4335-0000	Increase Income	Building Service - Building Permits		40,000
2100-12504-4300-0000	Increase Income	Town Planning - Development Applications		15,000
2310-12600-4303-0000	Increase Income	Building Service - Footpath/Kerb Inspections		10,000
6400-80403-4808-0000	Decrease Revenue	Larsen Road (SLK 0.2- SLK1.64)	111,528	
6400-80403-6610-0000	Decrease Expenditure	Larsen Road (SLK 0.2- SLK1.64) - Carryforward Expenditure		156,729
6200-80445-6600-0000	Increase Expenditure	Depot Asphalt - Capital Expenditure	220,000	
6410-80201-6600-0000	Increase Expenditure	Gravel Resheeting - Capital Expenditure	50,000	
6300-80438-6600-0000	Increase Expenditure	Skidsteer Loader – Capital Purchase	100,000	
6300-80438-6600-0000	Increase Trf from Reserve	Skidsteer loader - Trf From Reserve - Plant and Fleet		65,000
6300-80438-6600-0000	Increase Income	Skidsteer loader - Proceeds of Sale		35,000
6000-89000-4908-0000	Increase Income	Byford Developer Contributions - Capital Contributions - Byford DCP	16,599	
6000-89000-5204-0000	Increase Transfer Reserve to	Byford Developer Contributions - Transfer to Reserve - Byford DCP		16,599
6000-89001-4909-0000	Increase Income	Community Infrastructure DCP Contributions - Capital Contributions -	7,311	



Account Number	Type	Account Description	Debit	Credit
		Community Infrastructure DCP		
6000-89001-5210-0000	Increase Transfer Reserve to	Community Infrastructure DCP Contributions- Transfer to Reserve - Community Infrastructure Reserve		7,311

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.

**10.3.5 – Corporate Business Plan Performance Report – October to December 2023 (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 2023-27 Corporate Business Plan (CBP) for the period 1 October to 31 December 2023 and an amended CBP for consideration.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 November 2023 – OCM286/11/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the performance report against the 2023-27 Corporate Business Plan for the period 1 July to 30 September 2023 as contained in this report and attachment 1.*
- 2. ADOPTS the amendments to the Corporate Business Plan 2023-27 as outlined in this report and attachment 2.*

Background

On 31 July 2023, Council adopted the Shire of Serpentine Jarrahdale Corporate Business Plan 2023-2027 (SCM017/07/23), and subsequently amended it in November 2023 following the quarterly report (OCM286/11/23).

The Corporate Business Plan 2023-27 is the Shire of Serpentine Jarrahdale's four-year delivery program, aligned to the Shire's Integrated Planning and Reporting Framework (i.e. Strategic Community 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 through the establishment of actions that address each strategy contained within the Strategic Community Plan.



The Shire of Serpentine Jarrahdale has established periodic performance reporting against the 2023-27 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. Advice from the Department of Local Government, Sport and Cultural Industries obtained during the Shire's major review of the Strategic Community Plan advised that the Department are currently progressing the policy work behind the Integrated Planning and Reporting Framework reforms. From a compliance perspective, Regulation 19C of the *Local Government (Administration) Regulations 1996* remains in place until new regulations are in effect and provisions commence and as such, any plan made by the Shire should be in line with existing regulations.

On 11 December 2023, Council adopted the Council Plan 2023-2033 (OCM313/12/23). This change has a flow on impact on the Corporate Business Plan, including alignment with the Council Plan's three strategic pillars (Thriving, Liveable, Connected). This work is in underway and will be included within the major review of the Shire's Corporate Business Plan 2024-2028, for adoption as part of the annual Integrated Planning and Reporting (IPR) process.

Comment






The Shire of Serpentine Jarrahdale has completed a quarterly performance report against the 2023-2027 Corporate Business Plan for the period 1 October to 31 December 2023 ('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 2023, changes to projects that have occurred in the period from 1 January 2024 will be reflected in subsequent reports.



Report Structure

Grouped under each key objective area of the Strategic Community Plan (People, Place, Prosperity, Progressive), 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	Minor issues have put achievement of the project due date or level of service at risk. or Minor issues have put the project/service behind target. The causes for this are being managed by routine procedures and the issues are likely to be resolved by the next reporting period.
 Critical	Major issues have prevented the service/project from commencing or continuing. The causes for this do/will require significant action to rectify and the issues are likely to be ongoing into future reporting periods
 On hold	Work is unable to commence due to a dependency (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 116 actions in the Corporate Business Plan. Statistics this period show:

- **79%** are on track or complete (92/116);
- **19%** are at risk or behind target (22/116);
- **0%** are critical;
- **2%** are on hold (2/116); and
- **0%** are deferred or not proceeding.



Key achievements and highlights this reporting period are as follows:

- Adoption of the Council Plan 2023-2033.
- Adoption of the Shire of Serpentine Jarrahdale 2022-2023 Annual Report.
- Adoption of the Vulnerable Communities Plan, for inclusion in the Local Emergency Management Arrangements.
- Award of Tenders for the following projects:
 - Cardup Siding Road and Keirnan Street Roundabout Upgrades
 - Kingsbury Drive Road Widening and Improvement
 - Provision of Electrical Services
 - Provision of Plumbing Services
 - Provision of Minor Building Maintenance Services
 - Supply of Irrigation Pipe Sprinklers and Fittings
 - Mundijong / King Road Intersection Upgrade
- Adoption of Local Planning Policy 4.26 – Development in the Rural Zone and Local Planning Policy 4.6 – Telecommunications Infrastructure
- Adoption of revisions to the following Council Policies:
 - Farmland Concessions
 - Flags
 - Christmas Closure
- Award of an Outgoing Sponsorship (Community Contribution) to Sport Aircraft Builders Club Inc for the Annual Fly-In 50th Anniversary event.
- Award of funding to the Activate Byford Inc to deliver three projects in 2023-24: Byford Pictures, Byford Theatre and Artisan Markets.
- Delivery of the 2023 SJ Christmas Street Festival.
- Delivery of the Christmas Lights Competition, with winners across four categories.
- Delivery of Seniors Week 2023 including 'Lawn Bowls and Lunch' day at the Byford and Districts Country Club.
- Launch of the SJ SMS Alert Service, providing real-time information to residents about total fire bans, harvest vehicle movement bans and suspension of burning permits.
- Completion of 2023-24 planned works on the Clondyke Footpath replacement project.
- Completion of Tuart Road, Oakford resurfacing.
- Completion of the following Metropolitan Regional Road Group Renewals:
 - Briggs Road Rehabilitation (SLK 0.7 to 1.11)
 - Nettleton Road Rehabilitation



- Completion of a Road Upgrade Advocacy Plan – Road Condition and Treatment, identifying 30 road upgrades for advocacy and potential delivery in funding partnership with the State and Federal Governments.



The **22** actions identified as **at risk or behind target** are:

Action 1:	<u>Future Development at Lampiter Drive, Mardella</u> Prepare a Concept Plan for future development at 10 (Lot 500) Lampiter Drive, Mardella.	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	The Shire received formal correspondence from the Department of Fire and Emergency Services (DFES) on 6 December 2023 stating that the Shire's Webb Reserve site is not the preferred location and no longer forms part of future planning for the WA Emergency Training Academy. Other potential opportunities are currently being investigated.				
Remedial Action:	Officers are currently obtaining further feedback from DFES and reviewing potential other commercial opportunities at the site.				

Action 2:	<u>Building Services</u> Provide efficient and effective building compliance services.	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	<p>The average percentage of certified building permits determined (within the 10 day statutory time frame) increased to 83% in this quarter (from 76% in the last quarter). The average percentage of uncertified building permits determined (within the 25-day statutory time frame) increased to 85% in this quarter (from 65% in the last quarter).</p> <p>Given the current high growing rate of new building activity in the Shire, particularly in the residential sector, and the fact that the current Building Services Team have not achieved the KPIs of 100%, replacement of the existing Officer positions and additional staff are urgently required.</p>				
Remedial Action:	Interviews are currently being conducted for the replacement of the existing positions and additional staff.				



Action 3:	<u>Environmental Health</u> Provide efficient, effective, compliant environmental health services.	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	This quarter was a period of establishing performance expectations and settling into the regular use of the Shire's processes and procedures for three new staff members. A substantial increase in statutory inspections was completed in comparison to the previous quarter. In addition to a high volume of work, the team achieved 9 rounds of adult mosquito trapping, treatment and completed the first draft of the Shire's Mosquito Management Plan 2024-27. The number of sand drift complaints in the lead up to the Christmas break was a substantial strain on resources, with exceptionally strong easterly winds resulting in 48 complaints regarding sand. As a result of this, Officers made considerable improvements to the sand drift complaints handling and enforcement process as well as increased stringency requirements on dust generating activities such as subdivisions. We expect these efforts will reduce the number of sand drift issues and also increase the efficiency and effectiveness in dealing with any issues that do arise.				
Remedial Action:	Whilst recruiting for the full-time EHO position, engage contract EHO services to undertake health premises inspections to assist to meet health premise inspection targets for Q3.				

Action 4:	<u>Asset Management Maturity</u> Enhance the Shire's Asset Management capability through development of processes to improve data capture, data quality and integration across the organisation to allow appropriate levels of reporting to support business asset management aims.	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	The Shires Asset Management capability is on track through processes to improve data capture and data quality. Integration across the organisation is ongoing with work to resolve spatial mapping nearing completion and the implementation of a new structure for Transport currently underway.				
Remedial Action:	Continue to implement data information and presentation in Intramaps. Next steps for asset management maturity to be detailed in the Corporate Business Plan following the major review.				





Action 5:	<u>Gravel Resheeting</u> Resheet gravel roads in the Shire: <ul style="list-style-type: none"> - Jarrah Road - Bird Road - Manning Road - O'Neil Road - Jackson Road 	Status			
		Q1	Q2	Q3	Q4
		-			
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	Work towards the annual Gravel Resheeting program has commenced, with works on Bird Rd underway. Works on the other scheduled roads is delayed due to reactive works that have been undertaken on Lingdon Ln, Balmoral Rd, Millars Rd and Transit Rd.				
Remedial Action:	Manage the scope change in accordance with the Project Management Framework.				

Action 6:	<u>Heritage Park Business Case</u> Development of Heritage Park Business Case.	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	During this reporting period, the Shire gave Statewide public notice that it proposes to undertake a major land transaction in accordance with Section 3.59 of the <i>Local Government Act 1995</i> : to enter a lease with the National Trust of Western Australia for Lot 200 Foster Way, Jarrahdale; a portion of Lot 801 Jarrahdale Road, Jarrahdale; excluding the Jarrahdale Mill Manager's House, No1 Jarrahdale Mill and a portion of Lot 2090, Jarrahdale; otherwise known as Jarrahdale Heritage Park. Taking into consideration the summer holiday period, and to ensure the maximum level of community engagement, the public submission period has been provided for 60 days and closes on 25 January 2024. The public comment has been promoted across various platforms including Your Say SJ, social media, notice boards, newspaper ads, mail-out to Jarrahdale residents, and in person community engagement.				
Remedial Action:	Following the public submission period, Officers will prepare a report to Council to consider the Jarrahdale Heritage Park Business Plan.				





Action 7:	<u>Administration Accommodation</u> Upgrades to the Administration Accommodation including Staff Amenities, Staff Offices and Council Chambers.	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	<p>A status update for the Administration Accommodation project is as follows: Stage 2A - Staff Amenities - On track: Construction phase underway, due for completion approximately April - May 2024.</p> <p>Stage 2B - Council Chambers - On track: Detail design phase due to be completed February - March 2024, in readiness for pre-tender estimate and review of budget alignment.</p> <p>Stage 2C - Staff Accommodation Refurbishment - At risk: Feasibility completed however not yet adopted.</p>				
Remedial Action:	Stage 2C needs to be progressed.				



Action 8:	<u>Byford Skatepark (Construction of Stage 2)</u> Construct stage 2 of the Byford Skatepark - extension, 3 on 3 basketball and parkour elements, shade and landscaping.	Status				
		Q1	Q2	Q3	Q4	
						
		Grant funded:				
		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
		DLGSC grant				
Comment:	As previously reported, detailed design is complete however the project is behind target due to a request for further information from the Department of Water and Environmental Regulation (DWER), regarding the clearing permit for the onsite trees to be removed. Until the clearing permit is resolved, construction cannot proceed.					
Remedial Action:	The clearing permit is to be issued by DWER, and the Shire will work with the Department until they are satisfied that the clearing of the trees has been suitably addressed and the permit for clearing is issued. This project continues to be managed in accordance with the Project Management Framework.					



Action 9:	<u>Depot Accommodation Upgrades</u> Refurbishment to the current Depot Accommodation.	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	<p>As previously reported, pending items on this project include:</p> <ul style="list-style-type: none"> - Completion of Universal access ramp - Workshop extension scope <p>These items are being addressed and managed through the Project Management Framework. Trades and material for the outstanding items have been arranged and booked in during this reporting period, and works are to commence in January 2024, with anticipated completion and handover within first half of 2024.</p>				
Remedial Action:	Works on outstanding items are to commence in January 2024, with anticipated completion and handover by 30 June 2024.				

Action 10:	<u>Keirnan Park Recreation Precinct (Construction of Stage 1A)</u> Construct Stage 1A of the Keirnan Park Sports Recreation Precinct – AFL/cricket oval, pavilion and supporting infrastructure (FAA with Department of Local Government).	Status				
		Q1	Q2	Q3	Q4	
						
		Grant funded:				
		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
		DLGSC grant				
Comment:	<p>As previously reported, project is at risk until a water source is established and the clearing permit is complete. During the reporting period, Officers continued to work on these matters and an update is provided below:</p> <p>Water Investigation - Site testing for H2 assessment has been completed, lab results are pending. Following this, reports will be sent to DWER with a response expected by February 2024.</p> <p>Clearing Permit - Procurement is underway for the completion of a Dieback Management plan and a Black Cockatoo Impact Mitigation plan. It is anticipated the reports will be submitted to the department by March 2024.</p>					
Remedial Action:	Continue to progress outstanding matters. Consequential amendments to the project schedule will be managed in accordance with the Project Management Framework, in due course.					



Action 11:	<u>Fire Danger Sign Upgrade (2022-23 Carry-Forward)</u>	Status				
		Q1	Q2	Q3	Q4	
						
		Grant funded:				
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	
Comment:	Fire danger sign has been delivered and is in the process of being installed.					
Remedial Action:	Installation will be complete by 31 January 2024.					

Action 12:	<u>Minor Facility Renewals (2022-23 Carry-Forwards)</u>	Status			
		Q1	Q2	Q3	Q4
Comment:	This reporting period, recruitment for an extra resource was completed. An update towards each project is as follows:				
	<ul style="list-style-type: none"> - Briggs Pavilion Main Hall Refurbishment: Procurement for the ceiling works is completed the ceiling must be completed before the blinds, carpet and dance floor repairs can be actioned. These elements are in the final stages of procurement. Consultation with the user groups continues, currently ceiling works cannot be commenced until March 2024. All works are currently on track for completion by 30 June 24. - Men's Shed Upgrade: An application for the upgrade of power has been lodged with Western Power and procurement for the works is underway. - Operations Depot Compliance and Security Upgrade: Access gates and security swipe card access are installed awaiting access fobs to activate. Procurement for CCTV is underway. (Project is 50% complete) - Bush Fire Brigade Management Program and Projects: <ul style="list-style-type: none"> • Byford Changerooms: Design is underway and site meetings have occurred with the builder. Final design is expected in January 2024 due to changes based on initial planning feedback. This project is currently behind target and 				



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	<p>amendments to delivery timelines may be required and will be managed in accordance with the Project Management Framework.</p> <ul style="list-style-type: none"> Serpentine Changeroom: Builder is engaged. Works to commence when building permit is in place, estimated to be late January 2024. On track to be completed by end of May 2024. <p>With additional resources now on board, good progress has been made towards these projects, during this reporting period.</p>
Remedial Action:	Continue to progress projects and work through schedule issues, in accordance with the Project Management Framework.

Action 13:	<u>Minor Facility Renewals (2021-22 Carry-Forward)</u> - SJ Recreation Centre doors, septic and stage - Mundijong Landcare Building (electrical wiring and switchboard)	Status			
		Q1	Q2	Q3	Q4
Comment:	This reporting period, recruitment for an extra resource was completed and as such, work has now commenced on the projects. An update towards each project is as follows: - Mundijong Landcare Building (electrical wiring and switchboard): An electrical consultant has been engaged to assess the electrical installation. Due to heritage requirements, consultation with the Heritage Council is required before a planning application can be actioned. This is likely to delay / put at risk the completion of the project by its due date. - SJ Recreation Centre doors, septic and stage: Septic tank removal discussed on site and is pending quotation based on works required.	Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Remedial Action:	Continue to progress projects and work through schedule issues in accordance with the Project Management Framework.				



Action 14:	<u>Scrivener Road – Gravel Pit</u> Investigation of gravel pit at Scrivener Road for Shire use.	Status			
		Q1	Q2	Q3	Q4
Comment:	During this reporting period, further data analysis and detailed assessment of costs is underway, as requested by the Executive Management Group.	Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>



Remedial Action:	Detailed assessments of costs will progress to the Executive Management Group for consideration.
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Action 15:	<u>Bike Pump Track Feasibility</u> Undertake a feasibility study for a pump track in Byford.	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	The feasibility documentation is complete and was presented to the Project Board in December 2023. Officers are investigating options within the feasibility to determine next steps on how to progress with requesting the State Government to reallocate the \$1.3 million election commitment funding. Consequential amendments will be managed in accordance with the Project Management Framework, in due course.				
Remedial Action:	Present feasibility study to Council at a future meeting.				

Action 16:	<u>Byford Memorial Feasibility and Site Selection</u> Development of a project proposal to inform the undertaking of a feasibility and site selection study for the relocation of the Doley Road Cenotaph.	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	Consultation with stakeholders remains ongoing. Internal review of Policy is complete with final recommendations/Policy to be presented to Council in Q3.				
Remedial Action:	Presentation of consultation outcomes to be presented to Council Q3.				

Action 17:	<u>Hopeland Road Upgrade</u> Rehabilitate the existing pavement on Hopeland Road (MRRG) - from south of Karnup Rd to 100m south of Punrak Rd (Section A) and 100m south to 1km south of Punrak Rd (Section B).	Status			
		Q1	Q2	Q3	Q4
					
		Grant funded:			
		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
		MRRG funding			
Comment:	Design is complete. Preparation of tender documents underway, with procurement scheduled to occur in Q3.				
Remedial Action:	Variation request and extension of time has been reviewed and approved by Main Roads in December 2023 - 6 months extension ending 31/12/2024 - and				



	amendments are being managed in accordance with the Project Management Framework and are progressing to the Project Board for review and to realign delivery dates in the Corporate Business Plan.
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Action 18:	<u>Minor Facility Renewals and Upgrades (Facilities)</u> - Youth Centre - Landcare Building Refurbishment	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	<p>Overall, good progress has been made on these projects during the reporting period. An update is as follows:</p> <ul style="list-style-type: none"> - Youth Centre: Project design is due for completion by designer by end of January 2024. Following this, the design will be provided to the Shire's recently appointed preferred builder for quotation. - Landcare Building Refurbishment: Work is underway with a building consultant to detail the scope of works for the project. As this is a heritage building, consultation with the Heritage Council is required prior to application for planning. This process is likely to delay delivery of the project and any schedule amendments will be worked through in accordance with the Project Management Framework, as required. 				
Remedial Action:	Continue to progress projects and work through schedule issues in accordance with the Project Management Framework.				

Action 19:	<u>Minor Facility Renewals and Upgrades (Civils)</u> - Cement floor for the Darling Downs Residents Association shed and undercover area - Upgrade road surface at Shire Depot	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	<p>An update on these projects during this reporting period, is as follows:</p> <ul style="list-style-type: none"> - Cement floor for the Darling Downs Residents Association shed and undercover area: Shed floor has been completed (90%) and remaining minor section to be completed by end of February 2024. Procurement for remaining works is underway. - Upgrade road surface at Shire Depot: Quotes for the works have been obtained and indicate additional budget will be required to complete the ideal scope of works. Options are being explored in accordance with the Project Management Framework. 				



Remedial Action:	Work through budget and scope issues regarding the depot road surface in accordance with the Project Management Framework.
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Action 20:	<u>Minor Facility New (Projects)</u> Depot Refurbishment - Outdoor Canopy	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	<p>As previously reported, pending items on this project include:</p> <ul style="list-style-type: none"> - Canopy supply and installation to the Depot offices. <p>Project delivery is being managed through the Project Management Framework. Trades and material for these items have been arranged and booked in during the reporting period. Works are to commence in Jan 2024, with anticipated completion and handover within the first half of 2024.</p>				
Remedial Action:	Works on outstanding items are to commence in January 2024, with anticipated completion and handover by 30 June 2024.				

Action 21:	<u>Indigo Parkway</u> Create road reservation, prepare detailed design and documentation for future construction.	Status			
		Q1	Q2	Q3	Q4
					
		Grant funded:			
		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
		Byford DCP funding			
Comment:	During this reporting period, liaison with residents continued, and the draft project brief finalised, in preparation for procurement of a design consultant. Draft brief is currently under internal review and once approved, procurement will commence.				
Remedial Action:	Procurement will commence once prepared brief is reviewed and approved internally.				

Action 22:	<u>ICT Disaster Recovery Plan</u> Develop an ICT Disaster Recovery Plan with a failover internet connection.	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>



Comment:	Works continue on the network design and whilst this project is currently behind schedule, full implementation is expected by the end of April 2024, and the ICT Disaster Recovery Plan is expected to be completed by June 2024.
Remedial Action:	With the recruitment of a new ICT Manager, project is now progressing.



The **2** actions identified as **on hold** are:

Action 1:	<u>Drainage Waste Material Disposal</u> Removal and disposal of stockpiled waste material and investigation of ongoing solution.	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	A report was presented at the December 2023 Ordinary Council Meeting, to update Council on the Watkins Road Waste Transfer Station and plan for the management of bulk waste in 2024. This report covered the progress and impact to deliver on the 12 recommendations detailed in the Waste Transfer Station Review conducted by the Glen Flood Group, which includes this project to remove stockpiled waste material from the site. As the site has been abandoned until the contaminated site works can be completed, stockpiled drainage waste from the transfer station cannot be removed at this time. Given the current uncertainty in regard to remediation of the site, the 12 recommendations from the Waste Transfer Station Review will be considered for deferral or cessation, as part of the mid year CEO KPI review process. Additionally, a future report will be presented to Council in 2024 to consider remediation options and the future of the Waste Transfer Station site.				

Action 2:	<u>Waste Transfer Station Planning</u> Undertake detailed site planning to enhance control measures for accepting and processing waste.	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>
Comment:	A report was presented at the December 2023 Ordinary Council Meeting to plan for the management of bulk waste in 2024. This report covered the progress and impact to deliver on the 12 recommendations detailed in the Waste Transfer Station Review conducted by the Glen Flood Group, including detailed site planning. A future report will be presented to Council in 2024 to consider remediation options, and this project is on hold until further decision can be made on the future of the Waste Transfer Station site.				

Details of the remaining 88 actions **on track** and 4 actions **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:

- Amendment to Mundijong Town Centre Precinct Structure Plan Strategic Operating Project title, description and Q3 and Q4 milestones to reflect Council noting at the November 2023 Ordinary Council Meeting the recent approval, subject to modifications, of the Mundijong District Structure Plan and completion of modifications using funds and to subsequently inform the Precinct Structure Plan (OCM281/11/23).
- Increase of Soldiers Road Principal Shared Path by \$200,000 to continue design elements of the project, as approved by Council at the February 2024 Ordinary Council Meeting (OCM015/02/24). The project is now a Major Capital Project within the Corporate Business Plan, and project description, milestones and funding have been updated accordingly.

Under Principle Two:

Nil.

Under Principle Three:

- Extension of time to 30 June 2024 for completion of Depot Accommodation Upgrades, as approved in accordance with the Project Management Framework.
- As outlined in the July to September 2023 Budget Review at agenda item 10.3.3 of the November 2023 Ordinary Council Meeting:
 - Increase of Minor Facility Renewals and Upgrades by \$92,400 for Civic Centre Council Chamber Minor Refurbishment, within the Capital Works Program.
 - Increase of Plant and Fleet New by \$55,000 for Manager Waste, Plant and Fleet new vehicle, within the Capital Works Program.
- As outlined in Statutory Budget Review at agenda item 10.3.4 of the March 2024 Ordinary Council Meeting, subject to Council adoption:
 - Increase of Minor Facility Renewals and Upgrades by \$220,000 for asphalt to upgrade the road surface at the Shire Depot, within the Capital Works Program.



- Increase of Gravel Resheeting by \$50,000, within the Capital Works Program.
- Increase of Plant and Fleet Renewal by \$100,000 for replacement of Skidsteer Loader, 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 2023-27 contains the following Key Performance Indicators:

1. 80% of strategic operating projects are completed by their due date
2. 80% of road projects planned to be constructed are delivered
3. Improvement is seen in all key result areas of the community perceptions survey
4. Improvement is seen in the Performance Index Score of the Employee Scorecard Survey
5. 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: 71% (15/21)

Comment:

The Corporate Business Plan 2023-27 contains 23 Strategic Operating Projects due between 1 July 2023 to 30 June 2024. Of these, as at 31 December:

- twelve (12) are on track;
- five (5) are flagged as 'at risk / behind schedule;
- one (1) has been completed on time;
- three (3) have not been completed by their due date; and
- two (2) are 'on hold'.

The projected result for this KPI is 71% (15/21), which assumes:

- The two (2) projects reported 'on hold' are either realigned or removed following the outcome of the Transfer Station matter and are excluded from the calculation.
- The twelve (12) projects reported on track in this report, remain on track and are completed by their due dates.
- The following two (2) projects 'at risk or behind target' will get back on track in a future reporting period for the following reasons:
 - Bike Pump Track Feasibility project - will be realigned in accordance with the Project Management Framework, pending the outcome of a request for funding reallocation with the State Government.
 - Asset Management Maturity project - as reported within the Strategic Risk Register Quarterly Review, the Asset Management Maturity project details will be realigned, pending a Council resolution to consider the Audit, Risk and Governance Committee resolution at the March 2024 Ordinary Council Meeting.



- The following (3) projects identified as 'at risk or behind target' in this report (Scrivener Road Gravel Pit, Byford Memorial Feasibility and Site Selection and ICT Disaster Recovery Plan) do not get back on track.
- The Disability Access and Inclusion Plan 2022-27 was completed on time (due 30 September 2023, completed 18 September 2023).
- The following three (3) Strategic Operating Projects have not been completed by their due date:
 - Hypergrowth Road Priorities (due for completion on 30 September 2023, completed 31 October 2023)
 - Heritage Park Business Case (due for completion on 30 September 2023)
 - Future development at Lampiter Drive, Mardella (due for completion 31 December 2023)

KPI 2: 80% of road projects planned to be constructed are delivered

Projected Result: 93% (14/15)

Comment:

There are ten (10) major capital road projects and five (5) minor capital road projects due to be constructed by 30 June 2024. Of these, nine (9) are 'on track', one (1) is 'at risk or behind schedule' and the following five (5) projects are complete:

- Whitby Street, Mundijong
- Nicholson Road and Foxton Drive
- Briggs Road Rehabilitation (SLK 0.7 to 1.11)
- Nettleton Road Rehabilitation
- Tuart Road, Oakford

The projected result for this KPI is 93% (14/15) which assumes:

- One (1) project identified as 'at risk or behind target' in this report (Hopeland Road Upgrade) does not get back on track.
- The nine (9) projects reported on track in this report, remain on track and are completed by their due dates.

KPI 3: Improvement is seen in all key result areas of the community perceptions survey

Comment: Not applicable – the survey is carried out biannually and is not due again until 2024-25.

KPI 4: Improvement is seen in the Performance Index Score of the Employee Scorecard Survey

Comment: Not applicable – the employee survey is conducted biannually and is not due again until 2024-25.

KPI 5: Financial Sustainability – maintain a financial health indicator above 70

Comment: 75 for the 2022-23 financial year.

A result for 2023-24 will be reported on completion of the financial year, subject to completion of the audited financials.



Options

Option 1

That Council:

1. NOTES the performance report against the 2023-27 Corporate Business Plan for the period 1 October to 31 December 2023 as contained in this report and **attachment 1**.
2. ADOPTS the amendments to the Corporate Business Plan 2023-27 as outlined in this report and **attachment 2**.

There are no implications associated with this option.

Option 2

That Council:

1. NOTES the performance report against the 2023-27 Corporate Business Plan for the period 1 October to 31 December 2023 as contained in this report and **attachment 1**.
2. ADOPTS the amendments to the Corporate Business Plan 2023-27 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 2023-27 Corporate Business Plan for the period 1 July to 30 September 2023 as contained in this report and **attachment 1**.
2. DOES NOT ADOPT the amendments to the Corporate Business Plan 2023-27 as outlined in this report and **attachment 2**.

Refer to Risk Implications for the implications associated with this option.

Option 1 is recommended.

Option 2 is recommended if the budget item at item 10.3.4 is not resolved as recommended.

Conclusion

The performance reporting against the Corporate Business Plan this reporting period details 19% of actions are currently 'at risk or behind target', 79% are 'on track or complete' and 2% of actions 'on hold'. Major Capital Projects managed in accordance with the Project Management Framework continue to be handled in a consistent manner to rectify any issues, as well as assess and implement next steps. Strategic Operating Projects 'at risk or behind target' continue to be closely monitored, including two actions 'on hold' due to the closure of the Waste Transfer Station. Road projects scheduled for delivery in 2023-24 remain predominantly on track, with 5 actions already completed. Additionally, the Road Upgrade Advocacy Plan was finalised during this reporting period, identifying road upgrades for future advocacy and potential delivery in funding partnership with State and Federal Governments.

Attachments (available under separate cover)

- **10.3.5 - attachment 1** – Corporate Business Plan 2023-27 Performance Report 1 October



to 31 December 2023 (E24/3055)

- **10.3.5 - attachment 2** – Corporate Business Plan 2023-27 Quarter Two Review – Tracked Changes (E24/1356)

Alignment with our Council Plan 2023-2033

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 2023-27 2023-24 Annual Budget	Organisational Performance	Unlikely	Minor	LOW	Nil.

Voting Requirements: Absolute Majority (Regulation 19DA(6) of the *Local Government (Administration) Regulations 1996*)

Officer Recommendation:

That Council

1. **NOTES** the performance report against the 2023-27 Corporate Business Plan for the period 1 October to 31 December 2023 as contained in this report and attachment 1.
2. **ADOPTS** the amendments to the Corporate Business Plan 2023-27 as outlined in this report and attachment 2.

**10.3.6 – Community Budget Requests (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

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 provide options for community submissions in the 2024/2025 annual budget process that can be undertaken within existing resources.

Relevant Previous Decisions of Council*Ordinary Council Meeting – 19 February 2024 - OCM022/02/24 - COUNCIL RESOLUTION*

1. NOTES the Shire of Serpentine Jarrahdale's Integrated Planning, Reporting and Budget Timetable for the 2024-2028 Corporate Business Plan, 2024-2025 Budget and 2024-2034 Long Term Financial Plan as contained within this report

2. REQUESTS the Chief Executive Officer prepare and report to Council in March 2024, on options for community participation in the annual budget process that can be undertaken with existing resources, supported by a proposed framework that outlines the:

- Eligibility criteria and types of submissions permitted
- Minimum timeframe for public advertising
- Format of submissions
- Criteria and process for assessing and prioritising submissions

Background

At the February 2024 Ordinary Council Meeting, Council noted the Shire's Integrated Planning, Reporting and Budget Timetable:

Date:	Milestone / Event:	Purpose:
Wednesday, 28 February 2024	Corporate Business Plan workshop with Elected Members	Present Elected Members with a draft 2024-2028 Corporate Business Plan.



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Date:	Milestone / Event:	Purpose:
Wednesday, 27 March 2024	Strategic Forum workshop with Elected Members	To discuss future possible initiatives for inclusion in the Corporate Business Plan.
Wednesday, 24 April 2024	Budget Workshop with Elected Members	Rates Modelling, Long Term Financial Plan and Fees and Charges
Wednesday, 1 May 2024	Budget Workshop with Elected Members	Capital Budgets and final draft Corporate Business Plan
Wednesday, 8 May 2024 Wednesday, 15 May 2024	Budget Workshop with Elected Members	Operating Budgets
Monday, 20 May 2024	Ordinary Council Meeting	Council Consideration to advertise Rates
Wednesday, 2 July 2024	Question and Answer Session with Elected Members	Pre Special Council Meeting Budget Adoption Question and Answer Session
Monday, 8 July 2024	Special Council Meeting	Council consideration of the Annual Budget, Corporate Business Plan and Long Term Financial Plan

At this meeting, Council resolved to request the Chief Executive Officer look into options for community participation in the process that can be achieved within existing resources. This request forms the basis of this paper.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt by absolute majority, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

Section 6.36 of the *Local Government Act 1995* requires notice of certain rates and submissions to be invited from electors or ratepayers within 21 days or such longer period of the notice.

Comment

The following formal processes currently exist for community engagement in the Shire's annual budget process, which are undertaken within the Shire's current resources:

- Petitions submitted in accordance with the *Shire's Standing Orders Local Law 2002* considered by Council at an Ordinary Council Meeting.



- Decisions made at an electors' meetings considered by Council at an Ordinary Council Meeting.
- Community Perceptions Survey undertaken every two years in accordance with Council Policy 5.1.10 – Community Perceptions Survey.
- Council Plan reviewed every four years via a comprehensive community engagement process as required under the *Local Government (Administration) Regulations 1996* (WA).
- Notice of Motions requested by Elected Members in accordance with the *Shire's Standing Orders Local Law 2002*.
- Notice and submissions regarding certain rates as required under the *Local Government Act 1995*.
- Budget Breakfast traditionally held once a year prior to budget adoption to inform the community of the major initiatives within the draft budget.

Options for additional community engagement within existing resources

Since the implementation of the Customer Resource Management (CRM) module in May 2021, the Shire has been collating a wealth of knowledge regarding community requests for projects and services by categorising CRM's that are unable to be actioned because they require additional resourcing and/or budget. These CRM's range in complexity from an increase in service (such as additional street sweeping and tree maintenance) to new capital projects (such as upgrades to roads). As at the time of writing this report, there are approximately 100 CRM's that meet this criteria.

Officers propose that as part of this year's annual budget process, these CRM's are provided to Council for consideration and integrated into the 2024/2025 annual budget process following the below process:

- CRM's printed and provided to Elected Members for review following the Ordinary Council Meeting on 18 March 2024;
- At the Strategic Forum Workshop with Elected Members on 27 March 2024, Elected Members select (by way of simple majority) those CRM's they would like Officers to complete business cases on. A business case considers an initiatives cost, scope, risks and timing.
- Business cases are developed by Officers and presented to Council for consideration at the Budget Workshops with Elected Members between April and May 2024 as appropriate.

Any other additional processes for community engagement in this years annual budget process is not achievable without additional resources, process development and delay of budget adoption.

Recommendations for future maturity regarding community engagement in the annual budget process

The following strategic work underway that Officers believe will significantly improve the Shire's ability to undertake improved community engagement in the annual budget process include:

- Development and implementation of maintenance schedules and levels of service
- Development and implementation of asset management and forward works plans, and review of the Asset Management Strategy and Policy



Given the above work, including realisation of its benefits is likely to take 2-3 years, it is recommended the following 5 year maturity journey is noted by Council as it pertains to community engagement in the annual budget process:

- For future budget years 2024-2025, 2025-2026 and 2026-2027, the above-mentioned CRM process is undertaken, reviewed and refined as required.
- During this time, the Council could also consider reintroducing the Community Infrastructure Grant Program albeit in a revised format from previous iterations.
- For future budget year 2027-2028, a business case to consider options for enhanced community engagement in the annual budget process is undertaken, with a view to implement the enhancement for the 2028-2029 annual budget process.

Options

Option 1

That Council

1. REQUESTS the Chief Executive Officer include Customer Requests not resourced for Council consideration in the 2024-2025 annual budget process
2. NOTES the proposed 5-year maturity journey as it pertains to community engagement in the annual budget process as:
 - For future budget years 2024-2025, 2025-2026 and 2026-2027, the above-mentioned CRM process is undertaken, reviewed, and refined as required.
 - Consider reintroducing the Community Infrastructure Grant Program albeit in a revised format from previous iterations.
 - For future budget year 2027-2028, a business case to consider options for enhanced community engagement in the annual budget process is undertaken, with a view to implement the enhancement for the 2028-2029 annual budget process.

Option 2

That Council:

1. NOTES the contents of this report and RESOLVES to maintain status quo pertaining to community engagement in the annual budget process.

Option 1 is recommended.

Conclusion

This report proposes an option for Council to consider feedback received from the community within the annual budget process that can be achieved within existing resources.

Attachments (available under separate cover)

Nil.

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



Financial Implications

Nil

Risk Implications

Nil

Voting Requirements: Simple Majority

Officer Recommendation

That Council

1. **REQUESTS** the Chief Executive Officer include Customer Requests not resourced for Council consideration in the 2024-2025 annual budget process
2. **NOTES** the proposed 5-year maturity journey as it pertains to community engagement in the annual budget process as:
 - For future budget years 2024-2025, 2025-2026 and 2026-2027, the above-mentioned CRM process is undertaken, reviewed, and refined as required.
 - Consider reintroducing the Community Infrastructure Grant Program albeit in a revised format from previous iterations.
 - For future budget year 2027-2028, a business case to consider options for enhanced community engagement in the annual budget process is undertaken, with a view to implement the enhancement for the 2028-2029 annual budget process.

**10.3.7 - Consideration of Motions Carried at the Annual General Meeting of Electors held on 31 January 2024 (SJ4384)**

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

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

The purpose of this report is to enable Council to consider the motions carried at the Annual General Meeting of Electors held on 31 January 2024.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

In accordance with section 5.27 of the *Local Government Act 1995* (the Act), the Annual General Meeting of Electors was held on 31 January 2024. Notice of the media was provided in accordance with the requirements for the Act in the Examiner Newspaper, public notice boards and the Shire's social media on 9 January 2024.

There were 16 members of the public recorded as being in attendance.

Community / Stakeholder Consultation

Nil

Statutory Environment

Under section 5.27 of the Act, a general meeting of the electors of a district is to be held once every financial year. A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

Under section 5.33 of the Act all decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable at the first ordinary council meeting after that meeting; or at a special meeting called for that purpose whichever happens first.

If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.



Comment

Section 5.33 of the *Local Government Act 1995* states:

“5.33. Decisions made at electors’ meetings

(1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”

In addition to receiving the Annual Report for the Shire of Serpentine Jarrahdale for the year 2022-2023 incorporating the 2022-2023 Annual Financial Statements and the 2022-2023 Auditor’s Report, the following nine motions were carried by electors for Council’s consideration but not necessarily requiring any action:

GME002/01/24

MOTION

Moved Mr Ball, seconded Mr Tomlinson

That this meeting of ratepayers recommends that the Shire makes no change from 26 January for Australia Day unless the Australian Government makes a change, and the conduct of Naturalisation Ceremonies on Australia Day will continue.

MOTION CARRIED

GME003/01/24

MOTION

Moved Mrs Rich, seconded Ms Berry

That Council REQUESTS the Chief Executive Officer:

1. As part of the 2024/2025 budget process, prepare and submit a business case for funding consideration by Council to design and construct an approximately 53 metre extension to the footpath on the south side of Jarrahdale Road, opposite the Nettleton Road intersection as shown in attachment 1 to provide safe pedestrian access to visitors and residents of Jarrahdale;
2. As part of the 2024/2025 budget process, prepare and submit a business case for funding consideration by Council to engage external consultants to undertake community consultation, investigation, concept design and costing for implementation of appropriate traffic calming treatments along Jarrahdale Road through the Jarrahdale townsite to better manage the anticipated increase in traffic and pedestrian movement in preparation for Trails Town Status and Tonkin Highway Extension.

MOTION CARRIED



GME004/01/24

MOTION

Moved Mrs Rich, seconded Mr Ball

That Council REQUESTS the Chief Executive Officer as part of the 2024/2025 budget process to prepare and submit a business case for funding consideration by Council to design and construct a fence above the retaining wall that separates the Byford Scout Hall Land and the Byford and Districts Country Club car park.

MOTION CARRIED

GME005/01/24

MOTION

Moved Mrs Rich, seconded Mr Atwell

That Council REQUESTS the Chief Executive Officer as part of the 2024/2025 budget process to prepare and submit a business case for funding consideration by Council to design and construct the remaining length of the Baskerville Road, between Tonkin Street and Keirnan Street Mundijong.

MOTION CARRIED

GME006/01/24

MOTION

Moved Mrs Rich, seconded Mr Atwell

That Council REQUESTS the Chief Executive Officer as part of the 2024/2025 budget process to prepare and submit a business case for funding consideration by Council to design and construct the length of unmade road between Windmill Avenue North and Windmill Avenue South Serpentine.

MOTION CARRIED

GME007/01/24

MOTION

Moved Mrs Bond, seconded Mr Wigg

That the Footpath linking Graceford Village to Byford Town Centre on Soldiers Road and Gordon Way be reconstructed.

MOTION CARRIED

GME008/01/24

MOTION

Moved Mrs Rich, seconded Mr Atwell

That Council REQUESTS the Chief Executive Officer as part of the 2024/2025 budget process to prepare and submit a business case for funding consideration by Council to design and construct a replacement fence around the storm water retention basin between 14 and 18 Mardja Loop Mardella.

MOTION CARRIED



GME009/01/24

MOTION

Moved Mrs Rich, seconded Mr Atwell

That Council REQUESTS the Chief Executive Officer as part of the 2024/2025 budget process to prepare and submit a business case for funding consideration by Council to design and construct substantial hardstand for the safe collection of water during fire emergencies at the water hydrant located west of the rail crossing, Elliot Road Keysbrook.

MOTION CARRIED

GME010/01/24

MOTION

Moved Mr Atwell, seconded Mrs Rich

That Council REQUEST the Chief Executive Officer present a report to Council on increasing the retention of trees during all subdivision processes.

MOTION CARRIED

Options

Option 1

That Council:

1. RECEIVES the minutes of the Annual General Meeting of Electors held on 31 January 2024.
2. _____

[Elected Member moving the motion in response to a decision made at the electors' meeting to specify]

Option 2

That Council RECEIVES the minutes of the Annual General Meeting of Electors held on 31 January 2024.

Option 1 is recommended.

Conclusion

In accordance with legislation, the motions carried at the Annual General Meeting of Electors are presented for Council's consideration.

Attachments (available under separate cover)

- **10.3.7 – attachment 1** – Minutes General Meeting of Electors – 31 January 2024 (E24/2001)



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

Nil

Risk Implications

Nil

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **RECEIVES** the minutes of the Annual General Meeting of Electors held on 31 January 2024.
2. _____

[Elected Member moving the motion in response to a decision made at the electors' meeting to specify]

**10.4 Community Engagement reports:**

10.4.1 - Execution of Sublease between Sports Aircraft Builders Club Inc. and Fire and Emergency Services Ministerial Body – Reserve 25911 Yangedi Road Hopeland (L066)	
Responsible Officer:	Community Projects Specialist
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 authorising the Director Community Engagement to co-sign the sublease between the Sport Aircraft Builders Club of WA Inc. and FES Ministerial Body, a body corporate, pursuant to the *Fire and Emergency Services Act 1998* (WA), located at Reserve 25911, 286 Yangedi Road, Hopeland.

The sublease is in accordance with the Head Lease agreement between the Shire and Sport Aircraft Builders Club of WA Inc.

Relevant Previous Decisions of Council

*Ordinary Council Meeting - 23 July 2018 - OCM071/07/18 - COUNCIL DECISION / Alternate Councillor Recommendation - **extract***

That Council:

- 1. Requests the Minister for Lands amend the Management Order for Lot 164 Yangedi Road (Reserve 25911) to increase the Power to Lease to a term of 32 years and the permitted purpose amended to Recreation and Weather Radar Activities.*
- 2. Notes the key lease terms between the Shire of Serpentine Jarrahdale and the Sports Aircraft Builders Club as:*
 - a) Lease term of 32 years;*
 - b) Annual rental of \$1.00 in accordance with Council Policy 5.1.3 Lease and License Management;*
 - c) Permitted purpose of Recreational Airfield and associated activities including light aircraft maintenance, aerial firefighting aircraft, Shire Bushfire Services and air rescue and weather radar activities;*



Background

The Shire has a Management Order over Reserve 25911, 286 Yangedi Road, Hopeland for the designated purpose of Recreation, Weather Radar Activities and Emergency Services only, with the power to lease (sub-lease or licence) for a term not exceeding 32 years, subject to the approval, in writing, of the Minister for Lands.

The Reserve, known as 'Yangedi Airfield' consists of the Sports Aircraft Builders Club Inc. (SABC) and infrastructure erected by the Commonwealth of Australia Bureau of Meteorology (BOM) and the Department of Fire and Emergency Services (DFES).

At the June 2018 Ordinary Council Meeting, Council noted the key lease terms agreed between the Shire, as Lessor, and SABC, as Lessee, for a new lease of the reserve for a term of 32 years. The resolution included that the permitted purpose of the lease should include Recreational Airfield and associated activities, including light aircraft maintenance, aerial firefighting aircraft, Shire Bushfire Services and air rescue and weather radar activities.

Following the commencement of the lease between the Shire and SABC on 27 May 2019, SABC entered into discussions with Bureau of Meteorology to draft a sublease agreement as per the resolution. The sub lease was approved by Council at its 16 November 2020 Ordinary Council Meeting OCM369/11/20.

In July 2020, SABC entered into a Memorandum of Understanding (MOU) with DFES to document the arrangements for the use of the Serpentine Airfield as the Nominated Operational Base for DFES Aviation Services Operations. The MOU provides that DFES would pay a fee of \$2,000 per annum in return for specified services to be provided by SABC and relating to DFES use of the premises. SABC then commenced discussions with FES Ministerial Body to draft a sublease over a portion of Reserve 25911 (approximately 4000m²) for the purpose of housing aerial firefighting aircraft as per the 2018 Council Resolution.

Following questions raised from Council at its May 2023 the sub lease was returned for update and all changes requested have been taken into consideration within the updated sub lease agreement.

Community / Stakeholder ConsultationPolicy Concept Forum

Nil.

Statutory Environment

- *Local Government Act 1995*

Associated Council Policies

- Council Policy 1.1.4 – Execution of Documents and Use of the Common Seal
- Council Policy 5.1.3 Lease and Licence Management

Comment

The 64.7-hectare reserve contains the Yangedi Airfield, weather radar and the DFES helicopter for emergency services purposes. The area utilised by FES Ministerial Body is approximately 4000m², as shown hachured blue below:



Figure 1 - Location of DFES lease area

The Lease between the Shire and SABC (see **CONFIDENTIAL attachment 2**) specifies the Lessee (SABC) must not assign, sub let or dispose of any part of the land without the prior written consent of the Lessor, the Minister for Lands and any other person whose consent is required under the lease or at law.

It further provides that if the Lessee receives the prior consent of the Minister for Lands the Lessor consents to the lessee granting a sub lease of a portion of the land to:

1. Department of Fire and Emergency Services, for the purpose of housing a helicopter and required ancillary infrastructure for regional and emergency fire response activities; and
2. The Bureau of Meteorology, for the purpose of weather monitoring.

For all other sub lettings, the Lessor (Shire) may not unreasonably withhold its consent to sublease subject to the following:

1. The proposed sub lessee is respectable and responsible of good financial standing and capable of adequately carrying on the business permitted.
2. There are no outstanding payments by SABC;
3. SABC procures the execution by a deed of sublease.
4. The amount of Rent payable is prior - approved by the Shire.

The terms of the sub lease between SABC and FES Ministerial Body are:



Term:	3 years
Option:	2 successive options for a further term of 12 months in each case
Area:	Part of the reserve area totalling approximately 4000m ²
Rent:	\$2000 per annum in line with the prior Memorandum of Understanding.
Permitted use:	The Tenant may use the Premises for fire and emergency purposes to house a helicopter and necessary infrastructure related thereto and for all ancillary uses unless the Landlord consents to another use.

Minister for Lands Consent is required: This will be obtained following Council approval.

The deed of sub lease is consistent with the provisions of the head lease and with Council resolution OCM07107/18 from the Ordinary Council Meeting 23 July 2018. The deed also complies with both the Council Policy 5.1.3 Lease and Licence Management.

The draft FES Sublease is enclosed as **CONFIDENTIAL attachment 1**.

Options

Option1

That Council:

1. APPROVES the deed of sublease between the Sports Aircraft Builders Club Inc (SABC) and Fire and Emergency Services Ministerial Body, located at Reserve 25911, 286 Yangedi Road, Hopeland based on the following terms:

Term:	3 years
Option:	2 successive options for a further term of 12 months in each case
Area:	Part of the reserve area totalling approximately 4000m ²
Rent:	\$2000 per annum
Permitted use:	The Tenant may use the Premises for fire and emergency purposes to house a helicopter and necessary infrastructure related thereto and for all ancillary uses unless the Landlord consents to another use.

2. AUTHORISES the co-signing of the deed of sublease as shown in CONFIDENTIAL attachment 1 (subject to the consent of the Minister for Lands) in accordance with Council Policy 1.1.4 – Execution of Documents and Use of the Common Seal.

Option 2

That Council:

1. DOES NOT APPROVE the deed of sublease;
2. DOES NOT AUTHORISE the co-signing of the deed of sublease between SABC and FES Ministerial Body.

Option 1 is recommended.

**Conclusion**

In accordance with Council Policy 5.1.3 Lease and Licence Management, it is recommended Council authorises the co-signing of the deed of sublease between Sports Aircraft Builders Club Inc and Fire and Emergency Services Ministerial Body.

The deed of sub lease is consistent with the provisions of the head lease and with Council resolution OCM07107/18 from the Ordinary Council Meeting 23 July 2018.

Attachments (available under separate cover)

- **10.4.1– CONFIDENTIAL attachment 1** – Draft FES Sublease (E24/2562)
- **10.4.1 – CONFIDENTIAL attachment 2** – SABC Executed Lease (E19/6403)

Alignment with our Council Plan 2023-2033

Liveable	
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 costs to the Shire of Serpentine Jarrahdale for preparation of the sub lease.

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 significant risks associated with this option.						
2	Impacts to stakeholder relationships between SABC and FES Ministerial Body, as the sub-lease is permitted in the headlease between the Shire and SABC	Headlease between the Shire and SABC	Strategic Stakeholder Relationships	Unlikely	Moderate	LOW	Option 1



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **APPROVES** the deed of sublease between the Sports Aircraft Builders Club Inc (SABC) and Fire and Emergency Services Ministerial Body, located at Reserve 25911, 286 Yangedi Road, Hopeland based on the following terms:

Term: 3 years

Option: 2 successive options for a further term of 12 months in each case

Area: Part of the reserve area totalling approximately 4000m²

Rent: \$2000 per annum

Permitted use: The Tenant may use the Premises for fire and emergency purposes to house a helicopter and necessary infrastructure related thereto and for all ancillary uses unless the Landlord consents to another use.

2. **AUTHORISES** the co-signing of the deed of sublease as shown in **CONFIDENTIAL** attachment 1 (subject to the consent of the Minister for Lands) in accordance with Council Policy 1.1.4 – Execution of Documents and Use of the Common Seal.

**10.4.2 - Proposed Disposition of Lot 1 Evelyn Street, Mundijong (L049)**

Responsible Officer:	Community Projects Specialist
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 options for the future use of 1 Evelyn Street Mundijong.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 November 2023 – OCM283/11/23 – COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. REQUESTS in accordance with section 3.58(3) of the Local Government Act 1995 that the Chief Executive Officer gives local public notice of the proposed disposition of lot 1, Evelyn Street, Mundijong to Graham Michael Melling ABN No. 72 587 402 133 as contained within attached 2;*
- 2. REQUESTS that any submissions received are presented to Council.*

*Ordinary Council Meeting - 21 November 2022 - OCM278/11/22 - COUNCIL RESOLUTION
In accordance with clause 12.1 of the Standing Orders Local Law 2002 (as Amended) that the Council proceed to the next business.*

Ordinary Council Meeting - 18 May 2020 - OCM124/05/20 - COUNCIL RESOLUTION

That Council:

- 1. APPROVES the Shire President and Chief Executive Officer to engross the lease agreement as contained within confidential attachment 1 with Mundijong Markets for Lot 1 Evelyn Street, Mundijong subject to the inclusion in Appendix B of the requirement to prepare a Weed Management Plan and Weed Management Schedule to the satisfaction of the Shire of Serpentine Jarrahdale; and*



2. *INSTRUCTS the Chief Executive Officer to undertake a facility audit and inspection prior to engrossing the lease for the purposes of safety and environmental health.*

Ordinary Council Meeting – 16 December 2019 - OCM305/12/19 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *NOTES the request received from Serpentine Jarrahdale Food and Farm Alliance Inc. to allow the lease application to lapse, as per confidential attachment 2 of this report and;*
2. *In accordance with section 3.58 of the Local Government Act 1995, ADVERTISES for a period of 21 days, its intent to dispose of the land at Lot 1 Evelyn Street, Mundijong to Mundijong Markets for a term of 5 years plus a further 5 year extension, at a rental rate of \$6,840 per annum (inclusive of GST) and annual CPI increase, plus outgoings to be paid by the tenant and no further renewal option and;*
3. *NOTES that a report detailing any submissions received will be presented to Council for consideration at the February 2020 Ordinary Council Meeting.*

Ordinary Council Meeting - 18 February 2019 – OCM 030/02/19 - COUNCIL RESOLUTION / Officer Recommendation:

That Council:

1.
 - a) *INSTRUCTS the Chief Executive Officer to call for Expressions of Interest for a commercial or community lease of Lot 1 Evelyn Street, Mundijong and;*
 - b) *NOTES that a report detailing all submissions will be presented to Council for consideration at the July 2019 Ordinary Council Meeting;*
2. *INSTRUCTS the Chief Executive Officer to obtain a market valuation for Lot 1 Evelyn Street, Mundijong to a maximum value of \$4,000.00 ex GST, and records the expenditure as per the following budget variation:*

<i>Account code</i>	<i>Description</i>	<i>Debit \$</i>	<i>Credit \$</i>
<i>CDO532</i>	<i>Property Valuation Expenses</i>	<i>\$4,000</i>	
<i>CDO531</i>	<i>Legal Expenses</i>		<i>\$4,000</i>

Background

Lot 1 Evelyn Street, Mundijong has been operating as the Mundijong Saleyards/Markets for over 30 years. The Shire purchased the lot in 1999 for the purpose of land banking for future development. The land has been earmarked for major urban development in the Mundijong/Whitby District Structure Plan. It is anticipated that development of the area where this lot is located will commence in 2032.

The land was managed under a lease agreement with Statewide Livestock, which expired in 2009. In December 2018, Statewide Livestock advised the Shire that it wished to terminate its occupancy arrangement. Statewide advised that they had sold the business to Grahame Michael



Melling, who has continued to operate the Mundijong Markets. In February 2019, Council called an invitation for Expressions of Interest for commercial or community leases for the property.

No rental has been charged on this property over this time and the Mundijong Markets have covered all outgoings for the property.

Property valuation was undertaken in May 2019 with a market value appraisal of between \$5,000 - \$10,000 per annum, plus outgoings. In October 2023, a follow up independent market evaluation was procured and confirmed the property in "as is condition" was valued at \$6,000 per annum plus outgoings.

The proposed rental amount is \$6,840 per annum plus outgoings.

At its meeting of 18 May 2020, Council resolved to engross a lease agreement with Grahame Michael Melling, operating as Mundijong Markets, subject to the requirement for the proponent to prepare a Weed Management Plan and Weed Management Schedule to the satisfaction of the Shire. Council further resolved to instruct the Chief Executive Officer to undertake a facility audit and inspection prior to engrossing the lease for the purposes of safety and environmental health.

A satisfactory weed management plan was subsequently received by the Shire and in October 2020, the Shire's building surveyors undertook a site audit focusing on the building structures. The audit identified defects in most structures which could affect the health and safety of the occupiers and visitors to the site. The subsequent report found that the site required extensive repairs and the removal/closure of some structures.

The proposed lease which was presented to Council at the Ordinary Council Meeting on 18 May 2020, provides that the Lessee takes the premises in its existing condition and the Lessor does not warrant that the premises are adequate for the purposes of the Lessee. The Shire does however, as owner of the land, have a duty of care to those that use the premises to the extent covered by legislation.

Considering that the site has continued to be used as the venue for Mundijong Markets, operated by Grahame Michael Melling without a formal lease or agreement, the Shire may be liable if an incident occurs due to the defects noted. It is therefore important that appropriate action is taken to address the issues of concern raised in the building surveyors report should the site continue to be used as a venue for markets and be accessible by the public.

Shire Officers have engaged with the operator of Mundijong Markets via email communication and face to face meetings to discuss the current building condition and remediation works that are required. Whilst the Shire owns the structures on site, the operator has indicated they would be willing to undertake some of the remediation works at their cost. This is detailed in the Comment section of this report.

At its meeting of 20 November 2023, Council resolved that in accordance with section 3.58(3) of the *Local Government Act 1995*, the Chief Executive Officer gives local public notice of the proposed disposition of Lot 1, Evelyn Street, Mundijong to Grahame Michael Melling and that any submissions received are presented to Council.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.



Public Notice

In accordance with section 3.58(3) of the *Local Government Act 1995* the Chief Executive Officer gave local public notice of the proposed disposition of lot 1, Evelyn Street, Mundijong to Grahame Michael Melling.

This was advertised online and in print between 7 December 2023 and 4 January 2024.

The Shire received one submission during the public notice period from the Serpentine Jarrahdale Food and Farm Alliance (SJFFA), operators of the SJ Farmers Market, which is provided at **CONFIDENTIAL attachment 2**.

On Friday, 16 February, the Shire received a response from Dimer Heritage, which was outside of the public notice period, this is provided at **CONFIDENTIAL attachment 3**. The respondent was advised their response has not been considered.

Engagement has occurred with SJFFA, and the outcome of this engagement is covered in the comments section of this report.

Statutory Environment

- *Work Health and Safety Act 2020*
- *Land Administration Act 1997*
- *Building Code of Australia (BCA) (volumes 1 and 2 of the National Construction Code Series)*

Section 3.58 of the *Local Government Act 1995* regulates the disposal of Council property. With the following conditions:

A local government can dispose of property if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Comment

Response to Public Notice of Proposed Disposition

Mundijong Market Operators Consultation

Following this submission Shire Officers have engaged with the operator of Mundijong Markets via phone and email communication that one other application has been received from SJFFA. The Mundijong Markets preference is to be the leaseholder of the whole property but would be open to sub leasing to the SJFFA and to accept the responsibility of the sublessee and their management.



The Mundijong Markets are also open to a split lease arrangement of the land parcel, if this was feasible, and ensured they remained with lease over the saleyards amenities that they have proposed to undertake rectification works for.

Mundijong Markets were not prepared to sub lease the facilities from the SJFFA.

SJFFA Consultation

Shire Officers have engaged with the SJFFA via face-to-face meetings and email communication.

SJFFA has provided a comprehensive submission with many community benefits that align with the Shire's vision for community. SJFFA propose to develop a Food and Regenerative Farming Hub that is a home for the Serpentine Jarrahdale Farmers Market, onsite workshop facilities and undertaking small scale regenerative farming practices.

SJFFA have also requested subsidised rent and outgoings whilst they would undertake a host of works to the site to enable it to become operational.

There are works onsite that SJFFA have requested to be completed or subsidised if they were to be successful in their application to ensure a smooth handover comprising:

- Removal of disused buildings, ablution block and rubbish from property
- Ensure reticulated water and electricity is available at the property
- Assistance with acquisition and installation of temporary transportable toilets or a new ablution facility
- Replacement of boundary fencing
- Removal of weed infestation from the property
- Implementation of firebreaks to the property
- Negotiation of a 1st year rent free period and a lower than market rate rent due to the SJFFA undertaking to remediate the property to operational standards and the community benefit that SJFFA will bring to management of the site.

The property will need to be made safe as it is will be open to the general public. The SJFFA will seek grant funding for modern toilet block, commercial kitchen, teaching space, cool room, café front, retail space.

Currently the Shire has no indicative costs to undertake the above works.

The SJFFA preference is to be the sole leaseholder of the property but would be open to sub leasing to the Mundijong Markets and to accept the responsibility of the sublessee and their management.

The SJFFA were not open to sub leasing from the Mundijong Markets or entering into a split lease arrangement for the property.

Whilst neither party is agreeable to become the sub-lessee a lease arrangement with one party who then may undertake negotiation of a sub-leasing arrangement as per the sub-leasing clause within the head lease would be a preferred option to a split lease for the Shire. This arrangement allows the lease holder to assume the delegation of responsibilities and manage timing site usage and split of utilities costs and formalise other agreements that are currently in place. The Lessee would be under no obligation to undertake a sub lease arrangement.

**Property Inspection**

Following the last Council resolution, a full inspection was undertaken of the property and the structures.

The Shire's Building Surveyors report found that the structures at the Saleyards have degraded to a poor condition and are subpar in terms of compliance with current building standards. Overall, the site requires attention in the form of repairs or removal of some structures and replacement with compliant structures with the necessary approvals.

The table below shows summary findings for each of the structures.

Table 1 – Building Rectification requirements

Building	Report Findings
A Kitchen with server window	Servery hatch door poses WH&S risk – remove and replace
B Site Office	Significant deterioration of structure (ceilings, wall lining) - repair or replace structure.
C Shed converted to kitchen	Significant deterioration to structure (internal and external) – repair or replace
D Patio adjoining Kitchen Server	Generally good condition – engage structural engineer to inspect & certify
E Stock yard Shelter	Structures severely rusted – repair or replace
F Second Stock Yard Shelter	Structures severely rusted – repair or replace
G Roof covered stock yard	Roof gutters sagging, structural timbers rotting – engage structural engineer to inspect and provide sizes for replacement members, remove & replace structural timbers, check roof fasteners
H1 Female toilet	Outhouse buildings in poor condition and require replacing
H2 Male Toilet	

Following an extensive consultation process to determine a mutually beneficial solution, the Mundijong Markets have indicated their intent to undertake the required remediation works on the structures utilised for the market operation, including replacing the site office. During the interim period the Mundijong Markets have installed and paid the cost of three transportable toilets for the site at a cost of \$11,000 on the basis that a long-term lease is granted by the Shire. It is proposed that these conditions will be contained within the lease document.

The term of the draft lease was five (5) years with a five (5) year extension option. Council approved the lease to be engrossed at its meeting of 18 May 2020. Shire Officers confirmed that the operators considered this to be a long-term lease. The operators were advised that a proposal would be submitted for Council consideration based on the options discussed.



Following a meeting on 27 September 2023, the Mundijong Markets operators confirmed that they would be willing to undertake the proposed actions summarised in the table below:

Table 2 – Building rectification action and responsibilities

Building	Action	Responsibility
Structure A (Blue Kitchen)	Replace servery door with roller door or rehing so downward opening	Saleyards Operator
Structure B (Office Building)	Remove and replace existing structure	Saleyards Operator Building approval required
Structure C (Office Building)	Close and secure building and cease use	Saleyards Operator
Structure D (Patio Area)	Rectify cantilevered attachment to adjoining building and undertake any modifications required subject to engineer's report	Saleyards Operator - modifications arising from the Building Surveyors Report
Structure E (Stockyard Shelter)	Close to public access. Undertake repairs required subject to Structural Engineers report if continued use as storeroom proposed	Operator - repairs arising from Building Surveyors Report
Structure F (Second Stockyard Shelter)	Close to public access (completed) Undertake repairs required subject to Structural Engineers report if continued use as storeroom proposed	Saleyards Operator - repairs arising from Building Surveyors Report
Structure G (Roof covered stockyard)	Replace rotted structural timbers an undertake repairs in accordance with Structural Engineers report	Saleyards Operator - repairs arising from Building Surveyors Report
Structure H1 & H2 (Toilets)	Close and secure existing structures and replace with transportable units. Arrange connection of plumbing.	Completed by Saleyards Operator

Completion of the proposed actions above will effectively rectify the health and safety issues identified in the Building Surveyors Report. Shire Officers have identified that replacing the toilets with a modular portable unit would be the most cost-effective option and this was undertaken by the Mundijong Markets at a cost of \$11,000.

In response to questions raised following consideration of this item by Council at the Ordinary Council Meeting on 21 November 2022, the Shire sought legal advice on the potential risks associated with Council not proceeding with the disposal of property as previously endorsed. The advice is included as at **CONFIDENTIAL attachment 6**.

The advice concluded that allowing the present situation to continue exposes the Shire to a considerable degree of risk and recommended that the Shire either proceed to:

- (a) grant the lease in accordance with the earlier Council resolution on the basis recommended in the officer's report as detailed in the minutes to Council's Ordinary Council Meeting on 21 November 2022; or



(b) renegotiate the terms of a potential lease with the Proponent.

Given the extensive elapsed time period and the Shire's Land Asset Management Plan identifies the property for development in 2032, it would be proposed a lease of 5 years + 3 years would be negotiated.

Table 2 - Map and Legend and Indicative costs report for building structures





Options

Option 1

That Council:

1. NOTES the submission received from Serpentine Jarrahdale Food and Farm Alliance at **CONFIDENTIAL attachment 2** and the response received from Dimer Heritage at **CONFIDENTIAL attachment 3**.
2. AUTHORISES the Chief Executive Officer, in accordance with Section 3.58 of the *Local Government Act 1995* to negotiate and sign lease with conditions for 1 Evelyn Street Mundijong to original applicant Mundijong Markets – Grahame Michael Melling of Mundijong Markets on the following terms.
Term: 5 years
Option: 1 option for a further term of 3 years.
Area: Part of the reserve area totalling approximately 32,309m²
Rent: \$6,284 Inc GST per annum
Permitted use: Saleyards, grazing of livestock
3. REQUESTS the Chief Executive Officer to undertake discussions with Serpentine Jarrahdale Food and Farm Alliance to look at alternative Shire owned land that may be suitable for lease for their proposed undertakings.

Option 2

That Council:

1. RESOLVES NOT TO PROCEED with the proposed disposition of Lot 1 Evelyn Street Mundijong to Grahame Michael Melling ABN No 72 8740 2133.
2. AUTHORISES the Chief Executive Officer to call for tenders for the lease of the property at Lot 1 Evelyn Street Mundijong.

Option 1 is recommended.

Conclusion

At its Ordinary Council Meeting on 18 May 2020 Council resolved to instruct the Chief Executive Officer to undertake a facility audit and inspection prior to engrossing the lease for the purposes of safety and environmental health. The subsequent report found that the site required extensive repairs and the removal/closure of some structures.

Following an extensive consultation process the operator of the Mundijong Markets, Mr Melling, has indicated his willingness to undertake the required remediation works on the structures utilised for the Market operation if the Shire bears the cost of replacing the toilets and grants a long-term lease for the site. Subsequently, Mr Melling has also replaced the current ablutions at a cost of approximately \$11,000.

A lease agreement with conditions to complete the remediation action proposed in this report within a 12-month timeframe will effectively rectify the health and safety issues identified in the Building Surveyors Report.



Public notice to dispose of the property was undertaken and following further engagement, recommendation is to proceed with Mr Melling/Mundijong Markets.

The extensive length of time to undertake this process means that a reduced length of lease is proposed and negotiations with both applicants has concluded that undertaking a lease agreement with a single applicant is the preferred outcome.

Council can consider taking this process to tender, which will further delay leasing for the property at Lot 1 Evelyn Street Mundijong.

Attachments (available under separate cover)

- **10.4.2 - CONFIDENTIAL attachment 1** – Mundijong Markets - EOI Submission (IN19/11505)
- **10.4.2 - CONFIDENTIAL attachment 2** – SJ Food and Farm Alliance Inc. - EOI Submission (IN24/1998)
- **10.4.2 – CONFIDENTIAL attachment 3** – Dimer Heritage Response (IN24/3967)
- **10.4.2 – attachment 4** - Shire of Serpentine Jarrahdale Property Inspection Report (E22/10788)
- **10.4.2 – attachment 5** – 1 Evelyn Street Property Valuation - October 2023 (IN23/24852)
- **10.4.2 – CONFIDENTIAL attachment 6** — Legal Advice – Lot 1 Evelyn Street Mundijong – 20 December 2022 (IN22/26073)

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
4. Ensure sustainable and optimal use of Shire resources and finances
Liveable
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
4. Facilitate an inclusive community that celebrates our history and diversity

Financial Implications

This lease is proposed with leasing income of \$6,840 per annum. The lessee funds all maintenance, payment of outgoings, utilities and government rates and charges of the lease area. The Lessee is required to undertake works to ensure the property is in a condition suitable to conduct business within a required timeframe.



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	Extensive delay in lease negotiations If not leased as proposed.	Recommended to undertake proposed lease arrangement	Organisational Performance	Possible	Moderate	MODERATE	Ensure lease negotiations are started at least 6 months prior to end of lease.
2	Property is not suitable for public use. Liability risk for the Shire to allow operations on a property with no legal agreement in place. Financial risk with the Shire having to maintain the property and costs associated with going to tender Rental income not received.		Organisational Performance	Likely	Major	SIGNIFICANT	Do not allow any operations without lease in place or negotiations in process. Shire to ensure property is at useable standard and any works requirements are undertaken.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- NOTES** the submission received from Serpentine Jarrahdale Food and Farm Alliance at CONFIDENTIAL attachment 2 and the response received from Dimer Heritage at CONFIDENTIAL attachment 3.
- AUTHORISES** the Chief Executive Officer, in accordance with Section 3.58 of the *Local Government Act 1995* to negotiate and sign lease with conditions for 1 Evelyn Street Mundijong to original applicant Mundijong Markets – Grahame Michael Melling of Mundijong Markets on the following terms.



Term: 5 years

Option: 1 option for a further term of 3 years.

Area: Part of the reserve area totalling approximately 32,309m²

Rent: \$6,284 Inc GST per annum

Permitted use: Saleyards, grazing of livestock

- 3. REQUESTS the Chief Executive Officer to undertake discussions with Serpentine Jarrahdale Food and Farm Alliance to look at alternative Shire owned land that may be suitable for lease for their proposed undertakings.**

**10.4.3 – Development of a Shire of Serpentine Jarrahdale Entry Statement Signage Strategy (SJ514)**

Responsible Officer:	Community Projects Specialist
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

This purpose of this report is for Council consider a Project Initiation Document regarding an Entry Statement Strategy for the Shire and to determine next steps for the project.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 11 December 2023 – OCM301/12/23 - COUNCIL RESOLUTION / Councillor Recommendation

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

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

Background

This project has been initiated to investigate the possibilities for entry statement signage throughout the Shire and the development of an Entry Statement Signage Strategy.

The initial stage of the project is to provide a report to Council detailing the various options for Entry Statement Signage Strategy development and includes the following information:

- Resources required
- Proposed locations
- Recommended community engagement approach



4. High level budget

5. Proposed implementation strategy including indicative timeframe

This outcome of this Council report will provide recommendations for the development of a Shire of Serpentine Jarrahdale Entry Statement Signage Strategy, inclusive of an implementation plan, and the resourcing required to undertake the development of the strategy.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

The development of an Entry Statement Signage Strategy is a holistic branding exercise that needs to consider a range of factors within a location.

Following Council's decision to investigate the development of an Entry Statement Strategy for the Shire, a Project Initiation Document had been developed to consider a range of factors including factors such as current signage, community expectations, budget and resource considerations and local topography.

The Entry Statement Signage Strategy – Project Initiation Document is provided at **attachment 1** and is discussed in further detail below.

Current Entry Statement Signage - Desktop and site review

After initial desktop research on current Shire branding guidelines, research of other Shire plans and site review of all Shire "entry points" below are some observations for the development of this strategy:

- Entry statements can vary hugely in price, style, size, and structure so therefore it is difficult to estimate exact costs for the development of entry signage. An indicative budget based on a set of hierarchical signage designs should be part of the Entry Statement Signage Strategy via an implementation plan.
- An Entry Statement Signage Strategy should provide a number of design options with a hierarchy in place to ensure flexibility whilst also aligning to a brand.
- An implementation plan should be considered and provided with the Entry Statement Signage Strategy that also considers a process and indicative costs for an entry statement project to be undertaken whilst ensuring ongoing alignment of projects over time.
- Peel entry signage to each townsite is already in place although dated much of this signage, if not all of it, is placed in strong locations at good distance from townsites and the hard infrastructure is still in good condition. Some of this signage has been reskinned at minimal cost for the Jarrahdale Trails Project and a similar process should be considered as a cost effective and quick win solution if undertaken within Shire branding guidelines.
- Overall, Shire branding and design guidelines are becoming due for renewal in the near future and this project may be best aligned or incorporated with this to ensure consistency and structured development of our townsite signage. Any strategy will also need to consider



Jarrahdale Trails Project signage as the two will need to integrate and be “talking the same language.”

- Many townsites have quite significant community developed entry statements (Byford, Keysbrook) that will need to be taken into consideration on how they are incorporated within the overall strategy. These sites will have strong community connection and can provide an entrance of interest and pride for the community. They often include public art and landscaping/hardscaping that will need to be considered, and feasibly budgeted, within the entry statement strategy.
- Ongoing maintenance and upkeep will also need to be considered in the Entry Statement Signage Strategy, this is mostly landscape or hardscape maintenance as any entry statements proposed should have minimal maintenance requirements.
- Serpentine Jarrahdale has a large amount of main entrance points meaning cost and resourcing could become a factor for this project. There are 7-8 possible regional entrances and 11-13 town site entrances for consideration.
- Two large freeway signs exist that are used by the Shire for promotional purposes that also may need consideration.
- Some locations need to look at signage rationalisation which is a common issue where towns have had multiple additions to entry signage alongside private and govt signage at various times.
- Most entrance road verges in the Shire are wide and can easily incorporate entry statement opportunities meaning flexibility for proposals within the strategy.

Serpentine Jarrahdale Entry Signage Examples



SWOT Analysis

The SWOT analysis below is based on the review of the Shire’s current signage situated throughout the Shire. Strengths and weaknesses focus on the current situation and the opportunities and threats take into account what the entry statement signage could encompass in the future.



Strengths

- Good site options
- Able to use current infrastructure that is well placed
- Community led statements already in place
- Townsites have strong individual personalities
- Trails signage shows what can be easily done
- Overall Shire branding guidelines need to be reviewed so well aligned

Weaknesses

- Current sites are old and/or run down/not completed and are not aligned style wise
- Falling behind other Shire's in undertaking this
- Could be costly due to number of entry points to the Shire

Opportunities

- Tourism and economic benefit from good design
- Able to provide good information points for the Shire
- Townsite safety by slowing traffic & provide wayfinding
- Undertake a strong design and community consultation process

Threats

- Current entry points random, deteriorating or unfinished
- Other local governments undertaking projects already so risk of being left behind
- Other local governments will connect to tourist market first, other iconic sights take first preference



Entry statement examples – other Shires/townsites



City of Bunbury entry statement



City of Wanneroo Yanchep entry signage



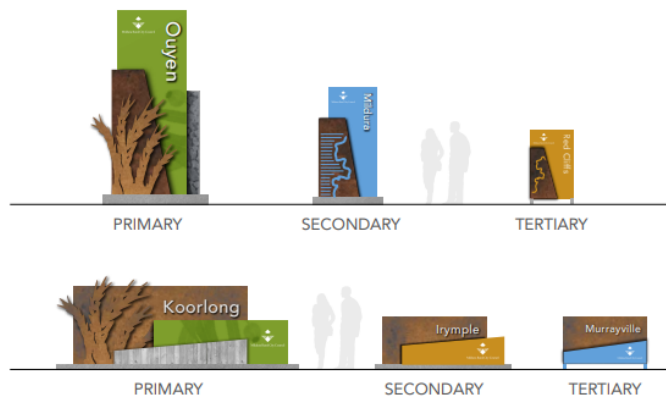
Cowaramup Community Entry Statement

A hierarchy of signs enables any township to attribute the scaling of proposed signs to suit the prominence of each roadway type.

For example

- Primary Signage Branding suit highway roads
- Secondary Signage Branding suit main roads
- Tertiary Signage Branding suit local roads

A township community may choose to only adopt a highway sign at each approach to the town due to cost or through basic necessity. A larger town with several access points may adopt a combination of 2 to 3 hierarchy options if that best represents their needs.



Hierarchal design structures courtesy of Mildura Rural City Council Township Entrance Signage Guidelines



Objectives of the Entry Statement Signage Strategy

The Shire of Serpentine Jarrahdale currently has a wide variety of entry signage to townsites and the region, the signage varies from major community led undertakings to the simple but dated Peel region signage (Image 1). Current signage lacks consistency and information that would provide the following benefits through an Entry Statement Signage Strategy:

- Create sense of arrival to the Shire and townsites.
- Consistency, cohesion and strength of messaging and branding for entry to the Shire and subsequent townsites.
- Clear wayfinding and visitor information enhancing visitor experience and promoting local economic and tourism development.
- Increases road traffic safety through slowing vehicles to anticipate arrival at townsite entry points.
- Enhance sense of pride, place, and community.
- Promote local culture and history.

An Entry Statement Signage Strategy would consider all the above and include proposed optimum sites for entry statements, design principles including hierarchy, scale, colour concepts, typography, theme, materials, community engagement and collaboration considerations and recommended options for implementation (Shire or community led).

The Entry Statement Signage Strategy should also provide a draft high-level indicative budget for implementation of the proposed statements, rationalisation of current signage and processes for undertaking an entry signage project by either the Shire or community. An Entry Statement Signage Strategy could also look at additional landscaping and hardscaping of signage sites and integration of public art if it were felt these items should also be considered and costed within the proposed strategy.

The implementation of the entry statements from the strategy would then be dependent on future resource allocation and would be feasibly undertaken in a staged approach such as below:

Stage 1 – Primary Regional Entry Statements

Stage 2 – Secondary Regional Entry Statements

Stage 3 – Primary Townsite Entry Statements

Stage 4 – Secondary Townsite Entry Statements

Primary sites are located on a major freeway, highway or roads and secondary sites on minor roads. Recommendations for which sites are considered major and minor would be contained within the strategy.

Community Engagement approach

A strong Entry Statement Signage Strategy will require community buy in. Often these entry statements have community input, not only in the consultation, but also in the actual project implementation. In the case of our Shire, we already have a number of sites that have been community led in their development and therefore have strong local connection.

Any Shire-led entry statement development will need to bring community and business stakeholders along the journey and complement existing community-led entry statement projects.



The Shire will need to show commitment in not only undertaking these entry statements but committing to upkeep and maintenance over time alongside the community.

Through the development of the Entry Statement Signage Strategy, the level of community engagement would be considered in accordance with Shire's Community Engagement Policy. Shire Officers recommend that the public participation goal for the project would be "involve".

INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Project options

It would be proposed the development of an Entry Statement Signage Strategy and Implementation Plan would be undertaken with the support of an external consultant that works within the master planning and branding development fields.

The strategy development would be a one-off project completed within a 12-month period on confirmation of budget approval.

As part of the strategy a proposed implementation plan would be included. This plan would provide options for implementation that would consider costs, components, and critical infrastructure requirements.

Budget allocation would need to be considered in line with the implementation plan recommendations.

Options should be detailed within the strategy for undertaking implementation following the strategy endorsement and based on Council approved resourcing:

- Option 1- Provide a staged approach to implementing an Entry Statement Signage Strategy over several years taking into consideration cost, need and hierarchy of entry statements (manages cost and internal resourcing with schedule of delivery).
- Option 2 – Allocate all costings to develop a suite of entry statements across the Shire within a 12–18-month timeframe (prohibitive cost and internal resourcing).



- Option 3 – The Shire funds implementation of major regional entry statements and that a community led process would be provided within the guidelines to allow community groups to resource and fund developing their own statements within the guideline recommendations (risk of implementation under required guidelines, budgets, and timeframes).
- Option 4 – Do not progress the development of an Entry Statement Signage Strategy.

It is recommended Option 1 will provide the most cost effective and rational approach to implementation allowing budget to be allocated each year for development and to ensure appropriate resources are in place. It will incorporate design and branding controls whilst also providing for community led opportunities for each entry statement as required.

Options

Option 1

That Council:

1. APPROVES the Entry Statement Signage Strategy – Project Initiation Document as contained in **attachment 1**.
2. REQUESTS the Chief Executive Officer to include \$70,000 in the Draft 2024/25 Budget for the development of an Entry Statement Signage Strategy and Implementation Plan.

Option 2

That Council:

1. RECEIVES the Entry Statement Signage Strategy – Project Initiation Document as contained in **attachment 1**.
2. RESOLVES NOT TO PROGRESS the Entry Statement Signage Strategy project.

Option 1 is recommended.

Conclusion

Development of an Entry Statement Signage Strategy and Implementation Plan for the Shire of Serpentine Jarrahdale will guide the planning, development and rationalisation of entry statements through the Shire and provide significant wayfinding, economic and community benefits.

It is important that branding and design is considered in line with other Shire branding whilst also retaining a sense of place and individualism that attracts visitors and instils community pride.

Shire Officers recommend that a Business Case for an Entry Statement Signage Strategy is prepared and considered by Council as part of the 2024/25 Budget setting process.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** - Entry Statement Signage Strategy – Project Initiation Document (E24/2386)

Alignment with our Council Plan 2023-2033

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



3. Strengthen and grow the local tourism industry
Connected
4. Facilitate an inclusive community that celebrates our history and diversity

Financial Implications

The estimated budget for the Entry Statement Signage Strategy and Implementation Plan component of the project is \$70,000. If supported, a Business Case for the development of an Entry Statement Signage Strategy for consideration by Council as part of the 2024/25 Budget setting process.

Costs for developing entry statements is wide ranging and unable to be developed without a strategy in place and indicative budgets for entry statement development would be included in the strategy via the implementation plan.

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	High cost of implementation and therefore not undertaking the work following community consultation and strategy development.	Development of an Implementation Plan will provide guidance on how the Strategy can be implemented.	Financial	Likely	Moderate	MODERATE	Shire's Project Management Framework.
2	Lack of visual entrance statements to Shire in line with what is experienced in other regions.	Some current community developed statements. Older peel signage in place.	Reputation	Possible	Minor	LOW	Development of Strategy and implementation plan.



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- 1. APPROVES the Entry Statement Signage Strategy – Project Initiation Document as contained in attachment 1.**
- 2. REQUESTS the Chief Executive Officer to include \$70,000 in the Draft 2024/25 Budget for the development of an Entry Statement Signage Strategy and Implementation Plan.**

**10.4.4 – Jarrahdale Heritage Park Business Plan (SJ3712)**

Responsible Officer:	Jarrahdale Trail Coordinator
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 the Jarrahdale Heritage Park Business Plan and consider the next step in the project development process.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 17 August 2020 – OCM268/08/20 - COUNCIL RESOLUTION

That Council:

- 1. NOTES the letter from the National Trust extending an opportunity to negotiate a lease for a component of Lots 200, 801 and 2090 Jarrahdale; known as Jarrahdale Heritage Park.*
- 2. REQUESTS the Chief Executive Officer negotiate a lease with the National Trust for Lot 200 Foster Way, Jarrahdale, a portion of Lot 801 Jarrahdale Road, Jarrahdale; excluding the No1 Jarrahdale Mill and a portion of Lot 2090, Jarrahdale; with the following terms:*
 - A lease period of 21 years with an option of extension of 21 years;*
 - The Shire be given the power to sub-lease;*
 - A \$1 annual lease fee to be payable to the National Trust by the Shire of Serpentine Jarrahdale for the term of the lease with no rent review or CPI increases;*
 - The Shire to include the leased portion of Heritage Park (and the Mill Managers House if secured) on the Shire's insurance policies and meet the costs associated with this;*
 - All funds generated through commercial lease of the land to be placed into a reserve account to offset maintenance, additional development works or major asset renewals at the Park.*
 - The Shire to incur all costs associated with the maintenance and provision of utilities to the leased area.*
- 3. REQUESTS the Chief Executive Officer prepare an expression of interest submission for the Mill Managers House as a multi-use facility with the above terms;*



4. *REQUESTS the Chief Executive Officer prepare a Business Plan pursuant to section 3.59 of the Local Government Act 1995;*
5. *AUTHORISES the Chief Executive Officer to advertise the draft Business Plan pursuant to section 3.59 of the Local Government Act 1995 and;*
6. *REQUESTS the Chief Executive Officer provide a report to Council as soon as practicable outlining the results of the negotiations with the National Trust, a formal operational cost estimate, the submissions received for the draft Business Plan, the outcome of the expression of interest submission, and further recommendations in regards to the development of a lease.*
7. *RESOLVES that the key commercial terms of the negotiated lease will be subject to Council approval, before proceeding to final lease negotiations.*

Background

Jarrahdale is listed by the Trust as an Historic Town, important from the 1830s when valuable timber was exported across the world.

Heritage Park has been the subject of numerous concept designs, conservation, and management plans, as well as operational reports. It is unclear what has been adopted, noted, or rejected by key stakeholders, and the Project has lost its momentum.

The adoption of the Jarrahdale Trail Town Business Case in 2021 has provided a fresh context and opportunity for the Project.

At the 17 August 2020 Ordinary Council Meeting, Council requested the Chief Executive Officer prepare a Business Plan in accordance with Section 3.59 of the *Local Government Act 1995* to determine the viability of developing Jarrahdale Heritage Park (the Site), which included negotiations to enter a lease of the Site from the National Trust of WA (NTWA).

As per the Council resolution, the Jarrahdale Heritage Park Business Plan has been developed and advertised and is now presented to Council for its consideration.

Community / Stakeholder Consultation

State-Wide Public Notice

The Project was prepared in accordance with section 3.59 of the *Local Government Act 1995*, prior to the execution of a potential lease with NTWA, and for potential commercial sub-leasing (disposal). The requirement is to give State-wide public notice and make the Plan available for public submissions should Council opt to proceed with the project.

The public notice was advertised between 20 November 2023 and 25 January 2024 in newspapers (The Examiner, The West), noticeboard, hard copy at Administration Building, mail-out to Jarrahdale residents, email to local businesses, digital platforms (Your Say SJ, social media campaign), and in-person, via Shire Officers. 18 submissions were received, including 15 from the general public and three from stakeholders (included as **attachment 4**).

Face to face engagement

As part of its ongoing community engagement, the Shire consulted with stakeholders, including local businesses, and shared their feedback and aspirations for the Project to the consultant. Pop-up engagement also occurred in Jarrahdale at Bruno Gianatti Hall with the Mobile Library Service



on 7 December 2023 and 4 January 2024, where members of the public had the opportunity to ask questions of the Shire Officers regarding the Plan.

National Trust of WA

The Shire presented in person the Plan to NTWA on 6 December 2023, before inviting the Trust to formally provide their comment as part of the State-wide Public Notice.

Policy Concept Forum

Meeting Date	26 February 2024
Elected Members in Attendance	President Coales, Cr Duggin, Cr Jerrett, Cr Mack

Statutory Environment

- *Local Government Act 3.59. Commercial enterprises by local governments*

(1) *In this section —*

acquire has a meaning that accords with the meaning of **dispose**;

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

(a) acquire or dispose of an interest in land; or

(b) develop land;

major land transaction means a land transaction other than an exempt land transaction if the total value of —

(a) the consideration under the transaction; and

(b) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking means a trading undertaking that —

(a) in the last completed financial year, involved; or

(b) in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction**.

(2) *Before it —*

(a) commences a major trading undertaking; or

(b) enters into a major land transaction; or

(c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.



- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
- (a) its expected effect on the provision of facilities and services by the local government; and*
 - (b) its expected effect on other persons providing facilities and services in the district; and*
 - (c) its expected financial effect on the local government; and*
 - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
- (a) give Statewide public notice stating that —*
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
- and*
- (b) make a copy of the business plan available for public inspection in accordance with the notice; and*
 - (c) publish a copy of the business plan on the local government's official website.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the*
-



requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

(10) For the purposes of this section, regulations may —

- (a) prescribe any land transaction to be an exempt land transaction;
- (b) prescribe any trading undertaking to be an exempt trading undertaking.

- *Local Government (Functions and General) Regulations 1996.*

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

(1) The amount prescribed for the purposes of the definition of **major land transaction** in section 3.59(1) of the Act is —

- (a) if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —
 - (i) \$10 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;

or

- (b) if the land transaction is entered into by any other local government, the amount that is the lesser of —
 - (i) \$2 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.

(2) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —

- (a) the total value of —
 - (i) the consideration under the transaction; and
 - (ii) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed under sub-regulation (1); and
- (b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under sub-regulation (1) is not significant taking into account —
 - (i) the total value of the transaction; or
 - (ii) variations throughout the State in the value of land.

8. Exempt land transactions prescribed (Act s. 3.59)

(1) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —

- (a) without intending to produce profit to itself; and



- (b) without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.
- (2) For the purposes of sub-regulation (1)(b) a person is given joint use of land if the land is to be jointly used for a common purpose by the local government and that person (whether or not other persons are also given joint use of the land).
- (3) A transaction under which a local government disposes of a leasehold interest in land is an exempt land transaction for the purposes of section 3.59 of the Act if —
- (a) all or any of the consideration to be received by the local government under the transaction is by way of an increase in the value of the land due to improvements that are to be made without cost to the local government; and
- (b) although the total value referred to in the definition of **major land transaction** in that section is more, or is worth more, than the amount prescribed for the purposes of that definition, it would not be if the consideration were reduced by the amount of the increase in value mentioned in paragraph (a).
10. Business plans for major trading undertaking and major land transaction, content of
- (1) If a local government is required to prepare a business plan because of a major trading undertaking or major land transaction that it is to carry on or enter into jointly with another person —
- (a) the business plan is to include details of the whole undertaking or transaction, even though the local government is not the only joint venturer; and
- (b) the business plan is to include details of —
- (i) the identity of each joint venturer other than the local government; and
- (ii) the ownership of, and any other interests in, property that is involved in, or acquired in the course of, the joint venture; and
- (iii) any benefit to which a joint venturer other than the local government may become entitled under or as a result of the joint venture; and
- (iv) anything to which the local government may become liable under or as a result of the joint venture.

(2) In sub-regulation (1) —

joint venture means the major trading undertaking or major land transaction that is to be jointly carried on or entered into;

joint venturer means the local government or another person with whom the local government is to carry on or enter into the joint venture.

Comment

The Jarrahdale Heritage Park Business Plan (the Plan), which is provided at **attachment 1**, has been developed, and:

- Provides details of the Plan;
- Outlines and responds to the legislative framework for the Plan;
- Considers implementation approach for the Plan; and



- Provides a review and analysis of the operations, including income generation options, and risks associated with the Plan.

The Site, as shown in Figure 1 shaded area, includes:

- Lot 200 Foster Way;
- A portion of Lot 801 Jarrahdale Road; and
- A portion of Lot 2090.

The Site, as shown in Figure 1 orange area, excludes:

- The Mill Manager's House; and
- No1 Jarrahdale Mill.

The Site proposed lease area is also provided at **attachment 2**.

Jarrahdale Heritage Park Business Case

The Plan is also supported by a Business Case (**attachment 3**), developed to follow considerable previous investigation into the potential for developing the 30-acre site, and takes a fresh approach in the current context – including the Shire's aspirations for Jarrahdale to become a trail and tourism destination.

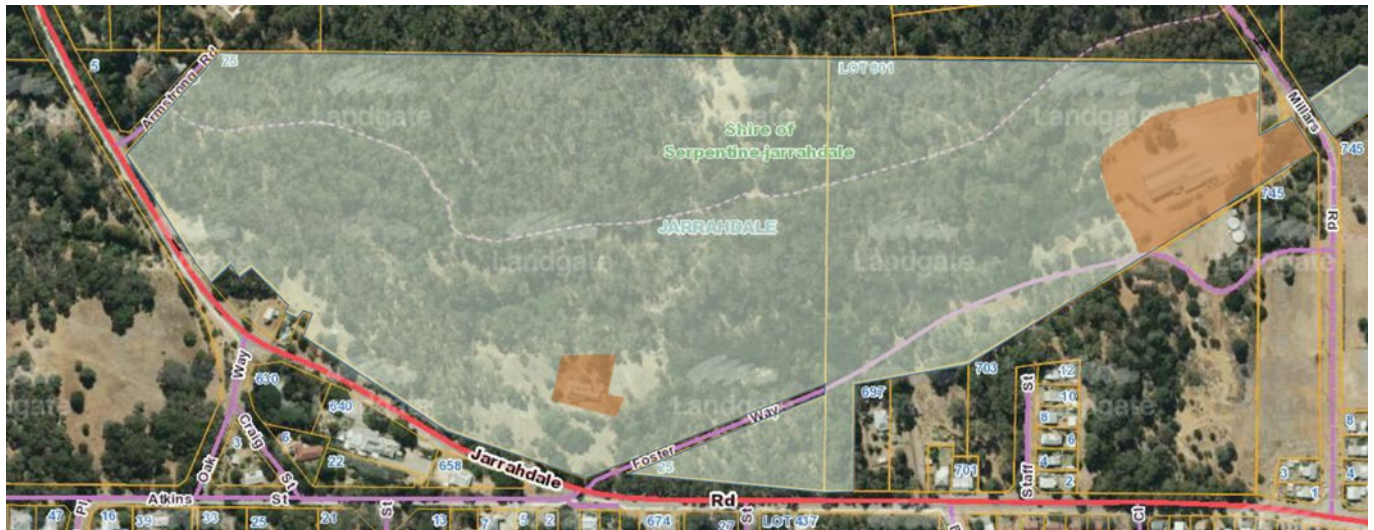


Figure 1: Proposed area to retain/lease (source: NTWA)

The Plan has been prepared to support the Shire's work towards positioning Jarrahdale as a trail destination of choice in the Perth Hills. Considering its location, the Site represents:

- An iconic regional attraction where local and visitors alike can immerse in a scenic natural and historic landscape;
- A place at the heart of Jarrahdale where trails network meets the unique Jarrah forest and history as WA's first timber town; and
- A place for people to gather, connect, and contribute to the town's values and identity.

The Site can be considered as a series of zones (Figure 2 below), to help understand the specific opportunities of each, as well as allocate budgets or stage works.

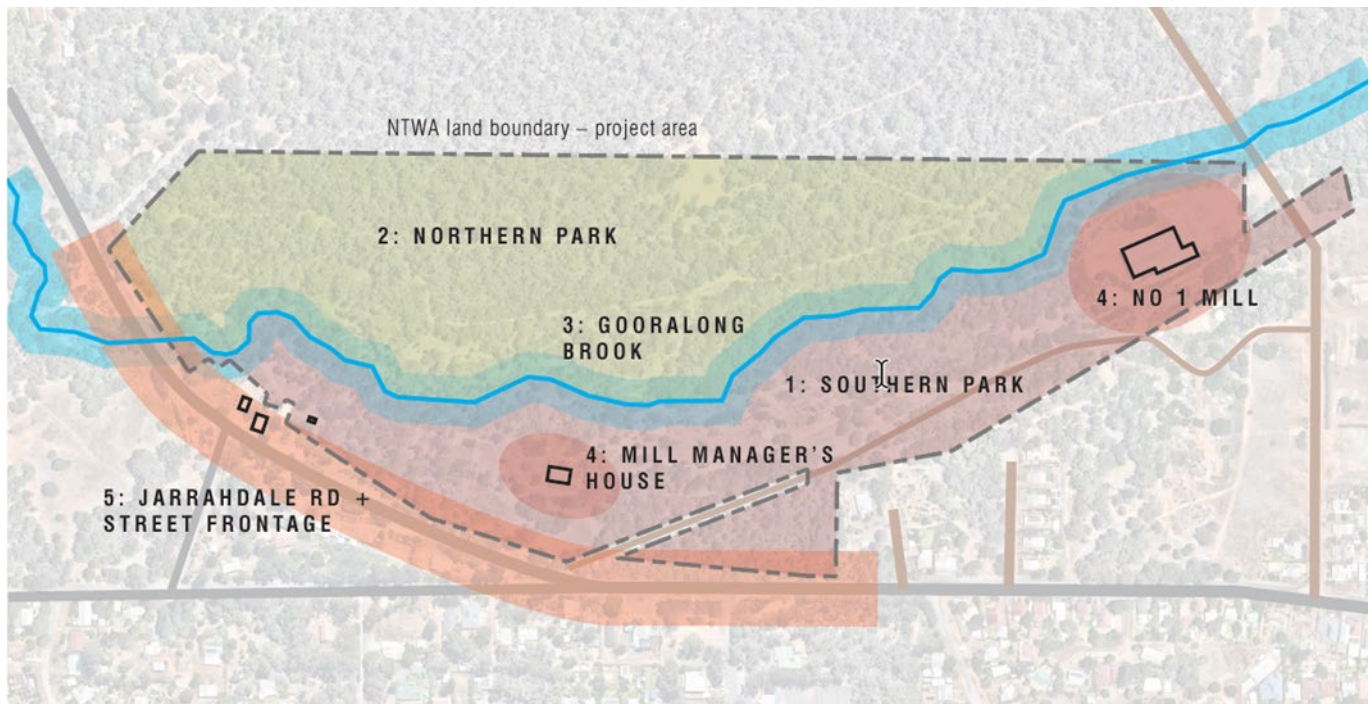


Figure 2: Site Zoning Diagram (source: Jarrahdale Heritage Park Business Case, page 25)

The general approach of the Project purposely limits intensive infrastructure works to provide best value and raise profile of the Site as a destination. The Site should be considered contextually in relation to coincidental projects, such as:

- No1 Jarrahdale Mill and Mill Manager's House potential commercial lease/s
- Lots 814 development as a trail hub
- Jarrahdale Oval future development (linked to new Jarrahdale Horse Trails)

The development of the Site aspires to embody the town centre by design, enable social interaction, support sport and recreational activities, as well as a range of activation events all year around. The Project has considered activities such as nature play, orienteering, fitness exercise (including trail running), sculpture walks (ephemeral and permanent public arts), as well as cultural and heritage walks. The Site builds its potential around offering a safe environment to experience the forest, while celebrating the unique identity of the place.

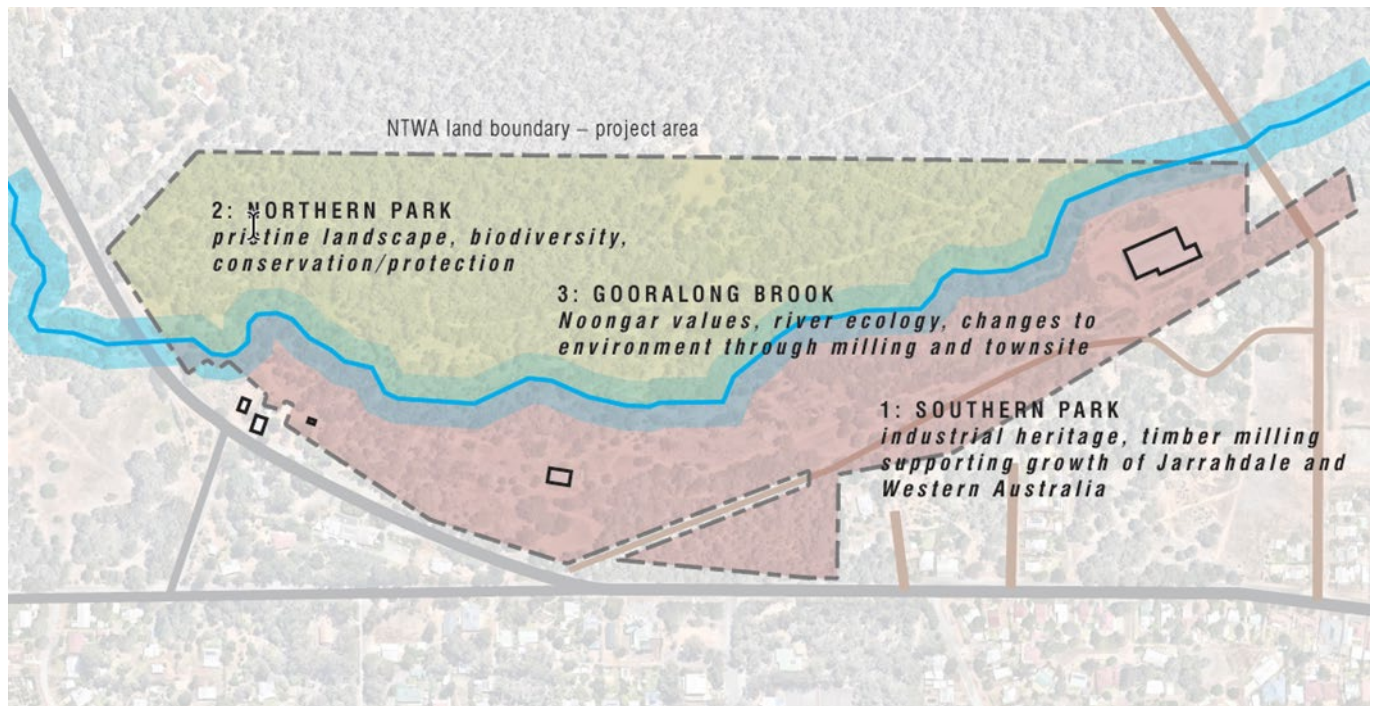


Figure 3: Sub-Theme Layers Diagram (source: Jarrahdale Heritage Park Business Case, page 28)

Key details of the Plan's activation approach are outlined below, and include developing:

- A walking trail encompassing the three themed zones (#2 Overview below)
- A central destination / community space (#4 Overview below)
- Small spaces to spend time, reflect and meet.
- A Heritage Park Style Guide to inform signage, furniture, interpretation, public artworks, and level of maintenance required.
- Potential commercial adventure attraction (#12 Overview below)
- Integration of Mill Manager's House and No1 Mill (under separate leases from NTWA) (#8 and #9 Overview below)

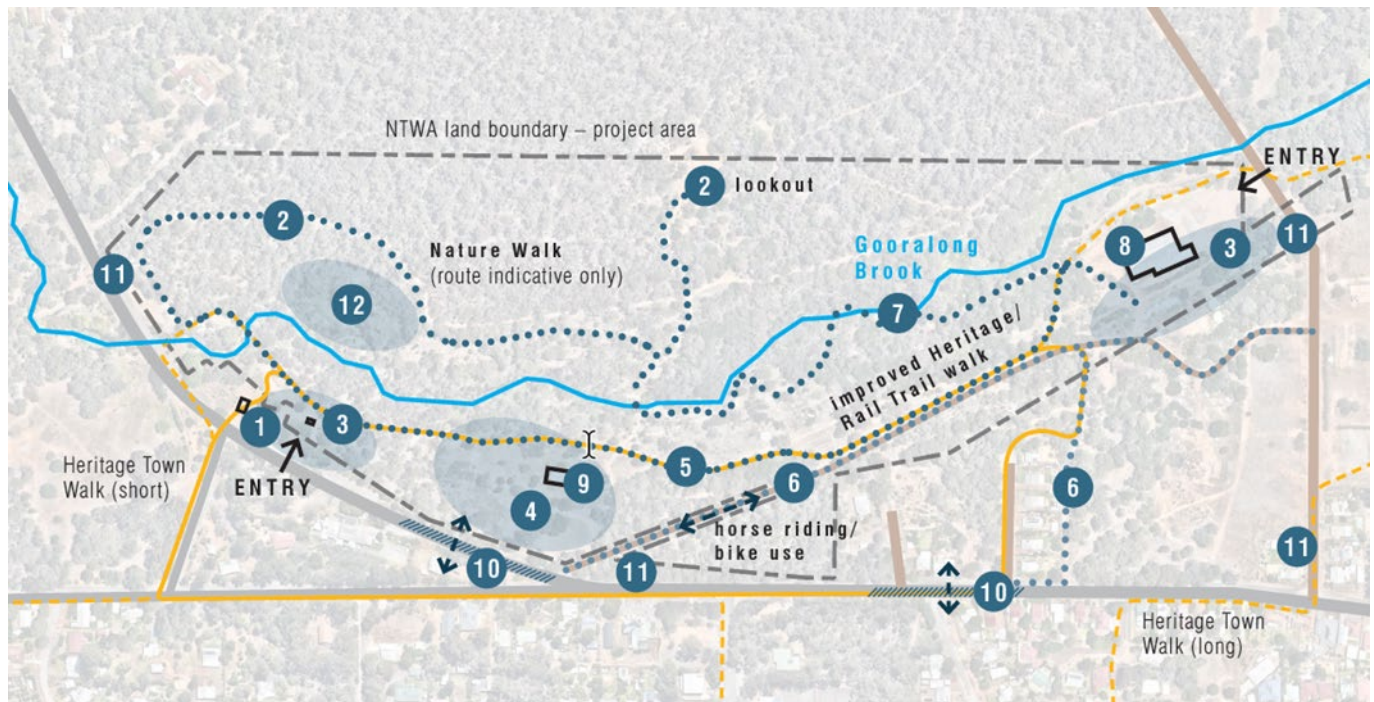


Figure 4: Spatial Activation Strategies Overview (source: Jarrahdale Heritage Park Business Case, page 31)

Responsibilities

The Project outlines responsibilities as follow:

- The Shire to manage: the lease, the design and construction, the brand and marketing, the activation, the ongoing maintenance, as well as the engagement with community groups and supportive organisations.
- Community groups to work collaboratively with Landcare SJ (annual planting) and the Shire (activation, including Old Post Office and Museum, Heritage Walks, Park Run)

Implementation approach

The Project broke down anticipated costs and resources into strategies, grouped in tiers (A + B + C) to reflect their recommended priority level. A tiered approach provides the following benefits for the implementation of tiers B + C particularly:

- Flexibility (to move strategies between tiers B and C)
- Scalability (to meet certain budget and funding opportunities).

Staging

The Business Case outlines the strategies, tiers, and likely impacts on the Shire should it progress with the lease of the Site.

There are three tiers: A (Establishment), B (Attractions + Connections) and C (Strengthening) with a cumulative costs of tiers A + B + C is **\$6.690,000**.

The Shire will seek external fundings to support the delivery of the three tiers.



Phase One

Tier	Preferred capital cost total	Reduced capital cost total
A: Establishment	\$770K + GST	\$575K + GST

The initiation phase is expected to be a minimum of two years and includes strategies such as formalising the lease and other governance agreements, developing the Heritage Park Style Guide and Detailed Design (including community consultation) and constructing the proposed new trail.

Phase Two

B: Attractions + Connections	\$7.7M + GST	\$5.8M + GST
C: Strengthening	\$420K + GST	\$315K + GST

Tiers B and C include a broader range of strategies such as developing trailheads, community spaces, expand interpretative signage, formalising road-crossings and progressing commercial opportunities.

Ongoing Costs + Resources

Considering the leading role it would undertake for the Site, the Shire will incur ongoing maintenance costs from the completion of Phase One.

Annual maintenance costs for the leased Site are estimated as per below.

Ongoing Maintenance – Option 1

Option 1 proposes that a full-time position (labour cost) covers the Parks and Reserves Maintenance Schedule for the entire town, covering the cemetery, all reserves' ground maintenance and facilities in Jarrahdale, in order to consistently deliver to the quality set for Jarrahdale as trails destination and accredited Trail Town.

	Year 1	Year 2 onwards
Labour Cost – 38 hours per week ⁽¹⁾	\$156,500	\$156,500
Material ⁽²⁾	\$5,000	\$5,000
Small Plan and Equipment	\$5,000	\$5,000
Electric Service Vehicle	\$65,000 ⁽³⁾	\$5,000 ⁽⁴⁾
Lease to NTWA ⁽⁵⁾	Cost neutral	Cost neutral
TOTAL	\$231,500	\$171,500

1. Estimated at \$79.20 per hour, for 38 hours per week, including Workers Comps, Super, Leave Loading, as well as support Officers' time (Manager Operations, Trail Coordinator).
2. Material includes items such as chemical for weed control and fencing.
3. Indicated cost is based on purchasing a new vehicle and includes, road licensing, \$3,800 maintenance cost + \$1,200 fuel per year.
4. Indicated cost of \$3,800 for maintenance + \$1,200 for fuel per year.



5. The lease from NTWA would require taking into consideration the costs of archaeological surveys, and potential impact on the project if artefacts were to be found.

Ongoing Maintenance – Option 2

Option 2 proposes that a 3 day per week, 4 hours per day level of service, as outlined below:

	Year 1	Year 2 onwards
Labour Cost – 3 days per week, 4 hours ⁽¹⁾	\$49,420.80	\$49,420.80
Material ⁽²⁾	\$5,000	\$5,000
Small Plan and Equipment	\$5,000	\$5,000
Electric Service Vehicle	\$30,700 ⁽³⁾	\$6,700 ⁽⁴⁾
Lease to NTWA ⁽⁵⁾	Cost neutral	Cost neutral
TOTAL	\$90,120.80	\$66,120.80

1. Estimated at \$79.20 per hour, for 4 hours per day over 3 days per week, including Workers Comps, Super, Leave Loading, as well as support Officers' time (Manager Operations, Trail Coordinator).
2. Material includes items such as chemical for weed control and fencing.
3. Indicated cost is based on purchasing a second-hand vehicle and includes road licensing, \$5,500 maintenance cost + \$1,200 fuel per year.
4. Indicated cost of \$5,500 for maintenance + \$1,200 for fuel per year.
5. The lease from NTWA would require taking into consideration the costs of archaeological surveys, and potential impact on the project if artefacts were to be found.

Return on Investment

When considering the level of financial investment that will be required to develop and maintain the Site, it is not anticipated that any sub-lease or activities within the park will generate a profit. The Project provides a good foundation to assess the return on investment over the suggested life of the proposed lease of 21 years with a 21-year option, beyond the direct development of the Site, and for the benefit of the Trail Town accreditation.

Income Generation Options

Income opportunities are linked to the following aims for Jarrahdale more broadly as a trail and tourism destination:

- Optimise experience and stay
- Increase investors' confidence
- Raise destination awareness

As a result of leasing and developing the Site, the Project identified a range of potential incomes:

- Visitors expenditure within the town
- Revenues for commercial operators at No1 Mill + Mill Manager's House
- Sub-lease or license fees from temporary commercial uses



- Sub-lease from permanent adventure attraction
- Ticketed events
- Guided tour offerings
- Hiring fees and permits
- Equipment hire

The Project anticipates that the cost of capital works and ongoing maintenance will significantly exceed any direct commercial revenue within the Site. But benefits will have a flow-on effects on the town's development, beyond the Trail Town accreditation (e.g., employment, property value)

Next steps:

Council has two options to proceed with this project, detailed below:

Option 1: Council could support the entire project in principle and negotiate a lease of the site from NTWA.

Option 2: Council could determine that the project is unviable and be closed and notify NTWA of its decision.

Options

Option 1

That Council:

1. NOTES the submissions received about the draft Jarrahdale Heritage Park Business Plan.
2. DECIDES TO PROCEED with the implementation of the Jarrahdale Heritage Park Business Plan, as at **attachment 1**.
3. NOTES that the estimated annual costs of maintenance for the new level of service are:

	Year 1	Year 2 onwards
Labour Cost – 38 hours per week ⁽¹⁾	\$156,500	\$156,500
Material ⁽²⁾	\$5,000	\$5,000
Small Plan and Equipment	\$5,000	\$5,000
Electric Service Vehicle	\$65,000 ⁽³⁾	\$5,000 ⁽⁴⁾
Lease to NTWA ⁽⁵⁾	Cost neutral	Cost neutral
TOTAL	\$231,500	\$171,500

excluding lease negotiations/costs with NTWA.

4. AUTHORISES the Chief Executive Officer to enter into negotiation for a lease with the National Trust of WA for the Heritage Park site.
5. REQUESTS the Chief Executive Officer to present the draft lease back to Council for consideration following negotiation.

**Option 2**

That Council:

1. NOTES the submissions received about the draft Jarrahdale Heritage Park Business Plan.
2. RECEIVES the Jarrahdale Heritage Park Business Plan.
3. DOES NOT PROCEED with entering a lease for the Heritage Park site and request the Chief Executive Officer to notify the National trust of WA of Council's decision.

Option 1 is recommended.

Conclusion

Heritage Park has been the subject of numerous concept designs, conservation, and management plans, as well as operational reports. It is unclear what has been adopted, noted, or rejected by key stakeholders, and the Project has lost its momentum.

The adoption of the Jarrahdale Trail Town Business Case in 2021 has provided a fresh context and opportunity for the Project.

The Jarrahdale Heritage Park Business Plan outlines an argument for the lease of the Heritage Park from National Trust WA based around its strong potential to develop the site as a meaningful attraction for visitors and locals alike.

Considering its location, the Site represents a prime "landing point" for visitors, and a potential trail head connecting Jarrahdale trails network. The Site is foreseen as playing a function for Jarrahdale aspiration to gain Trail Town accreditation and develop as a tourism destination.

Following public advertising of the Heritage Park Business Plan, public comments received indicated community support for the Shire to progress with negotiating a lease for the site with the National Trust of WA.

Attachments (available under separate cover)

- **10.4.4 - attachment 1** – Jarrahdale Heritage Park Business Plan (E23/14984)
- **10.4.4 - attachment 2** – Heritage Park - Proposed lease areas (E24/1452)
- **10.4.4 – attachment 3** – Jarrahdale Heritage Park Business Case (E23/7133)
- **10.4.4 – attachment 4** – Jarrahdale Heritage Park Business Plan - Public Comment Summary (E24/1430)

Alignment with our Council Plan 2023-2033

Thriving
3. Strengthen and grow the local tourism industry
Liveable
3. Preserve and enhance our natural places, parks, trails and reserves
4. 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
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 |
| 4. Facilitate an inclusive community that celebrates our history and diversity |

Financial Implications

The Project provides a total value of investment to develop the Site (estimated at \$6.690,000), with financial implications (lease and ongoing annual maintenance costs) to be considered as part of the Shire's Corporate Business Plan and Project Priority Setting process.

Ongoing Maintenance Costs

Considering the leading role it would undertake for the Site, the Shire will incur ongoing maintenance costs from the completion of Phase One.

Annual maintenance costs for the leased Site are estimated with two service level options below, and the approximate rate increase required to cover this new level of service, which is not currently funded:

Option 1 Service Level	Year 1 = \$231,500	0.76% rate increase
	Year 2 onwards = \$171,500	0.56% rate increase
Option 2 Service Level	Year 1 = \$90,120.80	0.30% rate increase
	Year 2 onwards = \$66,120.80	0.22% rate increase

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	The Shire does not have the capacity to implement the tiered approach of investment	Business Case which identified the tiered approach to support seeking external funding opportunities for implementation of Business Case recommendations	Financial	Unlikely	Major	MODERATE	
2	The Shire does not improve the level of amenity within Heritage	Development of Business Case, Business Plan and	Reputation	Possible	Moderate	MODERATE	Option 1



Park, and Jarrahdale more broadly, which impacts its ability to attract visitors and investment, which could impact the Shire's ability to achieve Trail Town accreditation	advertised to the community and stakeholders who have shown support for the project					
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Voting Requirements Absolute Majority (s3.59(5) of the *Local Government Act 1995*)

Officer Recommendation

That Council:

1. **NOTES** the submissions received about the draft Jarrahdale Heritage Park Business Plan.
2. **DECIDES TO PROCEED** with the implementation of the Jarrahdale Heritage Park Business Plan, as at attachment 1.
3. **NOTES** that the estimated annual costs of maintenance for the new level of service are:

	Year 1	Year 2 onwards
Labour Cost – 38 hours per week ⁽¹⁾	\$156,500	\$156,500
Material ⁽²⁾	\$5,000	\$5,000
Small Plan and Equipment	\$5,000	\$5,000
Electric Service Vehicle	\$65,000 ⁽³⁾	\$5,000 ⁽⁴⁾
Lease to NTWA ⁽⁵⁾	Cost neutral	Cost neutral
TOTAL	\$231,500	\$171,500

excluding lease negotiations/costs with NTWA.

4. **AUTHORISES** the Chief Executive Officer to enter into negotiation for a lease with the National Trust of WA for the Heritage Park site.
5. **REQUESTS** the Chief Executive Officer to present the draft lease back to Council for consideration following negotiation.

**10.5 Executive Services reports:**

10.5.1 – Peel Regional Leaders Forum Minutes (SJ1350)	
Responsible Officer:	Executive Assistant to the Chief Executive Officer
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to enable Council to note the minutes of the Peel Regional Leaders Forum (PRLF) meetings held on:

- 24 August 2023;
- 23 November 2023; and
- 22 February 2024.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The PRLF was established in 2010 to provide a vehicle for the coordination and prioritisation of project funding across the Peel Region. Its membership comprises the local governments of the Region (the City of Mandurah and the Shires of Boddington, Murray, Serpentine Jarrahdale and Waroona) together with Regional Development Australia (RDA) Peel, the Peel Community Development Group and the Peel Harvey Catchment Council. The Peel Development Commission (PDC) attends meetings of the PRLF as a non-voting member.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

A summary of the matters discussed at each meeting is provided in the table below:

Meeting date	Matters discussed
24 August 2023	<ul style="list-style-type: none">• Peel Regional Water Supply Initiative



Meeting date	Matters discussed
	<ul style="list-style-type: none">• Operational Funding Plan 23/24 and 3 Year Forecast• Peel Trails Committee Update• Regional Priorities for Advocacy• Finance Report• Mining and Extractive Industries Policy Position Statement
23 November 2023	<ul style="list-style-type: none">• Proposed meeting dates for 2024• Peel Regional Water Supply Initiative• Work Health and Safety Management System• Peel Trails Committee Update• Finance Report• Mining and Extractive Industries Policy Position Statement
22 February 2024	<ul style="list-style-type: none">• Joint Position Statement on Mining in the Peel Region• Work Health and Safety Management System• 2025 State and Federal Election Advocacy Update• Finance Report

The full minutes from the meetings are attached for Council to note in **attachments 1** through **3**.

Options

Option 1

That Council NOTES the Peel Regional Leaders Forum meeting minutes held on:

- 24 August 2023;
- 23 November 2023; and
- 22 February 2024.

Option 1 is recommended.

Conclusion

As a member of the PRLF the minutes of the last three meetings are presented for Council to note.

Attachments (available under separate cover)

- **10.5.1 - attachment 1** – PRLF Minutes 24 August 2023 (E24/2585)
- **10.5.1 - attachment 2** – PRLF Minutes 23 November 2023 (E24/2586)
- **10.5.1 - attachment 3** – PRLF Minutes 22 February 2024 (IN24/5165)



Alignment with our Council Plan 2023-2033

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

Financial Implications

Nil.

Risk Implications

Nil.

Voting Requirements: Simple majority

Officer Recommendation

That Council NOTES the Peel Regional Leaders Forum meeting minutes held on:

- 24 August 2023;
- 23 November 2023; and
- 22 February 2024.



10.5.2 – Status Report of CEO KPI's for the 2023/24 FY (SJ2071)	
Responsible Officer:	Chief Executive Officer
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	<p>Chief Executive Officer (CEO), Mr Paul Martin, has declared a Financial Interest in item 10.5.2 as, as CEO, Council is assessing the performance and achievement of Mr Martin's KPIs.</p> <p>As the performance criteria and any changes to that performance criteria must be mutually agreed between the local government and the CEO, it is not appropriate for Mr Martin to leave the room, as has been customary.</p> <p>Per the Department of Local Government, Sport and Cultural Industries Operational Guidelines, there is no legislative requirement for employees to leave the meeting when a disclosure has been made. Disclosures of interest will be recorded in accordance with the legislative requirements of section 5.70 of the Act.</p>

Authority / Discretion

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

The purpose of this report is to present to Council the outcomes of the workshop between Councillors and the CEO including:

1. A report on the Status of CEO KPIs.
2. Allowing Council to formally consider any mutually agreed changes to the CEO KPIs.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 21 August 2023 – OCM185/08/23 - COUNCIL RESOLUTION

1. *RECEIVES the Unconfirmed Minutes of the CEO Employment Committee Meeting held on 7 August 2023 (E23/10342).*
2. *ADOPTS CEO Employment Committee Resolution CEO009/08/23 and:*
 1. *AGREES to the Chief Executive Officer Key Performance Indicators as stated in 'Attachment 1: Proposed CEO Performance Criteria (KPIs) for 2023-24' as contained in CONFIDENTIAL attachment 1, noting that the CEO's AGREEMENT to Key Performance Indicator 2 is conditional, subject to the conditions stated in CONFIDENTIAL attachment 2.*
 2. *REQUESTS that the Shire President write to Mr Paul Martin, Chief Executive Officer, informing the Chief Executive Officer of Council's resolution.*



3. *RESOLVES that the Key Performance Indicators agreed by Council and the CEO in CONFIDENTIAL attachment 1, including conditions set out in CONFIDENTIAL attachment 2 become publicly available in accordance with Regulation 21 of the Local Government (Model Code of Conduct) Regulations 2021.*

Background

This report presents to Council the outcomes of the annual mid cycle status report and workshop to review CEO KPI's as per the Council Policy 3.3.12– CEO Performance Review Cycle.

Community / Stakeholder Consultation

Policy Concept Forum

A workshop (facilitated by the independent consultant) was held on Monday 26 February 2024 between Elected Members, the CEO and Directors where a report on progress on CEO KPI's was presented and discussion and agreement occurred on amendments to the CEO KPI's as per the Council Policy 3.3.12 – CEO Performance Review Cycle.

Statutory Environment

Part 5 Division 4 of the *Local Government Act 1995* addresses employment arrangements for local government employees, including the CEO. Section 5.39A of the Act sets out that local governments must adopt model standards for CEO recruitment, performance and termination. The Shire adopted the model standards in June 2021 and is published on the Shire's website.

While a report on progress of CEO KPI's is not a requirement of the model standards, it could assist in meeting the requirement of clause 17 of the standards to "Collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner".

The [Department's Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination](#) notes the importance of providing the CEO regular feedback where it states:

"It is recommended that the council engages in regular discussions with the CEO regarding their performance against the performance criteria, including progress and ways that the CEO can be supported. Any changes to the CEO's performance agreement such as changes to the performance criteria should also be discussed, and agreed to, between the council and the CEO, as the matter arises."

Clause 16 of the model standards states that the local government and the CEO must agree on any performance criteria to be met by the CEO that are in addition to the contractual performance criteria. This means that the performance criteria and any changes to that performance criteria must be mutually agreed.

Council Policy 3.3.12 – CEO Performance Review Cycle provides guidance on this process of mid cycle KPI review and monitoring.

**Comment**

The status of the CEO KPI's and any mutually agreed changes discussed at the workshop are reflected in the report prepared by the independent consultant attached at **CONFIDENTIAL attachment 1** for Council's consideration.

If Council wants to ask questions or make changes to this report it is recommended the Council goes behind closed doors.

OptionsOption 1

That Council ADOPTS the recommendations outlined in **CONFIDENTIAL attachment 1**.

Option 2

That Council DOES NOT ADOPT the recommendations outlined in **CONFIDENTIAL attachment 1**.

Option 1 is recommended.

Conclusion

The workshop to consider the CEO KPI's Status Report was conducted in accordance with the Council Policy on Monday 26 February 2024. The Workshop was facilitated by an independent consultant who also facilitates the annual CEO performance review.

The outcomes report of the workshop prepared by the independent consultant is now presented to Council for consideration.

Attachments (available under separate cover)

- **10.5.2– CONFIDENTIAL - attachment 1** – CEO Performance Criteria 23-24 Summary Report Status Review (IN24/5552)

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
4. 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. Preserve and enhance our natural places, parks, trails and reserves
4. Invest in facilities and amenities to meet current and future needs
5. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment
Connected
1. Invest in community recreation and support local clubs and groups to increase opportunities for participation
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 |
| 4. Facilitate an inclusive community that celebrates our history and diversity |

Financial Implications

The cost of the consultant facilitating the Workshop with Councillors and preparing the summary report is included as part of the overall engagement for the CEO's annual performance review and KPI setting.

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	If Council was not to adopt the recommendations in CONFIDENTIAL attachment 1, it may constrain the capacity to undertake an effective performance review consistent with the provisions of the Standards into the future.	Nil	Organisational Performance	Unlikely	Moderate	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council ADOPTS the recommendations outlined in CONFIDENTIAL attachment 1.



10.6 Confidential reports:

11. Urgent business:

12. Elected Member questions of which notice has been given:

13. Closure: