



Shire of  
Serpentine  
Jarrahdale

# Ordinary Council Meeting Agenda

7pm

Monday, 21 August 2023

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## Contact Us

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### In Person

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



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



### Councillor Attendance Register

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

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

### Council 1 January 2023 –

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
07/08/23	PCF	✓	✓	A	A	✓	✓	✓	✓	✓
02/08/23	WORKSHOP (CEO Employment - Presentation of self- assessment report against criteria)	✓	✓	✓	✓	A	✓	✓	A	✓
31/07/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
24/07/23	PCF	✓	✓	A	✓	A	✓	A	✓	✓
19/07/23	WORKSHOP (Budget)	✓	✓	A	✓	✓	✓	A	✓	✓
17/07/23	OCM	✓	✓	A	✓	A	✓	A	✓	✓
10/07/23	Q & A (OCM)	✓	✓	A	A	A	A	A	✓	✓
03/07/23	PCF	✓	✓	✓	A	A	A	✓	A	✓
26/06/23	PCF	✓	✓	A	✓	A	✓	✓	A	✓
21/06/23	OCM reconvened	✓	✓	A	✓	✓	✓	✓	✓	A
19/06/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
15/06/23	WORKSHOP (Budget)	✓	✓	A	✓	✓	✓	✓	✓	A
12/06/23	Q & A (OCM)	✓	✓	✓	✓	A	✓	A	A	A
07/06/23	WORKSHOP (Budget)	✓	A	A	✓	✓	✓	✓	✓	A
01/06/23	WORKSHOP (Budget)	✓	A	✓	A	✓	✓	✓	✓	A



Continued

## Ordinary Council Meeting Agenda Monday, 21 August 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
29/05/23	PCF	✓	A	A	A	A	✓	✓	✓	A
25/05/23	WORKSHOP (Budget)	✓	✓	✓	✓	✓	✓	✓	A	✓
22/05/23	PCF	✓	✓	✓	✓	A	✓	✓	✓	A
15/05/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
08/05/23	Q & A (OCM)	✓	✓	A	✓	A	✓	✓	✓	A
08/05/23	WORKSHOP (Strategic Community Plan Major Review)	✓	✓	✓	✓	A	✓	✓	✓	A
01/05/23	PCF	✓	A	✓	✓	✓	✓	✓	✓	A
26/04/23	PCF	✓	A	✓	✓	A	✓	✓	A	A
17/04/23	OCM	✓	✓	A	✓	✓	✓	✓	A	✓
17/04/23	Q & A cont. (OCM)	✓	✓	A	✓	✓	✓	✓	A	✓
11/04/23	Q & A (OCM)	✓	✓	✓	A	A	✓	✓	A	A
03/04/23	PCF	✓	✓	A	✓	A	✓	✓	✓	✓
27/03/23	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
13/03/23	Q & A (OCM)	✓	A	✓	✓	✓	✓	✓	✓	A
08/03/23	WORKSHOP (Status update / report on 2022-23 CEO KPIs)	✓	A	A	A	A	A	✓	✓	A
02/03/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/02/23	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
27/02/23	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
20/02/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/02/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓



Continued

## Ordinary Council Meeting Agenda Monday, 21 August 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
15/02/23	WORKSHOP (Community Perception Survey)	✓	✓	✓	✓	✓	✓	✓	✓	A
13/02/23	Q & A (OCM)	✓	✓	A	✓	A	✓	A	✓	✓
06/02/23	PCF	✓	A	✓	✓	A	✓	✓	✓	✓
06/02/23	SCM	✓	A	✓	✓	A	✓	✓	✓	✓
30/01/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/01/23	Q & A (SCM – 6 February 2023)	✓	✓	✓	✓	✓	✓	✓	✓	A
23/01/23	Q & A (SCM – 30 January 2023)	✓	✓	✓	✓	✓	✓	A	✓	✓
23/01/23	WORKSHOP (Catalyse Presentation - Community Perception Scorecard)	✓	✓	✓	✓	✓	✓	A	✓	✓

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



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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, 21 August 2023 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong, commencing at 7pm.

Paul Martin

**Chief Executive Officer**

11 August 2023

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## **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, 17 July 2023**

Questions asked by **Mr Christopher Jacobs** at the Ordinary Council Meeting, Monday, 17 July 2023. Correspondence was sent to Mr Jacobs on Friday, 11 August 2023 (OC23/14706).

Question 1

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

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

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

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



*Response (Shire President)*

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

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

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

*As I have previously stated I was not aware of the court proceedings until it was raised at the May 2023 Ordinary Council Meeting.*

Question 2

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

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

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

*Response (Shire President)*

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

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

*Please see as above.*

Question asked by **Mr Garry Tomlinson** at the Special Council Meeting, Monday, 31 July 2023. Correspondence was sent to Mr Tomlinson on Friday, 4 August 2023 (OC23/14026).

Question 1

Query on the rates notice – why is the general rubbish 140L rubbish bin service at \$271 more expensive than the 240L recycle waste service?

*Response (Director Infrastructure Services)*

*The cost of the 140L general waste bin service is higher than the 240L recycling bin service due to the higher cost of collections - weekly collection for general waste as opposed to fortnightly collection for recycling. The higher cost of the general waste service is also due to the cost of disposal of general waste which incurs a waste (landfill) levy of \$70 per tonne whereas this levy does not apply to the recycling service.*





**2.2 Public questions:**

**3. Public statement time:**

**4. Petitions and deputations:**

**5. President's Report:**

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

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

**7.1 Ordinary Council Meeting – 17 July 2023**

**That the minutes of the Ordinary Council Meeting held on 17 July 2023 be CONFIRMED (E23/9416).**

**7.2 Special Council Meeting – 31 July 2023**

**That the minutes of the Special Council Meeting held on 31 July 2023 be CONFIRMED (E23/10043).**



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

**8.1 CEO Employment Committee Meeting – 7 August 2023**

The Chief Executive Officer has declared a Financial Interest in this item.

Attachments (available under separate cover)

- attachment 1 – CEO Employment Committee Meeting Minutes – 7 August 2023 (E23/10342)

Voting Requirements: Simple Majority

**That Council:**

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*.

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

<b>9.1 - Notice of Motion – West Mundijong Industrial Area (SJ4232)</b>	
<b>Councillor</b>	Councillor Byas
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Notice of Motion**

A Notice of Motion was received from Councillor Byas via email on Monday, 24 July 2023.

The Notice of Motion is “That Council:

1. REQUESTS the Chief Executive Officer presents a report to Council at the soonest available opportunity detailing the budgetary implications of Council Resolution OCM166/07/23 on both the FY23-24 Budget and the Long-Term Financial Plan.
2. REQUESTS the Chief Executive Officer includes the Council’s explicit objection to Option 3 (Oakford Major Logistics Hub) of the Westport Landside Logistics Options – as per OCM166/07/23 2.ii. – into the Shire’s advocacy material for future State and Federal Government elections. The reasons being:
  - The significant impact on the West Mundijong Industrial Areas; and
  - The severe adverse implications it would have on the amenity and infrastructure of the surrounding Oakford community.”

**Relevant Previous Decisions of Council**

*Special Council Meeting – 31 July 2023 - SCM018/07/23 - COUNCIL RESOLUTION  
That the matter be DEFERRED to the August Ordinary Council Meeting.*

*Ordinary Council Meeting – 17 July 2023 - OCM166/07/23 - COUNCIL RESOLUTION  
That Council:*

1. *In accordance with Clause 9.3.10.1 of the Scheme, ADOPTS Development Contribution Plan Report No. 4 for the West Mundijong Industrial DCP and Development Contribution Plan Report No. 1 for the Mundijong-Whitby Urban Traditional Infrastructure DCP without modifications, and authorises the Chief Executive Officer to update the appendices at the date of adoption; and*
2. *REQUESTS that the Chief Executive Officer write to the Hon Rita Saffioti MLA in her capacities as WA State Treasurer and Minister for Transport (encompassing responsibility for Westport):*
  - i. *Requesting financial support for the provision of essential infrastructure to service the West Mundijong Industrial Area, as has been provided by the State for both the Nambeelup and Forrestdale Industrial Areas situated in neighbouring municipalities;*
  - ii. *Advising that in relation to the Westport Landside Logistics Options presented to Council at the briefing held earlier this year, the Council does not support Option 3 (Oakford*



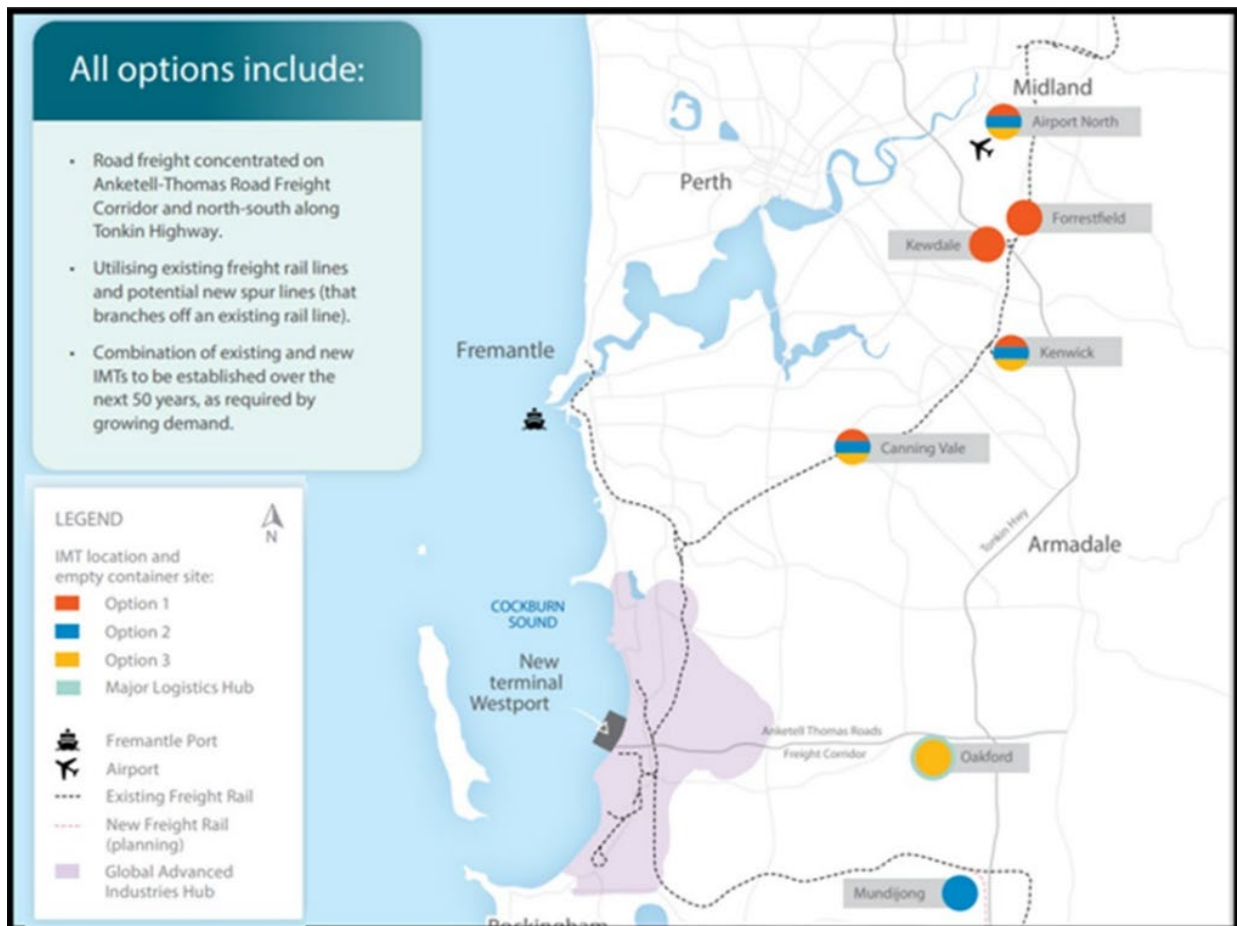
Major Logistics Hub), given its undermining of the Shire's Local Planning Framework and significantly its impact on the West Mundijong Industrial Area;

iii. Copying the correspondence to the Hon David Michael MLA in his capacity as Minister supporting the Minister for Transport.

### Officer Comment

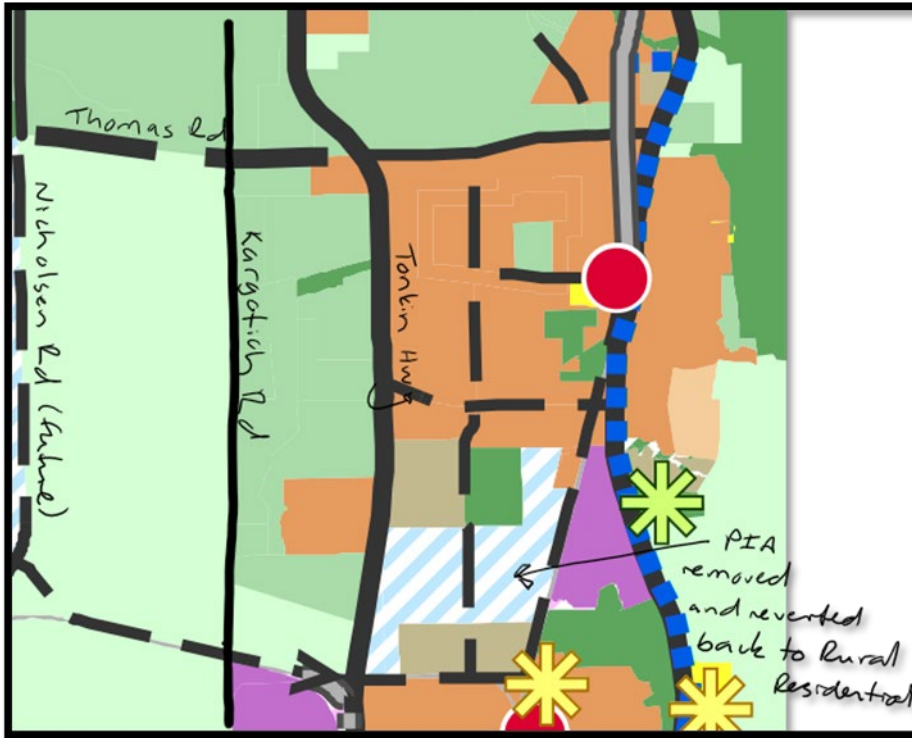
The Westport project of government includes a current component of work underway associated with landside logistics planning. In this regard, Westport's Landside Logistics Opportunities Study shortlisted landside supply chain network options. This included road and rail corridors, intermodal terminals (IMTs), associated infrastructure and land for the development of complementary land uses.

Three shortlisted landside logistics options have been identified, as follows:



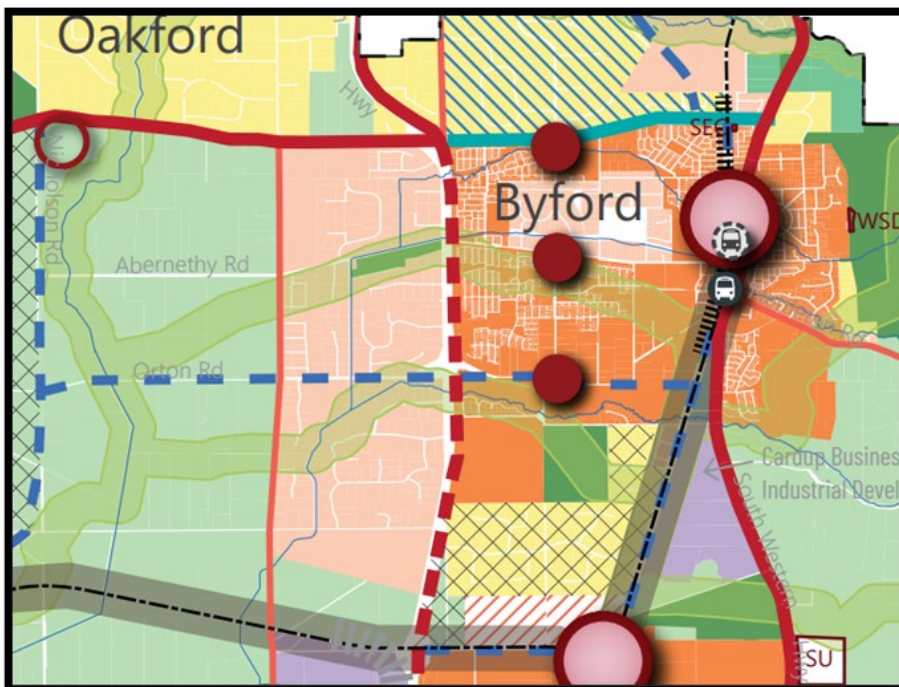
Westport advises that the options will be further tested by Westport's Supply Chain Integrated Design project, which may reconfigure or identify new solutions, or select from one of the current options identified. At the time of writing this report, no formal position of Westport has been communicated to the Shire on option(s) selection, noting Option 2 and Option 3 fall within the Shire district.

In respect of the Oakford option that this Notice of Motion is concerned with, the documentation of Westport shows a potential option in the vicinity of the area between Kargotich Road and Nicholson Road, south of Thomas Road. Officers note that this is inconsistent with both prevailing local and state planning frameworks. The State Government Planning Strategy for Perth and Peel, shows the following specific plan for land use within Oakford, to 2050:



The light green between Kargotich Road and a (potential) southern extension of Nicholson Road, is designated Rural with no further subdivision below 40ha lot sizes. This is intended to protect board scale rural activities in this area, reinforcing the activity corridor of the south east metropolitan area, by containing future western expansion of development. Between Kargotich Road and the future extension of Tonkin Highway, is designated Rural Residential to support ongoing activities in this area. Lot sizes are designated to range between 1ha and 4ha.

Reflecting this, the Shire's Local Planning Strategy identifies the same protection of Rural and Rural Residential, as per the State Planning Framework.





Based on this, an Oakford option should not be supported for Westport. Such option is inconsistent with planning frameworks, and has the potential to cause significant amenity impacts on a large number of private landowners given such would also require an extension of rail to service the area.

In order to raise the level of concern that is represented by an Oakford option, Officers recommend a request for Westport to brief the Council on what is happening in respect of freight handling option analysis.

It is also noted that the West Mundijong Industrial Area is identified for a potential option. In contrast to Oakford, selecting a West Mundijong solution for landside logistics would be very consistent with anticipated planning frameworks.

Officers remained concerned however, that there is limited clarity on whether Westport will consider a West Mundijong solution. To ensure that the Shire continues to promote the importance of government involvement in Westport to enable its commencement, Officers recommend that Council consider resolving to request the Chief Executive Officer and Shire President meet with the Minister responsible for Lands, Minister Carey, and activate discussions about the critical importance of having Development WA allocate its Industrial Lands Authority Business Unit to directly invest in West Mundijong Industrial Area (WMIA), and unlock its development potential. This would be additional to the resolution passed at the recent Council meeting.

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

Nil.

**Voting Requirements:** Simple Majority

#### **Councillor Recommendation**

##### **That Council:**

- 1. REQUESTS the Chief Executive Officer presents a report to Council at the soonest available opportunity detailing the budgetary implications of Council Resolution OCM166/07/23 on both the FY2023-2024 Budget and the Long-Term Financial Plan.**
- 2. REQUESTS the Chief Executive Officer includes the Council's explicit objection to Option 3 (Oakford Major Logistics Hub) of the Westport Landside Logistics Options – as per OCM166/07/23 2.ii. – into the Shire's advocacy material for future State and Federal Government elections. The reasons being:**
  - The significant impact on the West Mundijong Industrial Areas; and**
  - The severe adverse implications it would have on the amenity and infrastructure of the surrounding Oakford community.**



**Alternative Officer Recommendation**

**That Council:**

- 1. REQUESTS the Chief Executive Officer to organise an urgent briefing of Council from Westport, in order to receive an update on the status of freight and logistics planning, and to enable Council to advise its concerns with regard to the Oakford option and the range of negative impacts this will have on the community.**
- 2. REQUESTS the Chief Executive Officer and Shire President write to the Minister for Planning; Lands; Housing; Homelessness, to set out the opportunity and importance of Development WA allocating its Industrial Lands Authority Business Unit to directly invest in the West Mundijong Industrial Area, to unlock its development potential.**



**9.2 - Notice of Motion - Bridle Path East of Trotting Complex (SJ4086)**

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

**Notice of Motion**

A Notice of Motion was received from Councillor Strautins via email on Friday, 4 August 2023.

The Notice of Motion is “That Council:

1. REQUESTS that the Shire’s Equine Trails Master Plan be updated specific to the Byford Town Centre Precinct, to now reflect the approved Byford Town Centre Structure Plan and the Byford Rail Extension project design, and the associated equine trails within these project areas;
2. REQUESTS the Chief Executive Officer, as part of the detailed design of the Indigo Parkway connection between Briggs Rd and Larsen Rd (being undertaken by the Shire in 2023/24), include specific design for the following key infrastructure elements:
  - a. The multiple use corridor that adjoins this section of road;
  - b. Within the multiple use corridor, suitable trails and paths for equine, cycling and walking trails; and
  - c. Specific connectivity for equestrian trails between Binshaw Avenue and Bradley Close, once the privately owned land within which the trail link is situated, is developed.”

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 18 July 2022 - OCM177/07/22 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *ADOPTS the final Shire of Serpentine Jarrahdale Equine Trails Master Plan and Summary, as contained in attachments 1 and 4; and*
2. *REQUESTS that the Shire President and the Chief Executive Officer advocate to the Department of Biodiversity, Conservation and Attractions for continued equine use of the firebreak/ trail bordering the Cardup Nature Reserve*

**Officer Comment**

The current version of the Shire’s Equine Trails Master Plan was adopted by Council at the 18 July 2022 meeting. At the time of formulating the Master Plan, as a result of projects driven by various stakeholders (including the State) that were still in various stages of development, there was ongoing discussion about what trail connectivity would ultimately look like and how this could be achieved in the area to the east of trotting complex.

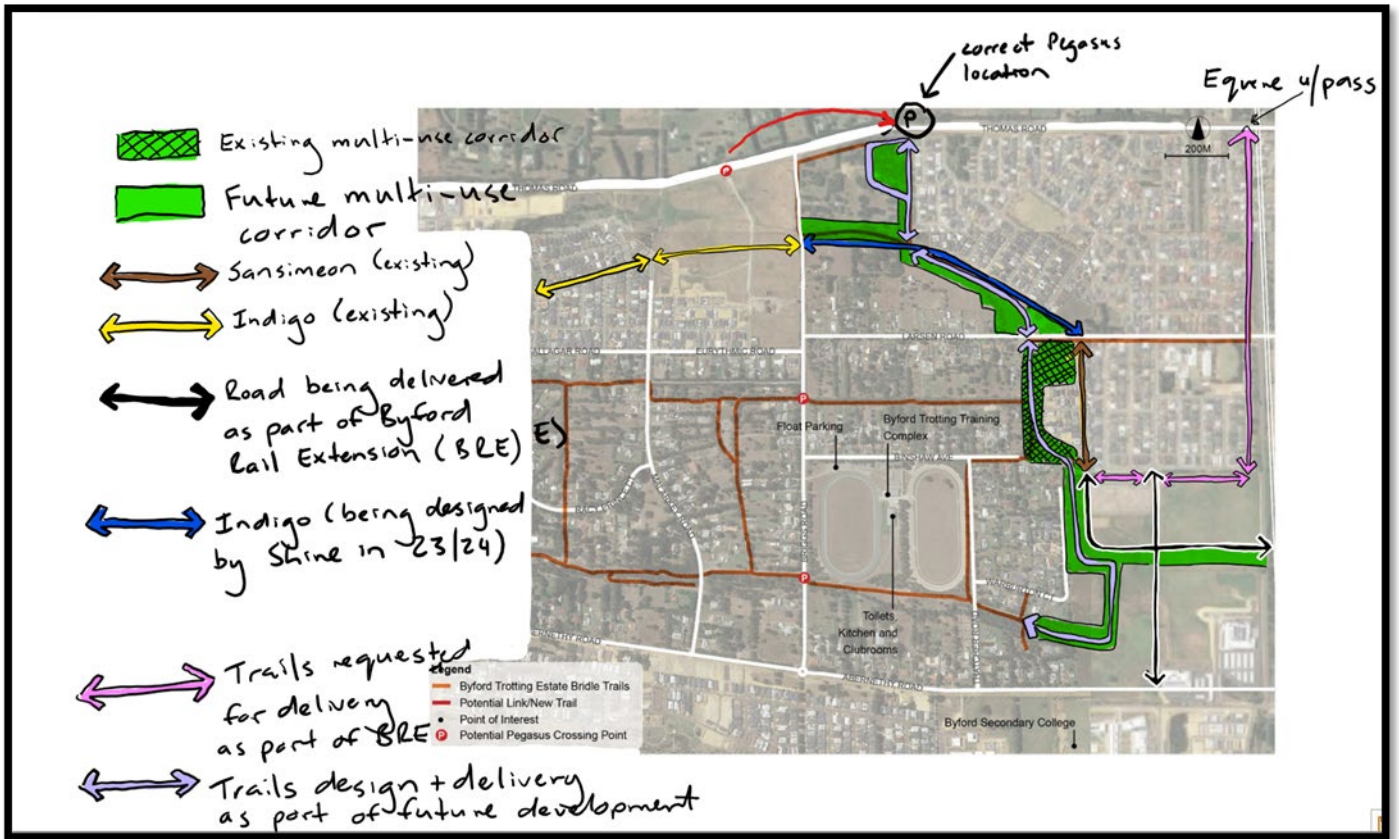




Accordingly, the currently adopted version shows trails as follows:



Further planning across a range of projects has now been progressed and/or completed, creating a greater understanding for how connectivity can be fully achieved and integrated in meaningful ways, consistent with development taking place. The following shows further planning that has occurred since the adoption of the Shire's Equine Master Plan:



The Notice of Motion will seek to:

- Update the adopted Equine Trails Master Plan to be reflective of current development occurring in the Byford Town Centre (as depicted in the image above); and
- Incorporate the trail associated with the Indigo Parkway link (between Larsen Road and Briggs Road), as part of the detailed design work for this project. The design of this link is funded and being delivered by the Shire in 2023/24.

**Attachments (available under separate cover)**

Nil.



**Voting Requirements:** Simple Majority

**Councillor Recommendation**

**That Council:**

- 1. REQUESTS that the Shire's Equine Trails Master Plan be updated specific to the Byford Town Centre Precinct, to now reflect the approved Byford Town Centre Structure Plan and the Byford Rail Extension project design, and the associated equine trails within these project areas;**
- 2. REQUESTS the Chief Executive Officer, as part of the detailed design of the Indigo Parkway connection between Briggs Rd and Larsen Rd (being undertaken by the Shire in 2023/24), include specific design for the following key infrastructure elements:**
  - a. The multiple use corridor that adjoins this section of road;**
  - b. Within the multiple use corridor, suitable trails and paths for equine, cycling and walking trails; and**
  - c. Specific connectivity for equestrian trails between Binshaw Avenue and Bradley Close, once the privately owned land within which the trail link is situated, is developed.**

**9.3 - Notice of Motion – Revocation OCM166/07/23 - Consideration to adopt DCP Report No. 4 for West Mundijong Industrial DCP and DCP Report No. 1 for Mundijong-Whitby Urban Traditional DCP (Amendment 209) (PA18/780) (SJ4086)**

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

**Notice of Motion**

In accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996* and part 14 of the Shire of Serpentine Jarrahdale's *Standing Orders Local Law 2002 (as Amended)*, a Notice of Motion was received from Councillor Dagostino on Thursday, 10 August 2023 to revoke Council's Resolution OCM166/07/23, made at the Ordinary Council Meeting of 17 July 2023, related to the Consideration to adopt DCP Report No. 4 for West Mundijong Industrial DCP and DCP Report No. 1 for Mundijong-Whitby Urban Traditional DCP (Amendment 209).

Support for the preparation of the Notice of Motion was provided in writing by Councillor Coales and Councillor Mack on Thursday, 10 August 2023.

Being a Motion to revoke under regulation 10 of the *Local Government (Administration) Regulations 1996* the Notice of Motion is presented in two parts, with Part 2 to be considered by Council in the event that Part 1 is resolved in the affirmative.

**Voting Requirements:** **Part 1** - Absolute Majority (r10 of the *Local Government (Administration) Regulations 1996*)

**Part 2** – Simple Majority

**Part 1**

"That Council REVOKES the following part of the second point of Council resolution OCM166/07/23 made at the 17 July 2023 Ordinary Council Meeting being:

2. ii. Advising that in relation to the Westport Landside Logistics Options presented to Council at the briefing held earlier this year, the Council does not support Option 3 (Oakford Major Logistics Hub), given its undermining of the Shire's Local Planning Framework and significantly its impact on the West Mundijong Industrial Area."

**Part 2**

"That Council:

1. REQUESTS the Chief Executive Officer to organise an urgent briefing of Council from Westport, in order to receive an update on the status of freight and logistics planning;
2. REQUESTS that the Chief Executive Officer, once the briefing from Westport has occurred, present a report to Council on associated options moving forward;



3. REQUESTS that the Shire President write to the Minister for Planning; Lands; Housing; Homelessness, to set out the opportunity and importance of Development WA allocating its Industrial Lands Authority Business Unit to directly invest in the West Mundijong Industrial Area, to unlock its development potential.”

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

*Ordinary Council Meeting – 17 July 2023 – OCM166/07/23 - COUNCIL RESOLUTION*

*That Council:*

- 1. In accordance with Clause 9.3.10.1 of the Scheme, ADOPTS Development Contribution Plan Report No. 4 for the West Mundijong Industrial DCP and Development Contribution Plan Report No. 1 for the Mundijong-Whitby Urban Traditional Infrastructure DCP without modifications, and authorises the Chief Executive Officer to update the appendices at the date of adoption; and*
- 2. REQUESTS that the Chief Executive Officer write to the Hon Rita Saffioti MLA in her capacities as WA State Treasurer and Minister for Transport (encompassing responsibility for Westport):*
  - i. Requesting financial support for the provision of essential infrastructure to service the West Mundijong Industrial Area, as has been provided by the State for both the Nambeelup and Forrestdale Industrial Areas situated in neighbouring municipalities;*
  - ii. Advising that in relation to the Westport Landside Logistics Options presented to Council at the briefing held earlier this year, the Council does not support Option 3 (Oakford Major Logistics Hub), given its undermining of the Shire’s Local Planning Framework and significantly its impact on the West Mundijong Industrial Area;*
  - iii. Copying the correspondence to the Hon David Michael MLA in his capacity as Minister supporting the Minister for Transport.*

### **Officer Comment**

The adopted planning framework at both state and local levels, depicts an intermodal hub being developed as part of the West Mundijong Industrial Area. Neither frameworks have identified an intermodal hub in or around Oakford. Should the revocation be supported by Council, and should it be replaced by the new proposed resolution, there will still be the opportunity for Council to consider its position on intermodal planning, by virtue of the resolution seeking, inter alia, a report back to Council following being formally briefed by Westport.

Officers have contacted Westport and they have indicated that they are available and supportive of briefing Council regarding this matter.

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

Nil.



**Voting Requirements:** **Part 1** - Absolute Majority (r10 of the *Local Government (Administration) Regulations 1996*)

**Part 2** – Simple Majority

### **Councillor Recommendation**

#### **Part 1**

That Council **REVOKES** the following part of the second point of Council resolution OCM166/07/23 made at the 17 July 2023 Ordinary Council Meeting being:

2. ii. **Advising that in relation to the Westport Landside Logistics Options presented to Council at the briefing held earlier this year, the Council does not support Option 3 (Oakford Major Logistics Hub), given its undermining of the Shire's Local Planning Framework and significantly its impact on the West Mundijong Industrial Area.**

#### **Part 2**

That Council:

1. **REQUESTS** the Chief Executive Officer to organise an urgent briefing of Council from Westport, in order to receive an update on the status of freight and logistics planning;
2. **REQUESTS** that the Chief Executive Officer, once the briefing from Westport has occurred, present a report to Council on associated options moving forward;
3. **REQUESTS** that the Shire President write to the Minister for Planning; Lands; Housing; Homelessness, to set out the opportunity and importance of Development WA allocating its Industrial Lands Authority Business Unit to directly invest in the West Mundijong Industrial Area, to unlock its development potential.



## 10. Chief Executive Officer reports:

### 10.1 Development Services reports:

<b>10.1.1 - Proposed Metropolitan Region Scheme Amendment - Cardup Urban Precinct - Request for Preliminary Comment (SJ1655-02)</b>	
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Harley Dykstra
Owner:	Various
Date of Receipt:	14 July 2023
Lot Area:	194ha
Town Planning Scheme No 2 Zoning:	Urban Development, Special Use, Rural
Metropolitan Region Scheme Zoning:	Industry, Rural

### Report Purpose

The purpose of this report is for Council to consider the request received from the Western Australian Planning Commission (WAPC) to provide preliminary comment on the proposed Metropolitan Region Scheme (MRS) Amendment for a Proposed Cardup Urban Precinct. It is recommended Council provide preliminary comment outlining the various regional planning considerations and opportunities, which provide a supporting framework for the Proposed MRS Amendment.

### Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 18 July 2022 – OCM169/07/22 - COUNCIL RESOLUTION</i></p> <p><i>That Council:</i></p> <p>1. <i>REQUESTS the WAPC (as regional planning authority) to undertake a subregional structure planning exercise for the area bound by Kargotich Road, Mundijong Road, King Road and the freight rail line, with the intent that this subregional structure plan inform the suite of MRS amendments required to achieve the most effective planning outcome for this precinct. This subregional structure plan should include stakeholder and community engagement, and address the following matters:</i></p>
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- a. *Road infrastructure coordination (specifically to request that Mundijong Road be recognised as a State Government Main Roads road, and be reserved as a Primary Regional Road under the MRS given its linkage between north south highways of Kwinana Freeway, future Tonkin Highway, South West Highway and Albany Highway).*
  - b. *Potable water and sewer infrastructure coordination (specifically to request that Water Corporation provide direction on the timing and delivery of the necessary urban water and sewer infrastructure given the pressure for development taking place within Mundijong).*
  - c. *Intermodal infrastructure coordination (specifically to request Westport actively consider how an expanded West Mundijong Industrial Area which interfaces with the current and ultimate freight rail servicing a new port and freight links, is a strategic opportunity).*
  - d. *Regional planning clarification (specifically to request that the WAPC consider removing the current Cardup Planning Investigation Area which impacts on the Cardup Equestrian Area, which erodes an important rural residential precinct between the urban localities of Byford and Mundijong).*
  - e. *Industrial area expansion (specifically to request that the WAPC consider the southeast subregional opportunities associated with a connected and expanded West Mundijong Industrial Area).*
  - f. *Activity centre classification (specifically to request the Mundijong District Centre be considered for reclassification as a strategic regional centre).*
2. **CONSIDERS** its position on the Proposed Metropolitan Region Scheme Amendment - West Mundijong Urban Precinct once Part (1) is completed by the WAPC.

*Ordinary Council Meeting - 22 February 2010 - SD104/02/10 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

*That Council:*

1. *Formally request that the Western Australian Planning Commission, through the South East District Planning Committee, progress an amendment to the Metropolitan Region Scheme to rezone the area shown on the plan marked as attachment SD104.1/02/10 from Rural to Industrial.*

## **Background**

The WAPC have requested that the Shire provide preliminary comment on a Proposed MRS Amendment to rezone a 194ha portion of land in Cardup, from 'Industry' and 'Rural' to 'Urban'. The subject site is bound by South Western Highway to the east, Norman Road to the south, Soldiers Road to the west and Cardup Siding Road to the north as shown in Figure 1.

At the Ordinary Council Meeting held on 22 February 2010, Council considered an Amendment to the MRS to rezone the subject site from 'Rural' to 'Industry'. The MRS Amendment to rezone the land as 'Industry' was approved and came into effect on 18 October 2012. Following the rezoning under the MRS, Amendment 183 to Town Planning Scheme No.2 (TPS2) was initiated to align the zoning of the subject site under TPS2 with the zoning under the MRS. Amendment 183 to TPS2 zoned the subject site as 'Urban Development' under TPS2, which enabled the establishment of a 'development area' with a set of statutory provisions as a framework for more detailed structure planning. Amendment 183 was approved by the WAPC and the Minister and was gazetted on 3 June 2014. The Cardup Business Park Local Structure Plan was subsequently progressed and was approved by the WAPC on 29 March 2019. The Structure Plan identifies the





site as 'Industry - General' to facilitate the development of a range of industrial land uses, however with limits on the nature and intensity of development given the constrained nature of nearby sensitive development.

With respect of context, there has been ongoing issues with the relationship of development within Cardup Business Park, to nearby sensitive land uses and single dwellings west of the subject land. The previous two items of the Council agenda point to this ongoing challenge.

In terms of the whole precinct, there continues to be ongoing complaints being received from members of the community, raising ongoing amenity concerns associated with impacts from noise, dust, vibration, air emissions, drainage management and hours of operation. This continues to provide a challenge for the Cardup Business Park to grow existing development or attract new industrial development, given the area is highly constrained with no ability to moderate impacts from industry. This makes its viability as an industrial area, non-existent.

There has also been a general observation made to the more contemporary West Mundijong Industrial Area, which through structure planning set designated buffers and graduate of land use intensity, as a key way to protect against the encroachment of sensitive development. Market feedback tends to reveal WMIA to be the preferred industrial area for industry wanting to establish within the Shire.



**Figure 1: Subject Land**



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## **Community / Stakeholder Consultation**

Once the Department of Planning, Lands and Heritage (DPLH) have received preliminary comments on the Proposed MRS Amendment, DPLH may present a report to the WAPC to consider whether to formally initiate an amendment to the MRS. Should an amendment be initiated, the WAPC will seek formal comment on the MRS amendment proposal from the Shire, State agencies, stakeholders and the community.

## **Statutory Environment**

### Legislation

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

### State Government Policies

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

### Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy

## **Planning Assessment**

### Planning Framework

The WAPC's Perth and Peel @ 3.5 Million Sub-Regional Planning Frameworks provide a land use planning and infrastructure framework to accommodate 3.5 million people by 2050, defining the urban form of the Perth and Peel regions. Under the South Metropolitan Peel Sub-Regional Planning Framework, the subject site is identified as 'Industrial'. The subject site is currently zoned 'Industrial' and 'Rural' under the MRS, with the 'Rural' zoned portion of land relating to Bush Forever Site No. 361. Under TPS2, the subject site is zoned as 'Urban Development', 'Special Use' and 'Rural', with the 'Special Use' and 'Rural' zoned portion of land relating to Bush Forever Site No. 361. The subject site is zoned as 'Industrial Development' and 'Rural' under the Draft Local Planning Scheme No. 3. The WAPC approved Cardup Business Park Local Structure identifies the majority of the subject site as 'Industry – General', though with heavy restrictions to attempt to manage the inadequate separation that exists between the area and nearby sensitive development.

There are a range of relevant strategic considerations and documents that form part of a merits-based assessment of the Proposed MRS Amendment, which are discussed below.

### Local Planning Strategy

The Shire's approved Local Planning Strategy, which sets out a 10-year framework for the Shire's future planning and development, is required to reflect the current regional planning of the WAPC. The subject site is identified as 'Industry' under the Shire's Local Planning Strategy to align with the current 'Industrial' zoning of the subject site under the MRS. The Local Planning Strategy also identifies important planning considerations, which should be addressed in considering strategic planning proposals such as the Proposed MRS Amendment.



The Local Planning Strategy contains a strategy to ensure that more intensive industrial uses, which are likely to affect the amenity of the surrounding area, are located away from existing urban areas. The subject site is surrounded by existing urban areas, and reflects an example of the kind of incompatibility now striving to be avoided. As mentioned prior, this continues also to limit the type of industrial uses that the area can accommodate.

In the opinion of Officers, the identification of the subject site for general industry land uses is not aligned with the Shire's Local Planning Strategy.

### Industrial Land

There are currently two key industrial areas identified within the Shire, being the West Mundijong Industrial Area and the Cardup Business Park. The location of the Cardup Business Park is constrained, situated between the urban areas of Byford and Mundijong and rural living development in Cardup. This constrained location limits the scale of land that is available to accommodate industrial development and provide for a range of industries and future growth. The long-term potential of the Cardup Business Park to accommodate industrial development is therefore limited and considered to be largely unavailable now.

The Cardup Business Park Local Structure Plan recognises that general industrial land uses '*may or may not result in emissions that could affect the amenity levels considered acceptable in residential areas or other nearby sensitive land uses*'. A number of measures and development controls are discussed in the Structure Plan to manage the potential adverse amenity impacts to sensitive land uses. Future development is required to meet the relevant legislative requirements, including the *Environmental Protection Act 1986* and its associated regulations. The Structure Plan also requires development to be in accordance with the Environmental Protection Authority's (EPA) 'Guidance for the Assessment of Environmental Factors No.3 - Separation Distances between Industrial and Sensitive Land Uses', which provides advice on generic separation distances between industrial and sensitive land uses to avoid conflicts between incompatible land uses. Such constraints limit the viability of the Cardup Business Park to provide an appropriate location for industrial development.

Industrial land is important to generate investment, attract business and create local employment opportunities. As the Shire continues to grow, there may be a need for industrial land to be further developed and expanded to support growth. The future Mundijong Freight Rail Realignment and Tonkin Highway extension adjacent to the West Mundijong Industrial Area provides clear strategic opportunities for this area, and key opportunities to shape a regional context for that portion of land. The West Mundijong Industrial Area is strategically located with the potential to accommodate the expansion of light and general industries further west as demand increases. As demand for industrial land within the Shire increases, the expansion of the West Mundijong Industrial Area further west provides a more logical and strategic opportunity to accommodate industrial growth, while the Cardup Business Park is significantly constrained given the urban and rural living areas which surround the site that prevent future expansion.

The strategic impacts on the Proposed MRS Amendment are illustrated in the following concept. This shows, in lieu of the removal of Cardup Business Park from Industrial to Urban, a larger and more consolidated strategic land holding could be pursued through further western expansion of the West Mundijong Industrial Area. The image following also depicts how problematic a continuation of an industrial zoning for Cardup Business Park, will be.





Industrial Area. This infrastructure provides important employment, enterprise, transport and freight linkages to the West Mundijong Industrial Area, which offer advantages and opportunities for industrial development. The West Mundijong Industrial Area is therefore better located to access such opportunities and attract a wider range of industrial development than the Cardup Business Park.

#### Road Network

The Cardup Business Park has access to South Western Highway, however increasing residential development in the area will increase traffic on the road network. South Western Highway extends northwards from the Cardup Business Park traversing through the Byford Town Centre. This portion of South Western Highway has limited speeds, traffic lights and pedestrian activity, making this transport route less favourable for trucks.

Furthermore, constraints on the Restricted Access Vehicle (RAV) Network to the Cardup Business Park limits the potential for certain industrial operations. Access to Cardup is restricted to RAV Network 4 vehicles and below, which limits the accessibility for trucks. The West Mundijong Industrial Area is planned to have road access that can accommodate RAV Network 7 vehicles, providing greater opportunities for industrial development.

#### Passenger Rail Line

The commitment to deliver the Byford Metronet project will provide key public transport access from Perth to Byford, with the rail extending north-south from Armadale. The Shire's Local Planning Strategy identifies the potential for the passenger rail line to extend further south to Whitby and Mundijong in the longer term. This creates the potential for the subject site to be located along a passenger rail corridor, providing opportunities for the urban area proposed by the MRS Amendment to be well-connected to public transport.

#### Urban Land and Activity Centres

The subject site is located between the Byford urban area to the north and the Mundijong urban area to the south. The Byford and Mundijong urban areas have a planned activity centre hierarchy to support and meet the needs of the existing population catchments. The Proposed MRS Amendment identifies additional urban land to be located between Byford and Mundijong. The impact of additional urban land in this location on the established and planned activity centre hierarchy in the adjoining urban areas is an important consideration. Additional urban land would generate additional activity centre need and would require an integrated approach to the assessment of activity centre provision within the Shire.

It will be important to consider the employment generating role that the subject site will have under the Proposed MRS Amendment, which identifies the land as 'Urban'. Additional populations in this area will require access to employment and educational opportunities. Providing for a level of economic self-sufficiency within the proposed urban area will be important to ensure the area is sustainable, activated and contributes to the local economy. Opportunities for the subject site to accommodate service commercial businesses should be investigated to support the surrounding residential populations. The impact of additional urban land on the provision of schools and community facilities within the Shire is also an important consideration to be addressed as part of future planning.

#### Environmental Considerations

The subject site accommodates Bush Forever Site No. 361, which contains remnant vegetation with conservation significant vegetation values. This includes a threatened ecological community (TEC), 'Corymbia calophylla – Eucalyptus marginata woodlands on sandy clay soils of the



southern Swan Coastal Plain', and black cockatoo foraging and potential breeding and roosting habitat. The Bush Forever Site has presented a further constraint to the industrial development of the Cardup Business Park. The interface to the Bush Forever Site would also need to be managed under the Proposed MRS Amendment to zone the land for urban purposes.

### **Options and Implications**

#### Option 1

That Council:

1. PROVIDES preliminary comments of SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - Cardup Urban Precinct.
2. REQUESTS the Chief Executive Officer write to the Western Australian Planning Commission (WAPC), reiterating the Council decision of 18 July 2022 (OCM169/07/22), that seeks the WAPC to undertake a subregional structure planning exercise for the area bound by Kargotich Road, Mundijong Road, King Road and the freight rail line, with the intent that this subregional structure plan inform the suite of MRS amendments required to achieve the most effective planning outcome for this precinct.

#### Option 2

That Council PROVIDES preliminary comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendment – Cardup Urban Precinct to the Western Australian Planning Commission.

Option 1 is recommended.

### **Conclusion**

The Proposed MRS Amendment seeks to rezone a 194ha portion of land within the existing Cardup Business Park from 'Industrial' and 'Rural' to 'Urban' under the MRS. There are a number of strategic considerations that impact the Proposed MRS Amendment including the current planning framework, industrial and urban land location and supply, activity centres, transport, infrastructure and the environment. Officers recommend the Proposed MRS Amendment be supported subject to these considerations, with the strategic regional considerations to be addressed by the WAPC undertaking a subregional structure planning exercise in accordance with the July 2022 resolution of Council.

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

- **10.1.1 - attachment 1** - Proposed MRS Amendment - Cardup Urban Precinct (IN23/15167)



**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

**Financial Implications**

There are no direct financial implications relating to this matter.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This Option is considered the lowest strategic risk Option.						
2	That Council PROVIDES preliminary comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendment – Cardup Urban Precinct to the Western Australian Planning Commission, which prevents the transition of incompatible industrial development away from the precinct to West Mundijong.	Planning legislation and framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Give reason for decision.



**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

- 1. PROVIDES preliminary comments of SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - Cardup Urban Precinct;**
- 2. REQUESTS the Chief Executive Officer write to the Western Australian Planning Commission (WAPC), reiterating the Council decision of 18 July 2022 (OCM169/07/22), that seeks the WAPC to undertake a subregional structure planning exercise for the area bound by Kargotich Road, Mundijong Road, King Road and the freight rail line, with the intent that this subregional structure plan inform the suite of MRS amendments required to achieve the most effective planning outcome for this precinct.**





**10.1.2 - Lot 60, 394 Robertson Road, Cardup - Proposed Retrospective and Prospective Concrete Product Manufacturing Facility General Industry (PA23/198)**

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

**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 Pty Ltd
Owner:	Kandalee Pty Ltd and Mecca Holdings Pty Ltd
Date of Receipt:	10 March 2023
Lot Area:	47.39ha
Town Planning Scheme No 2 Zoning:	'Urban Development' and 'Special Use'
Metropolitan Region Scheme Zoning:	'Industrial' and 'Rural'

**Report Purpose**

The purpose of this report is for Council to consider endorsing the Responsible Authority Report (RAR) prepared for a Concrete Manufacturing Facility located at Lot 60, 394 Robertson Road, Cardup. There are also prospective components associated with the construction of stressing beds and office administrations buildings. The RAR can be viewed within **attachment 1**.

The application seeks approval to produce approximately 73,000 tonnes of concrete products annually. The applicant has opted in for the Metro Outer Development Assessment Panel (MODAP) process to determine the application. The MODAP will replace Council as the decision-making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The report is presented to Council to consider the RAR to the MODAP, consistent with established delegations.

To assist the Shire with its merits based assessment, several of the technical reports that were submitted as part of the application, specifically noise and vibration reports, were peer reviewed by independent consultants engaged by the Shire under the *Planning and Development Regulations 2009*. The review concluded that the reports did not demonstrate that the development could be undertaken in a manner without causing adverse impacts to the amenity of the locality. Officers also have concerns over the submitted Dust Management Plan as it lacked site specific information to demonstrate that dust can be managed adequately.

The RAR recommends that the application be refused as the development has not demonstrated that it can be undertaken in a manner which does not result in off site adverse amenity impacts.



## Relevant Previous Decisions of Council

*Ordinary Council Meeting – 13 December 2021- OCM334/12/21 - COUNCIL RESOLUTION*

*1. That Council, in response to the Section 31 request for reconsideration, review its original decision in the following manner:*

*a. Removes the following conditions:*

*Condition (b) which states:*

*This initial approval is valid for a period of 24 months from the date of approval (until 16 August 2023) as per clause 72 of the Deemed Provisions, unless Council determines to modify such time period limitation in accordance with Condition (d), and the approval is extended for a further 36 months, if it is established to the satisfaction of the Shire that there have not been any dust breaches of more than 1 per year, not corrected within 24 hours.*

*Condition (c) which states:*

*The operator shall undertake continuous air quality and dust monitoring between the period of 30 September 2021 until 31 May 2023. Live daily reporting of this monitoring is to be made publicly available through the operator's website, which is to also include a 24/7 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development*

*Condition (d) which states:*

*The operator shall submit the results of the air quality and dust monitoring undertaken in accordance with Condition (b), together with an independent expert review of such results, for Council's consideration. The independent expert reviewer shall be chosen by the Shire of Serpentine Jarrahdale and will be engaged by the Shire at the cost of the operator. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity impact on residents to the west of the subject land.*

*Condition (e) which states:*

*Production shall not exceed 150,000 tonnes of concrete per annum, unless otherwise approved by the Shire of Serpentine Jarrahdale.*

*Condition (g) which states:*

*Prior to commencement of works or issue of a Building Permit (whichever comes first) an amended Traffic Impact Assessment (TIA) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The updated TIA shall include the following:*

*i. Amended intersection swept path analysis of the Robertson Road/Site Entry, Robertson Road/Norman Road and Norman Road/South Western Highway Intersections;*

*ii. The removal of heavy haulage RAV trucks from the proposal and their replacement with 'as-of-right' trucks.*

*Any upgrades recommended by the amended TIA shall be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale at the full cost of the applicant.*

*Condition (k) which states:*

*Prior to commencement of works or issue of a Building Permit (whichever comes first), a Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of DFES. The BMP is to demonstrate management of*



bushfire risk affecting the subject land. Once approved, development and operations shall be carried out in accordance with the approved BMP.

b. Imposes a new condition as follows:

Prior to the use commencing, an updated Dust Management Plan must be submitted to the Shire of Serpentine Jarrahdale for approval based on advice of the Shire's independent expert consultant. The updated Dust Management Plan must include the additional measures as follows:

- i. Video monitoring of the process water catchment area and material handling areas as set out on the approved Site Plan (22428-02D);
- ii. Staff training to detect dust and respond to dust complaints accordingly;
- iii. A process for investigating and responding to any complaints including a 24/7 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development;
- iv. A process for investigating and responding to any complaints registered within the complaints register of the Dust Management Plan, including consultation between the site manager and the Shire of Serpentine Jarrahdale to identify the need for any supplementary dust management measures (depending on the nature of any complaint) such as (but not limited to) the following:
  - additional use of the water truck to regularly water down the concrete batching site;
  - the use of a streetsweeper on the process water catchment area and site crossover;
  - (re)sealing of the ingress/egress (crossover) for the site; and/or
  - wind shielding measures for the storage bins.

c. Renumbers all remaining conditions of the original decision, to now be read as the new decision as follows:

APPROVES the development application for a mobile concrete batching plant, as contained within attachment 1, at Lot 60, 394 Robertson Road, Cardup subject to the following conditions:

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

<b>Plans and Specifications</b>	Development Plans (P1-P3) received at the Shire Offices on 27 May 2021; Traffic Impact Assessment (P4-P47) dated 1 February 2021; Dust Management Plan (P48-P73) dated 29 January 2021; Stormwater Management Plan (P74-P141) dated 1 February 2021; and Acoustic Assessment (P142-P167) dated 1 February 2021.
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b. Prior to commencement of works or issue of a Building Permit (whichever comes first), an updated Stormwater Management Plan (SMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The SMP shall include the following:

- i. Detailing design, capacity, overflow and predevelopment discharge rates for the basin;



- ii. Emptying of the drainage basin after each rainfall event;  
Once approved, development and operations shall be carried out in accordance with the approved SMP.*
- c. No vegetation shall be removed unless otherwise approved by the Shire of Serpentine Jarrahdale.*
- d. All existing trees and approved revegetation areas on the lot are to be retained and protected from any approved works in accordance with AS4970 (2009) Protection of Trees on Development Sites.*
- e. Vehicles no greater than 19m are permitted to service the development at any given time unless approved by the Shire of Serpentine Jarrahdale on advice from Main Roads Western Australia.*
- f. Prior to the use commencing, an updated Dust Management Plan must be submitted to the Shire of Serpentine Jarrahdale for approval based on advice of the Shire's independent expert consultant. The updated Dust Management Plan must include the additional measures as follows:*
  - i. Video monitoring of the process water catchment area and material handling areas as set out on the approved Site Plan (22428-02D);*
  - ii. Staff training to detect dust and respond to dust complaints accordingly;*
  - iii. A process for investigating and responding to any complaints including a 24/7 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development;*
  - iv. A process for investigating and responding to any complaints registered within the complaints register of the Dust Management Plan, including consultation between the site manager and the Shire of Serpentine Jarrahdale to identify the need for any supplementary dust management measures (depending on the nature of any complaint) such as (but not limited to) the following:*
    - additional use of the water truck to regularly water down the concrete batching site;*
    - the use of a streetsweeper on the process water catchment area and site crossover;*
    - (re)sealing of the ingress/egress (crossover) for the site; and/or*
    - wind shielding measures for the storage bins.*

## **Background**

### Complaints and planning issues

Since March 2023, a number of complaints have been received from nearby landowners to the subject land, alleging noise and/or vibration impacts from activities that are adversely affecting the amenity of the area. These complaints have continued throughout the year, as shown following:

- 1 March 2023: Noise and/or vibration complaint
- 26 May 2023: Noise and/or vibration complaint
- 7 June 2023: Noise and/or vibration complaint
- 14 June 2023: Noise and/or vibration complaint



- 20 June 2023: Noise and/or vibration complaint
- 28 June 2023: Noise and/or vibration complaint
- 28 June 2023: Noise and/or vibration complaint
- 26 July 2023: Noise and/or vibration complaint
- 28 July 2023: Noise and/or vibration complaint

It is noteworthy, upon review of aerial photography, to see the unlawful development that has occurred and which coincided with the documented complaints. This is shown following:



**Image 1: 4 January 2021**



**Image 2: 30 August 2022. Note new stressing bed being built with no Shire or DWER approval. Located close to the western boundary, and orientated in such a way that noise is directed on an east west direction**



**Image 3: 29 April 2023. Continued expansion evident**



Previous to these complaints being received, an analysis of the planning background to the subject land found that a limited set of planning approvals had been issued, none of which dealt with the operations that were underway. This being the general industry (concrete product making). The planning approvals found to be on foot for the subject land were:

1. Impregnation plant and debarker for pine logs; small mill; kilns, planing machine and store (approved 1977).
2. Construction and installation of softwood sawmill and hammermill with waste storage bin (approved 1980).
3. New building for a sawmill and storage shed (approved in 1983).
4. Construction shed for a treatment plant (approved in 1985).

It was also found that in 2015, an application had been made that attempted to legitimize the Permacast operations on the subject land. This application was discontinued, for reasons of concerns pertaining to expected changes in the planning framework and the issue of protecting extents of bush forever on the subject land.

More recently, two approvals were issued, both of which were unrelated to the general industry (concrete product making) operations underway:

1. Wet concrete batching plant (approved 2021).
2. Retrospective approval for Laydown Area and Associated Vegetation Removal (approved 9 June 2023).

In accounting for the above, Officers raised concerns with the operator and their representative on a number of occasions. These include:

- 1 October 2021: Advising the DWER submission received on the wet concrete batching plant, which included reference to current operations on the site. Specifically:

*“The site was identified by the Department as a potential prescribed premises through its light industries inspection program through the Pollution Response Unit. The occupier has had verbal preliminary discussions with Department Officers, including from the Process Industries sector regarding a works approval application. No application has been received by the Department to date.”*

- 20 July 2022: Advising that the Shire still has no record for a legal approval for the subject land, pertaining to general industry (concrete product manufacturing). Also, the Shire could not find evidence of a DWER works approval or licence to operate the concrete product manufacturing use, which is a regulated prescribed premise;
- 27 July 2022: Advising the Shire had become aware of new unlawful works underway;
- 3 March 2023: Advising the Shire was concerned about complaints being received, alleging very serious amenity impacts. Shire requested that:

*“in the absence of a planning approval for any of the activities currently underway, [Officers] would feel more comfortable to have activities cease until such time that all approvals have been determined.”*



Following this correspondence, a retrospective development application was received. Council's General Compliance and Enforcement Policy provides, in respect of enforcement options, that:

*"The Shire may take no enforcement action after an investigation where: (inter alia) the individual or entity has discontinued or removed the unauthorised development or has obtained the relevant approval(s);"*

In this regard, where planning approval for unauthorized development is not secured, an enforcement step will need to be considered. This reflects the Council Policy position as referenced above.

In terms of planning background context, the following Image shows the approvals status for the land:

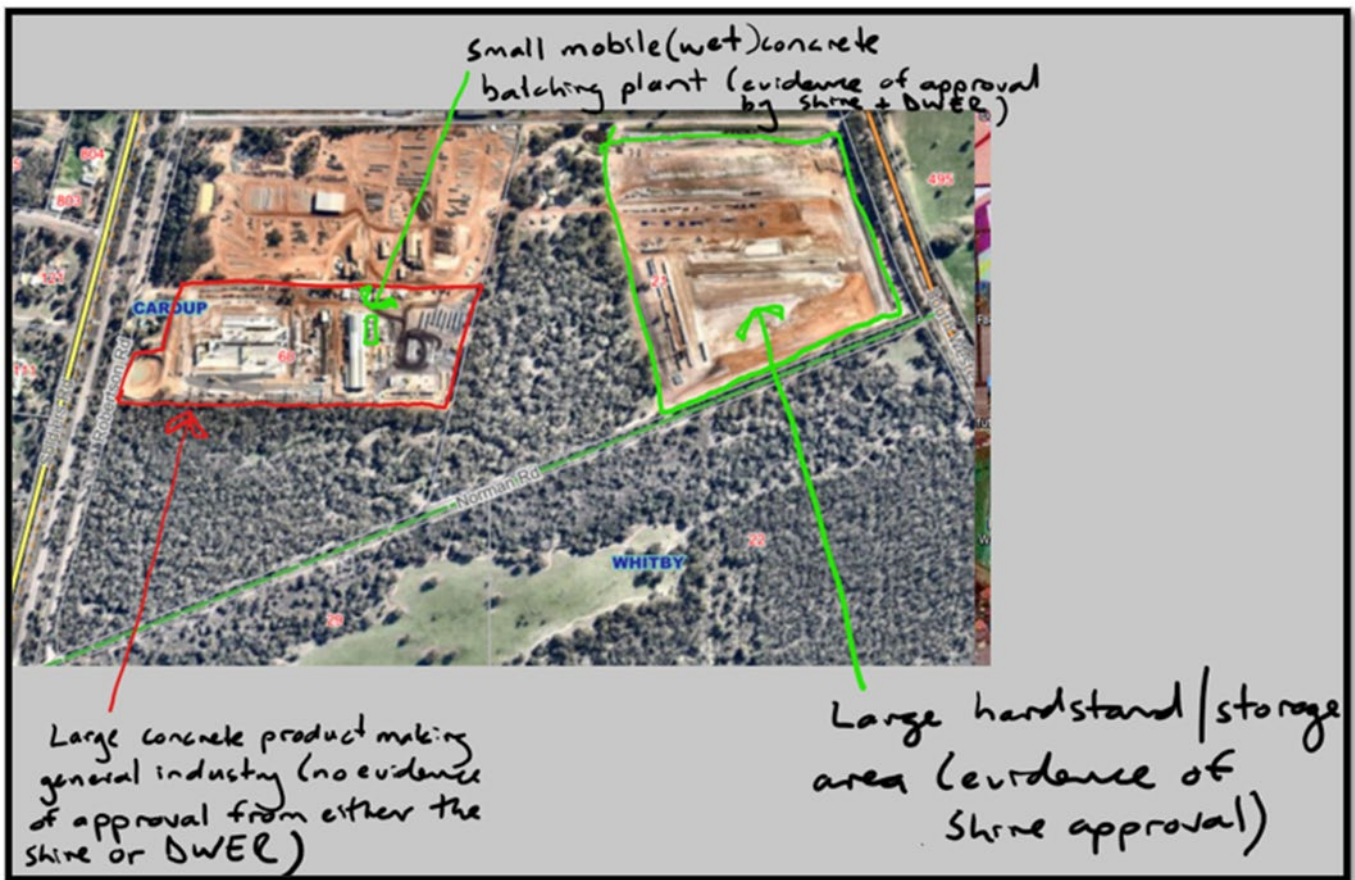


Image 4: Approvals Status for the land

DWER Action - Prevention Notice

The Shire was advised on 9 August 2023 that the Department of Water, Environment and Regulation (DWER) had issued a Prevention Notice, against the Permacast operation located at Lot 60 (No. 394) Robertson Road, Cardup.

The prevention notice is a result of evidence gathered by the DWER, pertaining to:

- Stormwater appearing to be contaminated by cement materials and cement truck washdown water, being discharged into an unlined basin on the Premises and flowing from the Premises into the surrounding environment;
- The concrete stressing beds on the west side of the land, emitting noise and vibration causing health and amenity impacts;





- Evidence of dust being generated and leaving the premises;
- Noise levels exceeding that of the assigned levels permitted for the nearby noise sensitive areas.

The notice requires immediate action by Permacast to deal with waste (the stormwater aspect) and prevent pollution (pertaining to noise, vibration and dust). The prevention notice imposes four requirements, in order to achieve this. This includes the prevention of all works occurring within the area denoted as the Restricted Area (refer following), until such time that suitable emission control measures have been implemented and the restricted area has been removed, or a licence to operate a prescribed premise has been granted under s57 of the *Environmental Protection Act*.

It is noted that an applicant has the right to seek a review of a Prevention Notice pursuant to s103 of the *Environmental Protection Act*.

It is also important to note that, even if the requirements of a Prevention Notice were met, and a licence to operate was granted under the *Environmental Protection Act*, there is still a need for development approval under the Shire's planning framework, which is enacted pursuant to the *Planning and Development Act 2005*.

The prevention notice is contained within **attachment 7**.

#### Existing Development

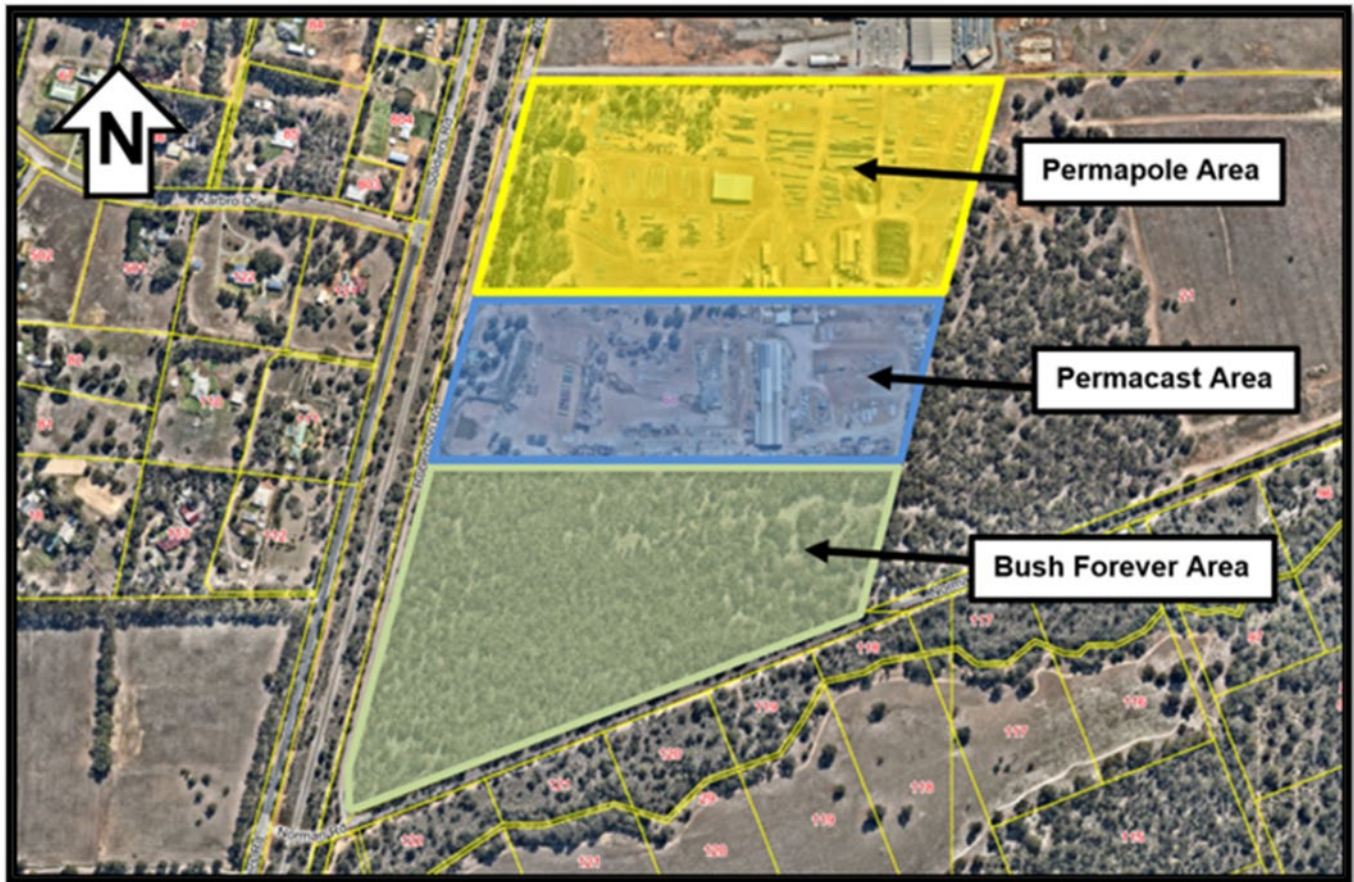
The subject site is 47.39ha in size and zoned 'Urban Development' and 'Special Use' (Concrete casting operations; manufacture and distribution of timber related products) under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 and designated 'Industry General' under the LSP.

The site is located within a part of Cardup that features a mix of rural, industrial and land conservation uses. Adjoining land uses are as follows:

- North (426 Robertson Road): Colli Timber and Hardware factory.
- South (opposite side of Norman Rd): 'Bush Forever Area' and Mundijong District Structure Plan area (Whitby Precinct A Local Structure Plan area).
- West (opposite side of Robertson Road / railway line): rural residential area located within the Special Rural zone.
- East: laydown area at Lot 21 South Western Highway which forms part of the Permacast operations and beyond (on the opposite side of the highway) at 1151 South Western Highway is a large rural property used for animal grazing and does not contain a dwelling.

The site was initially developed in the 1980s for the purpose of a timber mill business. The site is currently utilised by Permacast concrete distribution business and the Permapole timber processing business.

The original shed on site was developed between 1983 and 1985, with an extension to the shed being developed in 2009. Various ancillary site works associated with the business operations have taken place over the years since the site was originally developed, with the yards being utilised for the storage of products and materials. The southern portion of the lot contains bush forever as depicted below.



**Image 5: Aerial image with existing use overlay**

Council at its 16 August 2021 Ordinary Council Meeting (OCM) approved a concrete batching plant on the subject site. This was a new proposal, that was assessed on its merits as per the planning framework. Several conditions were appealed to the State Administrative Tribunal where on 13 December 2021 following a s31 Reconsideration Order by the SAT, an amended approval was granted by Council.

During the time of the Officer assessment of the concrete batching plan, it had come to the Shire's attention that the concrete manufacturing activities had already occurred. The applicants during this time agreed that they would submit an application for planning approval to validate the works and use. As voluntary compliance was forthcoming, in accordance with Council Policy- General Compliance and Enforcement no enforcement action was taken by Officers. The Shire, however, reached out to the Department of Water and Environment (DWER) to address the issue due to non-compliance with the *Environment Protection Act 1986*. As mentioned above, the DWER has now served a prevention notice on Permacast.

#### Proposed Development

The development application seeks approval for a retrospective concrete product manufacturing facility (as detailed in **attachment 2**), proposed to be located adjacent to the separately approved Permacast concrete batching facility, as depicted below:

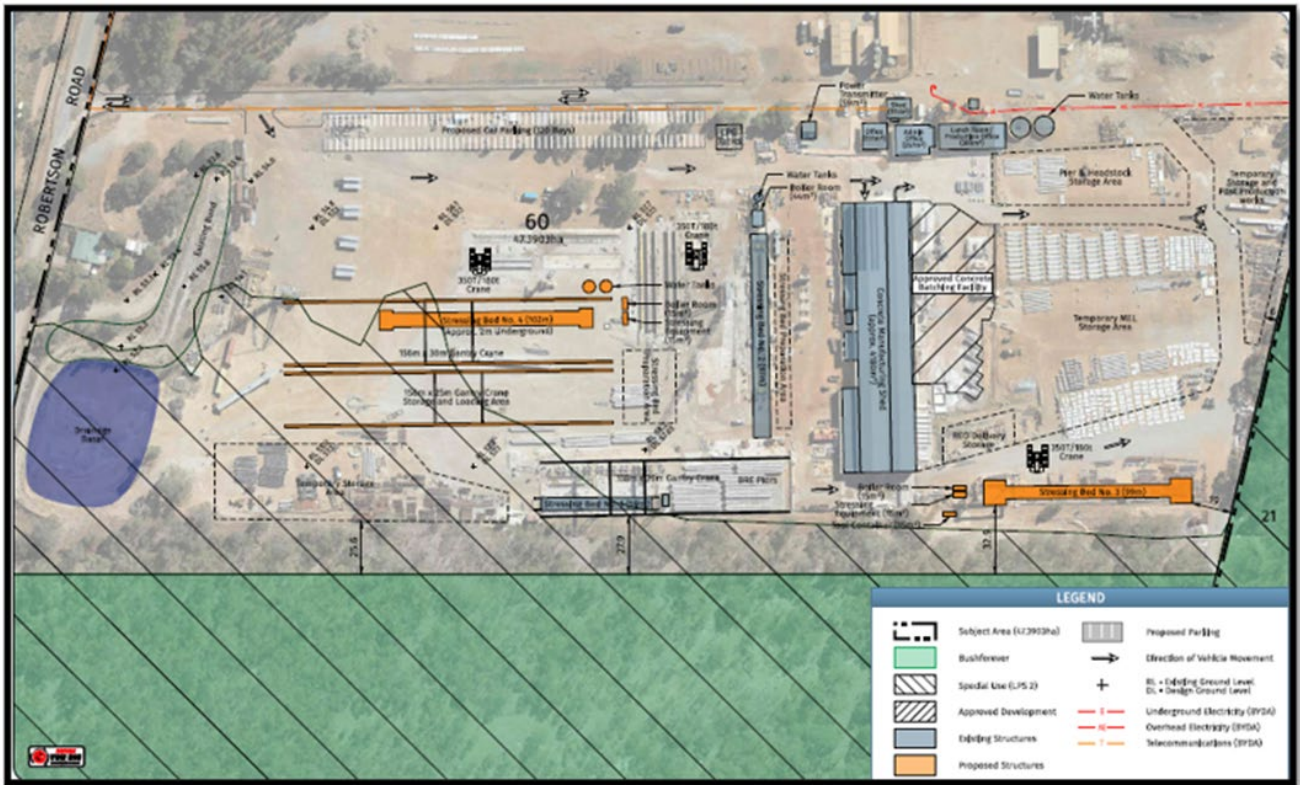


Image 6: Site development plan

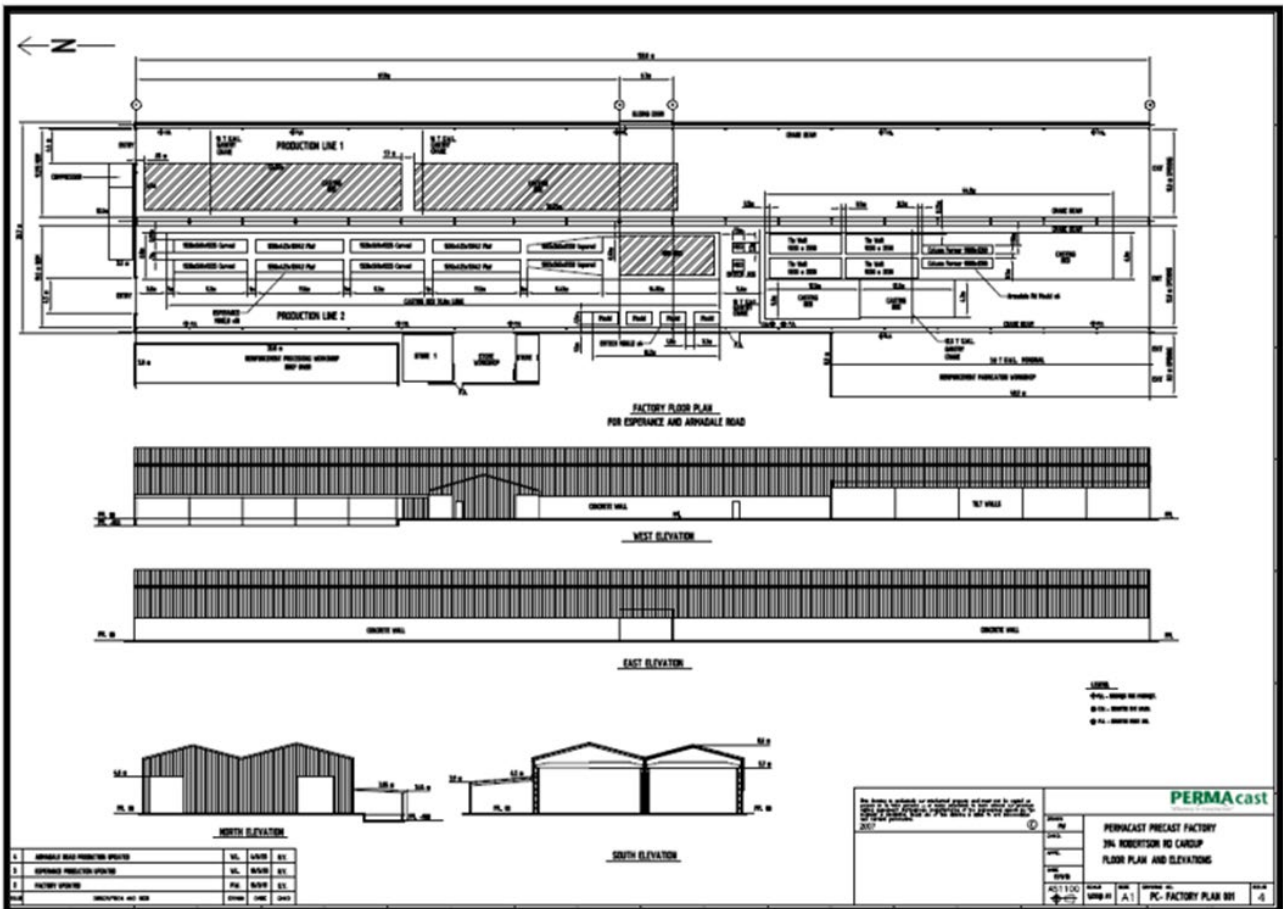


Image 7: Concrete casting workshop

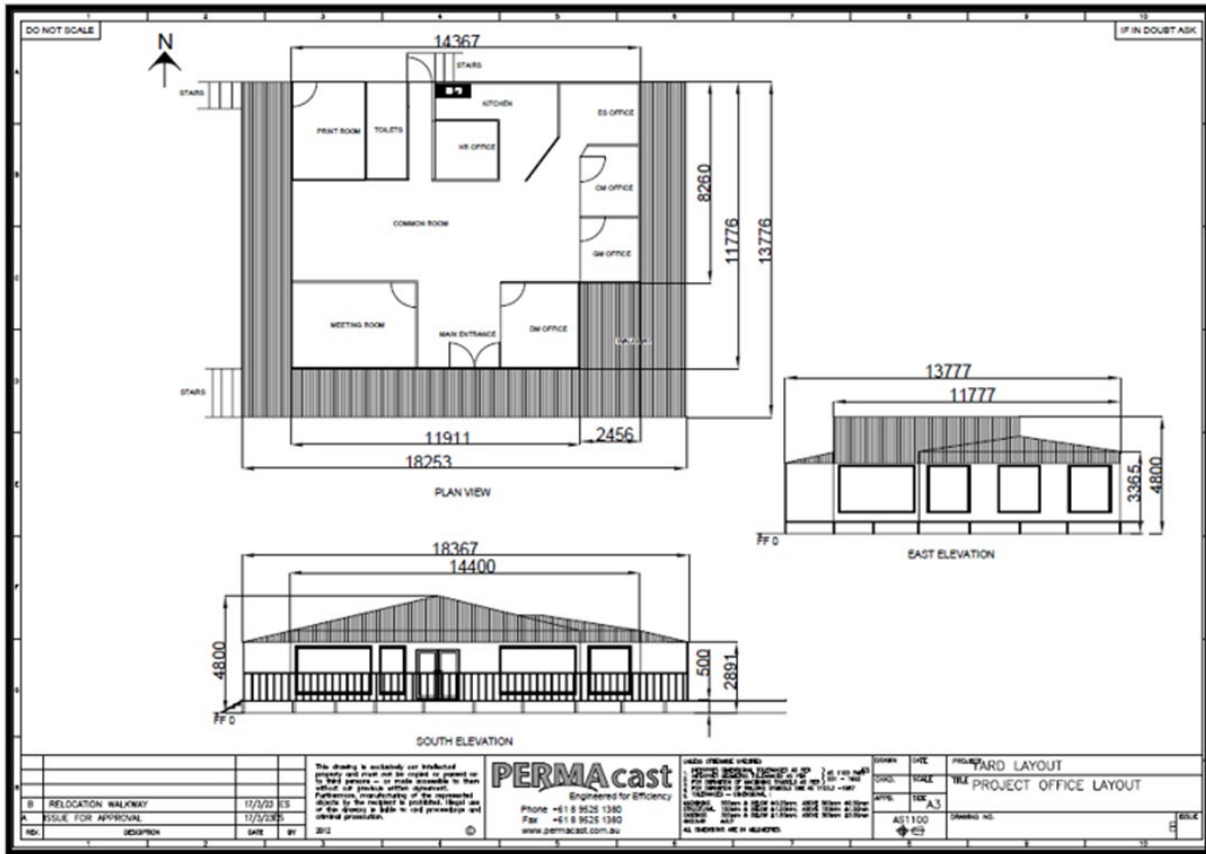


Image 8: Administration office

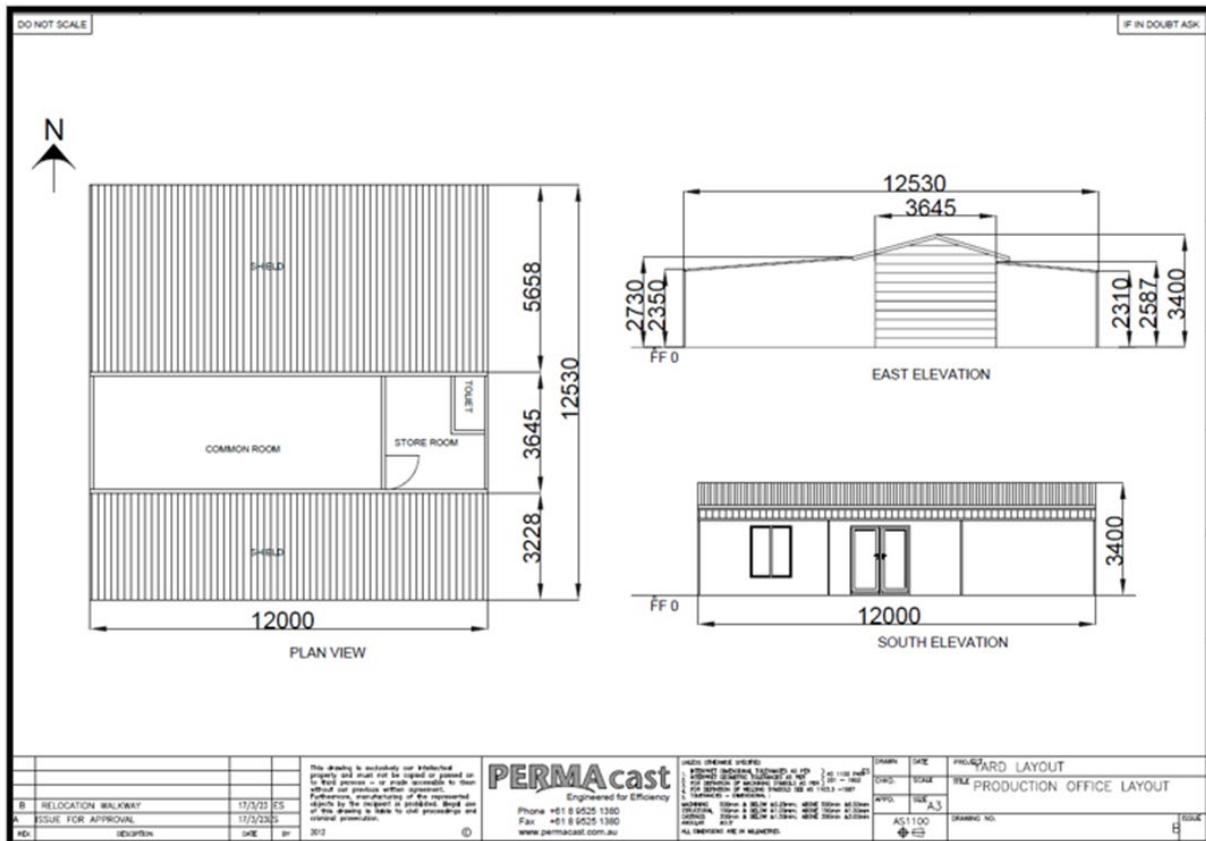
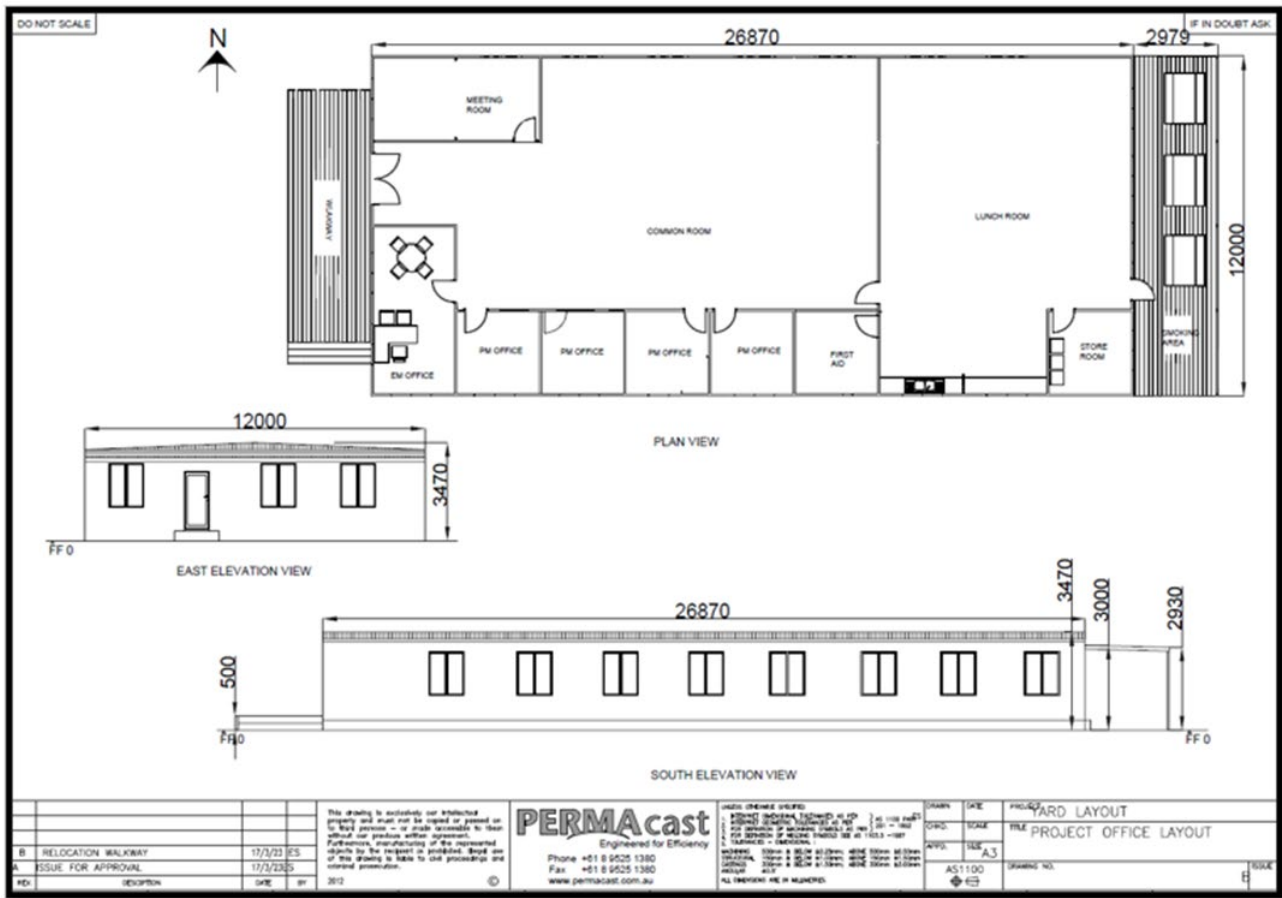


Image 9: Production office

**Image 10: Lunch room**

The proposed development comprises of:

- Retrospective approval for an enclosed concrete casting workshop (also referred to as concrete manufacturing shed) with a floor area of 4180m<sup>2</sup> adjacent to the west side of the approved concrete batching facility.
- Retrospective approval for four stressing beds and associated gantry cranes.
- Retrospective approval for temporary administration office, production office and lunchroom located to the north of the concrete casting workshop. Also, a boiler room, stressing equipment building and tool container are to be constructed to the south east of the concrete manufacturing shed.
- Retrospective approval for stormwater retarding basin located to the west near the Robertson Road frontage. An open V drain along the south of the development area is proposed to divert stormwater to the retarding basin.
- No new vehicle access is required while 120 car parking spaces will be provided.
- No vegetation removal is required.

The concrete casting process involves precast concrete being poured into a reusable mould or form, cured in a controlled environment, then lifted in place. The main stages in the manufacturing process are described as follows:

- Production of reinforced cages (i.e. steel frames) and main connections undertaken onsite.



- Cages are then lowered using a spreader beam and crawler crane into moulds (which are mostly fabricated offsite) that are positioned on a casting bed.
- Concrete produced from the onsite batching plant is delivered via agitator trucks which connect to a pump which pours the concrete into the moulds containing cages.
- Concrete in the moulds is then compacted on the stressing beds using vibrators.
- Curing of the concrete is then accelerated using steam generated from a boiler. Each stressing bed has its own water boiler system.
- Concrete components are then lifted out of the moulds for finishing works and then taken to storage for delivery.

Note that on average, Permacast can produce 200 tonnes of concrete per day.

### **Community / Stakeholder Consultation**

Community consultation was carried out in accordance with the Shire's Local Planning Policy 1.4: Public Consultation for Planning Matters (LPP1.4) for a period of 21 days, from 28 March 2023 - 25 April 2023 as follows:

- An advertisement placed on the Shire's Community Engagement page on the Website;
- Letters were sent to surrounding landowners within a 1km radius of the site.

During the consultation period, nine submissions were received, which include eight objections and one letter of support. Full details of the submissions together with the applicant's response and Officer comments are contained within **attachment 3**. The concerns raised in the objections are summarised below and addressed under the relevant headings of the report.

- Noise and vibration impacts;
- Dust and particle impacts;
- Light impacts;
- Amenity impacts due to operational hours;
- Water usage, stormwater and drainage management;
- Traffic impacts; and
- Visual amenity.

In addition, the application was referred to relevant State Government Departments for a period of 42 days. The full comments received are also contained within **attachment 3** and summarised below:

#### Department of Biodiversity, Conservation and Attractions (DBCA)

DBCAs raised the following in their submission (amongst other things):

*'DBCA supports the following recommendations that were provided by the Department of Planning Lands and Heritage's Policy Planning Manager, that,*

- *No development, whether existing or proposed, is approved on that site where there is a risk of adverse impacts to bushland within Bush Forever area 361 and 350.*



- *Drainage infrastructure to serve the existing, proposed, and future development of Lot 60 is to be located outside Bush Forever area 361 and 350 with no overflow or discharge to be directed into any Bush Forever area.*
- *The existing drains and all drainage infrastructure that extends into the Bush Forever areas be decommissioned and remediated.*
- *All rubbish, structures, building materials and any other deleterious matter be removed from Bush Forever area 361.*
- *Remove and decommission the alternative/private access to Norman Road on the boundary of Lots 60 and 21 within the Bush Forever area and remediate the site.*
- *Update the Dust Management Plan to ensure that the Bush Forever sites are protected from dust.*
- *Provide fencing along the boundary of the development to restrict access into the Bush Forever area.'*

Officer Comment: DBCA comments are noted and should the application be supported then it is recommended that conditions of approval state that no buildings, works and vegetation removal are permitted within the Bush Forever area and an updated Stormwater Management Plan stating that there be no discharge of stormwater into the Bush Forever area.

#### Department of Fire and Emergency Services (DFES)

DFES raised the following in their submission (amongst other things):

*"An updated assessment against the current Guidelines has not been provided and there will continue to be lack of clarity over compliance if submissions are made against the former policy framework documents.*

*It is critical the bushfire management measures within the BMP are refined to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire.*

1. *The development design has not demonstrated compliance to -*
  - *Element 1: Location,*
  - *Element 3: Vehicular Access and*
  - *Element 4: Water."*

**Officer Comment:** The DFES comments are noted and should the application be supported then it is recommended that a condition of approval require an updated Bushfire Management Plan undertaken against version 1.4 of the Guidelines for Planning in Bushfire Prone Areas.

#### Department of Health (DoH)

The application was referred to the Department of Health who stated:

*"In relation to the management of wastewater on site, DoH is unable support the proposal as there appears to be no information on the wastewater treatment system, disposal area, or number of staff that use site amenities. Therefore, to support the proposal, the following needs to be provided:*

1. *The number of staff on site.*
2. *Details of the existing onsite wastewater treatment and disposal method.*
3. *Evidence the above have been approved by the DoH".*



**Officer Comment:** The DoH comments are noted and should the application be supported then it is recommended that a condition of approval require the submission and approval of an application for the treatment of sewage and the disposal of effluent and liquid wastes.

Department of Planning Lands and Heritage (DPLH)- Bush Forever Team

The DPLH advised amongst other things as follows:

*“The development is not supported as the drainage associated with the development is diverted to Bush Forever area 361 - Norman Road Bushland, Whitby/Cardup and Bush Forever area 350 - Byford to Serpentine Rail/Road Reserve and Adjacent Bushland which is likely to be currently adversely impacting the bushland within the Bush Forever areas.*

*Bush Forever area 361 is within Lot 60, south of the development and within Lot 21 east of the development. Bush Forever area 361 contains Forrestfield vegetation complex, which only 6 percent of the original extent on the Swan Coastal Plain Portion of the Perth Metropolitan Region (Bush Forever study area) is proposed for protection in Bush Forever (Bush Forever Audit 2021, WAPC). The site is also inferred to contain state listed (under the Biodiversity Conservation Act 2016) threatened ecological communities (TEC) 20b Eastern Banksia attenuate and/or Eucalyptus marginata woodlands and 3b Eucalyptus calophylla – Eucalyptus marginata woodlands on sandy clay soils and federally listed (under the Environment Protection and Biodiversity Conservation Act 1999) Banksia Woodlands of the Swan Coastal Plain TEC. Bush Forever 354 immediately south of Norman Road is known to contain the 20b and 3b TEC and declared rare flora (DRF).*

*Bush Forever area 350 is west to the development, abutting Lot 60 within the Robertson Road reserve and in the railway reserve. This part of Bush Forever area 350 contains Guildford vegetation complex, which only 3 percent of the original extent on the Swan Coastal Plain Portion of the Perth Metropolitan Region is proposed for protection within Bush Forever (Bush Forever Audit 2021, WAPC). TEC 3b and DRF are mapped adjacent to Lot 60 within Bush Forever area 350.*

*Other concerns:*

- The aerial photography shows rubbish, structures, or other deleterious matter in the Bush Forever area near the eastern side of Lot 60 and western side of Lot 21.*
- The alternative access to Norman Road as noted in the Bushfire Management Plan (Appendix G), and visible on aerial photography has cleared Bush Forever area 361 bushland inconsistent with SPP 2.8.*
- The Dust Management Plan (Appendix D) does not consider dust impacts on the bushland or provide any dust management measures to protect bushland within the adjacent Bush Forever areas.*

*As such the development is not supported and it is recommended that:*

- No development, whether existing or proposed, is approved on that site where there is a risk of adverse impacts to bushland within Bush Forever area 361 and 350.*
- Drainage infrastructure to serve the existing, proposed, and future development of Lot 60 is to be located outside Bush Forever area 361 and 350 with no overflow or discharge is to be directed into any Bush Forever area.*





- *Decommission the existing drains and all drainage infrastructure that extends into the Bush Forever areas and do all things necessary to facilitate the return of that land to natural bushland.*
- *Remove all rubbish, structures, building materials and any other deleterious matter from Bush Forever area 361.*
- *Remove and decommission the alternative/private access to Norman Road on the boundary of Lots 60 and 21 within the Bush Forever area and return the land to natural bushland.*
- *Update the Dust Management Plan to consider the surrounding Bush Forever areas as a sensitive receptor that must be protected from dust impacts, with no visible dust allowed to settle on vegetation within any Bush Forever area.*
- *Provide fencing along the boundary of the development and Bush Forever area to restrict access and delineate between the approved industrial activities and Bush Forever areas.*
- *Please note the Bush Forever boundary modification as part of MRS amendment 1380/57 was subject to negotiations with the landowners of Lot 60 and 21. These negotiations included an agreement for the removal of all drainage flows and infrastructure, rubbish, buildings and access out of Bush Forever, remediating the site to natural bushland and ceding the Bush Forever within Lots 60 and 21 to the Crown free of cost. Land Use Planning Policy considers this Development application to be inconsistent with that agreement.*

*Officer Comment:* The BDCA comments are noted however no buildings and works are proposed within the Bush Forever area. Regardless, should the application be supported then it is recommended that conditions of approval stating that no vegetation removal is permitted and require an updated Stormwater Management Plan with no stormwater runoff or drainage into the Bush Forever Site 361 and remediation of any informal drains in the Bush Forever Site 361.

#### Department of Water and Environmental Regulation (DWER)

*The Department has identified that the retrospective concrete manufacturing facility at Lot 60 Robertson Road in Cardup has the potential for impacts on environment and water resource values and management. In principle the Department does not object to the proposal, however key issues and recommendations are provided below and these matters should be addressed.*

#### **Issue**

*Industry Regulation*

#### **Advice**

*The Department regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V, Division 3 of the Environmental Protection Act 1986 (EP Act).*

*The categories of prescribed premises are outlined in Schedule 1 of the Environmental Protection Regulations 1987.*

*The EP Act requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge from an existing prescribed premises unless they are the holder of a works approval or licence (or registration) and the emission is in accordance with any conditions to which the licence or works approval is subject.*



*The Environmental Protection Act 1986 requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge unless a licence or registration (for operation) is held for the premises.*

*The Department has not received an application for a works approval or licence for the facility described in development approval application to date. As such, the Department recommends that the applicant lodge an application for a works approval with the Department. The applicant is advised to refer to the information and Guideline: Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> or if they have queries relating to works approvals and licences to contact the Department at [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au) or 6364 7000 for information on the application for a works approval.*

*The application will also need to demonstrate compliance with the general provisions of the EP Act and all relevant regulations e.g. Environmental Protection (Noise) Regulations 1997 and Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.*

*Part of Lot 60 is a prescribed premises under Part V of the Environmental Protection Act 1986 (EP Act) under works approval W6658/2022/1 as a Category 77 Concrete Batching facility. The Works approval holder is Ransberg Pty Ltd trading as WA Premix. At the time the works approval was granted it was considered that the Permacast facility was not within the scope of the application and therefore was not assessed. The works approval is for the construction of a concrete batching facility only, once constructed the works approval holder is required to apply for Registration of the premises under Regulation 5B of the Environmental Protection Regulations 1987 (EP Regulations). At this time the Department has not received an Environmental Compliance Report required under condition 2 of the works approval confirming the concrete batching facility has been constructed in accordance with the works approval or a registration application from the works approval holder.*

*Please note that this advice is provided based on information provided. Should this information change, the works approval and/or licensing requirements may also change. Applicants are encouraged to contact the Department at the above contact details to clarify requirements, should there be changes to information.*

**Issue**

*Environmental Acoustic Report*

**Advice**

*The Department's Environmental Noise Branch has reviewed the development application document, as well as the Environmental Noise Assessment report prepared by Lloyd George Acoustics. Please find the Department's Environmental Noise Branch report attached as a separate document.*

**Issue**

*Stormwater Management*

**Advice**

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

- The first 15 mm of stormwater runoff from roads and carpark areas should be designed to undergo water quality treatment via biofiltration.*



- *The proposed open channel drains should be constructed as vegetated biofiltration swales. Vegetated biofiltration swales will increase at-source infiltration, potentially improve the quality of runoff, reduce erosion and potentially reduce the required size of drainage basins. Vegetated biofiltration areas should be lined with amended soil with a PRI of at least 10. The amended soil should have a minimum thickness of 300 mm.*

*Other issues concerning the Stormwater Management Plan are,*

- *Section 3.5 - Drainage Basin, proposes an overflow outlet arrangement from the site's drainage basin however no details are presented.*
- *The Stormwater Management Plan provided uses the Perth Groundwater Atlas to determine the maximum groundwater level (MGL) The use of the Perth Groundwater Atlas to determine MGL for stormwater infrastructure design is not supported as those MGLs are based on levels for May when MGLs are lower. The Atlas is a resource to assist drillers, irrigators and householders and give them an indication of the locations and depth needed to drill and install groundwater bores. Therefore, this resource should not be used to determine maximum groundwater levels (MGLs).*
- *The Department prefers the use of historical MGL levels as it gives a higher degree of confidence in drainage basin design given the natural variations in yearly rainfall and likely increase in groundwater levels that occur through development. The Department's Lower Serpentine Region hydrological studies indicate a historical MGL in the west of the lot of approximately 48 metres AHD and 55 m AHD in the east of the lot and these levels should be used when determining inverts of drainage basins and biofiltration basins. Alternatively, the proponent may provide an on-site winter MGL and correlate this with a nearby Departmental long-term monitoring bores to determine an on-site MGL.*

### **Issue**

*Groundwater*

### **Advice**

*The subject lot is located within the Serpentine groundwater area (Byford 3 subarea) as proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department.*

*The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee. Please contact the water licensing section on 9550 4222 for further advice.*

*It is important to note that the Serpentine groundwater area is currently fully allocated and therefore there is no water available for licensing from the deeper Leederville or Cattamarra Coal Measures aquifers in the area. An application for a licence to construct a bore to take water from these aquifers would likely be refused.*

*There is also limited availability for licensing from the Superficial (shallower, water table Byford 3) aquifer. Owners considering using groundwater for irrigation purposes should contact the licensing section at the Department's Mandurah office on 9550 4222 for further advice.*

*Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.*



*In the event that the applicant determines that a works approval or licence application is required under Part V of the Environmental Protection Act 1986 (EP Act), the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process.*

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

### **Advice on Noise Assessment**

#### *Introduction*

*This advice has been prepared for the Shire of Serpentine Jarrahdale in response to a request for comment made to the Department of Water and Environmental Regulation (DWER) dated 27 March 2023 on a retrospective development application for a concrete manufacturing facility at Lot 60 (No. 394) Robertson Road, Cardup.*

#### *Advice*

*The Department of Water and Environmental Regulation's Environmental Noise Branch (ENB) has reviewed the development application document, as well as the noise assessment report prepared by Lloyd George Acoustics (LGA). Based on LGA's report the concrete products manufacturing facility consists of two cranes, two trucks and two telehandlers, as well as four stressing beds (two existing and two proposed). LGA's noise modelling indicated that noise emissions from the concrete products manufacturing facility would be able to comply with the daytime assigned noise levels at the neighbouring residences when each individual stressing bed is running independently, or during certain scenarios where there will be more than one stressing bed running together.*

*ENB has identified the following issues:*

- 1. Based on Section 4.6 of the Development Application, the concrete products manufacturing facility will commence production from 6:00am and will continue until 6:00pm. However, the operational hours quoted in LGA's report are stated as between 7:00am and 7:00pm. It should be noted that the time before 7:00am is classified as night-time by the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). If the morning operational hour specified in the application document is correct, LGA's assessment of the noise compliance with the daytime assigned noise levels would be incorrect. Noise from the facility would need to also comply with the night-time assigned noise levels.*
- 2. Both the application document and LGA's report did not indicate if the concrete products manufacturing operation will occur on Monday-Saturday only (excluding Sunday and Public Holidays). Again, daytime noise assigned levels are different for Sunday and Public holidays, and LGA's assessment results do not apply to these days;*
- 3. It is noted that there are existing operations within the PERMAcast site, such as the batching plant(s). Noise from the concrete products manufacturing facility is likely cumulative with the noise generated by the existing operations. PERMAcast needs to demonstrate compliance of the cumulative noise emission levels from its site with the Noise Regulations, not only the noise from the concrete products manufacturing facility alone;*
- 4. Similarly, while the operations of the stressing beds and the vehicle operations were modelled separately, it is likely that they will be operating at the same time and hence the noise levels from those operations would also be cumulative. While the noise levels produced by the*



*vehicle operations are much lower than those for the stressing bed operations, it is likely that more combinations of stressing beds operating would exceed the assigned levels when the cumulative noise is considered;*

- 5. It is noted in section 3.2.4 of the LGA report that, for modelling purposes, the ground absorption for the entire area was considered to be at 100% (e.g. consistent with a grass covered surface). As the ground, particularly near the noise sources, appears to be at the very least, made of hard-compacted material, this would result in an underestimation of the predicted noise levels at the receivers; and*
- 6. Noise from the concrete products manufacturing facility, particularly the stressing beds can be tonal, of which the adjustment for tonality may be required for the noise compliance assessment. It does not seem that LGA has conducted a tonality assessment in its report.*

#### *Limitations*

*Technical expert advice in any field is subject to various limitations. Important limitations to the advice include:*

- No attempt was made to verify the noise data collected by LGA between September and November 2022 to determine the sound power levels of the plant; and*
- No computer modelling was undertaken to verify LGA's modelled noise contours.*

**Officer Comment:** It is agreed that the submitted Environmental Noise Assessment does not demonstrate that noise emissions from the proposed concrete manufacturing facility will not have adverse impact on the amenity of residences on the western side of Soldiers Road. Should the application be supported however, it is recommended that conditions of approval require an updated site plan clearly stating that no buildings, works and vegetation removal are permitted within the Bush Forever area and an updated Stormwater Management Plan stating that no drainage or stormwater runoff is discharged into the Bush Forever area.

It is noted in the DWER submission that a licence or registration (for operation) is required to be held for the premises, which does not currently exist.

#### Main Roads Western Australia (MRWA)

MRWA have advised as follows:

*In response to your correspondence received on 29 March 2023, Main Roads has reviewed the application and is unable to provide a recommendation at this point in time.*

*Please provide the following items:*

- Revised development application and/or documentation that includes all land used for retrospective activities as well as proposed development being consistent.*

#### *Reason for information*

*Submitted documents do not include a consistent application area. The Transport Impact Assessment (TIA) includes both Lots 60 & 21 whereas other documents include only Lot 60. Either the application is to be amended to include Lot 21 or alternatively, the TIA is to be amended to reference only Lot 60 and demonstrate how the site will operate independently of Lot 21.*

- Revised TIA that addresses the following comments.*
  - The swept path analysis drawings must show road edge lines, road names and north arrow for better review of the drawings. From the submitted drawings it is not possible to understand the road edge lines / marking as the aerial image is either pixelated or the road*



surface is covered by trees / bushes.

- Additional swept path analysis drawings to be provided to show the trucks carrying concrete beams making a right turn from Norman Road to South Western Highway.
- Swept paths sheets 4 & 5 - Shows that the vehicle is required to encroach to the opposite lane or on the road edge line. Swept paths to be updated to avoid such situations.
- Swept Paths Sheets 6 & 7 - Both tracking shows that the vehicle is required to drive outside the asphalt line both on the Norman Road and the South Western Highway. Please clarify how this additional paved area is going to be achieved,

on the South Western Highway?

- Swept Paths - Sheets 6 & 7 - These swept path analysis drawings shows a significant encroachment of the left turn vehicle to the southbound traffic lane of the South Western Highway and the vehicle continues to drive about 45m on the opposite lane before it drives on the allocated lane.
- Firstly, a full encroachment to the opposite lane is not acceptable.
- Secondly, it cannot be expected that the southbound vehicles on South Western Highway to give way approximately 45m in advance of the junction when these trucks are making a left turn.

Please update the junction design to avoid such situations.

- Total HV% or volumes also to be shown in Figure 6-3 to Figure 6-7. It is difficult to verify the volumes used. The full movement summary tables should be included.
- Section 6.1.1 shows the South Western Highway / Norman Road junction with a 15m long left turn pocket lane / auxiliary lane on the Norman Road approach, however there is no pocket lane that currently exist. Please clarify.

Reason for information

To address technical matters and ensure the safe and efficient operation of the State Road Network.

- An intersection treatment warrant analysis for the South Western Highway / Norman Road intersection. A warrants spreadsheet is available on Main Roads Western Australia's website:  
<https://www.mainroads.wa.gov.au/technical-commercial/technical-library/road-traffic-engineering/guide-to-road-design/mrwa-supplement-to-austroads-guide-to-road-design-part-4/#mctoc1ebke3nn5ukd>

Reason for information

The development seeking approval is serviced by heavy vehicle which may warrant changes to the intersection of South Western Highway/ Norman Road to ensure safe and efficient operation of the State Road network.

**Officer Comment:** It is agreed that there is an inconsistency with submitted documentation and that Swept path analysis drawings show significant encroachment into the opposite lane at the junction of South Western Highway and Norman Road. This is a significant safety concern, in a road environment of 100km/hr designated speed limit. Should the application be supported then it is recommended that a condition of approval require the upgrade of the intersection of South Western Highway and Norman Road to the satisfaction of Main Roads.



## **Statutory Environment**

### Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*

### State Government Policies

- Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986) Separation Distances between Industrial and Sensitive Land Uses
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses (Guidance Statement)
- State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region (SPP2.8)
- State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7).
- State Planning Policy 4.1: Industrial Interface

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No. 3 (LPS3)
- Cardup Business Park Local Structure Plan (LSP)
- Local Planning Strategy
- Local Planning Policy 1.4 - Public Consultation on Planning Matters Policy
- Local Planning Policy 1.6 - Public Art for Major Developments
- Local Planning Policy 4.11 - Advertising Policy
- Local Planning Policy 4.16 – Tree Retention and Planting

## **Planning Assessment**

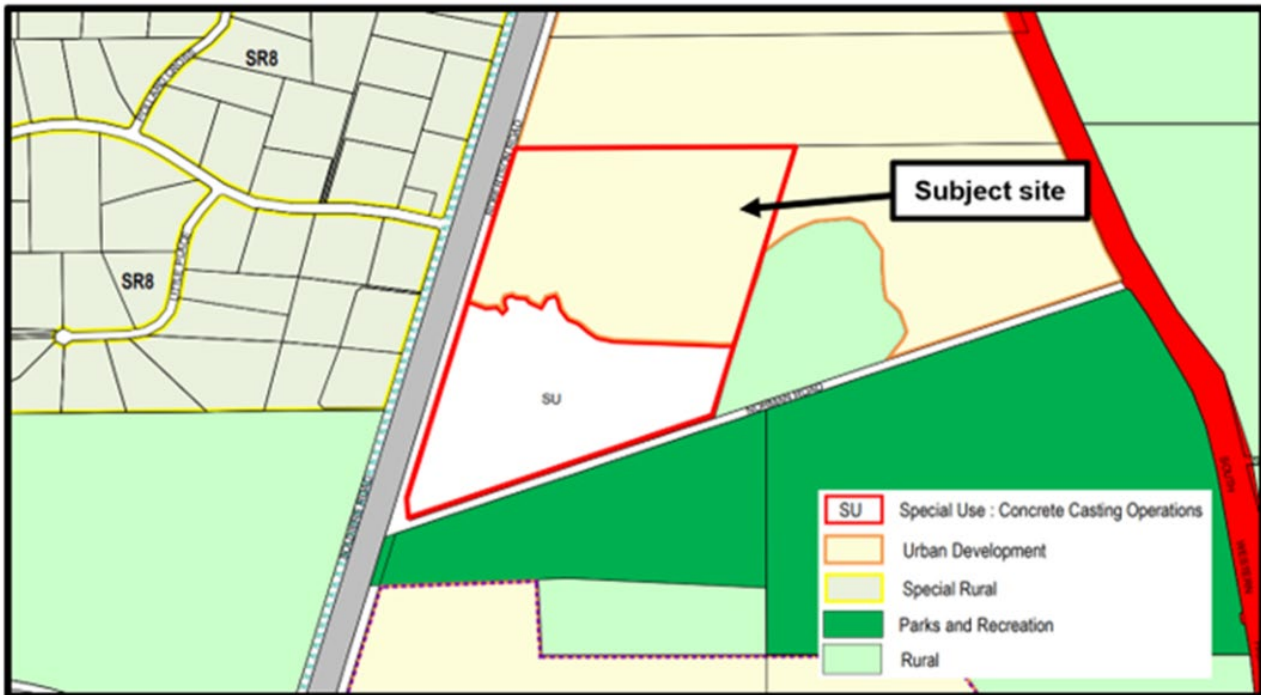
Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 4**.

### Land Use

The Concrete Manufacturing Facility falls within the land use category of 'Industry General' in accordance with TPS2, which is defined as:

***"Industry General - means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry."***

The site is zoned 'Urban Development' and 'Special Use' (Concrete casting operations; manufacture and distribution of timber related products) under TPS2, as depicted below. The majority of the development is located within 'Urban Development' zone portion of the site.



**Image 11: Split zoning of the property under TPS2**

Land use and development within the 'Urban Development' zone is guided by Structure Plans. In this case, the proposal falls within the Cardup Business Park Local Structure Plan (LSP) which is further considered later in the report.

The development site is designated as 'Industry General' under the LSP. Under Table 1 – Zoning Table of TPS2, the land use of 'Industry General' is a 'P' use meaning had the LSP designation been the zone, the land use would be permitted. Such structure plan is required to be given due regard to as part of the assessment process. Where a use is permitted, an assessment is required against the physical works component of a proposal, including the processes and operations involved.

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

Clause 5.18 of TPS2 states that, "*The purpose of the Urban Development zone is to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances.*" The objective is facilitated through the preparation of Structure Plans which guide the land use permissibility and development.

As previously mentioned, the majority of the subject site falls within the Cardup Business Park LSP and is zoned 'Industry General'. The purpose and intent of the zone under TPS2 is as follows:

*"The purpose and intent of the General Industry zone is to provide for industries which require large areas of land for their operation".*

While the site is a large land area, the process and operations involved (being Cement product manufacturing works (5000 tonnes to 150000 tonnes per year) requires a buffer distance of 500-1000m based on production.

As per the EPA Guidance Statement No.3 (separation Distances between Industrial and Sensitive Land Uses), given that the processes and operation involved are at the medium limit of the spectrum that is identified, it is recommended a separation distance of 750m would be a starting point.





Industry	Description of industry	DoE Licence or Registration category (*)	Key Government agencies for advice or approvals	Code of Practice (CoP) / environmental requirements	Impacts					Buffer distance in metres and qualifying notes
					Gaseous	Noise	Dust	Odour	Risk	
<b>Cement product manufacturing works</b>	concrete or cement is mixed, prepared or treated – up to 5000 tonnes per year	√ (77)	DoIR, WRC, local gov't	√		√	√			300-500, depending on size
	concrete or cement is mixed, prepared or treated – from 5000 to 150 000 tonnes per year	√ (77)	DoIR, WRC, local gov't	√		√	√			500-1000, depending on size
	concrete or cement is mixed, prepared or treated – greater than 150 000 tonnes per year	√ (77)	DoIR, WRC	√		√	√			1000-1500, depending on size

**Image 12: Separation Distance Requirements**

A 750m buffer, taken from the proposed location of the physical works, shows that the land is not sufficiently large enough to accommodate the standard separation distance for the proposal. Specifically, a number of sensitive premises are affected on the west side of Soldiers Road. Also, future residential development associated with the approved Whitby Structure Plan, and planning underway for Lot 30 Soldiers Road, would be affected.

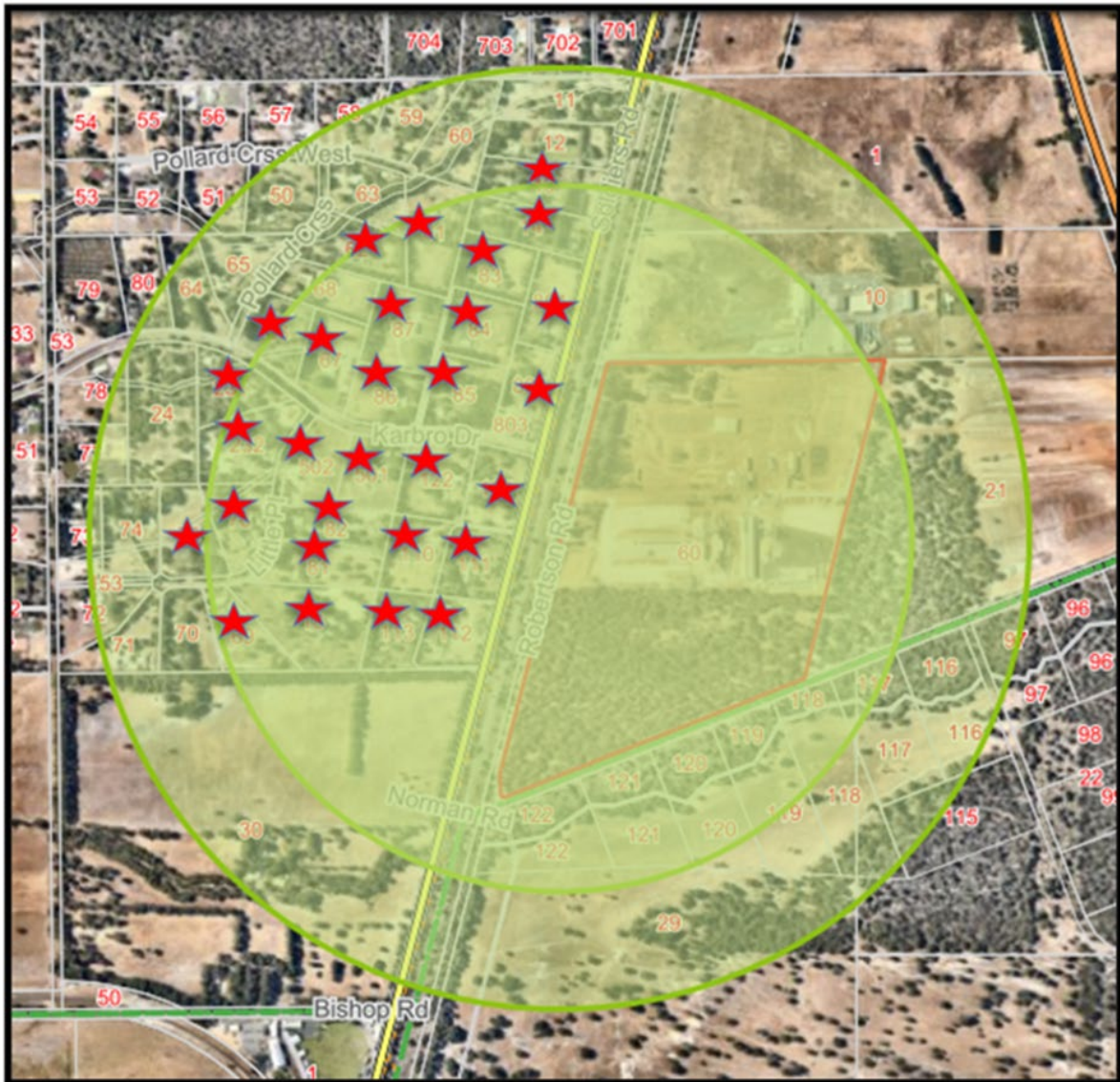


Image 13: 750m and 1,000m separation distance superimposed over aerial image

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

The majority of the site where the development is proposed to be zoned 'Industrial Development' under LPS3. The proposed concrete manufacturing facility would fall within the 'Industry' land use category under LPS3, which is defined as follows:

**Industry** – means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes –

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes”



The 'Industry' land use is a 'D' land use within the 'Industrial Development' zone, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. This would require a merits based assessment to be performed against both the use component and the physical works component of the proposal.

Notwithstanding the above, it is important to note that part of stressing beds no. 1 and no. 4, the temporary storage area and the drainage basin are located within the 'Rural' zone and the use of 'Industry' is a prohibited land use within the zone.

The most recent 'Modification 173' to draft LPS3 however, seeks to amend Scheme Map 2 by adjusting the boundary between the 'Industrial Development' zone and the 'Rural' zone of Lot 60 Robertson Road, Cardup and Lot 21 Norman Road, Cardup to match the 'Industrial' and 'Rural' zones under the Metropolitan Region Scheme. The gazettal of draft LPS 3 is imminent.

#### Shire of Serpentine Jarrahdale Local Planning Strategy (February 2022)

'Section 5.2- Industrial' of this strategy identifies two industrial areas within the Shire of Serpentine Jarrahdale including the Cardup Business Park. The objectives of this section of the strategy seek to (among others) '*Facilitate local employment opportunities and improve employment self-containment and self-sufficiency*' and '*Develop well designed industrial areas with a high level of amenity*'.

The proposed concrete manufacturing facility is considered to meet the objective in relation to generating employment opportunities, however, has failed to demonstrate that the operation will not have a significant impact on the amenity of residences on the western side of Soldiers Road in terms of noise, dust and vibration impacts. This issue is discussed in greater detail in the 'Noise' and 'Vibration' sections of the report.

#### Cardup Business Park Local Structure Plan (LSP)

As previously stated, the application site is designated as 'Industry General' under the LSP. According to the Table 1 – Zoning Table of TPS2, the land use of 'Industry General' is a permitted land use in the 'General Industry' zone.

The LSP states (amongst other things):

*“General industrial land uses encompass a wide range of activities that may or may not result in emissions that could affect the amenity levels considered acceptable in residential areas or other nearby sensitive land uses. The extent of emissions from a particular activity will depend on site and process specific factors such as the scale of the operation, plant processes and emission controls, storage of raw material and waste, local wind patterns and topography.*

*The design of the facility and the process controls and management measures are a significant consideration when determining potential impacts and/or appropriate separation distances.*

*Under the EPA Guidance Statement, it is recognised that the design of a facility and the process controls and management measures implemented within the facility can mitigate potential impacts”.*

The proposal includes activities which generate noise, dust and vibration activities, as per the EPA Guidance Statement that identifies noise and dust as associated impacts. The applicant has provided an acoustic assessment and vibration report for the development in addition to a Dust Management Plan (DMP). There are 29 sensitive receptors located in the 750m separation distance from the activities as seen in the previous Image.

To assist the Shire in its merits based assessment of the proposal, the acoustic assessment and vibration report were peer reviewed by independent consultants. The consultants concluded that



the technical reports submitted did not adequately demonstrate that the development can be undertaken in a manner which will not result in adverse amenity impacts to nearby sensitive receptors and the broader locality. In terms of the DMP, the measure to address the dust generating activities were not based upon site specific information. These matters are discussed in greater detail later in the report.

#### State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region (SPP2.8)

The aim of SPP2.8 is to provide a framework to ensure bushland protection and management issues within the Perth Metropolitan Region are appropriately addressed and integrated with broader land use planning. Bush Forever area 361 is located in the southern portion of the property. No part of the development is located within the vegetated extents of the bush forever site, resulting in the protection of the significant bushland, consistent with SPP2.8.

#### State Planning Policy 4.1: Industrial Interfaces

The purpose of this policy is to seek to prevent conflict and encroachment between industrial and sensitive land uses. The policy recognises that industrial activities generate dust, noise and odour in addition to other off-site impacts. The policy specifically states that:

*“To address adverse off-site impacts and/or safety risks, consideration must also be given to planning the interface between land uses in order to provide a compatible transition. Industries with greater impacts should have more extensive protection and stronger interface measures to minimize the impact area.*

*An impact area identifies land surrounding industrial land uses that is currently, or is expected in the future to be affected by off-site impacts and/or safety risks. The extent and delineation of an impact area is determined through the technical assessment of impacts”.*

Clause 6.2.1- Defining an impact area specifically states:

*“Where proposals have potentially detrimental impacts, including off-site impacts which extend beyond zone and reserve boundaries, mitigation and management through the introduction of compatible zones, reserves and land uses should be considered.*

*Where it is anticipated that there will be adverse impacts on nearby sensitive land uses, it will need to be demonstrated that adequate mitigation or management of offsite impacts and/or safety risks can be achieved by way of management plans or similar”*

In this regard, the impact area of the proposed development is located within the 750m radius based on the Separation Guidelines. There are approximately 29 sensitive receptors within the separation distance. Based on the comments obtained within the peer review, it has not been demonstrated that the noise, dust and vibrating activities of the proposed development can be undertaken in a manner which does not adversely impact upon the impact area of the development.

Furthermore, 6.1.3 of the policy ‘Compatible Zones, Reserves and Land Uses states:

*“To ensure industrial impacts are avoided, mitigated or managed, where necessary, compatible zones, reserves and land uses should be provided to allow for a gradual land use transition between and sensitive land uses.*

*Compatible zones, reserves and land uses are typically those considered to be more accommodating or tolerant of, industrial offsite impacts and/or safety risks and help maintain operations certainty for industry. The inclusion of sensitive land uses in compatible zones and reserves should be considered on a case by case basis, and supported only if it can be demonstrated that the use is compatible, and the industrial impacts can be avoided, mitigated*



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*or managed. Compatible zones and reserves may include Light Industry, Service Commercial, Commercial, Rural Enterprise, Rural, Mixed use and Public Open Space, among others.*

The development adjoins rural residential areas to the west as previously mentioned and land to the south and southwest, designated residential within the Mundijong Whitby District Structure Plan. As such, based on the policy, these are not compatible zones. This a significant issue as there are offsite impacts resulting from the development that will result in adverse amenity impacts upon the locality. The information contained within the peer review ultimately concludes that the development cannot be undertaken in a manner to adequately address off site impacts.

The policy also provides commentary under the following headings:

*“Industrial Development Zones*

*Planning for industrial Development zones should have consideration for the provisions of a compatible transition between industrial and sensitive zones, reserves and land uses. The Industrial Development zone should seek to contain the impact area because land uses are often unknown. Where offsite impacts are unable to be managed within the extent of the zone, the impact area should be accommodated with compatible zones and reserves to provide an appropriate interface”.*

As mentioned above, the impact area of the development goes beyond the boundary of the site. The rural residential properties to the west and residential designated properties to the south are not considered as compatible zones. The impacts from emissions generated by the development are considered to cause adverse amenity impacts. As detailed before the peer review of the technical documents provide no certainty that the development can be managed in a manner to adequately address offsite impacts.

Officers consider that the development is inconsistent with SPP4.1.

Separation Distances between Industrial and Sensitive Land Uses

The primary purpose of the Environmental Protection Authority (EPA) ‘*Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986) Separation Distances between Industrial and Sensitive Land Uses*’ (the Guidelines) seeks to protect sensitive land uses from unacceptable impacts on amenity that may result from industrial activities, emissions and infrastructure.

The key impacts for this type of industry according to the Guidance Statement are noise and dust. Appendix 1: Separation Distances between Industrial and Sensitive Land Uses of the ‘Guidelines’ sets out the buffer distances for various industrial land uses and the table below shows the buffer distance required for ‘Cement product manufacturing works’.



Industry	Description of industry	DoE Licence or Registration category (*)	Key Government agencies for advice or approvals	Code of Practice (CoP)/ environmental requirements	Impacts					Buffer distance in metres and qualifying notes
					Gaseous	Noise	Dust	Odour	Risk	
<b>Cement product manufacturing works</b>	concrete or cement is mixed, prepared or treated – up to 5000 tonnes per year	√ (77)	DoIR, WRC, local gov't	√		√	√			300-500, depending on size
	concrete or cement is mixed, prepared or treated – from 5000 to 150 000 tonnes per year	√ (77)	DoIR, WRC, local gov't	√		√	√			500-1000, depending on size
	concrete or cement is mixed, prepared or treated – greater than 150 000 tonnes per year	√ (77)	DoIR, WRC	√		√	√			1000-1500, depending on size

**Image 14: Separation Distance Requirements**

The proposed concrete manufacturing facility is estimated to produce 72,800 tonnes of concrete per year and therefore according to the table, a separation distance of between 500m-1000m is required. Given that the estimated production of concrete is about half of the maximum limit of 150,000 tonnes per year, then it is considered that 750m is a more appropriate separation distance. The Image and map following show the extent of the 750m and 1000m separation distances measured from the western edge of the subject site.

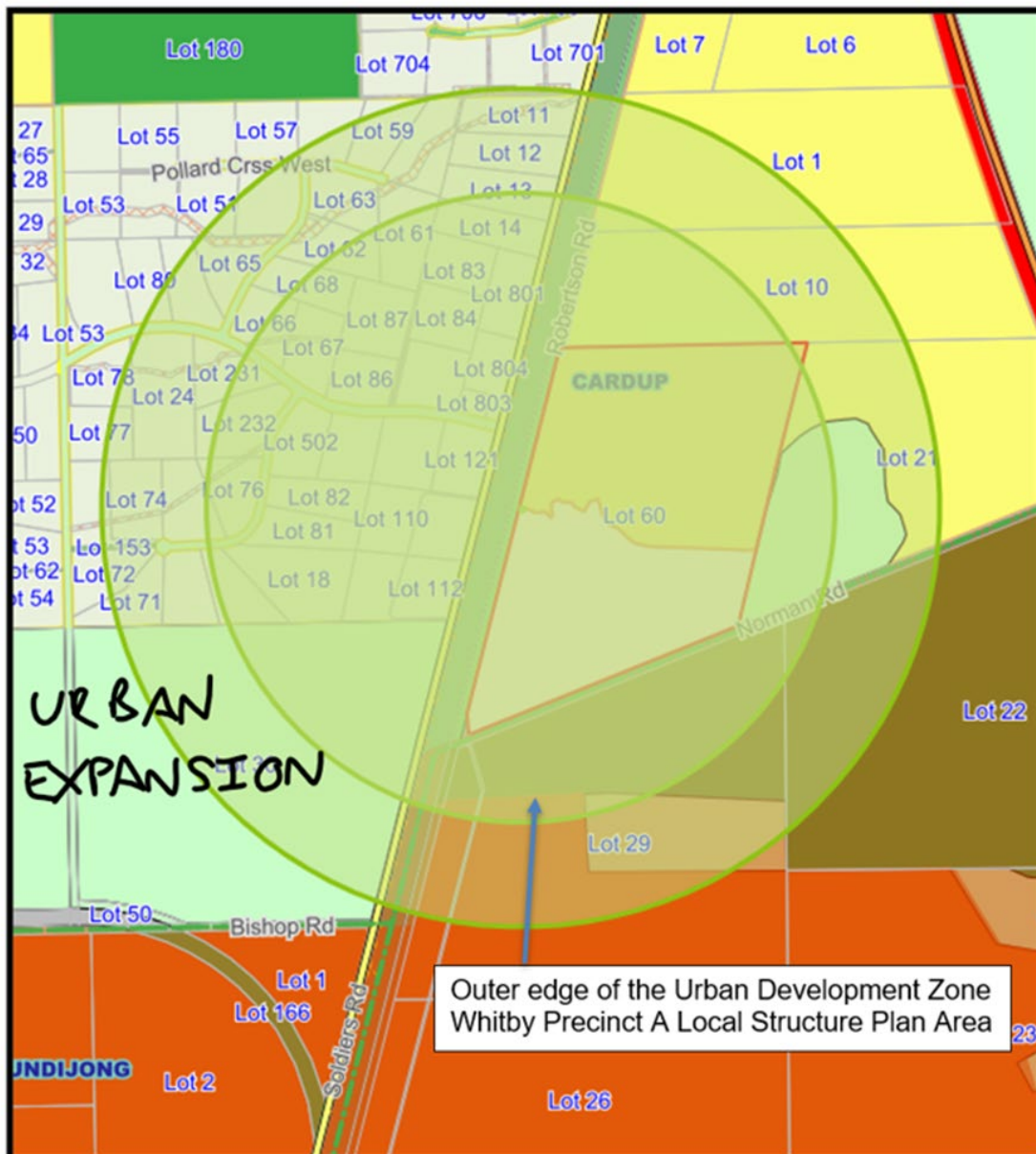


Image 15: 750m and 1,000m separation distance superimposed over zoning map

Image 13 and Image 15 show that rural residential properties to the west on the opposite side of Soldiers Road and a section of the Mundijong District Structure Plan (Whitby Precinct A) area to the south-west are located within the 750m separation distance area. Therefore, serious consideration must be given to the potential impact that dust and noise emissions will have on nearby sensitive land uses. This is particular, noting that no approval has been obtained for the development, which would ordinarily be a process to help reveal key issues and configure development so that it is further removed from the sensitive development interfaces that exist.

### Noise

An 'Environmental Noise Assessment' (ENA) has been provided in order to address noise impacts against the prescribed standards of the *Environmental Protection (Noise) Regulations 1997*. The assessment gives regard to noise emissions from cranes, trucks, forklifts and stressing beds at neighbouring properties between the operating hours of 7.00am to 7.00pm. The nearest residence is located on the west side of Soldiers Road at a distance of approximately 150m from the site as shown on the aerial Image below.

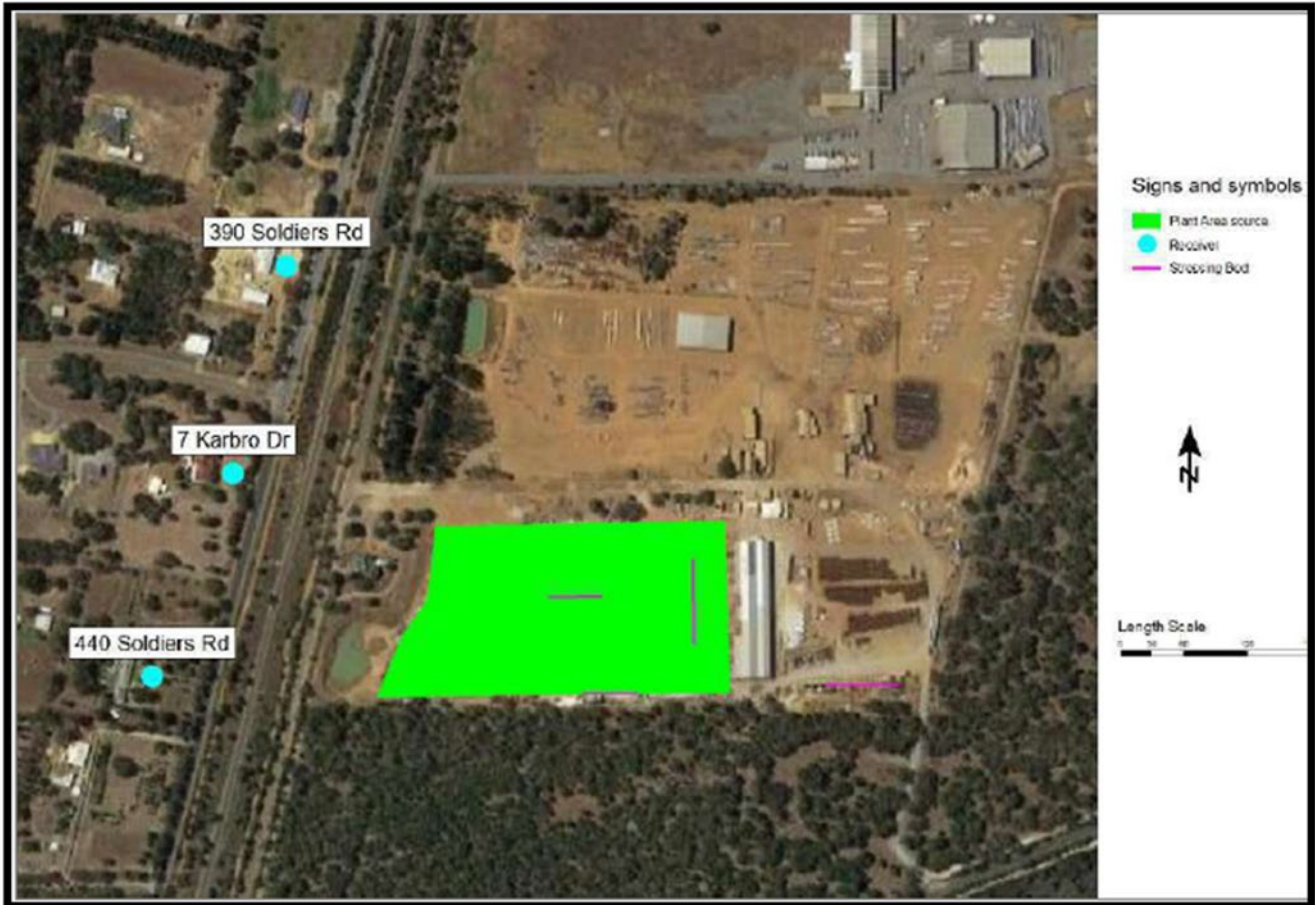


Image 16: Overview of noise model

The results of the noise modelling show compliance for night and day time vehicle operations as shown in the two tables below.

**Table 4-1: Night Vehicle Operations ( $L_{A10}$ ), dB(A)**

Receiver	Total	Night-time Assigned Noise Level	Assessment
390 Soldiers Road	36	38	Complies
440 Soldiers Road	37	38	Complies
7 Karbro Drive	38	38	Complies

Image 17: Vehicle operations- night





**Table 4-2: Daytime Vehicle Operations ( $L_{A10}$ ), dB(A)**

Receiver	Total	Daytime Assigned Noise Level	Assessment
390 Soldiers Road	37	48	Complies
440 Soldiers Road	39	48	Complies
7 Karbro Drive	40	48	Complies

**Image 18: Vehicle operations- day**

The table below shows that compliance is not achieved for stressing beds 1, 2 and 4 operating independently during the day:

**Table 4-3: Stressing Bed Operations ( $L_{A10}$ ), dB(A)**

Receiver	Stressing Bed 1 (existing)*	Stressing Bed 2 (existing)*	Stressing Bed 3 (proposed)*	Stressing Bed 4 (proposed)*	Daytime Assigned Noise Level
390 Soldiers Road	49	48	44	48	48
440 Soldiers Road	51	48	44	50	48
7 Karbro Drive	51	50	44	50	48

\*Includes a +5 dB adjustment for tonality

**Image 19: Stressing bed individual operations**

The table below also shows that compliance is not achieved for stressing beds 1, 2 and 4 when operating concurrently with vehicle noise:

**Table 4-4: Normal Operations ( $L_{A10}$ ), dB(A)**

Receiver	Vehicles and Stressing Bed 1 (existing)*	Vehicles and Stressing Bed 2 (existing)*	Vehicles and Stressing Bed 3 (proposed)*	Vehicles and Stressing Bed 4 (proposed)*	Daytime Assigned Noise Level
390 Soldiers Road	49	49	45	48	48
440 Soldiers Road	51	49	45	50	48
7 Karbro Drive	51	50	45	50	48

\*Includes a +5 dB adjustment for tonality

**Image 20: Stressing bed operations and vehicles**



The ENA states that the proposed upgrades to the Permacast operations are predicted to exceed the assigned night period levels at the nearby premises as determined by the *Environmental Noise Protection (Noise) Regulations 1997* with the operation of stressing beds 1, 2 and 4 being the cause of this exceedance.

The ENA states however, that compliance with the assigned noise levels can be achieved by using large barriers such as double / triple storey shipping containers and ensuring that mobile plant and equipment operate as far from the residences to the west as practicable. Other recommended measures include any equipment that is noisier on one side, be orientated in such a way that the noisier side faces away from residences and where equipment is located onsite, such should take advantage of any barriers that exist between the site and residences.

In order to assess the veracity of the assessment and management measures, Reverberate Acoustic were engaged under the *Planning and Development Regulations 2009* to peer review the submitted acoustic assessment to assess the accuracy of the methodology and overall measurements obtained. The peer review identified and concluded as follows:

### **Peer Review**

The 'Environmental Noise Assessment' dated 14 July 2023 was peer reviewed by Reverberate Consulting which is summarised by Officers as follows and can be viewed in **attachment 5**:

#### Pre 7:00am noise sources

The Lloyd George Acoustics (LGA) report states that two trucks and two telehandlers have been assessed during the 7:00am period, however, there has been no discussion about whether they use reversing alarms or other potential noise sources such as air brakes or movement alarms. Further, these noise sources have been modelled as 'area sources' which inevitably 'average' out noise emissions and underestimate the intrusive noise emission from the site. Also, the modelling used assumes that all mobile noise sources are equally dispersed and not co-locating in the western or most sensitive part of the site.

#### Ground Absorption

The LGA report has used a ground absorption factor of 0.8 for site (broken ground), however given that the site has mobile equipment continuously driving over bare ground making it hard then the site should have ground absorption factor of 0. This factor should also be applied to water bodies while ground around Soldiers Road should be treated as 0.65 due to dry areas with minimal grass cover.

#### Assigned Levels

The controlling limit for emissions from the site is the Assigned Level as defined by the *Environmental Protection (Noise) Regulations 1997* and is applicable at all potentially affected neighbours. The night time Assigned Level is applicable for a defined subset of noise emissions from the site prior to 7:00am.

The LGA report states that the influencing factor for 440 Soldiers Road is 3 dB. This calculation is based on 30% of the land within the 450m outer radius of noise sensitive receptors being an industrial land type. However, it has been calculated that only 12.3% of the land within the 450m outer radius is an industrial land type and therefore the influencing factor is only 1 dB. Consequently, the assigned noise level will be 2dB lower and therefore the overall forecast noise from the site will be 2 dB greater than the assigned levels and hence too high.



### Adjoining Industrial Activity

The land to the north of Permacast is zoned industrial and there is potential for industrial neighbours on this land. As the proposed Permacast activities are in an industrial estate, no industrial operator must significantly contribute to industrial noises as the nearest neighbouring houses. This means that each industrial operation, including the Permacast operation must emit a noise no greater than 5 dB below the assigned level. To prevent significant noise contribution at the nearby residences, this has a revised noise emission of 31dB before 7am and 41 dB after 7am. These criteria are 7 dB lower than the Assigned Level criteria used by LGA.

### Post 7am Noise Sources

The modelling scenarios have assumed that the stressing beds do not operate simultaneously. It is noted that this is one of the dominant daytime noise sources so any simultaneously stressing operations will noticeably increase noise emissions from the site.

### Modelling Using ISO 9613

Noise modelling in Western Australia, as stated by DWER, is commonly undertaken using CONCAWE algorithm while the meteorological conditions used by LGA were developed for the CONCAWE algorithm. Where LGA uses ISO 9613 then need to justify its use as outlined DWER.

### Shipping Containers Used as Noise Barriers

The shipping containers to be used as a prime method of shielding noise appear to be located so as to interfere with Permacast operations; are temporary and liable to be moved; may corrode; may not withstand high winds when stacked; and may create additional workplace hazards.

The peer review concludes as follows:

- *The Assigned level for the surrounding neighbours appears to be 2 dB too high.*
- *The resulting noise emission criteria appear to be 7 dB too high.*
- *The ground absorption coefficients appear to be unrealistically high, resulting in an underestimate of forecast noise levels.*
- *No management measures have been discussed to limit the operation to only one stressing bed out of the proposed four stressing beds.*
- *An 'area source' has been used to model mobile equipment operations in the western yard area of the site. This implies that the equipment will always be equispaced around the yard. The applicant has not demonstrated how this is to be achieved.*
- *There has been no discussion about reversing beepers or other potential noise sources used on mobile equipment at the site.*
- *The LGA modelling algorithm used to forecast environmental noise from the site was ISO 9613.*
- *LGA has not justified the departure from the commonly used CONCAWE algorithm.*
- *Use of shipping containers as a noise control method.*

Officers consider that the LGA report fails to demonstrate that the proposed concrete manufacturing facility will not generate noise levels that will have a negative impact on the amenity of nearby residences.



### Dust

The applicant has provided a Dust Management Plan (DMP) to fulfill the Shire of Serpentine Jarrahdale's *Dust and Building Waste Local Law 2017*. The DMP considers the proposal against the wider operations occurring on site but does not include the approved concrete batching plant.

The DMP identifies that the nearest sensitive receptors to the wider operations is the rural residential development along Soldiers Road to the west of the site. The DMP identifies the following dust sources:

- Vehicle movement within the site; and
- Wind erosion of exposed surfaces.

In summary, the following methods of mitigating dust impacts are proposed within the DMP:

- Notice to be erected onsite providing details of the site manager to be contacted to address any complaints;
- Induction for all employees including information on potential dust sources, dust management plan, speed limits onsite and staying on designated roads, and reporting procedures for dust issues;
- All surfaces are to be constructed to a hardstand standard;
- A water cart located onsite to water down the area to minimise dust during summer;
- Reticulation for the gravel road area to be used when dust is observed;
- Vehicle speeds will to be restricted to no more than 10 km/hr on the site to minimise dust lift off;
- Maintain a complaints register;
- Visual monitoring of dust throughout the day during operations and a logging sheet for reference and proof of compliance;
- Observation of excessive dust lift onsite to be reported and investigated and halt work within the proximity of the dust until cause of dust is addressed and increase dust mitigation measures (e.g., additional watering of exposed areas);
- If complaint received, then investigate incident to determine validity of complaint (including a check of wind direction and speed) and if required halt work until cause of dust is addressed.

The DMP states that wind data from the site indicates that the prevailing wind direction is easterly in the morning and south westerly in the afternoon during summer, with lighter winds from the northeast occurring during the winter months. However, the DMP does not consider site specific meteorological conditions including katabatic winds moving east to west across the Scarp.

Given the concrete casting operations are within the 750m buffer distance of sensitive uses to the west (the closest approximately 150m away), it is considered that insufficient information has been provided to demonstrate that the dispersion of dust and concrete particles during katabatic wind events will not have an adverse impact on the amenity and health of nearby residents.

### Vibration

A 'Vibration Monitoring Report' (VMR) has been provided in order to address the potential impact of vibrations on residences on the west side of Soldiers Road. The VMR explains that human exposure limits for vibration are normally defined in terms of a multiplying factor that is applied to



the base curves defined in AS 2670.2:1990 *Evaluation of Human Exposure to Whole Body Vibration and Part 2: Continuous and Shock Induced Vibration in Buildings (1 to 80 Hz)*.

Vibration measurements were taken on public land between the Permacast facility and residences to the west and the results show that existing vibration levels are below relevant criteria and there is no change to these levels when the stressing beds start operating.

Officers, however, note that the VMR only tested stressing beds 1 and 2 and these tests were not taken on the same day. Therefore, the VMR has not demonstrated that the operation of multiple stressing beds at the same time will not result in vibrations levels that will not have an adverse impact on the amenity of residences on the west side of Soldiers Road or will not cause structural damage.

To assist the Shire in its merits based assessment, Reverberate were engaged to peer review the assessment and concluded as follows:

### **Peer Review**

The 'Vibration Report' dated 30 June 2023 was peer reviewed by Reverberate Consulting which concluded as follows and can be seen as **attachment 6**:

- *The report is a monitoring report. It does not forecast vibration nor confirm that those vibrations are acceptable.*
- *Vibration from Stressing Bed 1 and SB 2 have been measured. There is no comment whether the vibration from SB 3 & SB 4 are expected to be similar, higher, or lower. Consequently, there is no justification of any such conclusion.*
- *There is no assessment of vibration from other sources closer to the residences, e.g., mobile equipment, or the loading/stacking/unstacking/removing of product near this boundary.*
- *It is not clear whether the measurements presented in the report are clear vibration signals, background vibration or equipment error. There is an apparent discrepancy in the data in that SB 2, having the higher apparent PCPV vibration, has the lower rms vibration, compared to SB1.*
- *We understand that LGA took vibration measurements close to stressing beds, and that this data has not been presented. The inclusion of any such valid data, along with the measurement locations, and forecasts at the neighbours may be able to resolve some of the confusion outlined above.*

Based on the findings of the peer review, it is considered that the submitted Vibration Report is inconclusive and cannot be relied upon to demonstrate that the development will not result in vibrations that will be detrimental to the amenity of nearby residences.

### Traffic

Access to Lot 60 is proposed to be taken via the existing crossover on Robertson Road, which is currently utilised by the two existing industries of Permacast and Permapole. The existing driveway is approximately 14m in width and is constructed of a hardened gravel sub-base material which allows for heavy vehicle movements. Access and egress to Lot 21 (i.e. associated laydown area) will be predominantly from Norman Road with internal site access from Lot 60 into Lot 21 occasionally required for large bridge products.

The submitted Traffic Impact Assessment (TIA) estimates a maximum of 128 (i.e. 64 in and 64 out) trucks movements per day. This number includes anticipated trips generated for future increase in staff and delivery vehicles for Lot 60 (i.e. existing concrete batching plant and



proposed concrete manufacturing facility) and Lot 21 (laydown / storage area). These trip numbers include approximately 29 vehicles in the AM peak hour and 29 vehicles in the PM peak hour period. A summary of the total number of the total estimated trips to be generated is shown in the table below:

	AM Peak Hour		PM Peak Hour		Daily	
	In	Out	In	Out	In	Out
Trucks	10	9	10	9	38	38
<b>Total</b>	<b>19</b>		<b>19</b>		<b>76</b>	

Table 6-2 Estimated Trip Generation - Lot 21

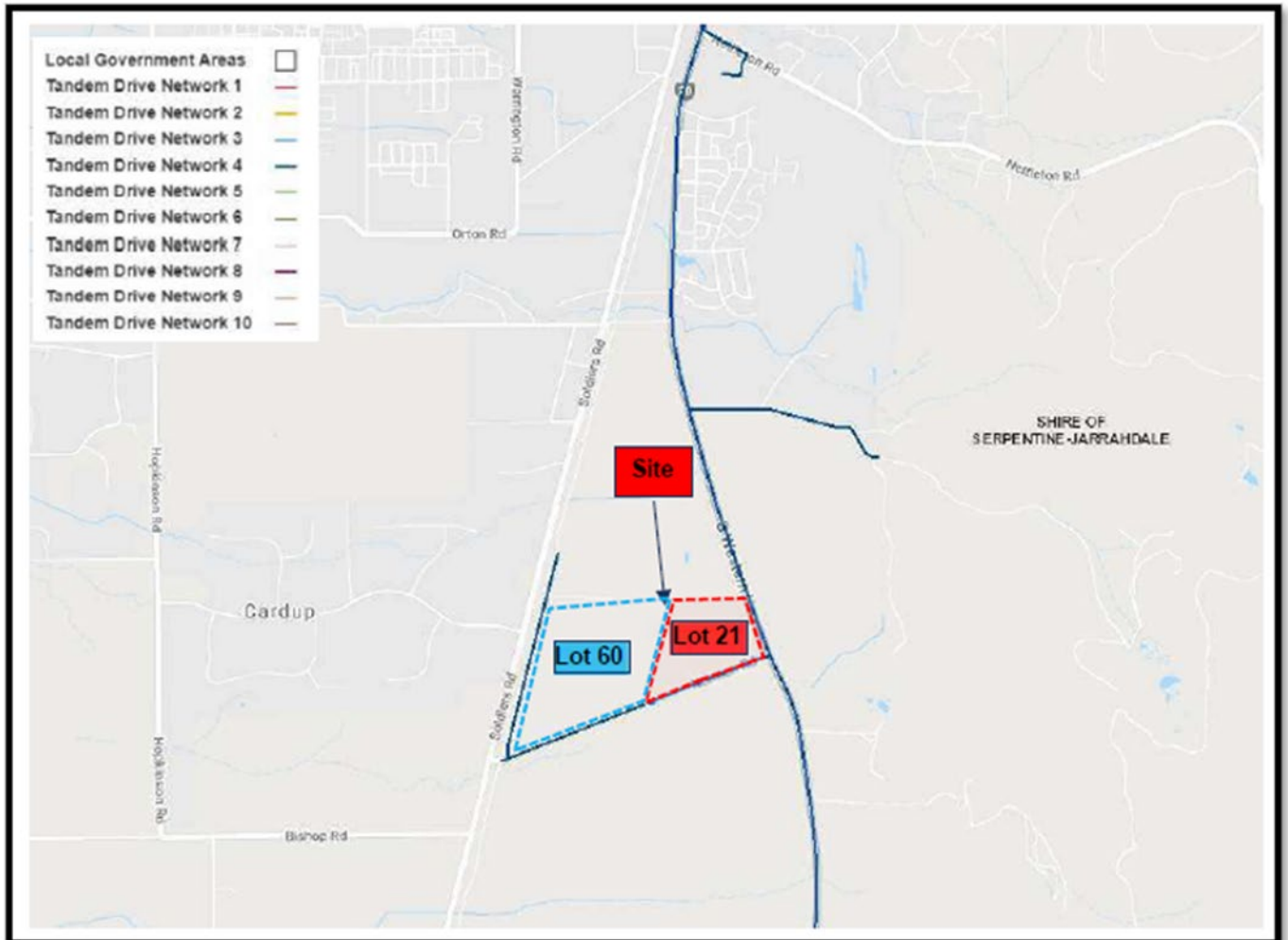
	AM Peak Hour		PM Peak Hour		Daily	
	In	Out	In	Out	In	Out
Trucks	5	5	5	5	26	26
<b>Total</b>	<b>10</b>		<b>10</b>		<b>52</b>	

Table 6-3 Total Trip Generation (Lot 60 + Lot 21)

	AM Peak Hour		PM Peak Hour		Daily	
	In	Out	In	Out	In	Out
Trucks	15	14	15	14	64	64
<b>Total</b>	<b>29</b>		<b>29</b>		<b>128</b>	

### Image 21: Estimated Trip Generation

The route of transport of the trucks from the site would be from Robertson Road to Norman Road, to South Western Highway and then to various sites as detailed below:



**Image 22: RAV network and proposed route of vehicles associated with the proposal**

South Western Highway, Robertson and Norman Road are all on the RAV4 network and therefore are suitable for facilitating trucks associated with the development. Robertson Road and Norman Road are Access and Local Distributor roads respectively and have an indicative traffic volume capacity of up to 4000 vehicles per day (vpd). The TIA states that Norman Road on average facilitates 451 vpd and it is expected this is similar for Robertson Road. Therefore, the current traffic volumes are significantly lower than the traffic volume capacity for these roads. Consequently, the local road network is capable of accommodating the additional 128 trucks movements per day that will be generated by the development without having adverse traffic flow impacts, as identified in the TIA.

It is noted that Court Grammar School is located 1km to the south of the site along Soldiers Road and it is considered that vehicle associated with the proposal would not adversely impact on the operation of the school and its traffic movements as trucks associated with the proposal will be confined to the RAV network along Norman Road and thereby not travelling past the school.

Although the increased trips generated by the development will not result in the unsafe movement of traffic on the road network, it is noted that the length of road used by the applicant along Robertson and Norman Road by the RAV vehicles has the potential to rapidly deteriorate the road surface resulting in road safety concerns for users. In this regard, to ensure this is addressed, using the West Australian Local Government Association - Accelerated Pavement Depreciation calculation, a condition has been recommended requiring an annual maintenance contribution of



based on an Accelerated Pavement Depreciation Audit be submitted each year if the development is approved.

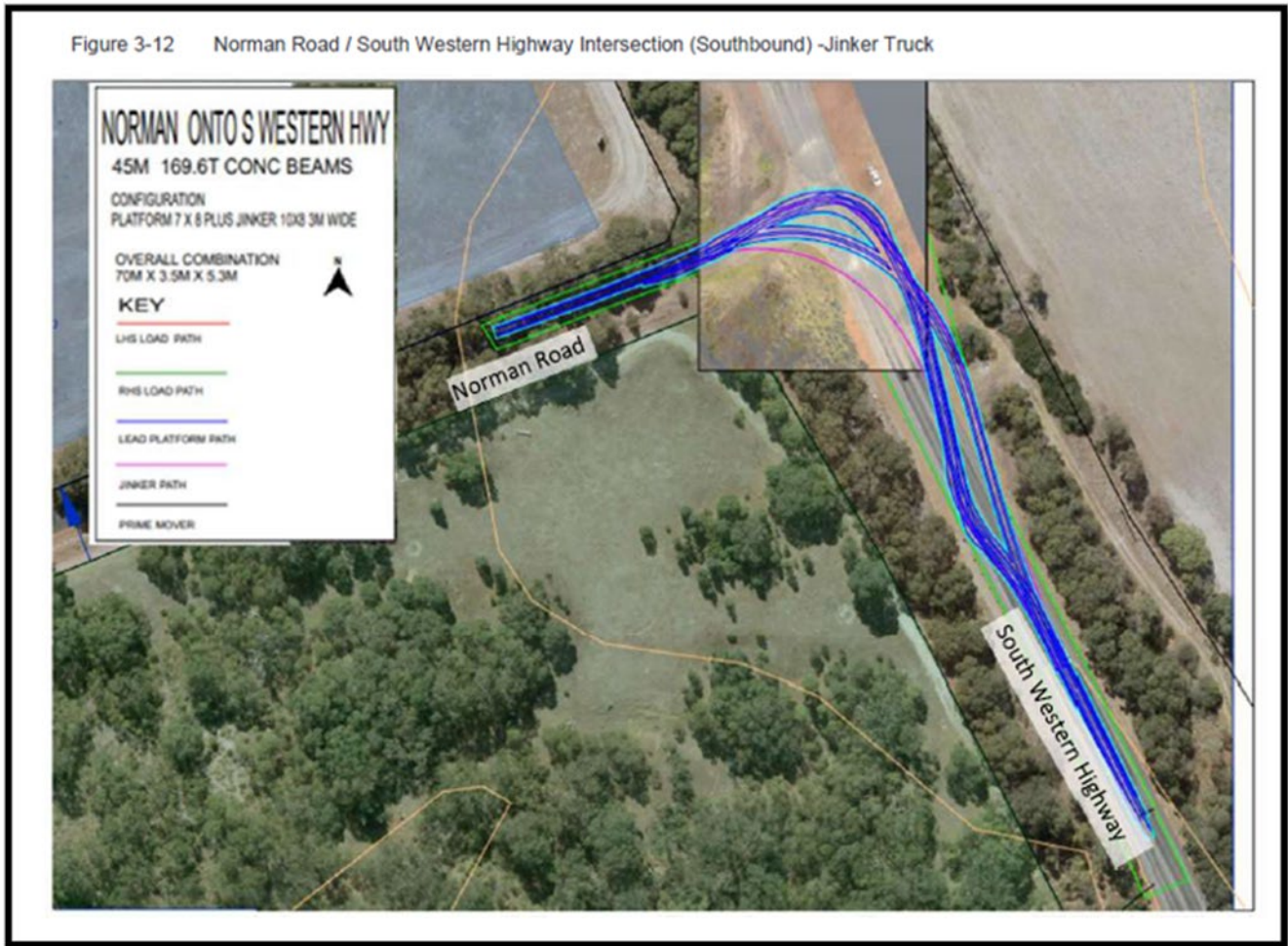
Regarding vehicle safety at intersections, the applicant has provided initial swept paths at the intersections of the main site access point and Robertson Road, Robertson Road/ Norman Road and Norman Road/South Western Highway to demonstrate that the RAV heavy trucks can enter and exit these intersections safely and remain lane compliant.

Notwithstanding the above, the swept path analysis diagram below shows that the 45m Jinker truck (when turning left or right and entering South Western Highway from Norman Road) significantly encroaches into the opposite lane and beyond for a considerable distance. The TIA states that the 45m long Jinker trucks operate occasionally during periods of delivering larger products off-site and exit Norman Road onto South Western Highway under escort and the road will be temporarily closed during egress operations. However, full encroachment into the opposite lane is not acceptable and that it cannot be expected for vehicles on South Western Highway to give way. Should the application be supported then it is recommended that a condition of approval require the upgrade of the intersection of South Western Highway and Norman Road to the satisfaction of Main Roads.



Image 23: 45m Jinker truck swept path diagram - left turn from Norman Road onto South Western Highway





**Image 24: 45m Jinker truck swept path diagram – right turn from Norman Road onto South Western Highway**

### Visual Amenity

Clause 67 of the Deemed Provisions, specifically K, L, M, N and P all relate to the form and amenity of the development that is required to be assessed.

The development area is set back from all property boundaries as follows:

- Stressing Bed No. 4- 166m from the Robertson Road street frontage and further west is the railway line and Soldiers Road with strips of bushland in between.
- Administration office- 290m from the north side boundary with separation provided by 'Permapole' which operates on the subject site.
- Stressing Bed No. 1- 263m from the south side boundary (i.e. Norman Road) with separation provided by 'Bush Forever 361' which is a large area of native bushland.
- Stressing Bed No. 3- 19m from the east rear boundary with further substantial separation from South Western Highway provided by Lot 21 Norman Road which is held in contiguous ownership and includes Bush Forever land in the western section and a large cleared laydown area in the eastern section.

Given the above, it is evident that most of the development will not be highly visible when viewed from surrounding roads and properties. However, the retarding basin and some cranes are visible when viewed from the Roberson Road frontage as shown by the photo below.



**Image 25: view of the subject site from Robertson Road**

Notwithstanding the above, the 'Cardup Business Park Local Structure Plan', Clause 7.10 - Landscaping of TPS2 and Part 4 of the Draft LPS3 stipulate that the local government may require landscaping to be provided for any new development to enhance the appearance of the streetscape and public realm. The front of the site (including the drainage basin) adjacent to Robertson Road to the west and Bush Forever land to the south has largely been cleared of vegetation. Therefore, should the application be supported then it is recommended that a condition of approval require a landscape plan to show planting within the frontage and around the drainage basin.

#### Stormwater

A Stormwater Management Plan (SMP) has been prepared and submitted as part of this application. The SMP expands upon another SMP that was developed for the site in 2014 (2014 SMP). The SMP was developed in accordance with the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*.

#### *2014 SMP:*

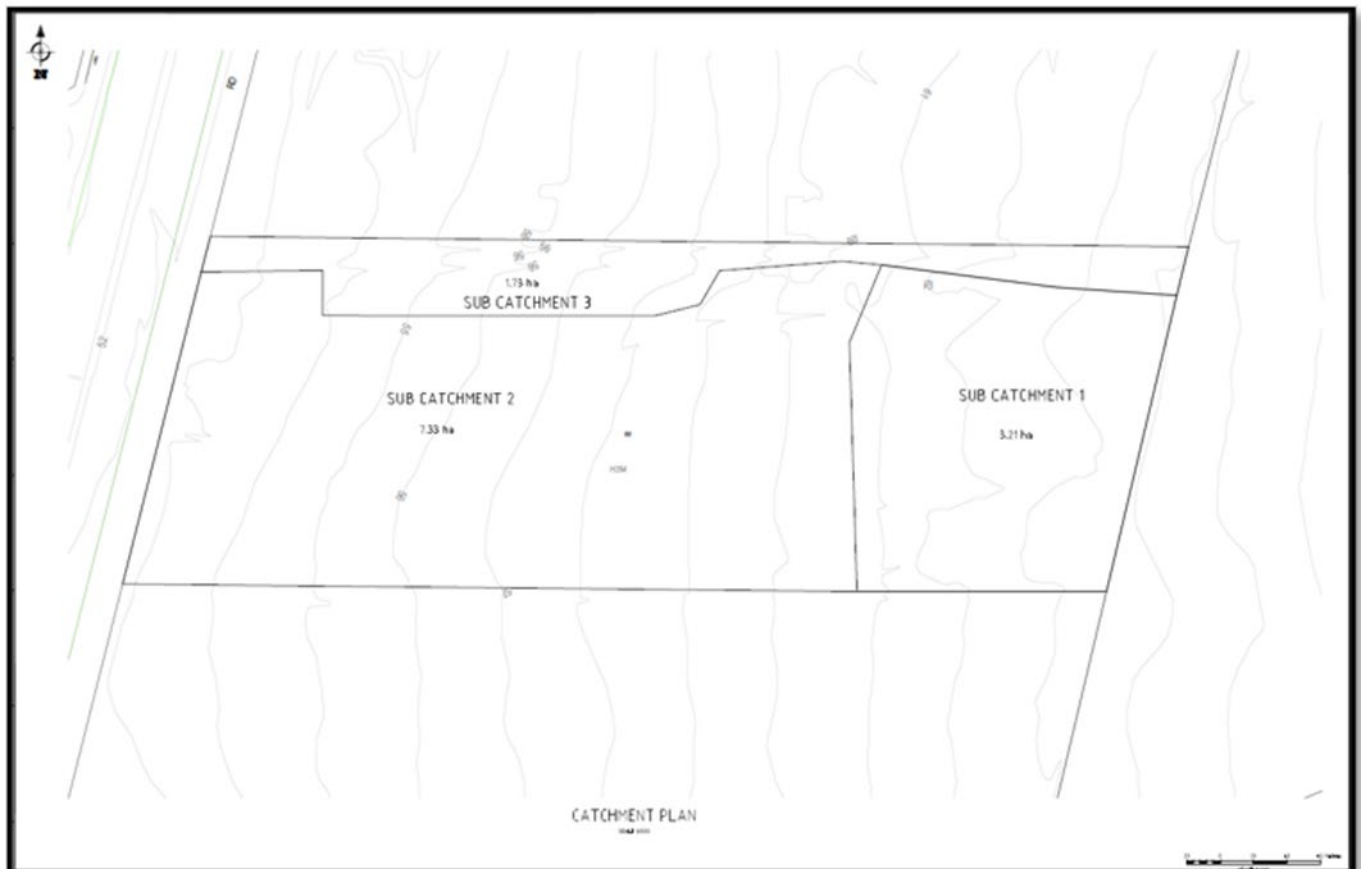
The 2014 SMP identifies a number of best management practices for development of this kind, to which development on the site intends to conform to. These practices are as follows:

- Measures to manage water balance including practices to promote local infiltration and detention;
- Measures to maintain and if possible, enhance water quality such as:
- Practices to control scour, erosion and sedimentation;
- Strategies to control stormwater run-off pollution;
- Approaches to minimise pollution and encourage wastewater recycling;
- Measures to promote water conservation;
- Measures to maximise permeable surfaces and to minimise runoff; and
- Measures to utilise natural drainage features.



The scope of the updated version of the SMP addresses the site hydrology with the current form of development. The 'Catchment Analysis' section of the report section of the updated SMP states that the site is divided into three sub-catchments based on existing drainage arrangements and natural topography as follows:

- Sub catchment 1: (area 3.21 ha) currently drains to the Bush Forever site. It is proposed to divert the flow into the existing drainage basin in the west via combination of open channel and underground pipe. The open channel will meander to suit the site conditions in order to minimise disturbance to the existing Bush Forever site with a section of underground pipe to avoid vegetation removal.
- Sub catchment 2: (area 7.33ha) consists of concrete manufacturing shed, a precast fabrication yard and a hardstand area and surface runoff is directed to the drainage basin in the west.
- Sub catchment 3: (area 1.73ha) located at the northern end of the site which contains the access driveway and carpark and falls east to west. An open channel abutting the driveway conveys surface runoff to the west and passes under the driveway through a 300-diameter reinforced concrete pipe culvert and disperses the flow to bushland onsite.



**Image 26: Catchment Plan**

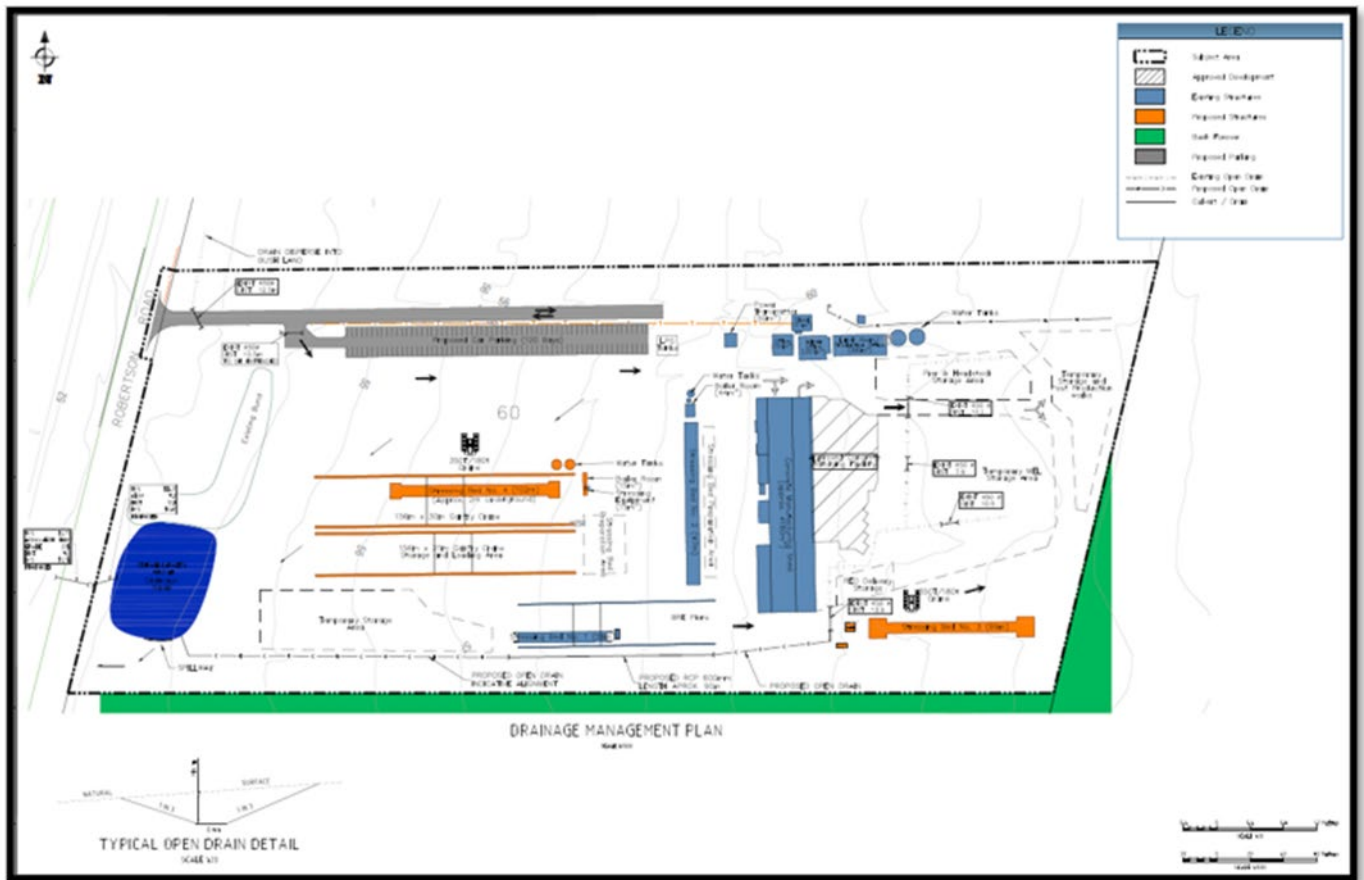


Image 27: Drainage Management Plan

The drainage basin located to the west near Robertson Road has a capacity of 16,500m<sup>3</sup> to an average depth of 3.5m and is used for dust suppression and wheel washing. Historically the drainage basin did not overflow however an outlet arrangement is proposed as a contingency measure.

'DRAINS' engineering software was used for design and analysis of stormwater management and concludes that the site requires a storage volume of 3088m<sup>3</sup> to retain a 1% AEP storm event while the drainage basin onsite has a capacity of 16500m<sup>3</sup>. Therefore, no outflow from Catchments 1 and 2 will occur as the basin has adequate stormwater capacity to store the surface runoff. Outflow from Catchment 3 flows through bushland and is dispersed within the site and not onto public land or neighbouring properties.

Notwithstanding the above, the SMP is silent on the characteristics of water coming from the various casting and washdown processes and if or how the wastewater will be separated from the stormwater. Therefore, should the application be supported then it is recommended that a condition of approval require require an updated SMP to ensure that contaminated / polluted stormwater does not escape from the site.

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

The intent of SPP3.7 is, *“to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure”*. This is facilitated through objectives, which in summary are as follows:

- *“Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.*



- *Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.*
- *... Ensure that ... development applications take into account bushfire protection requirements and include specified bushfire protection measures."*

The submitted Bushfire Management Plan (BMP) states that the stressing bed, tool container and broiler room (which are located within the BAL-FZ area of the development site) do not involve buildings that will contain people but rather simply concrete pads with some potential steel supports, tool container and boiler room and no Asset Protection Zone is required. All other development is located outside the BAL 40 and BAL FZ as shown by the BAL Contour Map below.

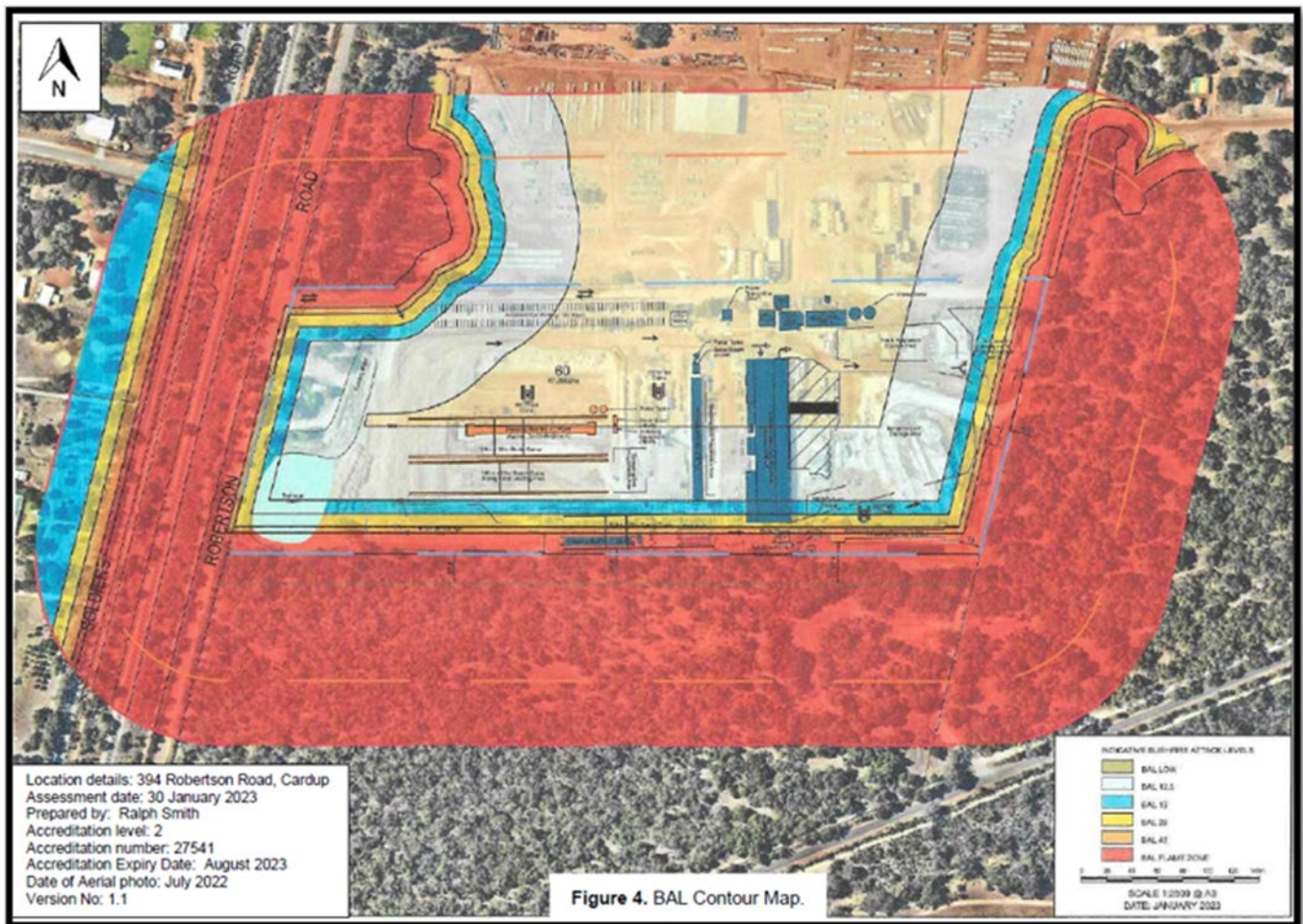


Image 28: BAL Contour Map

The BMP also states that the concrete facility is classified as a Class 8 building by the National Construction Code (NCC) and that it must be noted that under building legislation, bushfire related construction requirements do not apply to Class 4 to 9 buildings in designated bushfire prone areas.

The BMP also identifies that multiple access points are available with primary access from Robertson Road and alternative access via Norman Road. As the site is large and cleared then there may not be a need to evacuate during a bushfire management emergency on neighboring properties. Further, the site is already serviced with bores and water tanks that comply with State Government requirements.



Note that the central section of the site which contains the temporary administration office, production office and lunchroom (located to the north of the concrete casting workshop and stressing beds) are not located within a Bushfire Prone Area.

Notwithstanding the above, DFES has advised that the submitted BMP has been assessed against version 1.3 of the Guidelines which were rescinded in December 2021 and not version 1.4 of the Guidelines. Not having a BMP that has been assessed against version 1.4 of the Guidelines creates a degree of risk assessment that has not been assessed. As such, the development in terms of bushfire risk planning cannot be supported.

### Car Parking

'Table V - Parking Requirements' of TPS2 requires General Industry use to provide one car parking space per employee or staff member. The submitted planning report states that currently there are between 60-70 staff associated with overall operations including office and administration, forklift operators and crane operators however staffing is expected to increase gradually over the coming years. The TIA states that there will be 100 employees.

Officers in undertaking an inspection of the site on 6 July 2023 observed car parking and staff numbers above these numbers. It is estimated that at least 300 cars were parked, with a least 300 staff noted when Officers asked the question about staff numbers on that day.

The scale and overall intensity of this development is considered to cause unacceptable amenity impacts on the locality. Its significant expansion in recent months, has generated significant complaints associated with excessive noise and vibration impacts being experienced by nearby sensitive development. Based on the independent expert review of submitted studies, there is significant concerns held about the development and its operations causing impacts on the public health and amenity of the locality.

## **Options and Implications**

### Option 1

That Council resolves the following Responsible Authority Recommendation:

1. That the Metro Outer Joint Development Assessment Panel REFUSE DAP Application reference DAP/23/02462 and accompanying plans (**attachment 2**) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, for the following reasons:
  - a. Insufficient information has been provided to demonstrate that development will not result in unacceptable and adverse amenity impacts on residences within the separation distance between industrial and sensitive land uses in terms of noise, vibration and dust.
  - b. Insufficient information has been provided to demonstrate that an adequate standard of bushfire protection for the development has been achieved to preserve life and reduce damage to property and infrastructure.
  - c. Cardup Business Park Local Structure Plan states under Part 1 Table A row 2 that; Any impacts of development with respect to emissions (i.e. Dust, gas, odour, light, fumes and noise) shall be managed in accordance with the Environmental Protection Authority Guidance for the Assessment of Environmental Factors No. 3 Separation Distances between Industrial and Sensitive Land Uses (EPA 2005). The information submitted with the application demonstrates that emissions are unable to be managed in accordance with



the guidance statement, specifically noise. Having due regard to the Structure Plan under Clause 27 of the deemed provisions, the application should be refused.

- d. Cardup Business Park Local Structure Plan states under Part 1 Table A row 9 that; Appropriate interfaces/treatment that protect and maintain environmental values shall be provided along the boundaries of any Bush Forever sites. Subdivision and development applications shall provide details and illustrations of these treatments. The information submitted with the application does not confirm that an appropriate interface / treatment has been provided to the adjoining Bush Forever site. Having regard to the structure plan under Clause 27 of the deemed provisions the application should be refused.
- e. The development is inconsistent with State Planning Policy 4.1 - Industrial Interface as follows:
  - i. Emissions and impacts from the development extends beyond the boundaries of the site.
  - ii. The impact area of the development is not considered as a compatible zone.
  - iii. The development does not properly mitigate or manage impacts on health and amenity of people within the locality as it exposes them to noise, dust and vibration emissions.

Option 2

That Council, RECOMMENDS the Development Assessment Panel pass a Procedural Motion to defer the Primary Motion, such Procedural Motion should as a minimum request that:

- a. The application should be deferred pending the DWER advising whether the development is capable of being licenced, and operating according to such licence conditions;
- b. The development should cease operations while the application process is still underway;
- c. The application should investigate whether placement of the noise and vibration generating elements can be placed on the eastern side of the existing main shed structure, in order to shield these impacts from residents to the west;
- d. Once the DWER has made a determination under a. above, that the application return to Council to make further recommendations to the DAP for consideration.

Option 3

That Council RESOLVES the following Responsible Authority Recommendation:

- 1. That the Metro Outer Development Assessment Panel APPROVES the application for the Retrospective Concrete Manufacturing Facility, subject to the following conditions:
  - a. The development is to be carried out in compliance with the plans and documentation listed below, except where amended by other conditions of this consent.

Plans and Specifications	Development Plans (P1-P5) received at the Shire Offices on 10 March 2023 and 21 March 2023; Traffic Impact Assessment (P6) dated 24 July 2023; Dust Management Plan (P7) dated 19 January 2023; Stormwater Management Plan (P8) dated 24 January 2023; Environmental Noise Assessment (P9) dated 14 July 2023; and Vibration Report (P10) dated 30 June 2023.
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- b. Production shall not exceed 73,000 tonnes of concrete per annum, unless otherwise approved by the Shire of Serpentine Jarrahdale.
  - c. No more than 100 staff are permitted on the premises at any one time.
  - d. The hours of operation of the proposed use shall be limited to the periods between 7.00am to 6.00pm Monday to Friday only, and shall exclude weekends and Public Holidays. No work outside of these hours of operation is permitted whatsoever.
  - e. Within 60 days of the date of this approval, an updated Stormwater Management Plan (SMP) must be submitted to and approved by the Shire of Serpentine Jarrahdale, and fully implemented. The SMP must include the following:
    - i. All stormwater to be contained onsite and no stormwater to be discharged into South Soldiers Road or the Bush Forever area.
    - ii. Storm water drainage for the car parking and accessway areas.
    - iii. Open swales vegetated for water quality treatment via biofiltration.
    - iv. Remediation of any informal drains.
    - v. Detailed design for the drainage basin including invert levels, depth and levels for the minor and major storm events to ensure pre development and post development flows are the same.

Once approved, development and operations shall be carried out in accordance with the approved SMP.

- f. Within 60 days of the date of this approval, a minimum of 100 car parking bays and applicable accessible bays are to be designed to the satisfaction of the Shire, and once approved installed on-site, in accordance with the requirements of Australian Standard AS2890.1:2004 Parking Facilities - Off-street Car Parking, Australian Standard 2890.6 and the Building Code of Australia.
- g. All car parking areas and all access ways, including access ways within the site, are to be concrete or asphalt sealed, kerbed and drained, and maintained for their stated purpose at all times, and shall not be used for display or general storage purposes.
- h. Within 60 days of the date of this approval, 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 (Health Services), in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- i. Within 60 days of the approval, a Landscaping Plan shall be submitted to and approved by the Shire. The Landscaping Plan shall include the following details:
  - i. Planting of all drainage basins, batters, swales and first flush raingardens associated with hardstand areas.
  - ii. Proposed shade trees to carpark areas, minimum of 1 tree per 6 bays.
  - iii. A 5 metre wide landscape buffer to the area north of the existing service buildings.
  - iv. Planting of the Roberson Road Reserve.
  - v. Landscape works shall generally consist of locally native species which have low water usage.





vi. Reticulation methods.

vii. Maintenance arrangements.

The landscaping must be completed within 60 days of the approval of the Landscaping Plan and must be maintained at all times to the satisfaction of the Shire of Serpentine Jarrahdale.

- j. All existing trees and approved revegetation areas on the lot are to be retained and protected from any approved works in accordance with AS4970 (2009) Protection of Trees on Development Sites.
- k. By 31 July each year in which the development operates, the landowner shall pay an annual contribution to the Shire reflective of the road pavement asset deterioration associated with the development. The contribution is to be based upon a Road Deterioration Impact Audit which is to be submitted by 1 July each year, documenting the amount of commercial vehicles using Norman Road and Robertson Road.
- l. Within 60 days of the approval, a revised Bushfire Management Plan (BMP) undertaken against version 1.4 of the Guidelines for Planning in Bushfire Prone Areas shall be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of DFES, and fully implemented prior to the 2023/24 high risk fire season period. The BMP is to demonstrate management of bushfire risk affecting the subject land. Once approved, development and operations shall be carried out in accordance with the approved BMP.
- m. Within 60 days of the date of this approval, an effective noise shield barrier is to be designed and installed on the western side of all existing noise and/or vibration generating sources of the operations, including the existing and proposed agitator beds and all areas used for the lifting and moving of concrete cast pieces. This noise shield barrier is to be designed to the satisfaction of the Shire, on advice of the DWER.
- n. The operator shall undertake continuous noise, vibration and dust monitoring. Live daily reporting of this monitoring is to be made publicly available through the operator's website, which is to also include a 24 / 7 / 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development.
- o. By 1 December each year, the operator shall submit an annual report documenting the results of the noise, vibration and dust monitoring. This must be reported by a suitably qualified independent expert, together with the expert's recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity impact on residents to the west of the subject land. In the event that the independent expert determine that an adverse amenity impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented.

#### Main Roads Conditions

- p. Within 30 days of the approval, the applicant is to submit a preliminary intersection design (15% design concept) for the upgrading of the intersection of South Western Highway and Norman Road is required to be undertaken to the requirements of Main Roads Western Australia.



- q. Within 90 days of the approval, the intersection of Norman Road and South Western Highway is to be upgraded to the satisfaction of the Shire of Serpentine Jarrahdale, on advice from MRWA.
- r. No works are permitted within the South Western Highway Road Reservation unless Main Roads has issued a Working on Roads permit.
- s. Stormwater discharge shall not be discharged to the South Western Highway Road Reserve or the widened road reservation.

Option 1 is recommended.

### Conclusion

The application seeks approval for a retrospective concrete manufacturing facility expanding the existing industries operating on site. Production of 73,000 tonnes of concrete per year requires a buffer distance of 750m from sensitive receptors while the nearest residences are located 150m to the west on the opposite side of Soldiers Road. Further, Urban Development zoned land (part of the Whitby Precinct A Local Structure Plan area) located to the south west is also with the buffer distance area. The key proposal has failed to demonstrate that noise, vibration and dust emissions generated by the concrete manufacturing facility will not have adverse impact on the amenity of nearby sensitive land uses located within the buffer distance area and is therefore recommended for refusal.

Should the DAP refuse the application, Officers will proceed to undertake the necessary enforcement action to bring about the cessation of the development. It will be important to address this as a matter of priority in the event the application is refused.

If the application is approved, Officers will focus upon the regulation of development according to the conditions imposed by the DAP.

### Attachments (available under separate cover)

- **10.1.2 - attachment 1** - Responsible Authority Report (E23/9953)
- **10.1.2 - attachment 2** - Development Plans (E23/9595)
- **10.1.2 - attachment 3** - Summary of Submissions (E23/4975)
- **10.1.2 - attachment 4** - Clause 67 Assessment (E23/4730)
- **10.1.2 - attachment 5** - Peer Review of Environmental Noise Assessment (E23/9917)
- **10.1.2 - attachment 6** - Peer Review of Vibration Report (E23/9918).
- **10.1.2 - attachment 7** - Prevention Notice (E23/10367)

### Alignment with our Strategic Community Plan

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



**Financial Implications**

Nil.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This option is considered the lowest risk option.						
2	That DAP pass a procedural motion of deferral, and this doesn't capture the key issues or seek to address the current issues occurring on the land.	Planning Framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Ensure that this option includes specifying the criteria to be considered as part of a procedural motion.
2	That despite the Council recommendation, the MODAP approves the application and this causes external impacts.	Planning Framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Ensure that conditions are recommended consistent with the report should a request for conditions from MODAP be received.



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**Voting Requirements:** Simple Majority

**Officer Recommendation**

That Council resolves the following Responsible Authority Recommendation:

1. That the Metro Outer Joint Development Assessment Panel REFUSE DAP Application reference DAP/23/02462 and accompanying plans (attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, for the following reasons:
  - a. Insufficient information has been provided to demonstrate that development will not result in unacceptable and adverse amenity impacts on residences within the separation distance between industrial and sensitive land uses in terms of noise, vibration and dust.
  - b. Insufficient information has been provided to demonstrate that an adequate standard of bushfire protection for the development has been achieved to preserve life and reduce damage to property and infrastructure.
  - c. Cardup Business Park Local Structure Plan states under Part 1 Table A row 2 that; Any impacts of development with respect to emissions (i.e. Dust, gas, odour, light, fumes and noise) shall be managed in accordance with the Environmental Protection Authority Guidance for the Assessment of Environmental Factors No. 3 Separation Distances between Industrial and Sensitive Land Uses (EPA 2005). The information submitted with the application demonstrates that emissions are unable to be managed in accordance with the guidance statement, specifically noise. Having due regard to the Structure Plan under Clause 27 of the deemed provisions, the application should be refused.
  - d. Cardup Business Park Local Structure Plan states under Part 1 Table A row 9 that; Appropriate interfaces/treatment that protect and maintain environmental values shall be provided along the boundaries of any Bush Forever sites. Subdivision and development applications shall provide details and illustrations of these treatments. The information submitted with the application does not confirm that an appropriate interface / treatment has been provided to the adjoining Bush Forever site. Having regard to the structure plan under Clause 27 of the deemed provisions the application should be refused.
  - e. The development is inconsistent with State Planning Policy 4.1 - Industrial Interface as follows:
    - i. Emissions and impacts from the development extends beyond the boundaries of the site.
    - ii. The impact area of the development is not considered as a compatible zone.
    - iii. The development does not properly mitigate or manage impacts on health and amenity of people within the locality as it exposes them to noise, dust and vibration emissions.



**10.1.3 - Proposed Amendment to Conditions of Approved Plastic Production Workshop and Warehouse - Lot 41, 17 Cardup Siding Road, Cardup (PA21/1248)**

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

**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:	Shane Wormall
Owner:	As Proponent
Date of Receipt:	9 December 2021
Lot Area:	4.71ha
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Industrial'

**Report Purpose**

The purpose of this report is for Council to consider a development application seeking amendments to operational Conditions of an approved 'Plastic Production Workshop and Warehouse' at Lot 41, 17 Cardup Siding Road, Cardup. The application seeks to facilitate more intensive operation of the Plastic Production Workshop, which currently has limits imposed pertaining to, inter alia, annual production and hours of operation.

Pursuant to Clause 77(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions), the proposal seeks to amend the existing approval for the site as follows:

- Amend hours of operation to enable the plastic production facility to operate 24 hours/day;
- Delete Conditions requiring the applicant to submit annual monitoring reports on groundwater, air quality, noise, and odour;
- Delete the Condition relating to the annual production limit which is currently restricted to 1,500 plastic units/year;
- Modify the Condition to increase the height of the stockpiling from 1.8m to 5.4m;
- Delete the Condition restricting two commercial vehicle movements per day; and
- Remove the requirement for a Wastewater Management Plan as the application considers this has been satisfied.



In support of these amendments, the applicant submitted information in the form of technical reports prepared by consultants (air quality, noise and odour). The reports seek to demonstrate the merits of amending the approval, specifically to justifying why (in the applicant's view) production levels can intensify and reporting requirements can be reduced without adverse impacts. As outlined in the following report, the merits based assessment undertaken by Officers does not conclude to support this position.

As part of the merits based assessment of the application, Officers engaged independent consultants to peer review the air quality, noise and odour reports in accordance with the *Planning and Development Regulations 2009*. Overall, the peer reviews concluded in relation to air emissions and odour that there is inconclusive evidence within the technical reports to demonstrate that amending the approval would not result in adverse amenity impacts.

The report fully addresses the Officer concerns in relation to amenity impacts associated with the proposed amendment to the existing approval. Officers recommend strengthening a number of Conditions, while also permitting certain Conditions to be amended, as described in the report.

### Relevant Previous Decisions of Council

*Ordinary Council Meeting - 19 June 2023 - OCM135/06/23 - COUNCIL RESOLUTION / Officer Motion*

*That Council, in response to the Section 31 request for reconsideration for the 'Transport Depot and Light Industry (Workshop)' at Lot 41, 17 Cardup Siding Road, Cardup, SETS ASIDE its original decision to REFUSE the application, and SUBSTITUTES that decision with this decision to APPROVE the application subject to the following conditions:*

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

<i>Plans and Specifications</i>	<i>Updated development application received at the Shire Offices on 20 April 2023</i> <i>Updated Environmental and Noise Assessment received at the Shire Offices on 20 April 2023</i> <i>Updated Noise Management Plan dated 18 April 2023</i>
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- b. Stormwater is to be managed in accordance with the Stormwater Management Plan prepared by JDSi Consulting Engineers and approved by the Shire on 15 November 2021, at all times, to the satisfaction of the Shire.*
- c. Access of service vehicles or operation of forklifts must be restricted to the hours of 6:00am to 8:00pm Monday to Friday and 7:00am to 1:00pm Saturday, with no operations to occur on Sunday or public holidays. Operations prior to 7:00am are subject to the measures detailed in the approved Noise Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale.*
- d. Development shall be in accordance with the Noise Management Plan dated 18 April 2023 to the satisfaction of the Shire of Serpentine Jarrahdale.*



*Ordinary Council Meeting - 23 April 2018 – OCM031/04/18 - COUNCIL DECISION / Alternative Councillor Motion - **extract***

*That Council approves the application submitted by Harvey Construction WA on behalf of C.C. Wormall Pty Ltd for Development Approval for a Plastic Production Workshop and Storage at Lot 41, 17 Cardup Siding Road, Cardup, subject to the following conditions:*

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

<i>Plans and Specifications</i>	<i>Plans P1-P3 received at the Shire on 13 March 2018; Environmental Noise Assessment received at the Shire on 25 January 2018; Emissions Testing Report received at the Shire on 8 March 2018; Odour Impact Risk Assessment received at the Shire on 16 March 2018; and Smart Stream Technology Report submitted 10 April 2018</i>
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- 2. Prior to occupation, an updated Landscaping Management Plan must be submitted to the Shire of Serpentine Jarrahdale to include the maintenance methods and schedule of plants species for the proposed landscape areas to the satisfaction of the Shire of Serpentine Jarrahdale. Landscaping is to be implemented prior to occupation and thereafter maintained in accordance with the updated Landscape Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale.*
- 3. Prior to occupation, a Dust Management Plan (DMP) shall be submitted to the satisfaction of the Shire of Serpentine Jarrahdale prior to the use commencing. The DMP shall include management arrangements for the unloading and stacking of the LDPE bags and contingencies if bags are damaged and/or ruptured on-site.*
- 4. Prior to the lodgement of a Building Permit, a Stormwater Management Plan shall be submitted and approved and thereafter implemented to the satisfaction of the Shire of Serpentine Jarrahdale. The Stormwater Management Plan shall include spill management and be prepared in accordance with Stormwater Management Manual for Western Australia (DWER, 2004) and Water Quality Protection Note 52 - Stormwater management at industrial sites (DWER, 2010).*
- 5. Prior to occupation, an Operational Management Plan must be submitted, approved and thereafter implemented for the duration of the development, to the satisfaction of the Shire of Serpentine Jarrahdale. The Operational Management Plans must outline (but not limited to):*
  - a. Methods of stacking and unstacking of the Linear Low Density Polyethylene;*
  - b. Activities to occur during the hours of operation;*
  - c. Emergency response (fire, chemical spill);*
  - d. Delivery of LDPE bags;*
  - e. Vehicle movements; and*
  - f. Storage of chemicals.*
- 6. Prior to occupation, an Emissions Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake ambient air quality testing. The testing shall include levels*



*of the current air quality.*

- 7. Within 90 days of occupation, an updated Emissions Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake air quality testing. The testing shall include ambient air testing, all potential sources of emissions and the efficiency of pollution controls. The results of the testing and analysis is to be reported to the Shire and referred to the toxicologist at the Department of Health for assessment within 90 days of the roto-moulder being commissioned. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.*
- 8. Within 90 days of occupation, an updated Environment Noise Report assessing the activities from the site is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Environment Noise Report. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.*
- 9. Within 90 days of occupation, an updated Odour Impact Risk Assessment is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Odour Impact Risk Assessment. The testing shall include air testing, all potential sources of odour and the efficiency of odour controls. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.*
- 10. The development is restricted to the production of a total of 1,500 plastic units a year.*
- 11. Operating hours are restricted to 7:00am to 5:30pm Monday to Friday and 7:00am to 1:00pm Saturdays.*
- 12. All delivery vehicles servicing the site must load and unload within the boundaries of the site. Unloading and loading of goods may only be undertaken between 7:00am and 5.30pm within the approved days of operation.*
- 13. Development to be in accordance with the approved Fire Management Plan for Lot 41 Cardup Siding Road, Cardup.*
- 14. All stockpiling of plastic products shall not exceed 1.8m in height and shall only occur within the proposed hardstand laydown area.*
- 15. Floodlighting shall not be illuminated after 7:00pm or before 7:00am, all light sources shall be hooded with no light spill outside of the property in accordance with Australian Standard AS 4282-1997.*
- 16. Prior to occupation a Wastewater Management Plan is required to be submitted to the Shire of Serpentine Jarrahdale for approval. The Wastewater Management Plan must demonstrate how residual water from the fine mist tray will be captured and details of the mechanism used to capture the wastewater.*
- 17. A maximum of two commercial vehicles a day are permitted to access the site for loading and unloading purposes.*
- 18. A maximum of 8 litres of Hazardous Liquid Material; 30 litres of Mould Release and 10 litres of DP 8005 3M Glue are permitted to be stored on-site within the approved workshop at any given time. The LDPE bags are to be stored onsite within the approved workshop at all times. Storage of all materials are to be in accordance with relevant Australian/ New Zealand*





*AS/NZS or International ISO standards.*

- 19. The disposal of wastewater onsite associated with the Roto Moulding Machine is not permitted.*
- 20. The hardstand area comprising of the car parking, manoeuvring areas, accessways and loading and unloading areas must:*
  - a. Be designed in accordance with Australian/New Zealand AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;*
  - b. Include 8 car parking bays for the purpose of this development;*
  - c. Include one (1) car parking space dedicated to people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access-New Building Work; and*
  - d. Parking, driveways and manoeuvring areas to be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.*
- 21. Prior to occupation, a Ground Water Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the groundwater testing.*
- 22. Within 90 days of occupation, a Ground Water Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the report and must demonstrate that groundwater quality has not been impacted upon by the approved development. After this date quarterly reports for the following two years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.*
- 23. No amendments to the approved development are to occur without prior approval from the Shire of Serpentine Jarrahdale Council.*

## **Background**

### Existing Development

The subject site is 4.72ha in area and has frontage to Cardup Siding Road. The site is located within the Cardup Business Park, which is located south of Byford. The site is within close proximity to rural residential development to the west and residential development to the north east. The subject site has been developed since 2014 and comprises the following main uses:



This application relates specifically to a proposal to amend the development approval granted for the 'Plastic Production Workshop and Warehouse' component previously approved by Council at its Ordinary Council Meeting (OCM) of 23 April 2018.

Proposed Development

The application seeks approval under clause 77 (b) of the Deemed Provisions to amend nine Conditions of the existing approval as follows:

Current Condition	Amendment proposed and applicant justification
<p>7. Within 90 days of occupation, an updated Emissions Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake air quality testing. The testing shall include ambient air testing, all potential sources of emissions and the efficiency of pollution controls. The results of the testing and analysis is to be reported to the Shire and referred to the toxicologist at the Department of Health for assessment within 90 days of the roto-moulder being commissioned. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>The application is proposing to amend the Condition by removing the requirement to submit air emissions annual reports. They consider that the results of the site-specific sampling and testing of the stack emission stream that measured the concentrations of air borne pollutants from the roto-moulding process were very low and within the acceptable thresholds and therefore would not pose any risks that would adversely impact on the nearest sensitive receptor and the general locality.</p>



<b>Current Condition</b>	<b>Amendment proposed and applicant justification</b>
<p>8. Within 90 days of occupation, an updated Environment Noise Report assessing the activities from the site is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Environment Noise Report. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>The application seeks to amend this Condition by removing the requirement by the Shire to submit annual reports as they consider that their updated Environmental Noise Assessment demonstrates compliance with the assigned noise levels of the Environmental Protection (Noise) Regulations 1997. The application proposes the further testing (and subsequent reports) should be undertaken only after scientifically proven evidence has demonstrated that operational noise levels would have exceeded the limits under the noise regulations.</p>
<p>9. Within 90 days of occupation, an updated Odour Impact Risk Assessment is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Odour Impact Risk Assessment. The testing shall include air testing, all potential sources of odour and the efficiency of odour controls. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>The application seeks to amend this Condition by removing the requirement by the Shire to submit annual reports. The applicant considers that the results of the site specific odour and chemical sampling undertaken revealed that the levels of odour concentrations were below the threshold to pose any risk or cause unreasonable impact on the amenity.</p>
<p>10. The development is restricted to the production of a total of 1,500 plastic units a year.'</p>	<p>The application seeks to delete this Condition in order to meet growing demand for products in both local and international markets. The applicant considers that the environmental reports submitted have demonstrated that increase in production would not adversely impact on the amenity of the locality and therefore the annual limit of units to be produced should be removed.</p>
<p>11. Operating hours are restricted to 7:00am to 5:30pm Monday to Friday and 7:00am to 1:00pm Saturdays.</p>	<p>The applicant is seeking approval to amend the hours of operation to allow the smart stream technology to operate for 24 hours Monday to Friday and 7:00am to 1:00pm on Saturday. They consider that noise management strategies recommended with the updated Environmental Noise Assessment demonstrates compliance with the assigned noise levels of the</p>



<b>Current Condition</b>	<b>Amendment proposed and applicant justification</b>
	Environmental Protection (Noise) Regulations 1997 and therefore the proposal would not adversely impact on the amenity.
12. All delivery vehicles servicing the site must load and unload within the boundaries of the site. Unloading and loading of goods may only be undertaken between 7:00am and 5:30pm within the approved days of operation.	The application is seeking approval to amend hours of operation for prime mover trucks returning after 7:00pm to arrive between 7:00pm and 8:00pm and that no loading or unloading of trucks to occur outside the hours of 7:00am and 7:00pm. They consider that their updated Environmental Noise Assessment demonstrates compliance with the assigned noise levels of the Environmental Protection (Noise) Regulations 1997 and therefore the proposal would not adversely impact on the amenity by way of noise.
14. All stockpiling of plastic products shall not exceed 1.8m in height and shall only occur within the proposed hardstand laydown area.	The application is seeking approval to amend the Condition to increase the height of the stockpiling from 1.8m to 5.4m along the southern boundary only. The applicant considers that increased planting of trees along this boundary would eventually screen the stockpiles from view thereby reducing potential visual impacts.
16. Prior to occupation a Wastewater Management Plan is required to be submitted to the Shire of Serpentine Jarrahdale for approval. The Wastewater Management Plan must demonstrate how residual water from the fine mist tray will be captured and details of the mechanism used to capture the wastewater.	The application is seeking approval to delete this Condition as they consider that this has been satisfied based on the groundwater testing that has been undertaken and the subsequent results that followed.
17. A maximum of two commercial vehicles a day are permitted to access the site for loading and unloading purposes	The application is seeking approval to delete this Condition and they consider it to be onerously restrictive to their business operations.
22. Within 90 days of occupation, a Ground Water Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the report and must demonstrate that groundwater quality has not been impacted upon by the approved development. After this date quarterly reports for the following two years will be required to be submitted to the Shire of Serpentine	The application is seeking approval to amend this Condition by deleting the requirement for annual reports based on the testing reports that water testing completed since 2019 have not detected any sign of contamination attributed to the operations.



Current Condition	Amendment proposed and applicant justification
Jarrahdale after which annual reports will be required.	

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

### **Community / Stakeholder Consultation**

The application was initially advertised for a period of 23 days from 21 June 2023 to 3 July 2023 to surrounding landowners within a 200m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters.

The advertising period was further extended for an additional 14 days at the request of community members until the 17 July 2023 within a 2,000m radius of the subject site. The application was also advertised on the Shire's website for the same period.

At the conclusion of the consultation, 83 submissions consisting of 77 objections objecting to the proposal to amend the existing approval and also raising a number of issues associated with the broader site. These will be discussed further in the report under relevant headings.

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

##### Department of Fire and Emergency Services

*From the information provided, it appears that the modifications proposed will intensify the existing land use. The Shire should consider section 2.6 of the Guidelines when determining if there will be an intensification of the land use.*

*DFES notes that if the Policy and Guidelines are to be applied, the proposal should be assessed against the current version of SPP3.7. The 'Bush Fire Management Plan' referenced as part of the Local Structure Plan in the previous Council Resolution may not address the updated requirements of the Guidelines and the need for an updated Bushfire Management Plan (or additional supporting information to address the current requirements) should be considered.*

*Should you apply SPP 3.7 then, we request the relevant information pursuant to this policy be forwarded to DFES to allow us to review and provide comment prior to the Shire endorsement of the application.*

##### Department of Education

*Due to the separation distance to current and planned future school sites, the Department has no in principle objections to the proposed DA amendments.*

##### Main Roads Western Australia

*Main Roads has no objections to the proposed amendments.*

##### Water Corporation

*The issues being addressed by the proposed changes do not appear to impact on the Water Corporation or its assets. However, because the industry is located close to the Cardup Brook that flows westwards into the Mundijong rural drainage network, the requirement to monitor groundwater should be referred to DWER for consideration.*



Department of Water and Environmental Regulation

*The Department has not been provided with details of the Chem Centre testing results for the wastewater so is unable to comment on the Condition of the wastewater. However, if Wormal's analysis of the wastewater is correct, the Department considers that wastewater reuse options should be considered as a priority. If on-site disposal of the wastewater is to be undertaken, depending on the quality of the wastewater, the Department considers either disposal to a lined basin, which permits evaporation, or on-site infiltration via a bio-filtration basin or swale should be considered.*

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

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

**Statutory Environment**

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses.

Local Planning Framework

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



## **Planning Assessment**

### Deemed Provisions

Clause 77(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides that an owner of land in respect of which development approval has been granted by the local government may apply to amend or delete any Condition to which the approval is subject.

In respect of such application to amend or delete a Condition, the deemed provisions provide as follows:

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

A full technical assessment was carried out against the current planning framework in accordance with Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which can be viewed in **attachment 3**. For the purposes of this report, discussion is confined to the matters relating to the Conditions as follows:

### Condition 7 - Air Emissions

To attempt to demonstrate that the air emissions generated from the development will not result in adverse amenity impacts to nearby properties and the broader locality, an Air Quality Impact Assessment Report of the onsite roto-moulding process was submitted. The report can be viewed within **attachment 4**.

The assessment undertook site-specific odour and chemical sampling and testing of the stack emission stream by measuring concentrations of airborne pollutants from the roto-moulding process. The assessment targeted the airborne pollutants and their ground level exposure limits and measured emission parameters from the site's roto-moulding process. The results of the concentrations measured pollutants is shown following:

**Table 3-2: Concentration Results of Measured Pollutants**

Analyte (Chemical Species)	Value (ou.m <sup>3</sup> )	Emission Rate (ou.m <sup>3</sup> /s)
Odour	1,100	935
Analyte (Chemical Species)	Value (mg/m <sup>3</sup> )	Emission Rate (g/s)
Nitrogen oxides (NO <sub>x</sub> )	13	0.0061
Sulphur dioxide (SO <sub>2</sub> )	A < 6	0.0028
Carbon monoxide (CO)	41	0.0191
Total Volatile Organic Compounds	< 0.3	< detection limits
Formaldehyde	2.9	0.0014
Acetaldehyde	0.22	0.0001
Propionaldehyde	≤ 0.025	< detection limits
Valeraldehyde	< 0.007	
Acrolein	< 0.007	
Methyl ethyl ketone (2-butanone)	< 0.007	
n-Butyraldehyde	0.065	0.00003
Acetone	2.5	0.00117
Hexanal	0.021	0.00001

A " < " refers to a concentration less than the analytical detection limit.

Based on the results, the report posited that the measured concentrations of airborne pollutants from the roto-moulding process are presented to be low and falling within an odour concentration that would not cause nuisance at any offsite sensitive receptor in the Cardup locale. The odour contour is presented in the following figure.





Figure 3-1: Modelling Predicted Odour Ground Level Concentrations

The report concluded, the emission plume from the process poses a negligible risk for causing adverse odour and chemical species impacts at the nearest sensitive receptor.

### Peer Review

To assist the Shire in undertaking its merits based assessment, GHD were engaged by the Shire to peer review the report submitted. The peer review, which can be viewed within **attachment 5**, assessed the methodology of the odour modelling with regards to the following aspects:

- pollutant criteria and principal toxic substances based on the stacking results;
- characterisation of the existing environment in relation to the sensitive receptors;
- modelled emissions rates from the stack testing results;
- meteorological data and dispersion modelling methods.

The key findings of the assessment (amongst other things) concludes as follows:

- *Airborne pollutant criteria - for the select modelled pollutants the appropriate 1-hour criteria was selected. 24-hour and annual average criteria were not provided.*



- *Existing environment - Discussion of the surrounding environment was not captured in the assessment. The location of the 'nearest receptor', where the predicted modelling concentrations were presented in the results, was not identified. The five sensitive receptors shown in the odour modelling contour plots were also not identified nor classified. Considering the facility's operations is a contentious issue amongst the local community, further discussion about the land use and surrounding receptors should have been included.*
- *Emission estimation - Emission rates for modelling are considerably low, however this is not unexpected given the scale of the facility's operations. Using the results from stack testing by Ektimo to determine emissions gives credibility to emission rates.*
- *Meteorology - The meteorological model, TAPM, was not the most suitable modelling tool for the purposes of this assessment. The selection of representative model year was not supported by any review of the past five years of meteorological as per US EPA standards. Although TAPM may have not been the appropriate model, it was configured to the appropriate guidelines.*
- *Dispersion modelling - Using the CALPUFF modelling suite used in the study is a suitable model choice for this location, including the model settings. The model scenario was practicable and gives the conservative assumption and comparison of previous reports for odour of the plant operating all hours of the year. A TERRAD value of 5 would have included drainage flow from the Darling Scarp and potentially some winds from the east.*
- *Assessment of results - A sound analysis and interpretation of the predicted airborne results for the 'nearest receptor' is provided, particularly for odour. The predicted concentrations of the air pollutants at the four other receptors shown in the odour contour plot are not shown in the results table. This is unlikely to be problematic, as the results at the 'nearest receptor' are extremely low; however only one predicted contour plot (for odour) is shown in the report and it is unknown what the predictive results are for other pollutants. It is unknown why the 24-hour and annual average predicted pollutants were not included in the assessment; however, it can be safe to assume that if the 1-hour criteria are met for airborne pollutants then 24-hour and annual average criteria will be met too.*

#### Officer Comment

The findings of the peer review concludes that annual stack testing of criteria pollutants, aldehydes, ketones and odour is recommended. The peer review considers the emission rates from modelling to be low based on the scale of the facility's operations. It however states that the modelling did not fully assess the characterisation of the existing environment with regards to location of nearby sensitive receptors. This is a concern and does not provided certainty that the development can be undertaken in a manner that does not require annual reporting.

It should be noted that the Shire continues to receive odour complaints from the plastic production facility, and this further elevates the merits of retaining the Condition for annual reporting to ensure that the rural residential amenity of the locality is not adversely impacted upon. Balancing these issues, the Condition intent needs to be retained so as to require annual reporting. In doing this, the Condition can be modified to make it specific to the task of annual reporting, as shown following:



Current Condition	Recommended Modified Condition
<p>7. Within 90 days of occupation, an updated Emissions Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake air quality testing. The testing shall include ambient air testing, all potential sources of emissions and the efficiency of pollution controls. The results of the testing and analysis is to be reported to the Shire and referred to the toxicologist at the Department of Health for assessment within 90 days of the roto-moulder being commissioned. After this date, quarterly reports for the following two years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>7. By 1 December each year, the operator shall submit an annual report documenting routine Emissions Testing and Monitoring for the development. This must be reported by a suitably qualified independent expert, together with the expert’s recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity or environmental impact on any residents in any direction surrounding the subject land. In the event that the independent expert determines that an adverse amenity or environmental impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented to the Shire’s satisfaction, on advice of the Department of Water and Environmental Regulation.</p>

Condition 8 - Noise

An Environmental Noise Assessment (ENA) was submitted, which analysed cumulative impacts of noise emissions, measuring noise from the range of all activities across the entire site including the Plastics Production and the development operating on a 24-hour basis. The ENA can be viewed within **attachment 6**.

The ENA measured noise emissions for the whole operation as follows:

- *Wormall Civil - General internal workshop noise with closed roller doors;*
- *Smartstream Technology - Roto-moulding plant noise (as previously measured on site) with closed roller doors;*
- *Idling trucks preparing to leave the site (pre-start); and*
- *Trucks moving near the exit/entry to site. These are based on file data of measured trucks of similar power rating.*

The location of the sensitive receptors and receivers are located in the following diagram.



1. Workshop Noise - includes both workshop and Smartstream technology roto-moulding noise, both workshops with closed roller doors.

The ENA results show that noise from the workshop complies at all sensitive receptors as depicted in the table following:

**Table 5-1 Assessment of Workshop Noise Levels, dB LA10**

Receiver	Total Workshop Noise, LA10	Night Assigned Noise Level	Exceedence
Residences A*	30	37*	Complies
Residence B	29	37	Complies
Residence B (Boundary)	34	60	Complies
Residences C	25	36	Complies
Residence D	29	39	Complies
Residence D (Boundary)	35	60	Complies

\*Highest predicted level is at #230 Soldiers Road, with an IF of +2 dB.



2. Truck Noise - includes noise from eight engine starts, truck doors and a five-minute period of trucks idling (pre-start) then moving off one at a time to exit the site at 20 km/h. It is conservatively assumed that one large truck will idle simultaneously with an idling smaller truck (once per day). This is to account for the infrequent scenario where some trucks may idle simultaneously.

The ENA shows that noise generated from scenario 2 achieves compliance at all sensitive receptors as depicted following:

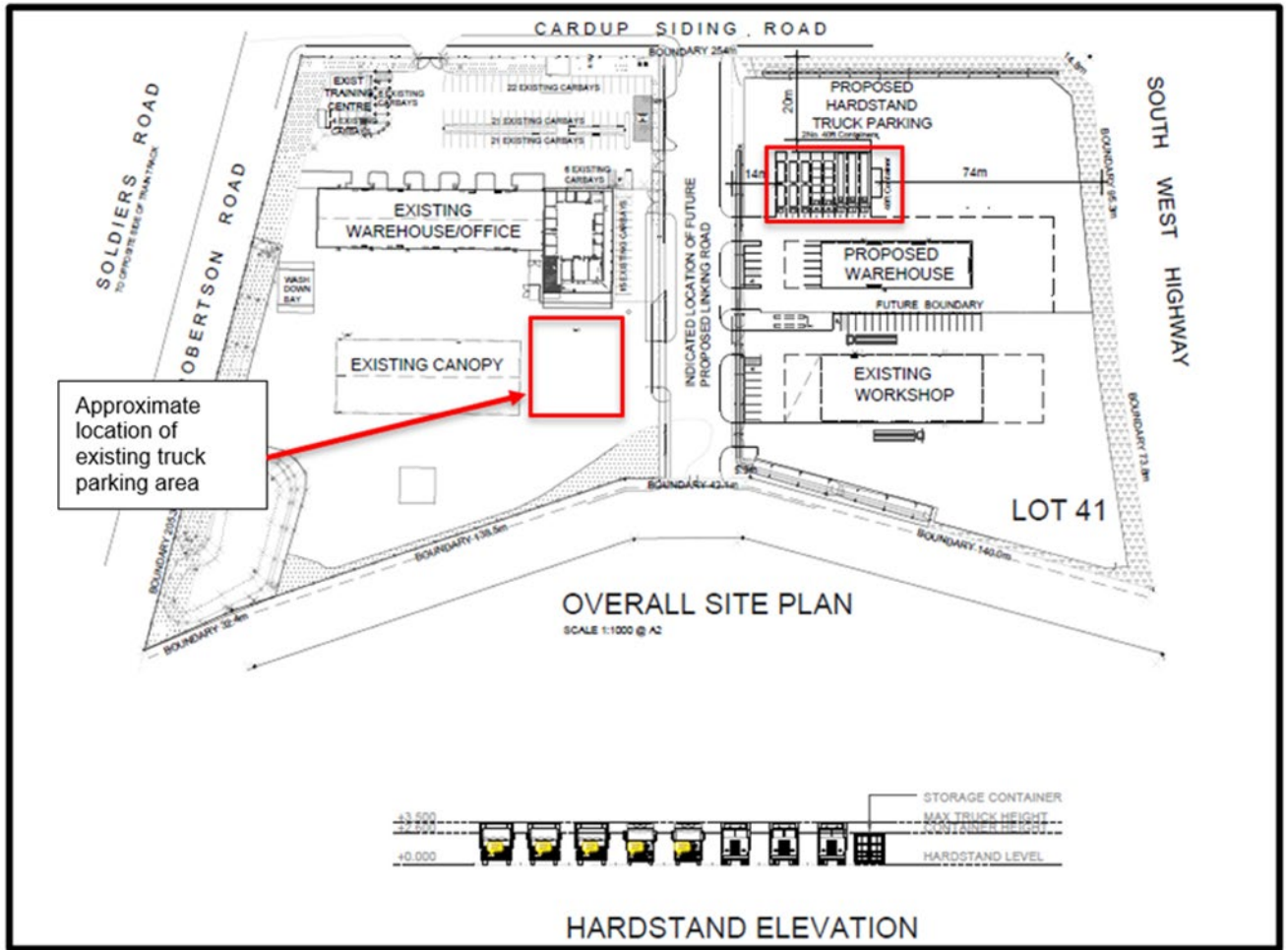
**Table 5-2 Assessment of Truck Departure Noise Levels, dB LA10**

Receiver	Trucks Moving Noise, LA10	Night Assigned Noise Level	Exceedence
Residences A*	37	38*	<i>Complies</i>
Residence B	33	37	<i>Complies</i>
Residence B (Boundary)	42	60	<i>Complies</i>
Residences C	30	36	<i>Complies</i>
Residence D	34	39	<i>Complies</i>
Residence D (Boundary)	33	60	<i>Complies</i>

\*Highest predicted level is at #234 Soldiers Road, with an IF of +3 dB.

Noise measurements were based on worst case scenario and included eight truck movements prior to 7:00am. The assessment also assumes 30 minutes of total truck idling time and in reality, this may be much shorter. As such, the results are conservative, and the operations are considered to comply with the *Environmental Noise Protection (Noise) Regulations 1997* (Regulations).

The Regulations consider a noise measurement to be significant where a value is 5dB below the assigned level. This occurs in the results for both Residence A and B and the ENA recommends a further 4dB noise reduction. The ENA shows that by relocating the truck parking area further east or providing further shielding by buildings or screens, such reduction is achieved. These recommendations are considered to be required to ensure that the amenity of surrounding landowners is not adversely impacted upon.



3. Car park noise - maximum noise event from each car park space.

The results for Scenario 3 demonstrate compliance before 7:00am by at least 15dB as depicted following:

**Table 5-3 Assessment of Car Door Noise Levels, dB  $L_{Amax}$**

Receiver	Adjusted Car Door Noise <sup>1</sup> , $L_{Amax}$	Night Assigned Noise Level	Exceedence
Residences A <sup>2</sup>	42	57 <sup>2</sup>	Complies
Residence B	42	57	Complies
Residence B (Boundary)	51	80	Complies
Residences C	33	56	Complies
Residence D	35	59	Complies
Residence D (Boundary)	42	80	Complies

1. Levels are adjusted by +10 dB for impulsiveness.  
2. Highest predicted level is at #228 Soldiers Road, with an IF of +2 dB.



4. Truck noise - A single truck returning to site after 7:00pm (evening time period). This includes a period of idling and reversing beeper noise, and noise from the park brake air release.

Scenario 4 demonstrates compliance with the Regulations by at least 7 dB at all sensitive receptors as depicted following:

*Table 5-4 Assessment of Truck Arrival Noise Levels, dB LA1*

Receiver	Truck Moving Noise, LA1	Evening Assigned Noise Level	Exceedance
Residences A*	41	48*	<i>Complies</i>
Residence B	41	47	<i>Complies</i>
Residence B (Boundary)	51	75	<i>Complies</i>
Residences C	35	46	<i>Complies</i>
Residence D	38	49	<i>Complies</i>
Residence D (Boundary)	41	60	<i>Complies</i>

\*Highest predicted level is at #234 Soldiers Road, with an IF of +3 dB.

The parking area relocation results in trucks being closer to Cardup Siding Road, and further from the sensitive receptors to the west. This also reduces the time it takes trucks to leave the site thus reducing noise impacts on surrounding landowners, specifically prior to 7:00am. The application also proposes to place three 40ft storage containers around the hardstand as noise attenuation barriers.

### Peer Review

To assist the Shire in undertaking its merits based assessment Reverberate Consulting were engaged by the Shire to assess the report submitted. The peer review which can be viewed within **attachment 7** states as follows:

### Truck Departure Noise

*The L<sub>Amax</sub> forecast noise level at Resident B, from Truck Departures from the Alternate location is 48 dB1. The following items remain unclear:*

- *Is this noise due to the ‘...release [of] a light air brake noise’<sup>2</sup> or engine revving noise, or other?*
- *If it is air-brake noise, why is there no ‘impulsive’ adjustment to the forecast?*
- *Why is this forecast noise 3 dB higher than the 45 dB noise from departing trucks from the original parking location, and from arriving trucks<sup>3</sup>?*

*It remains unclear if an impulsive adjustment is to be applied to this noise. Were it to be applied, this noise would exceedance of the Assigned Levels at Resident B and would therefore be unacceptable.*

*Where the applicant can satisfactorily demonstrate that no adjustment to truck departure noise is applicable, the following comments apply:*



*The report outlines the following treatments/conditions to control truck parking/movement noise*

- *Up to eight (8) trucks pre-loaded from previous weekday (before 7:00pm). As a maximum, three (3) Prime Mover Trucks and five (5) smaller 260hp trucks are used.*
- *Trucks starting and idling, then moving off site between the hours of 6:00am to 7:00am via the main entry onto Cardup Siding Road.*
- *No additional external works or loading to be conducted outside currently approved day time period.*
- *20 km/h travelling speed*
- *Trucks not reversing before 7:00am*
- *Forklifts and other equipment not used before 7:00am*
- *An alternative truck parking location is identified and accepted to reduce truck noise emissions*
- *Shielding around this alternate parking location is to be provided to the heights and extent outlined in LGA*

*The report outlines the following treatments to control Wormall workshop and Smartstream technology workshop noises outside the currently approved daytime period*

- *Operation times - 24 hours Monday to Friday and 7:00am to 1:00pm on Saturday*
- *Roto-Moulding equipment running within enclosed shed*
- *all roller doors are closed*
- *No deliveries or other external works (e.g., forklifts, movement of stock)*
- *Operations inside the workshop to include general assembly, morning pre-starts*
- *operation of the wash pod, light vehicle hoisting, and servicing jobs with hand tools only*
- *No rattle guns, welders, grinders, hammers or compressors or other noisy processes permitted.*
- *No workshop radios permitted.*

*The report outlines the following treatments to control Prime mover truck returning after 7:00pm*

- *Arrival between 7:00pm and 8:00pm*
- *No loading or unloading of truck to occur outside the hours of 7:00am and 7:00pm*

*As previously mentioned, where the applicant can satisfactorily demonstrate that no adjustment is applicable to departing truck noises, and so the truck noises comply with the Assigned Levels, we recommend that the conditions outlined above be included and conditioned in any Shire approval.*

#### *Use of Shipping Containers*

*A final note on the use of 40ft storage containers as the method of shielding noise to surrounding residential areas. Acoustically they have been shown to be sufficient to control noise. We remain concerned about non-acoustic issues. The following list is not considered comprehensive, and we recommend other expertise be consulted:*

- *shipping containers by their design may be considered temporary and liable to be transported/ removed. This means that they may not form a permanent solution.*





- *Shipping containers may corrode more than a permanent, purpose built noise barrier.*
- *It is unclear if they can withstand high winds, especially when stacked.*
- *stacking of containers may additionally create workplace hazards.*

*We recommend that the applicant justify the use of these shipping containers to the satisfaction of the Shire, otherwise an alternative permanent solution is to be implemented.*

Officer Comment

The findings of the peer review concluding that the noise impact could be managed by stringent noise management strategies. An annual audit process through this Condition, does provide the Shire certainty that the operations are being undertaken in a manner as per the Noise Management Plan and noise levels received at sensitive receptors reflect the model scenarios with the ENA at all times. This is the purpose for such a Condition, and it is common for such activities that interface with residential/rural land to impact the amenity. Officers recommended retention of this Condition. In doing this, the Condition can be modified to make it specific to the task of annual reporting, as shown following:

Current Condition	Recommended Modified Condition
<p>8. Within 90 days of occupation, an updated Environment Noise Report assessing the activities from the site is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Environment Noise Report. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>8. By 1 December each year, the operator shall submit an annual Environmental Noise Report routinely testing and monitoring noise. This must be reported by a suitably qualified independent expert, together with the expert's recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity or environmental impact on any residents in any direction surrounding the subject land. In the event that the independent expert determines that an adverse amenity or environmental impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented to the Shire's satisfaction, on advice of the Department of Water and Environmental Regulation.</p>

Condition 9 - Odour

To support the amendment to the approval, the applicant provided an Operational Odour Emissions Impact Assessment which was submitted as part of this application and can be viewed within **attachment 8**. The purpose of the assessment is to demonstrate that the cumulative odour emissions from the facility would not adversely impact on nearby sensitive receptors and the general locality. The assessment involved the analysis of air samples for Aldehydes & Ketones collected from the process stack for odour concentration (ou.m3) chemical speciation in accredited laboratories.



The results of the odour sampling data are shown in the table below.

## 2.1 Odour Emissions Impacts

**Table 2-1: Odour Sampling Data**

Sample	Concentration (ou.m <sup>3</sup> )	Roto-Mould Emission Temperature (°C)	Emission Velocity (m/s)	Stack Diameter (m)	Emission Area (m <sup>2</sup> )	Odour Emission Rate (ou/s)
Odour	640	266	6.4	0.3	0.0707	289.59

Table 2-1 shows that the average measured odour emission rate from the process stack at the Cardup Site was 289.59 ou.m<sup>3</sup>/s.

The report also specifically assessed the chemical analysis of the detectable emissions to atmosphere emissions associated with Acetaldehyde and Formaldehyde which are considered to be main compounds that would result in odour emissions. The table below shows the results of low concentration.

**Table 2-3: Derived Chemical Odour Units**

Compound	MW	Concentration		
	grams	µg/m <sup>3</sup>	ppm	Chemical ou
Acetaldehyde	44.05	680	0.21	15.0
Formaldehyde	30.031	680	0.55	19.6

Table 2-3 shows that the combined derived chemical odour unit for these measurable chemical compounds is 34.6 ou.m<sup>3</sup> of which this concentration is insignificant.

The report concludes that the measured odour concentration from the process stack and subsequent odour emission rate is very low and therefore the risk assessment of this emission for ground level nuisance odour impacts is also Low. The report considers that due to the low measured odour emission rate (ou.m<sup>3</sup>/s), high exit temperature and the negligible chemical odour units, the likelihood of odours and chemical emissions from the site impacting the nearest sensitive receptor are rare to entirely unlikely.

### Peer Review

To assist the Officer with its merit based assessment the Shire engaged OPAM consultants to peer review the Odour report. The peer review which can be viewed within **attachment 9**.

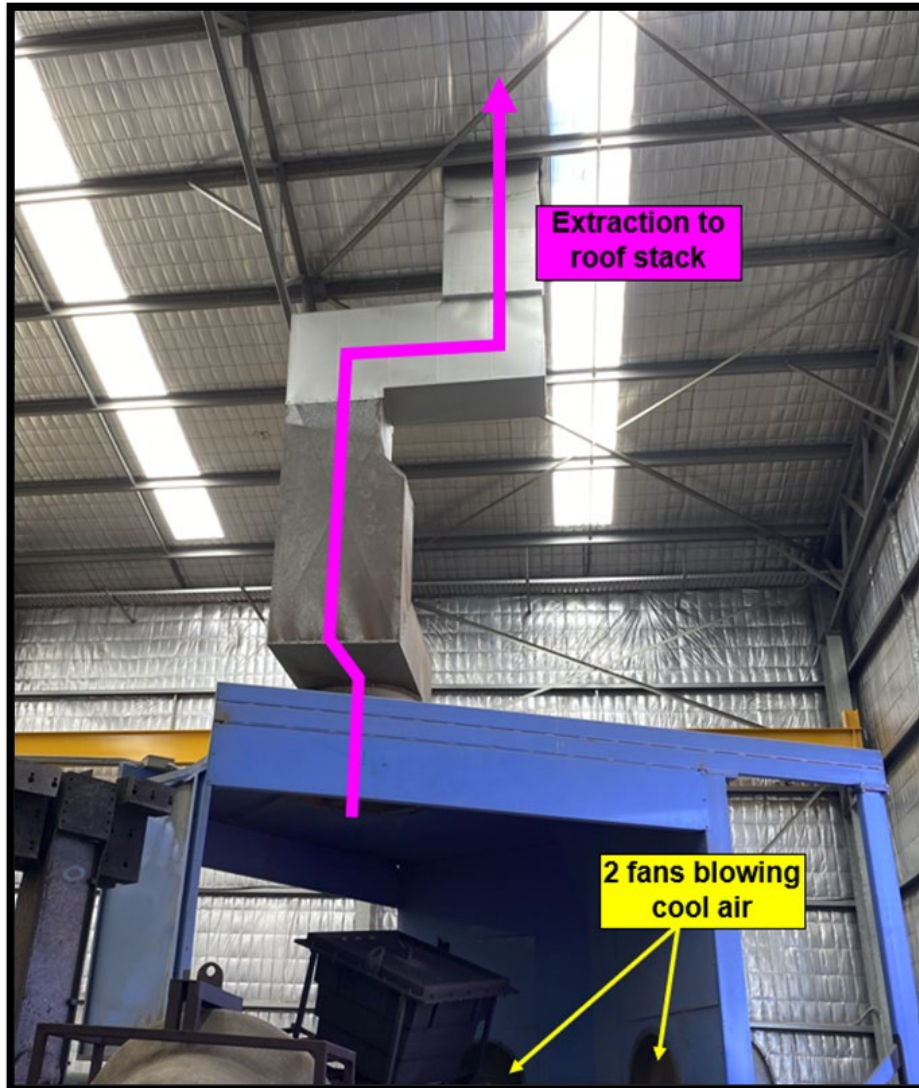
In relation to the odour emission sources and pathways the peer review states as follows:

- No duplicate samples - only one sample was collected while it is recommended to collect some duplicate samples in AS 4323.3:2001 standard.
- Underestimated odour concentration - Although the sample was analysed within 30 hours from the sampling time as per recommendation of the AS 4323.3.2001 standard (**AS/NZS, 2001**), the odour concentration measured was underestimated. Assuming the sample was



*appropriately collected, the preservation and transportation of the sample is a phase where losses occur due to the duration between sampling and analysis, conditions in which the sample is kept, the type of pollutants expected in it, the type of material used for the sampling bag and the risk of loss due to diffusion through the sampling bag and adsorption on the wall of the bag or possible condensation, etc. Accuracy of the pre-dilution factor, if any, when sampling is another operation that adds uncertainty on the final odour concentration.*

- *Pre-dilution requirement due to high temperature - The sample delivered to the olfactometry laboratory had an average odour concentration of 640 ou. The Report indicates that the emission at the oven stack had an odour concentration of 640 ou which means that no pre-dilution was undertaken at the time the sample was collected. No dilution ratio is indicated in the results table of the olfactometry laboratory. From OPAM Consulting's experience, it is unclear how a sample from a flow at a temperature of 266°C could have been collected without any pre-dilution to decrease the temperature in the bag and possibly limit condensation.*
- *Limited buoyancy and plume dispersion - The Report claims that "the exit temperature of approximately 266°C provides a high level of thermal buoyancy, in particular during those early morning and late afternoon timeframes, further supporting improved dispersion during the colder seasonal periods." The oven stack is equipped with a China cap for rain. It does mean that the plume impacts this feature. Therefore, the rise of the plume due to the buoyancy only would be limited with an increased risk of odour impacts at ground level.*
- *Downwash and wake effects - Dispersion of the plumes from the two stacks is impacted by the downwash and wake effect that may occur over the roof and at the eastern side of the building resulting in close impacts of an odorous grounding plume.*
- *Other sources of odour emissions - Although the oven is enclosed and most of the hot gases exhaust by the stack, there are also fugitive odorous emissions from the oven in the building and then from the mould in the building while at the pre-cooling location and then when it reaches the cooler. A photo of the cooler station at Smartstream Technologies shown following indicates that the system is open to the atmosphere of the building, with two fans blowing the building air to cool down the mould. This air is loaded with fugitive odour emissions from the mould. An extraction fan directs part of the cooling air to the roof stack.*



*Under atmospheric still conditions and if the large doors are closed, the cooled but still hotter air than the building atmosphere rises to the whirlybirds installed at the roof apex. The odorous air emitted by the whirlybirds can be dragged into the cavity formed above the top of the building by the wind and dragged at ground level and close distance from the production shed.*

#### Officer Comment

Officers consider that the sampling and testing methodology carried out in the Operational Odour Report could be more certain, so that all odour sources and pathways are clearly and adequately considered. In order to conclude that the off-site odour impacts are 'Low', it is considered necessary for all odour emissions sources at the facility to be sampled. In addition, Officers support that odour dispersion effects of the facility operating Conditions have not been adequately considered in the preparation of the report.

In terms of the chemical emissions and odour potential the peer review under these heading states as follows:

*Limited number of pollutants identified/measured - A key limitation of many of the chemical sampling processes is that they rely upon the sampling method used and the choice of medium which determines the chemicals that can be detected. This raises the possibility that some odorous compounds/pollutants are missed.*



*Analytical limit of detection - Another key limitation of many analytical methods is that some pollutants, and especially Volatile Organic Compounds (VOCs), which are responsible for the odour properties of a gaseous mixture, are present at concentrations in the range of the part per billion (ppb) or even part per trillion (ppt), which is lower than some instrumental detection limits (Carmen, 2020).*

*It appears that it is what happened for the sample collected with “many targeted compounds not detectable above the laboratory lower detection limits” (section 3 of the Report).*

*Wide range of concentrations for single pollutant ODT - Values of ODTs for a single pollutant often differ by several orders of magnitude. Ruth (Ruth, 1986) reported an odour threshold for acetaldehyde ranging from 0.0001 to 2.3ppm. It does mean that the COU can also vary by several order of magnitude depending on the choice of the ODT value. For formaldehyde, odour thresholds have been reported varying from 0.05 to 0.5 mg/m<sup>3</sup> (Van Gemert, 2003).*

*Assumption of additivity of the COUs - The method by which OAVs are calculated assumes that the COUs of the pollutants of the gaseous mixture are additive. Even if this above assumption was correct, the OAV of a gaseous mixture would never be correct with only a limited number of odorants measured from a gaseous mixture (limitations A and B). In addition, synergic or masking effects between pollutants may occur which tend to either exacerbate or annihilate the power of the odour for the whole mixture.*

Based on the above, Officers consider that the odour source assessment does not accurately characterise the emissions from the facility. A precautionary approach is necessary for assessing chemical emissions for premises of this nature. It is noted that sampling strategies may be unavoidably constrained by various factors. The Operational Odour Report has not documented these constraints which have influenced the adopted sampling strategy. This in turn presents Officers with uncertainty with regard to the outcome of the report.

In terms of offsite odour impact assessment, the peer review states as follows:

*Determination of the odour impact risk - EAQ Consulting has rated the risk for odour impact as low based on:*

*1. Low odour emission rate at the oven stack - however:*

- the odour concentration is higher than the odour concentration from the sample collected in a Nalophan bag and measured almost 24 hours later.*
- The absence of a pre-dilution with odourless air at the sampling time is unclear.*
- The odour emission rate at the oven stack represents a fraction of the total odour emission rate from all other odour sources including the oven stack but also the cooler stack, and the openings of the large doors.*
- Downwash and wake effects likely occur with the consequence of dragging the plumes from the two stacks down to ground level and at close distance from the shed.*

*2. High exit temperature, however:*

- the buoyancy and the plume elevation are limited with the plate and China cap over the two stacks, limiting the dispersion and dilution of the plumes from these sources.*

*3. The negligible chemical and theoretically derived chemical odour units, however:*

- this calculation is flawed, unequivocally not representative of the real emissions from the operation and must not be used.*



**4. OPAM Consulting had the opportunity to be downwind of the facility to recognise the odour from the Smartstream Technologies operations.**

With respect to the technical elements of the report, Officers consider that the odour risk rating of Low is not currently supported by the information contained within the application. The peer review of such information reveals concerns in this regard, as outlined previously. At this stage, Officers consider that the Operational Odour Report does not contain adequate information in accordance with the Department of Water Guideline for Odour Emissions, which is considered to be current best practice guidance material for odour risk assessment in Western Australia as shown in the Table below:

**Table 1: DWER Guideline: Odour Emissions and EAQ Consulting work**

DWER Guideline: Odour emissions Tools	EAQ Consulting work
Operational Odour Analysis (OOA)	there are limited discussions about the process and no identification of all possible odour sources and no discussion about the efficiency of odour controls
Odour Source Assessment (OSA)	a unique sample was collected at the oven stack, but no other odour sources were discussed
Location Review	no discussion about the location, topography, features that may impact the plume trajectory, wind conditions, etc
Odour Field Assessment (OOA)	no ambient testing (environmental/offsite odour testing) was carried out to verify the presence of offsite odours from the operation
Odour complaint analysis	no review of odour complaints received by the premises or by the Shire
Community surveys Comparative dispersion modelling Comparison with similar operations	secondary here compared to the above tools

Based on this assessment, and balancing these issues, the Condition intent needs to be retained so as to require annual reporting. In doing this, the Condition can be modified to make it specific to the task of annual reporting, as shown following:

Current Condition	Recommended Modified Condition
9. Within 90 days of occupation, an updated Odour Impact Risk Assessment is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Odour Impact Risk Assessment. The testing shall include air testing, all potential sources of	9. By 1 December each year, the operator shall submit an annual report documenting routine Odour Impact Testing and Monitoring for the development. This must be reported by a suitably qualified independent expert, together with the expert's recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically



Current Condition	Recommended Modified Condition
odour and the efficiency of odour controls. After this date, quarterly reports for the following two years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.	assess, based on the monitoring results, whether the operation is or is not having an adverse amenity or environmental impact on any residents in any direction surrounding the subject land. In the event that the independent expert determines that an adverse amenity or environmental impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented to the Shire's satisfaction, on advice of the Department of Water and Environmental Regulation.

#### Condition 10 - Production Limits

To support this change, the application has provided information that increasing production would not impact on the amenity of the adjoining neighbours. The increase in the production is earmarked to satisfy demand from overseas markets. The application states that the site currently dispatches three to four shipping containers per month and would be increased to six to eight containers per month being dispatched during the hours of 7:00am to 7:00pm.

Officers consider that the limit to the production units was included as a controlling mechanism directly linked to amenity impacts associated higher with production levels. It is common practice that Industry of this nature have restricted production levels to ensure that adverse environmental matters like pollution, waste generation, noise and odour are better controlled and regulated.

Officers consider that:

- PROVIDED Conditions are retained to require annual reporting, and;
- These Conditions require a suitably qualified independent expert to prepare this report, and make recommendations on the findings, and;
- In the event that the independent expert determines that an adverse amenity impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented;

the production limits can be removed. If these Conditions are not retained and strengthened, Officers do not support removing of such production limit due to the concerns of safe guarding amenity.

Current Condition	Recommended Modified Condition
10. The development is restricted to the production of a total of 1,500 plastic units a year.'	Delete

#### Condition 11 - Hours of Operation

The amendment to increase the hours of operation can be supported, PROVIDED that:

- Conditions are retained to require annual reporting, and;



- These Conditions require a suitably qualified independent expert to prepare this report, and make recommendations on the findings, and;
- In the event that the independent expert determines that an adverse amenity impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented;

If these Conditions are not retained and strengthened, Officers do not support removing of such hours of operation limit due to the concerns of safe guarding amenity.

Current Condition	Recommended Modified Condition
11. Operating hours are restricted to 7:00am to 5:30pm Monday to Friday and 7:00am to 1:00pm Saturdays.	Delete

#### Condition 12 - Operating Hours for Delivery Vehicles

Based on the submitted ENA, noise being received at nearby sensitive receptors is at the upper threshold of the assigned levels of the Regulations. Compliance with the assigned levels is not an assessment against the existing amenity afforded to the locality. As such, amending the times in which loading and unloading can occur and when service vehicles can enter the site has the potential to result in adverse amenity impacts. With good management practices, the operation should be able to manage its delivery vehicles in the allocated timeframe of the current Condition.

Current Condition	Recommended Modified Condition
12. All delivery vehicles servicing the site must load and unload within the boundaries of the site. Unloading and loading of goods may only be undertaken between 7:00am and 5.30pm within the approved days of operation.	No change.

#### Condition 14 - Increase stockpiling height

The rationale to amend the Condition was on the basis that the proposed height stockpiling would be along the southern boundary only and other areas of the site excluding the car parking areas and access road. The application states that increased planting along the eastern boundary will provide an effective buffer and screen the stockpile from view. The increase has been compared to the height of two shipping containers stacked on top of each other. The application considers that the landscaping of the site by planting trees along the boundaries would reduce the visual impact.

Officers considered that placement of stockpiles at a height of 5.4m will increase the visibility of the stockpiles when viewed from public vistas on South Western Highway. This is the gateway to Byford and will appear unsightly. As such, the proposed amendment is not supported.

Current Condition	Recommended Modified Condition
14. All stockpiling of plastic products shall not exceed 1.8m in height and shall only occur within the proposed hardstand laydown area.	No change.



**Condition 16 - Wastewater Management**

The application is seeking deletion of the Condition as they consider that the Condition has been satisfied based on the Chem Centre test reports which analyzed the properties of the wastewater generated from the mist tray. The report concluded that the wastewater from the mist tray was comparable with potable drinking water.

Officers support the removal of this Condition.

Current Condition	Recommended Modified Condition
16. Prior to occupation, a Wastewater Management Plan is required to be submitted to the Shire of Serpentine Jarrahdale for approval. The Wastewater Management Plan must demonstrate how residual water from the fine mist tray will be captured and details of the mechanism used to capture the wastewater.	Delete

**Condition 17 - Number of Commercial Vehicles**

To support the increase of commercial vehicles the applicant provided a technical note in the form of a Transport Assessment. This can be viewed within **attachment 10**. The Transport Assessment assessed traffic generated by the proposed development and its potential impact on the overall performance of the existing surrounding local road network which includes, Soldiers Road to the west, Cardup Siding to the north and South Western Highway to the east. The estimated staff and commercial vehicles movements are listed following:

- *Average four truck movements per working day*
- *Eight container trucks per month i.e. two per week.*
- *16 staff vehicle movements per day (eight staff total).*
- *Total existing maximum number of vehicles per typical weekday = 21 vehicles*

The Transport Assessment states that the majority of the commercial vehicles will access the site via Cardup Siding Road from South Western Highway. The largest vehicle is a 19m long semi-trailer used to transport shipping containers to and from the site with finished products. The figure below shows the road network used by vehicles entering and existing the site.



The Transport Assessment identifies that the development will generate 21 vehicle movements per day which equates to a total of 42 vehicles movements per day. The AM peak period generating 12 vehicle movements per hour (10 staff in and one truck in-and-out) in/out of the site and a PM peak flow of 21 trips generated (10 staff out, six staff in and five truck movements added) as a worst-case scenario.

The Transport Assessment concludes that the forecasted generated traffic would not cause any significant delay for traffic in the locality. Officers support deletion of this Condition.

Current Condition	Recommended Modified Condition
17. A maximum of two commercial vehicles a day are permitted to access the site for loading and unloading purposes	Delete

Condition 22 - Ground Water Testing

To support this amendment the applicant provided a Groundwater Investigation Report which can be viewed within **attachment 11**.

The report was based on a desktop review of the geology and hydrology survey data obtained from the Geological Survey of WA (GSWA) and online water information for registered bores. The site comprised of gravel sand clays . The site contains an onsite production bore located along the central western side of the site, essentially between the site operations and residential property to the west of Soldiers Road.

The report concluded that:

- *Groundwater flow direction beneath the Site is inferred to be generally to the west based on the GSWA study.*
- *Groundwater is fresh with salinity in the range 286 to 375 mg/L (447 to 587 µS/cm).*



- *Water testing completed since 2019 has not detected any sign of contamination attributed to the operations and it is concluded the results provide confidence the operations are not impacting groundwater quality and there is no unacceptable risk to the identified registered bores in the area or Cardup Brook.*

The report identified eight registered private bores which are within the vicinity of the operations. Given the close proximity of the facility to nearby residential properties, Officers consider that monitoring water quality should be on going requirement especially where nearby development relies upon groundwater supplies. Officers consider that it is standard practice to periodically collect samples from the production bore to ensure that adjoining sensitive receptors who also draw groundwater from the same aquifer are not impacted. This Condition to continuously monitor the water should be not removed as it provides a mechanism for the Shire to review the processes of the operation and ensure impacts to the groundwater are monitored at all times.

Balancing these issues, the Condition intent needs to be retained so as to require annual reporting. In doing this, the Condition can be modified to make it specific to the task of annual reporting, as shown following:

Current Condition	Recommended Modified Condition
<p>22. Within 90 days of occupation, a Ground Water Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the report and must demonstrate that groundwater quality has not been impacted upon by the approved development. After this date quarterly reports for the following two years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>22. By 1 December each year, the operator shall submit an annual report documenting routine Groundwater Testing and Monitoring for the development. This must be reported by a suitably qualified independent expert, together with the expert's recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity or environmental impact on any residents in any direction surrounding the subject land. In the event that the independent expert determines that an adverse amenity or environmental impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented to the Shire's satisfaction, on advice of the Department of Water and Environmental Regulation.</p>



**Options and Implications**

Option 1

That Council APPROVES IN PART the application to amend the existing approval for the ‘Plastic Production Workshop and Warehouse’ at Lot 41, 17 Cardup Siding Road, Cardup, as indicated in the following manner:

Current Condition	Amended Condition
<p>7. Within 90 days of occupation, an updated Emissions Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake air quality testing. The testing shall include ambient air testing, all potential sources of emissions and the efficiency of pollution controls. The results of the testing and analysis is to be reported to the Shire and referred to the toxicologist at the Department of Health for assessment within 90 days of the roto-moulder being commissioned. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>7. By 1 December each year, the operator shall submit an annual report documenting routine Emissions Testing and Monitoring for the development. This must be reported by a suitably qualified independent expert, together with the expert’s recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity or environmental impact on any residents in any direction surrounding the subject land. In the event that the independent expert determines that an adverse amenity or environmental impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented to the Shire’s satisfaction, on advice of the Department of Water and Environmental Regulation.</p>
<p>8. Within 90 days of occupation, an updated Environment Noise Report assessing the activities from the site is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Environment Noise Report. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>8. By 1 December each year, the operator shall submit an annual Environmental Noise Report routinely testing and monitoring noise. This must be reported by a suitably qualified independent expert, together with the expert’s recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity or environmental impact on any residents in any direction surrounding the subject land. In the event that the independent expert determines that an adverse amenity or environmental impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity</p>



Current Condition	Amended Condition
	impacts, has been implemented to the Shire's satisfaction, on advice of the Department of Water and Environmental Regulation.
<p>9. Within 90 days of occupation, an updated Odour Impact Risk Assessment is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Odour Impact Risk Assessment. The testing shall include air testing, all potential sources of odour and the efficiency of odour controls. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>9. By 1 December each year, the operator shall submit an annual report documenting routine Odour Impact Testing and Monitoring for the development. This must be reported by a suitably qualified independent expert, together with the expert's recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity or environmental impact on any residents in any direction surrounding the subject land. In the event that the independent expert determines that an adverse amenity or environmental impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented to the Shire's satisfaction, on advice of the Department of Water and Environmental Regulation.</p>
<p>10. The development is restricted to the production of a total of 1,500 plastic units a year.</p>	Delete.
<p>11. Operating hours are restricted to 7:00am to 5:30pm Monday to Friday and 7:00am to 1:00pm Saturdays.</p>	Delete.
<p>12. All delivery vehicles servicing the site must load and unload within the boundaries of the site. Unloading and loading of goods may only be undertaken between 7:00am and 5.30pm within the approved days of operation.</p>	No change.
<p>14. All stockpiling of plastic products shall not exceed 1.8m in height and shall only occur within the proposed hardstand laydown area.</p>	No change.
<p>16. Prior to occupation a Wastewater Management Plan is required to be submitted to the Shire of Serpentine Jarrahdale for</p>	Delete



Current Condition	Amended Condition
approval. The Wastewater Management Plan must demonstrate how residual water from the fine mist tray will be captured and details of the mechanism used to capture the wastewater.	
17. A maximum of two commercial vehicles a day are permitted to access the site for loading and unloading purposes.	Delete.
22. Within 90 days of occupation, a Ground Water Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the report and must demonstrate that groundwater quality has not been impacted upon by the approved development. After this date quarterly reports for the following two years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.	22. By 1 December each year, the operator shall submit an annual report documenting routine Groundwater Testing and Monitoring for the development. This must be reported by a suitably qualified independent expert, together with the expert's recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity or environmental impact on any residents in any direction surrounding the subject land. In the event that the independent expert determines that an adverse amenity or environmental impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented to the Shire's satisfaction, on advice of the Department of Water and Environmental Regulation.

### Option 2

That Council REFUSES the amendment to the existing approval for the 'Plastic Production Workshop and Warehouse' at Lot 41, 17 Cardup Siding Road, Cardup, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:

1. The application does not demonstrate that the removal of annual reporting of potential adverse external impacts, coupled with an increase in production, can occur without potentially affecting the amenity of the area.
2. The application does not represent an appropriate change to contemplate at this stage, given the uncertainties associated with the issues of odour impact, air emission impact, noise impact and groundwater management impact.

Option 1 is recommended.

**Conclusion**

The application seeks approval to amend Conditions of the existing approval. The merits-based assessment performed for the application, including the peer review of technical reports conclude there to be insufficient evidence to support all aspects of the proposal. Specifically, Officers consider that amendments to Conditions are required, but in a manner that creates a clearer framework for annual reporting and for remedial action to take place if issues arise. Subject to these Conditions being modified and retained, Officers recommend support to increase production limits and hours of operation Conditions. Through enabling the increased production and hours of operation, together with a requirement for annual reporting and remedying of any issues, the Officer recommendation is considered to strike an appropriate balance considering the merits of the application.

**Attachments (available under separate cover)**

- **10.1.3 - attachment 1** - Application Details (E23/9970)
- **10.1.3 - attachment 2** - Summary of Submissions (E23/7573)
- **10.1.3 - attachment 3** - Deemed Provisions Clause 67 (E23/9971)
- **10.1.3 - attachment 4** - Air Quality Impact Assessment Report (E23/9657)
- **10.1.3 - attachment 5** - Air Quality Technical Review (E23/9910)
- **10.1.3 - attachment 6** - Environmental Noise Assessment (E23/9663)
- **10.1.3 - attachment 7** - Environmental Noise Technical Review (E23/9964)
- **10.1.3 - attachment 8** - Operational Odour Assessment (E23/9966)
- **10.1.3 - attachment 9** - Operational Odour Technical Review (E23/9965)
- **10.1.3 - attachment 10** - Transport Analysis Technical Note (E23/9779)
- **10.1.3 - attachment 11** - Ground Water Testing Report (E23/9780)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

Nil.



**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered to comprise the lowest strategic risk.						
2	That Council refuses the application, resulting in an appeal to the SAT	Planning framework	Financial	Possible	Moderate	MODERATE	Valid reasons for refusal.

**Voting Requirements:** Simple Majority

**Officer Recommendation**

That Council **APPROVES IN PART** the application to amend the existing approval for the ‘Plastic Production Workshop and Warehouse’ at Lot 41, 17 Cardup Siding Road, Cardup, as indicated in the following manner:

Current Condition	Amended Condition
<p>7. Within 90 days of occupation, an updated Emissions Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake air quality testing. The testing shall include ambient air testing, all potential sources of emissions and the efficiency of pollution controls. The results of the testing and analysis is to be reported to the Shire and referred to the toxicologist at the Department of Health for assessment within 90 days of the roto-moulder being commissioned. After this date, quarterly reports for the following 2 years will be required to be submitted to</p>	<p>7. By 1 December each year, the operator shall submit an annual report documenting routine Emissions Testing and Monitoring for the development. This must be reported by a suitably qualified independent expert, together with the expert’s recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity or environmental impact on any residents in any direction surrounding the subject land. In the event that the independent expert determines that an adverse amenity or environmental impact is occurring, the operation is to cease and not recommence until such time</p>





Current Condition	Amended Condition
<p>the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>that remedial action to avoid such adverse amenity impacts, has been implemented to the Shire's satisfaction, on advice of the Department of Water and Environmental Regulation.</p>
<p>8. Within 90 days of occupation, an updated Environment Noise Report assessing the activities from the site is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Environment Noise Report. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>8. By 1 December each year, the operator shall submit an annual Environmental Noise Report routinely testing and monitoring noise. This must be reported by a suitably qualified independent expert, together with the expert's recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity or environmental impact on any residents in any direction surrounding the subject land. In the event that the independent expert determines that an adverse amenity or environmental impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented to the Shire's satisfaction, on advice of the Department of Water and Environmental Regulation.</p>
<p>9. Within 90 days of occupation, an updated Odour Impact Risk Assessment is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Odour Impact Risk Assessment. The testing shall include air testing, all potential sources of odour and the efficiency of odour controls. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>9. By 1 December each year, the operator shall submit an annual report documenting routine Odour Impact Testing and Monitoring for the development. This must be reported by a suitably qualified independent expert, together with the expert's recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity or environmental impact on any residents in any direction surrounding the subject land. In the event that the independent expert determines that an adverse amenity or environmental impact is occurring, the operation is to</p>



Current Condition	Amended Condition
	cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented to the Shire's satisfaction, on advice of the Department of Water and Environmental Regulation.
10. The development is restricted to the production of a total of 1,500 plastic units a year.	Delete.
11. Operating hours are restricted to 7:00am to 5:30pm Monday to Friday and 7:00am to 1:00pm Saturdays.	Delete.
12. All delivery vehicles servicing the site must load and unload within the boundaries of the site. Unloading and loading of goods may only be undertaken between 7:00am and 5.30pm within the approved days of operation.	No change.
14. All stockpiling of plastic products shall not exceed 1.8m in height and shall only occur within the proposed hardstand laydown area.	No change.
16. Prior to occupation a Wastewater Management Plan is required to be submitted to the Shire of Serpentine Jarrahdale for approval. The Wastewater Management Plan must demonstrate how residual water from the fine mist tray will be captured and details of the mechanism used to capture the wastewater.	Delete
17. A maximum of two commercial vehicles a day are permitted to access the site for loading and unloading purposes.	Delete.
22. Within 90 days of occupation, a Ground Water Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the report and must demonstrate that groundwater quality has not been impacted upon by the approved development. After this date	22. By 1 December each year, the operator shall submit an annual report documenting routine Groundwater Testing and Monitoring for the development. This must be reported by a suitably qualified independent expert, together with the expert's recommendations for how the operation must improve or change, as the case may be, based on the results. The independent expert review is to specifically assess, based on the monitoring results,



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<b>Current Condition</b>	<b>Amended Condition</b>
<p>quarterly reports for the following two years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.</p>	<p>whether the operation is or is not having an adverse amenity or environmental impact on any residents in any direction surrounding the subject land. In the event that the independent expert determines that an adverse amenity or environmental impact is occurring, the operation is to cease and not recommence until such time that remedial action to avoid such adverse amenity impacts, has been implemented to the Shire's satisfaction, on advice of the Department of Water and Environmental Regulation.</p>



**10.1.4 - Proposed Ancillary Dwelling - Lot 13, 119 Peters Way, Oakford (PA23/273)**

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

**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:	Malcom and Balance Rodgers
Owner:	As Above
Date of Receipt:	3 May 2023
Lot Area:	2.4ha
Town Planning Scheme No 2 Zoning:	'Special Rural'
Metropolitan Region Scheme Zoning:	'Rural'

**Report Purpose**

The purpose of this report is for Council to consider a development application for an 'Ancillary Dwelling' at Lot 13, 119 Peters Way, Oakford. The proposal seeks to vary the plot ratio (132.5m<sup>2</sup> in lieu of 100m<sup>2</sup>) under Local Planning Policy 4.1 - Ancillary Dwellings (LPP4.1). The application also seeks a variation to the southern lot boundary setback and the removal of four trees.

Officers do not have delegated authority to determine development applications which vary Local Planning Policies in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

It is considered that, notwithstanding the variation, the proposal is consistent with the objectives of LPP4.1 and the broader planning framework. Therefore, the application is recommended for approval.

**Relevant Previous Decisions of Council**

There are no previous Council decision relating to this application.

**Background**

Existing Development

The subject site is 2.4 hectares and has been developed for residential and equine purposes. It currently contains a single house that is located to the western portion of the lot, along with incidental structures such as outbuildings, stables, horse shelters and rainwater tanks.



Figure 1: Aerial image

The locality is characterised by rural residential living and hobby farms, predominantly associated with equestrian pursuits. The large 'Special Rural' zoned properties in this locality contain vegetation, some being remnant native vegetation and also eastern states species introduced in the subdivision of the area as shelter belts. This preserves and retains the rural landscape characteristics of this locality.

#### Proposed Development

The application seeks approval for the construction of a single storey ancillary dwelling to the southern of the subject site. The ancillary dwelling would comprise of two bedrooms, a living room, a dining room, a laundry, a bathroom and a kitchen with a plot ratio of 110.3m<sup>2</sup>. In addition, an indoor swimming pool room of 22.2m<sup>2</sup> would be attached to the ancillary dwelling. This increases the overall plot ratio of the ancillary dwelling to 132.5m<sup>2</sup>. The proposal has been designed to blend in with the existing single house by way of colours, rendered finish, roof pitch and colourbond roof. Access to the dwelling is proposed via the existing crossover and driveway to Peters Way. The proposal also seeks approval for the removal of four trees in order to achieve a BAL12.5 rating. The site plan, floor plan and elevations are depicted following. Full details of the proposal are contained within **attachment 1**.

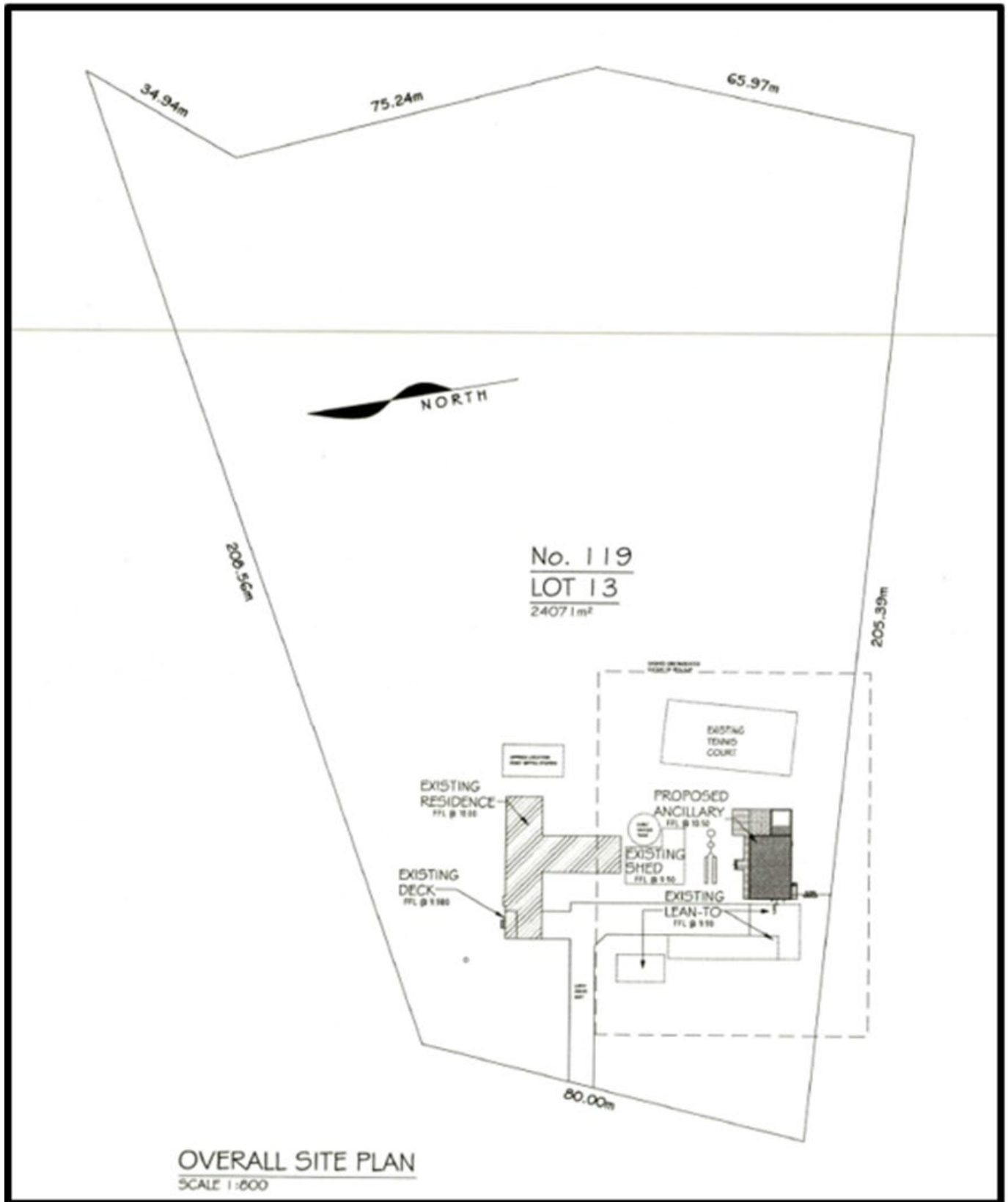
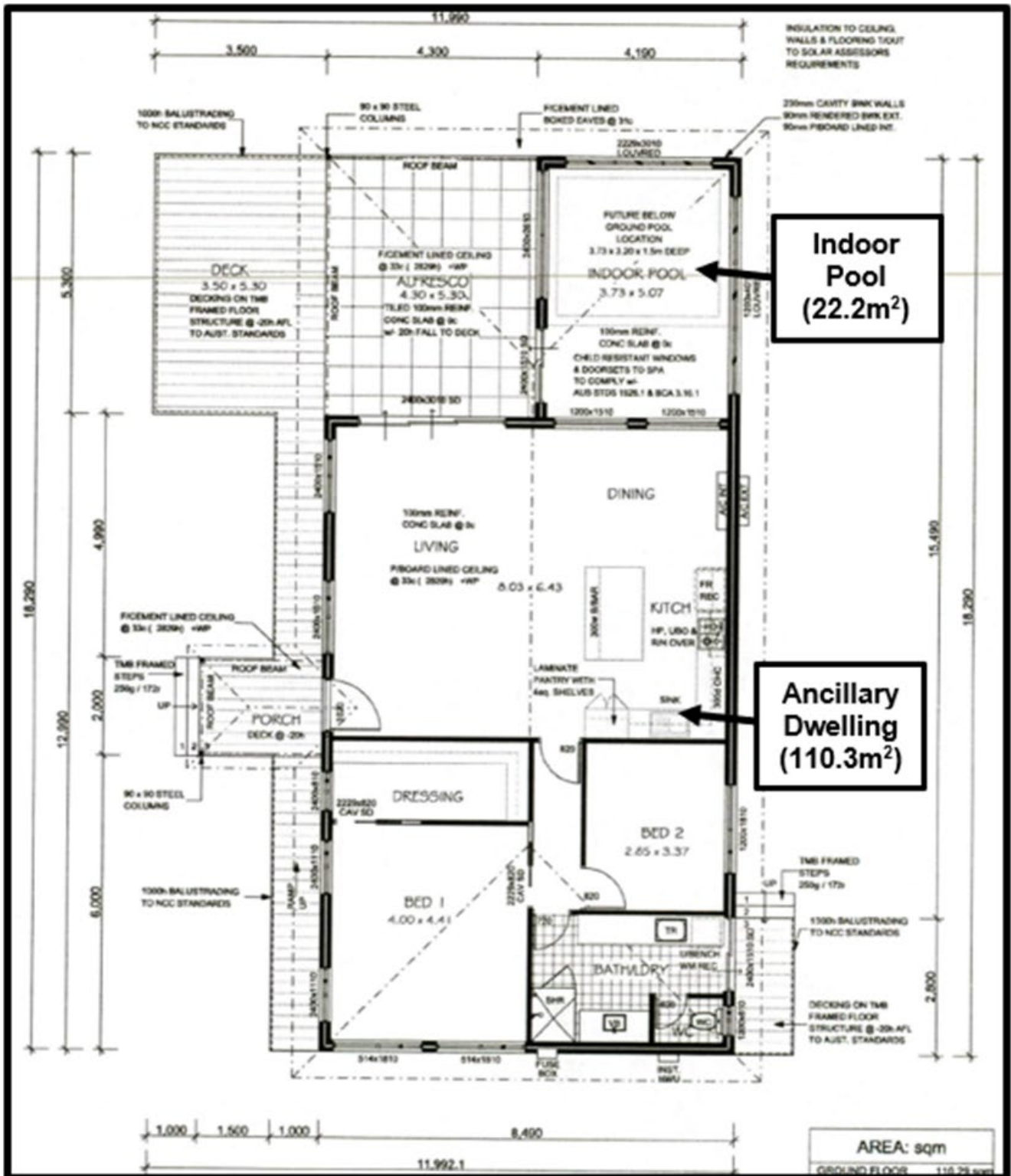


Figure 2: Site Plan



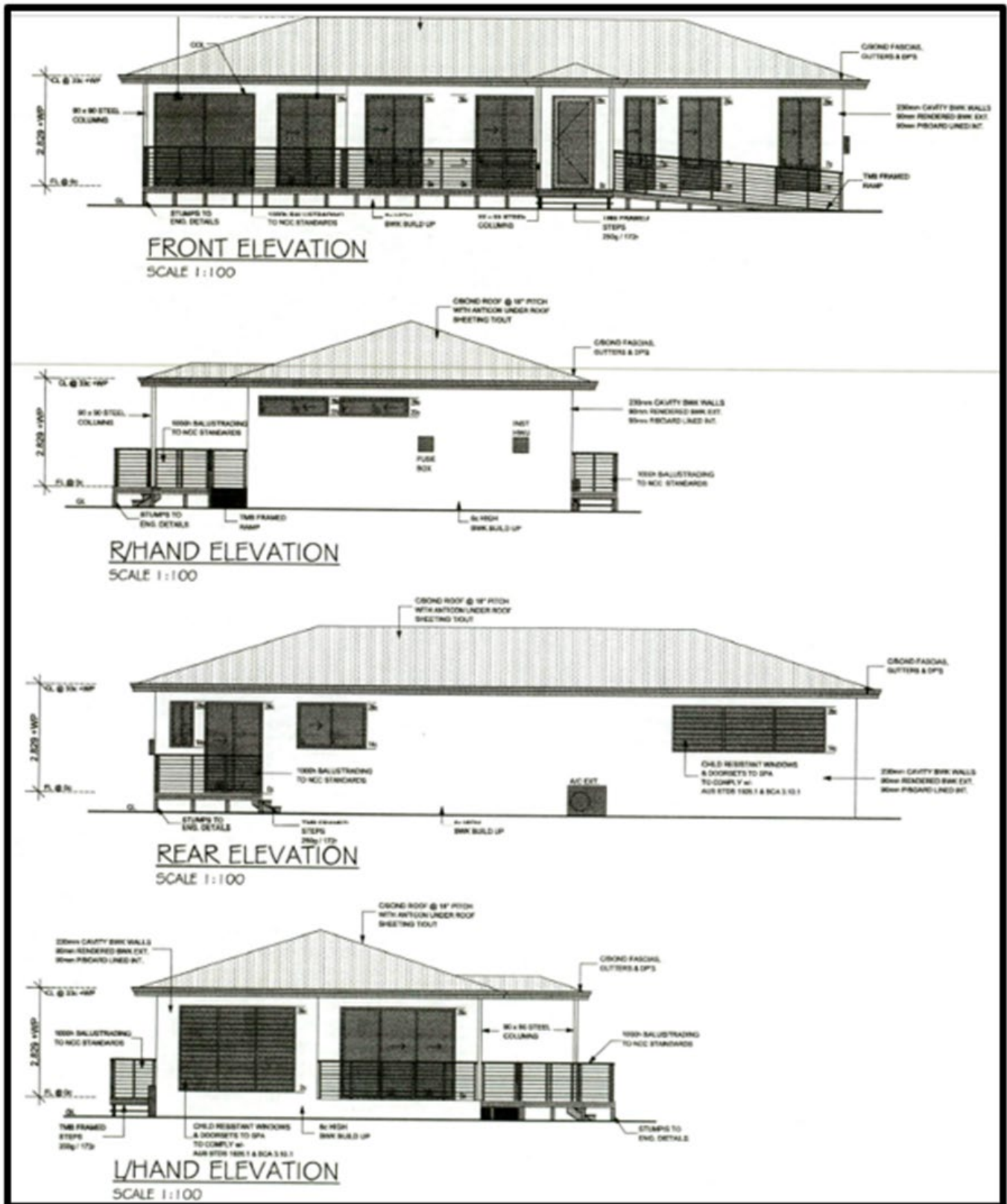


Figure 4: Elevation Plans





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## Community / Stakeholder Consultation

The application was advertised to adjoining landowners for a period of 14 days from 3 May 2023 to 17 May 2023, in accordance with the Shire's Local Planning Policy 1.4 - Public Consultation for Planning. No submissions were received at the end of the advertising period.

### Statutory Environment

#### Legislation

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

#### State Government Policies

- State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes)
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

#### Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy;
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
- Draft Shire of Serpentine Jarrahdale Draft Local Planning Scheme No. 3 (LPS3)
- Local Planning Policy 4.1 - Ancillary Dwellings (LPP4.1)
- Local Planning Policy 4.16 - Tree Retention and Planting (LPP4.16)

### Planning Assessment

A full technical assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions, which can be viewed in **attachment 2**. For the purpose of this report, discussion is confined to the plot ratio which varies LPP4.1 and where Council is required to exercise its discretion.

#### Land Use

The application seeks approval for an 'Ancillary Dwelling', which is defined under the R-Codes as a *"Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house"*.

The subject site is zoned 'Special Rural' under the Shire's TPS2. Under Table 1 – Zoning Table of TPS2, the land use of 'Ancillary Dwelling' is an 'AA' or discretionary use in the 'Special Rural' zone which means *"Council may, at its discretion, permit the use"*. The land use is therefore able to be considered within TPS2.

#### Form of Development and Amenity

The development of Ancillary Dwellings is guided by the R-Codes and LPP4.1. The proposal is largely compliant except for the following two variations:

- The proposal varies the deemed-to-comply requirements of the R-Codes for lot boundary setbacks, proposing 8m in lieu of 10m; and
- The proposal varies the plot ratio standards of LPP4.1, proposing 132.5m<sup>2</sup> in lieu of 100m<sup>2</sup>.



LPP4.1 states that “Ancillary Dwellings with a plot ratio in excess of 100m<sup>2</sup> will not be supported unless exceptional circumstances are demonstrated and the design requirements of Schedule 1 are met.”

The proposal has been assessed against the objectives of the R-Codes and LPP4.1 following:

<b>R-Codes – Clause 5.1.3 – Lot Boundary Setback Variation Assessment</b>	
<b>Design Principle</b>	<b>Comment</b>
<p><i>P3.1 Buildings set back from lot boundaries or adjacent building on the same lot so as to:</i></p> <ul style="list-style-type: none"> <li>• <i>Reduce impacts of building bulk on adjoining properties;</i></li> </ul>	<p><b>Complies.</b> The proposal seeks approval for a minor 2m setback variation to the south side lot boundary. The ancillary dwelling by way of form would present an 18m long wall towards the neighbour and a roof pitch height of under 5m. This is considered consistent with a typical single storey residential form of development. The neighbouring residence is set back approximately 58m from the proposed ancillary dwelling location. Therefore, despite the reduced setback Officers do not consider the proposal would generate adverse building bulk to the adjoining neighbour.</p>
<ul style="list-style-type: none"> <li>• <i>Provide adequate direct sunlight and ventilation to the building and open spaces on the site and adjoining properties; and</i></li> </ul>	<p><b>Complies.</b> Officers consider that as the ancillary dwelling would be set back 8m from the lot boundary, it would not result in overshadowing impacting the adjoining neighbour. This satisfies this portion of the design principle.</p>
<ul style="list-style-type: none"> <li>• <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i></li> </ul>	<p><b>Complies.</b> The ancillary dwelling is raised to have a floor level approximately 500mm above natural ground level. There are openings facing towards the neighbour to the south. However, the structure is setback 8m from the lot boundary and is compliant with Clause 5.4.1 – Visual Privacy of the R-Codes which only requires raised bedrooms to be set back 4.5m and 6m for other habitable rooms. Therefore, being compliant with the R-Codes deemed-to-comply requirements Officers consider the proposal would not create adverse levels of overlooking or loss of privacy.</p>

<b>LPP4.1 – Plot Ratio Variation Assessment</b>	
<b>Objective</b>	<b>Comment</b>
<p><i>Ensure that Ancillary Dwellings are designed and located to appear visually related with the primary dwelling and minimise impact on the amenity of the locality.</i></p>	<p><b>Complies.</b> The proposed ancillary dwelling would be attached to existing patios on site and is positioned near existing residential development on site. The ancillary dwelling would therefore maintain a clustered form of development towards the front of the lot, being near to the existing outbuilding, tennis court and patios on site. The form and external appearance of the proposal would match that of the main dwelling as the same pitched roof design is proposed and the structure would have elements such as a verandah, which the existing dwelling has. Therefore,</p>



<b>LPP4.1 – Plot Ratio Variation Assessment</b>	
<b>Objective</b>	<b>Comment</b>
	Officers consider the ancillary dwelling would appear visually related and consistent with this objective, not having an adverse impact on the amenity of the locality.
<i>Ensure that Ancillary Dwellings are subservient to the primary dwelling.</i>	<p><b>Complies.</b> Officers consider it is not uncommon for ancillary dwellings to have a larger appearance than a 100m<sup>2</sup> unit, due to the allowance for certain attached non-habitable rooms such as storerooms to not be included in plot ratio calculations. Officers note that the proposed increase to floor area is primarily to facilitate an indoor swimming pool room of 22.2m<sup>2</sup>. Officers consider that this would form a key component of wellness regimes that aged members of society would benefit from. Therefore, the increase to floor area is supported from this perspective.</p> <p>The proposal would have a wall and ridge height similar to the existing dwelling. Furthermore, despite the 32.5m<sup>2</sup> floor area variation, the ancillary dwelling is still smaller in scale than the primary dwelling which has a floor area of approximated 320m<sup>2</sup>. Therefore, as the ancillary dwelling is far smaller in area than the existing dwelling it would appear subservient, satisfying the objective in this instance.</p>
<i>Protect against increase in residential density and ad hoc fragmentation of land by ensuring that development does not encourage future subdivision.</i>	<p><b>Complies.</b> As discussed previously, the proposed ancillary dwelling would be situated in close proximity to the existing dwelling and other development on site, maintaining a clustered form of development. This would ensure future subdivision of the land is not encouraged. The site however is zoned 'Special Rural' under TPS2 and would be 'Rural Residential 2' under LPS3. As the site is 2.4 hectares (which is the minimum lot size), it would not be capable of further subdivision.</p>

In summary, the proposal is considered consistent with the Design Principles of the R-Codes and the objectives of LPP4.1. Officers recommend that Council support the variations to LPP4.1 due to the reasons mentioned.

#### Tree Removal

Clause 67.2(p) requires consideration of whether any trees or vegetation would be affected by a proposal. The proposal seeks to remove four trees, which are not exempt from requiring development approval in accordance with Clause 7.12.4 of TPS2. The applicant proposes to remove these trees to achieve the conditional BAL rating of BAL12.5 for the proposed ancillary dwelling.

Clause 7.12.6 of TPS2 and Local Planning Policy 4.16 - Tree Retention and Planting (LPP4.16) provide the relevant standards in considering the removal of trees in this instance. These standards broadly seek to retain landscape characteristics of the Shire and preserve or improve biodiversity values. The trees proposed for removal were planted by the landowner approximately 35 to 40 years ago, at the time the subdivision was created. These trees are a non-local native



species of eucalyptus tree. Therefore, as a non-local native species, the biodiversity values and services offered by these trees is reduced to if they were native trees. Furthermore, Officers note that the site maintains a compliant level of canopy coverage in accordance with the Shire's Urban and Rural Forest Strategy, which is a base line of 21% for 'Peri-Urban' areas. Additionally, there are other existing trees within the site and on neighbouring properties that would screen the location of the removal, ensuring the removal of the four trees is not a significant impact to the existing landscape. Therefore, Officers consider that the rural landscape characteristics of the locality would not be adversely impacted.

### Options and Implications

#### Option 1

That Council APPROVES the development application for the Ancillary Dwelling at Lot 13, 119 Peters Way, Oakford subject to the following conditions:

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

Plans and Specifications	P1 – P4 received at the Shire Offices on 5 April 2023 Bushfire Attack Level Assessment (P5) dated 28 April 2023.
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- b. All stormwater shall be disposed of within the property.
- c. The landowner shall replace the four trees removed by the approved development elsewhere on the subject land, with selected species to be native to the local area.

#### Option 2

That Council REFUSES the development application for the Ancillary Dwelling at Lot 13, 119 Peters Way, Oakford due to the plot ratio variation being considered as too excessive for the form of proposed development, which would create the impression of over development on the subject land detracting from the rural residential amenity of the area.

Option 1 is recommended.

### Conclusion

The proposal seeks approval for an ancillary dwelling. Officers consider that despite variations to LPP4.1 and the R-Codes, the proposal would not adversely impact the amenity of the locality or neighbouring properties, meeting the objectives of the policies. Officers recommend Council approve the development.

### Attachments (available under separate cover)

- **10.1.4 – attachment 1** – Development Plans (E23/9974)
- **10.1.4 – attachment 2** – Technical Assessment (E23/9973)

### Alignment with our Strategic Community Plan

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



### Financial Implications

Nil.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
			Likelihood	Consequence	Risk Rating	
There are no risks associated with Option 1.						
That Council refuses the development application despite the Officer assessment, which may result in a SAT review and costs being incurred.	Planning framework	Reputation	Possible	Minor	MODERATE	Ensure that reasons for refusal are based on valid planning reasons.

**Voting Requirements:** Simple Majority

### Officer Recommendation

That Council **APPROVES** the development application for the Ancillary Dwelling at Lot 13, 119 Peters Way, Oakford subject to the following conditions:

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

<b>Plans and Specifications</b>	<b>P1 - P4 received at the Shire Offices on 5 April 2023 Bushfire Attack Level Assessment (P5) dated 28 April 2023.</b>
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- b. All stormwater shall be disposed of within the property.
- c. The landowner shall replace the four trees removed by the approved development elsewhere on the subject land, with selected species to be native to the local area.



**10.1.5 - Section 31 Reconsideration - Proposed Amendment to Delete Condition of Development Approval - Lot 87, 26 Karbro Drive, Cardup (SJ4210)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	As below
Owner:	JJ and Yolanda Stevens
Date of Receipt:	29 June 2023
Lot Area:	2.6 hectares
Town Planning Scheme No 2 Zoning:	'Special Rural'
Metropolitan Region Scheme Zoning:	'Rural'

**Report Purpose**

The purpose of this report is for Council to consider a Section 31 request for reconsideration received from the State Administrative Tribunal (SAT), regarding the reconsideration of a development approval resolved by Council at the 15 May 2023 Ordinary Council Meeting.

At that meeting, development approval was granted to remove a Condition of approval that required horse arena lights to be relocated to the south side of the arena, at Lot 87, 26 Karbro Drive, Cardup. The Condition was removed and replaced with Conditions (b) and (c), which intended to address the amenity impact of the lights through managing light spill and the time period when the lights can be used.

Subsequently, the applicant has requested a review of these Conditions by SAT. As a result of a direction of SAT, the Shire has been invited to reconsider its decision of 15 May 2023. The applicant has provided updated information clarifying their intent for the use of the arena lights, this can be viewed in the revised proposal section of this report. Upon review, Officers recommend that Council vary its decision of 15 May 2023.



**Relevant Previous Decisions of Council**

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

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

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

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

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

**Background**

Existing Development

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

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



Figure 1: Aerial imagery of the site

### Initial Proposal

The initial application (PA23/54) sought approval to remove Condition (e) from a previous Council decision on 19 September 2022 (PA22/535). Condition (e) read as follows:

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

The applicant provided a Lighting Report prepared by a lighting consultant to demonstrate, in their opinion, that the lights in their current location meet acceptable levels and would not represent an unacceptable amenity impact to adjoining residences. Furthermore, the applicant advised that it would not be possible to reposition the lights to the south side of the arena as this is shared with the lot boundary. Council approved the application at the OCM on 15 May 2023, subject to Conditions that were to address potential amenity impacts through managing light spill and the time period in which the lights were able to be used. The initial approval, the site plan and Lighting Report can be viewed in **attachment 1**.

### SAT Proceedings

Following Council’s decision, the applicant lodged an appeal with the SAT, received by the Shire on 29 June 2023. Following a directions hearing, the SAT invited the Shire to reconsider its decision, based on the amended plans provided by the applicant. A reconsideration under Section 31(1) allows for Council to either:

- Affirm the decision;





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

If Council varies the original decision, then the next step depends on the applicant. If the applicant is satisfied with the varied decision, they may choose to withdraw the proceedings and the new decision comes into effect. If the applicant is not satisfied with the new decision, the proceedings are resolved before SAT by way of a full hearing.

### Revised Proposal

The Conditions subject of this appeal are Conditions (b) and (c), which are as follows:

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

The applicant provided updated information to justify that the Conditions had been met or are no longer necessary. Regarding Condition (b), the applicant indicated that the lights had been angled down to demonstrate the reduction in light spill into adjoining properties, compared to when initially assessed. The applicant has submitted that, in their opinion, the current angle is now considered the most effective possible to manage lighting, rider safety and limiting light spill.

Regarding Condition (c), the applicant stated that in retrospect, the restricted use of the lights from 6:00pm to 8:00pm does not account for the sun setting earlier during winter months. Not being able to use the lights prior to 6:00pm during winter months compromises rider and horse safety. Instead, the applicant seeks this Condition to be amended to enable the lights to be used freely, though no later than 8:00pm.

### **Community / Stakeholder Consultation**

In accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters, the application for review was readvertised as an objection was received during the initial application. During this period one submission was received. The full objection can be viewed within **attachment 2**. In summary, the objection supports the removal of Condition (c) subject to a two-hour period being maintained across any day. Though the objection does not support the removal of Condition (b). This has been discussed further under the relevant headings of the report.

### **Statutory Environment**

#### Legislation

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

#### Local Planning Framework

- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2*
- *Shire of Serpentine Jarrahdale Draft Local Planning Scheme No. 3*
- *Shire of Serpentine Jarrahdale Local Planning Strategy.*



## Planning Assessment

For the purposes of this report, discussion is confined to the additional information provided by the applicant, the objection received and the Conditions subject to this SAT process.

### Condition (b)

Condition (b) relates specifically to light spill management. The Condition was originally provided by Council in response to the need to manage amenity of neighbouring properties while the lights are in use. Equine pursuits including horse arenas and associated lighting are commonplace in the locality. Should the removal of Condition (b) be considered, Council would need to be satisfied that adverse amenity impacts of the lighting spill to neighbouring properties can be managed.

The objection received indicates that more than 3m of light spill outside the property boundaries is generated and that the lights are angled higher than 14-degrees. The concern raised is that this is contrary to what the applicant's cover letter stated in the initial application. Officers note that the applicant's lighting report states that when the lights are at an angle of 35-degrees they comply with the AS/NZS 4282-2019 lighting standards (Australian Standards), which relates to the control of obtrusive effects of outdoor lighting.

Officers undertook a site visit during an evening period to view light spill. The following photographs were captured:



Figure 2: View of the arena lights



Figure 3: View of the lights towards the south neighbour



Figure 4: View of the lights towards the South-West neighbour



**Figure 5: Photo location reference, based on report figure numbers**

Officers site visit confirmed that a degree of light spill does extend further than 3m from the property boundaries. Figure 2 shows the large gum tree line illuminated and Figure 4 shows the neighbour's outbuilding slightly illuminated. However, this is considered a very low intensity of residual lighting spill, with the brighter light spill being maintained mostly within, or near, to the lot boundary. While the light bulbs themselves are visible from neighbouring properties and the Karbro Drive streetscape (as Figure 2 shows), it is not uncommon for light bulbs to be viewed from other sources in a locality. This is considered quite commonplace in a rural residential area.

Officers consider that the lights are angled sufficiently downwards into the horse arena to the point where the full illumination does not extend to the edges of the arena. As Figure 2 shows, the edge of the arena opposite to the lights receives less efficient lighting. Officers consider that angling the lights any more downwards would render safe illumination ineffective (as shown in Figure 2), which is not an appropriate solution to consider taking into account the importance of rider safety. Officers therefore recommend Condition (b) be removed.

#### Condition (c)

Condition (c) relates specifically to the period in which the lights can be used. The Condition was provided in consultation with the applicant in order to mitigate amenity impacts to neighbouring properties due to extended use of the lights. Upon review, during winter months, the sun sets earlier in the evening (as seen in Figure 2 above, which was taken prior to 6:00pm). This means the lights are required to ensure the arena is illuminated to maintain safety during horse training. Officers note that the lighting report provided by the applicant indicates that the amount of light received by neighbouring properties during day-periods is compliant with the Australian



Standards. Officers therefore consider that the operation of the lights during the day-periods would not adversely impact adjoining residents. It is recommended that Council modifies this Condition to instead read: *“Use of the lights shall occur no later than 8:00pm on any day.”*

**Options and Implications**

Option 1

That Council:

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

*“Use of the lights shall occur no later than 8:00pm on any day.”*
  - c. Re-lettering the decision accordingly.
2. RE-ISSUES its decision to APPROVE the development application PA22/535 as contained within **attachment 1**, for Lot 87 (26) Karbro Drive, Cardup, subject to the following Conditions:
  - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other Conditions of this consent.

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

Option 2

That Council resolves NOT TO VARY its original decision.

Option 1 is recommended.

**Conclusion**

This application has been presented to Council as the applicant has appealed the application to SAT, through which a reconsideration request has been granted to the Shire. On review, Officers recommend deletion of Condition (b) on the basis that lighting direction is now considered acceptable, and modified Condition (c) to account for seasonal use aspects of the arena.

**Attachments (available under separate cover)**

- **10.1.5 - attachment 1** - Original Application Determination (OC23/9672)
- **10.1.5 - attachment 2** - Summary of Submissions (E23/9999)



**Alignment with our Strategic Community Plan**

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

**Financial Implications**

Nil.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council resolves to vary its decision by removing Condition (b) and modifying Condition (c).	This is considered the lowest strategic risk option.					
2	That Council resolves to not vary their decision and the applicant seeks a review at a full hearing with the State Administrative Tribunal.	Shire of Serpentine Jarrahdale's Town Planning Scheme No. 2	Reputation	Possible	Moderate	MODERATE	Council engaging external representation to manage the hearing, in accordance with Council Policy.



**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

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

*“Use of the lights shall occur no later than 8:00pm on any day.”*
  - c. Re-lettering the decision accordingly.
2. RE-ISSUES its decision to APPROVE the development application PA22/535 as contained within attachment 1, for Lot 87 (26) Karbro Drive, Cardup, subject to the following Conditions:
  - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other Conditions of this consent.

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



**10.1.6 - Environmentally Sustainable Design Considerations for Development within the Shire of Serpentine Jarrahdale (SJ4206)**

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

**Authority / Discretion**

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

The purpose of this report is for Council to consider options for expanding environmentally sustainable design controls and/or incentives for new development within the Shire of Serpentine Jarrahdale. The report outlines potential approaches that could be taken in this regard, and proposes an approach for Council's consideration.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting - 15 May 2023 - OCM093/05/23 - COUNCIL RESOLUTION / Councillor Recommendation*  
*That Council REQUESTS the Chief Executive Officer prepare a report to Council within three months, to explain potential options for expanding environmentally sustainable design controls and/or incentives for new development within the Shire, together with recommended approaches that could be taken in this regard.*

**Background**

Environmental sustainability of development is important, considering the contribution of building construction and ongoing building operation to energy consumption, and thus carbon emissions. This issue is recognised in the Shire's Local Planning Strategy, which identifies sustainability as one of the principles that guides the Shire's vision, to '*ensure development considers social, economic and environmental outcomes and does not compromise intergenerational equity*'.

Various environmentally sustainable design considerations are currently implemented through the Shire's planning framework. This pertains to include private, developer-led residential and commercial development, as well as Shire-led infrastructure and development projects.

Apart from development applications, structure plans, subdivision applications and applications for building permits also consider environmentally sustainable design aspects.

There are however a range of additional options that Council could take, with the focus to expand environmentally sustainable design controls and/or incentives for development.

**Community / Stakeholder Consultation**

Depending on the path chosen, community engagement would take place.





## **Statutory Environment**

### Legislation

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

### State Government Policies

- State Planning Policies

### Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No. 3

## **Planning Assessment**

### Environmentally Sustainable Design in the Planning Framework

Before considering additional options that may be taken, the following sets out the current aspects of the planning framework that deal with sustainable development considerations.

- The Shire's strategic framework includes guidance pertaining to environmentally sustainable development outcomes. This identifies sustainability as a key planning principle and contains a strategy under Section 5.4.5 to '*encourage developments to implement sustainable practices which reduce emissions and minimise waste products*'.
- Under Clause 16 of the Deemed Provisions, structure plans must address the natural environment, land uses, reserves, transport networks, and public open space of the area, and should include accompanying technical appendices. These appendices often address environmental sustainability through an environmental assessment and management strategy, flora and fauna survey, and local or district water management strategy.
- As part of subdivision, conditions prescribe engineering and landscape drawings, urban water management plans, revegetation management plans and local development plans, allowing for the implementation of water sensitive urban design, public open space and verge landscaping, vegetation planting and built form provisions.
- Current local planning policies include LPP 2.4 (dealing with water sensitive design); LPP 4.16 (dealing with tree retention and planting); LPP 2.7 (dealing with biodiversity planning) and; LPP 3.8 (dealing with *inter alia* environmentally sustainable design within the Byford District Centre).
- As part of applying for a building permit, environmental sustainability controls are enforced through the National Construction Code (NCC). The NCC prescribes performance requirements, which must be met either through satisfying the deemed to satisfy provisions of the NCC and providing a Nationwide House Energy Rating Scheme (NatHERS) report, or through a hybrid performance solution.

As the above reveals, there are currently a range of measures through which some degree of environmentally sustainable design consideration occurs. However, there is no standalone policy document that provides a unified position on this issue, and this could be considered as an element of the planning framework that is needed to be created to better address the issue.



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### Potential Approaches for Expanding Environmentally Sustainable Design in the Planning Framework

A Local Planning Policy (LPP) is a policy based mechanism which could be used to set provisions to be given due regard for in the assessment of development applications.

This appears to be the most commonly used mechanism across local governments to address environmental sustainable design criteria, following research by Officers. LPPs are also widely applicable across the development process, and can be applied for both strategic elements of planning, and more operation elements of development control. This is set out under Clause 3(2) of the Deemed Provisions:

- (2) A local planning policy —
  - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and
  - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.
  
- (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.

A benefit of a Local Planning Policy approach is that this will allow sustainability controls to be applied at various stages of the development process, from structure planning through to the assessment of development on individual lots. It is, however, not a statutory document, and does not carry a statutory affect in its application. Rather, as per Clause 3(5) of the Deemed Provisions:

- (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

Having regard for a policy, is different to being bound by (for example) statutory provisions of the Scheme.

A local planning policy could prescribe a wide range of provisions, ranging from general provisions to be detailed in finer design through structure plans, to specific provisions which provide guidance on using low embodied energy materials and/or those sourced from sustainable means.

A further advantage of an LPP is their ability to set out other accompanying documents to be submitted alongside applications. For example, if a residential development is proposed within the Shire which requires development approval (noting single houses are exempt), a policy could prescribe for example a requirement for a Sustainability Management Plan to examine both construction and operational best practice for development to consider.

Further testing of development proposals could also be prescribed through an LPP, such as an energy efficiency report or rapid life cycle assessment (LCA). The LCA is a cost-effective tool, which has been implemented by the City of Vincent, and given standing through the City's Built Form Policy. The LCA is a holistic assessment, considering long term sustainability planning. It allows for the identification of 'problem' stages within development to inform sustainable decision making, and improve compliance and transparency. Disadvantages include the complexity of



time, costs, and data availability. However, this can be reduced using products such as eTool, as used by the City of Vincent.

Officers recommend that a local planning policy would be the most effective approach to enhancing the inclusion of environmentally sustainable development considerations in the planning framework. The scope of this policy would be to establish key objectives for development to achieve within the Shire (linked to the Local Planning Strategy), and the policy provisions to be applied to certain stages of development, and to certain types.

It is this latter process which would be important to consider and set at the right level. For example, setting policy provisions in a manner which makes qualifying development unfeasible, would not represent an effective policy. Likewise, having policy provisions which are not strong enough, could lead to unintended consequences of development not improving in terms of the criteria set for environmentally sustainable design.

Considering this, the preparation of one policy relating to environmental sustainability as a whole is recommended, with associated checklists and information sheets to provide guidance and detail to be used at the different stages of the planning framework. This policy and associated checklists would balance between matters to encourage, versus matters needing to be mandated.

Accompanying such a policy, would also be a variety of other elements that build capacity and knowledge among stakeholders and the community, to assist in the application of sustainable design criteria. These could include application checklists, design checklists, information sheets, right the way through to a fully integrated and interactive web page modelling consideration for environmentally sustainable development on a lot by lot basis.

These options are also recommended to be considered as part of a Local Planning Policy.

#### Collaborative Incentives Program

Sitting outside the planning framework is the local government partnership which the Shire is a member of, known as Switch Your Thinking. The 'Rewards for Residents' program is an example of a rewards program that has been applied to residential development in some member areas, with businesses for example providing a discount on sustainable infrastructure to residents who are building or renovating a dwelling. For example, Clean NRG Solar currently offers a 15% discount for PV solar energy systems.

This approach is limited by the voluntary nature of participants and the negotiatory nature of discounts. This is also only implemented at the resident scale, and is only related to residential development, not to commercial or Shire infrastructure projects.

It could be investigated as to whether this program could be expanded to apply to earlier stages of development, such as development or building companies receiving discounts on sustainable infrastructure. The Rewards for Residents program is currently under review by the Switch Your Thinking Team.

#### Recommended Approach

Considering the range of options available, Officers recommend the preparation of a Local Planning Policy together with a range of supporting educational resources, as the initial step for Council to consider. This policy should set out environmentally sustainable design provisions and prioritise, as well as requirements for more detailed checklists and assessments to be submitted alongside subdivision clearance and development applications. It is also recommended that local planning policy provisions refer to information sheets, to give these mechanisms greater visibility and applicability.



**Options and Implications**

Option 1

That Council:

1. SUPPORTS to the preparation of a local planning policy and associated checklists, assessments, and information sheets to expand environmentally sustainable design controls within the Shire of Serpentine Jarrahdale.
2. REQUESTS the Chief Executive Officer develop a draft local planning policy, and reported back to Council for consideration according to the Deemed Provisions.

Option 2

That Council SUPPORTS an initial step of developing education resources, as opposed to a local planning policy, to raise awareness of environmentally sustainable design considerations.

Option 1 is recommended.

**Conclusion**

This report investigates potential approaches to be taken to address environmentally sustainable design considerations for new development within the Shire. A number of approaches were explored, including a strategic plan, a local planning policy, application checklists, information sheets and guidelines, an interactive web page, and a collaborative incentives program. Officers recommend a combination approach, with the preparation of a local planning policy supported by associated application checklists, assessments and information sheets.

**Attachments (available under separate cover)**

Nil.

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.2</b>	A sustainable natural environment

**Financial Implications**

There are no direct financial implications relating to this matter, as policy development would take place using Officer resources.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council supports the preparation of a local planning policy and associated checklists, however these do not prove effective in achieving ESD as part new development.	Qualified staff with skills and capabilities to develop an effective draft policy for Council's future consideration.	Organisational Performance	Possible	Moderate	MODERATE	Engage with stakeholders to help review / test and develop the policy.
2	That Council supports an initial step of developing education resources, as opposed to a local planning policy, to raise awareness of environmentally sustainable design considerations, however no real changes occur as a result.	Current State and Shire planning and development framework.	Environment / Heritage	Possible	Moderate	MODERATE	Actively promote such resources once developed.

**Voting Requirements:** Simple Majority

### Officer Recommendation

**That Council:**

1. **SUPPORTS** to the preparation of a local planning policy and associated checklists, assessments, and information sheets to expand environmentally sustainable design controls within the Shire of Serpentine Jarrahdale.
2. **REQUESTS** the Chief Executive Officer develop a draft local planning policy, and reported back to Council for consideration according to the Deemed Provisions.



**10.1.7 - Final Approval of (1) South Western Highway (South of Abernethy Road) Access Strategy and (2) Amendment to 'Character Area H' of the Byford Townsite Local Development Plan (SJ4164)**

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

**Authority / Discretion**

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

**Report Purpose**

The purpose of this report is for Council to consider final approval for:

1. The South Western Highway (south of Abernethy Road) Access Strategy and;
2. The amendment to 'Character Area H' of the Byford Townsite Local Development Plan (LDP).

Both these proposals have been subject to community engagement, following Council's endorsement to undertake community consultation at the 21 November 2022 meeting.

The access strategy provides a recommended solution for access to the highway commercial precinct of land south of Abernethy Road, and on the western side of South Western Highway.

The amendment to the LDP will reflect this, providing for the intended coordinated planning for access, car parking and built form based on the access strategy (if approved by Council).



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## **Relevant Previous Decisions of Council**

*Ordinary Council Meeting - 21 November 2022 - OCM267/11/22 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

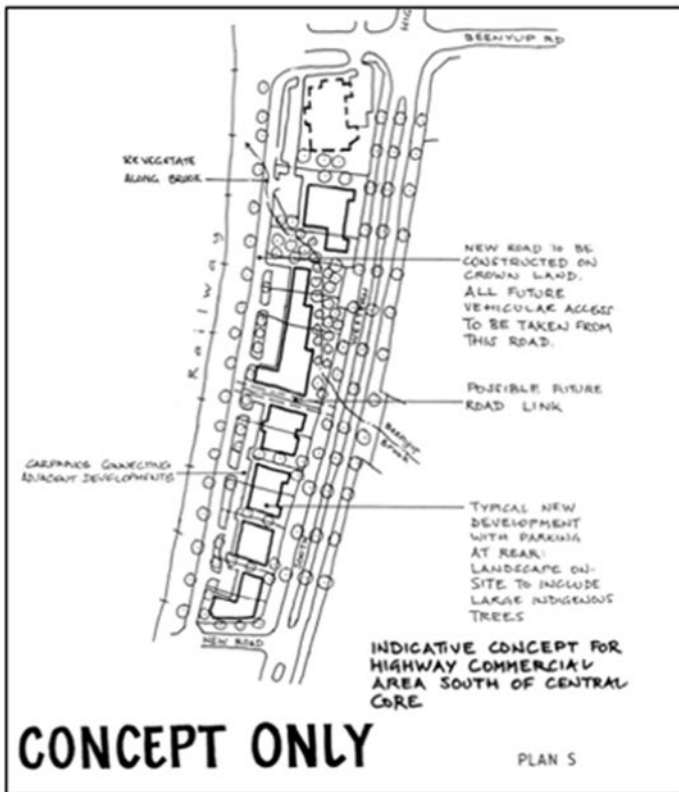
- 1. ENDORSES the Draft Access Strategy for a U-turn pocket concept on South Western Highway as contained within attachment 1, for the purposes of community consultation for a period of 28 days.*
- 2. ENDORSES the proposed amendment to the 'Character H' Built Form and Aspirational requirements of the Byford Detailed Area Plan, as contained within attachment 2, for the purposes of community consultation in accordance with Schedule 2, Part 6, clause 50 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015.*
- 3. REQUESTS the Chief Executive Officer write to Main Roads WA, requesting their consideration to fund the final project (as determined following community consultation) as part of future budget allocations.*

## **Background**

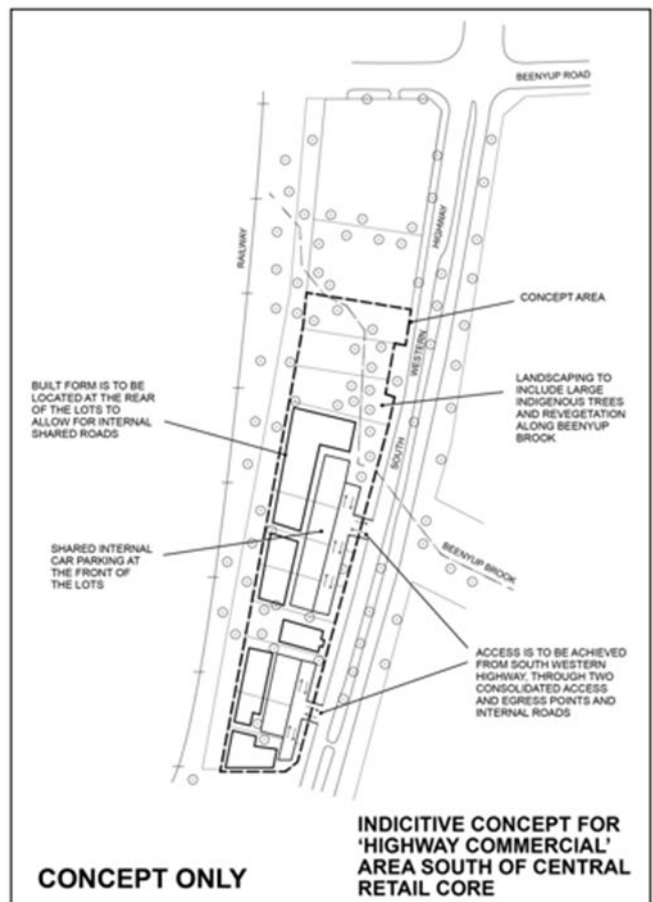
### Amendment to the LDP

The existing Byford Townsite LDP identifies Character Area H as 'Highway Commercial', accommodating land uses such as showrooms, offices, and medical centres. This is further supported by the 'Mixed Use' zoning allocated by the Shire's Draft Local Planning Scheme No. 3 (LPS3) and the approved Byford District Structure Plan. The Mixed Use zone allows for commercial land uses that are compatible with residential areas, such as those prescribed by the LDP.

Given the majority of Character Area H remains residential in nature, the LDP provides necessary design guidance for future commercial development, to create a cohesive and well-planned Highway Commercial strip. The need for an up-to-date LDP is particularly relevant given the area's 'Mixed Use' zoning under LPS3, allowing for increasingly commercial development.



Existing Indicative Concept for the 'Highway Commercial' Area of Character Area H, South of the Central Core

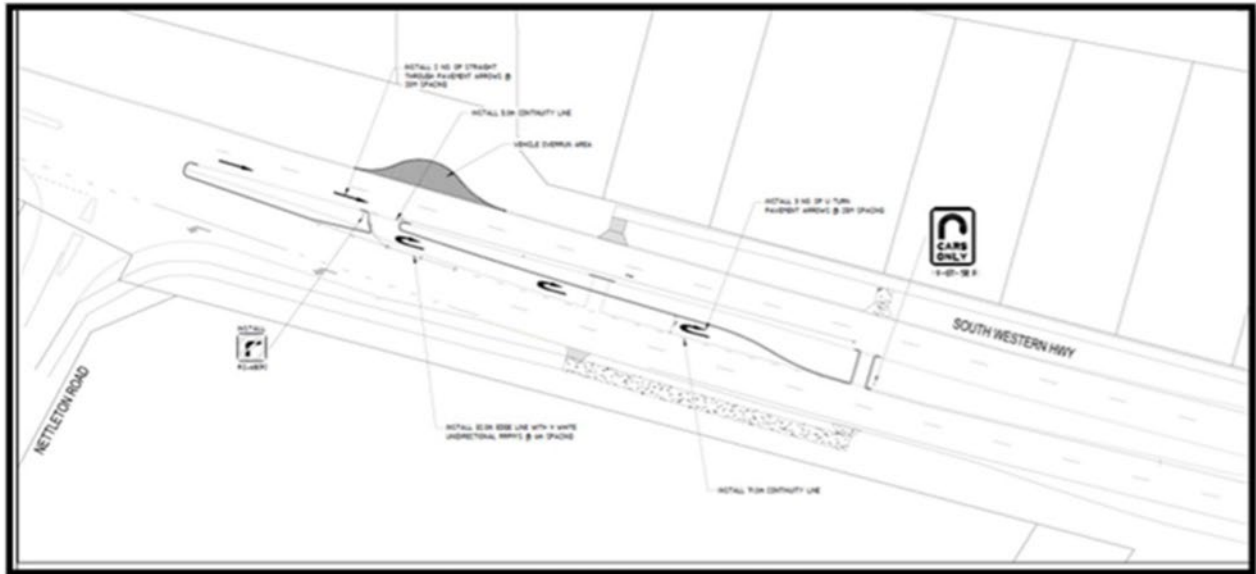


Proposed Amendment to the Indicative Concept for the 'Highway Commercial' Area of Character Area H, South of the Central Core

### Proposed Access Strategy

The purpose of the proposed LDP amendment is to modify the LDP to reflect changes to the transport network, namely to align with the proposed South Western Highway (South of Abernethy Road) Access Strategy. The Shire's Draft Access Strategy was endorsed by Council for community consultation at the 21 November 2022 meeting. It proposes an access strategy based upon a new U-turn facility, located north of the intersection of Nettleton Road and South Western Highway. This is shown following, together with a typical constructed example:





Access Strategy Concept



Example

### Community / Stakeholder Consultation

Consultation for the proposed access strategy and LDP has occurred in accordance with Council's resolution and the advertising requirements for Local Development Plan amendments, under the Deemed Provisions. The draft access strategy and LDP amendment were advertised to affected landowners and relevant government agencies. Community consultation was carried out through letters to landowners, an online survey, and publishing on the Shire's 'Your Say SJ' webpage. A total of 31 submissions were received during advertising. Eight submissions were received on the LDP Amendment, and 23 submissions were received on the Draft Access Strategy. The schedule of submissions are contained within **attachment 3** and **attachment 4**.



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## **Statutory Environment**

### Legislation

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

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Byford District Structure Plan
- Byford Townsite Local Development Plan

## **Planning Assessment**

### Comments raised by Main Roads WA

The Draft Access Strategy proposes a new U-turn facility, located north of the intersection of Nettleton Road and South Western Highway to provide safe access to the Highway Commercial precinct to the west of South Western Highway. The Shire's Draft Access Strategy was referred to Main Roads Western Australia for comment, as well as community consultation. In firstly considering the position of Main Roads WA, they did not object to the proposed U-turn facility, however, did not agree to fund the works. Main Roads indicated that local accessibility improvements on the MRWA road network are normally funded by the local government, landowner(s), developer(s) or combination thereof.

Main Roads also commented that review of the Byford Town Centre Local Structure Plan (LSP) and its associated Vehicle Access Strategy may also be valuable to occur, noting the influence of upcoming projects like the Tonkin Highway extension, Byford Rail Extension and Thomas Road duplication.

The community comments on the Draft Access Strategy are considered in the following section. This enables holistic consideration of the community submissions received.

### Comments Raised by the Public Transport Authority

The PTA objected to the Draft Access Strategy on the basis that the proposed U turn facility seeks to enable access to, and development of, the land on the western side of the highway, south of Abernethy Road. Officers note this is indeed the purpose of the access strategy, given such land is designated for highway commercial development, and accommodates a range of developments already. It is also to be zoned for Mixed Use under the new Local Planning Scheme No. 3, with the northern portion zoned District Centre.

The PTA's objection pertains to this land being possibly required for future works to the railway network. These works were foreshadowed as potential works to include the proposed removal of the Abernethy Road Level Crossing with a 'flyover' grade separation; a rail stabling area proposed somewhere to the south of Abernethy Road and; the potential for two new tracks for the future Bunbury Fast Rail being currently investigated.

The PTA advised that no proposals or plans have been formalised regarding future works or land acquisition within the subject area.



In response to this submission, Officers advised the PTA that there is an established process around concept planning for such future infrastructure, noting that no formal process by Government has taken place for any rail changes occurring south of the Byford Station location.

Officers advised that it would expect detailed involvement of the Shire in any concept planning, extensive community engagement and discussion with landowners who may be potentially impacted. Officers also advised that the Byford LDP exists, and that this land is already zoned for development. Therefore the Shire is not proposing to change the status of this land precinct being able to be developed, rather to address accessibility and traffic safety which is considered to be an important priority.

Officers met with the PTA following receipt of their submission, advising that there has been no formalised approach to the Shire to indicate what potential land may be needed into the future, nor planning for rail infrastructure. Officers also provided feedback to the PTA, noting that there appear a range of options for how rail may evolve south of Byford, which do not require impacting land within the future Byford City Centre. This included pointing out options for elevated rail in the form of narrower viaducts (rather than mass earth walls), such as the approach used within the Armadale City Centre given the planning priority to create a precinct which is accessible, vibrant and efficient in its use of land. Officers also point out stabling / siding options including Cardup Business Park and the current Mundijong Freight Siding Area.

Importantly, the land in question here is within walking distance of the future Byford Rail Extension, benefits from highway exposure and needs to be preserved according to its current designation for development under the planning frameworks at both State and Local levels.

Officers recommend that, based on the lack of certainty regarding future rail planning south of Byford, that there is insufficient reason to not progress with the amendment to the LDP or advancement of the access strategy. The amended LDP will provide additional land for any future rail requirements, in that it does not require any portion of the rail reservation for a road access which is currently depicted on the current LDP.

As such, the approval of the LDP amendment is recommended to allow for the development of the intended 'Highway Commercial' area, and to ensure the deliverance of the Shire's planning framework which seeks to align with improved access arrangements and avoid impacts on the rail reservation.

#### Comments raised in public submissions

The Shire received 21 landowner/resident submissions regarding the Draft Access Strategy, with the majority demonstrating support for the proposed U turn facility. Six resident objections were received. Several submissions raised concerns that a U turn facility would not be sufficient to address the expected increase in traffic created by future development, suggesting that a roundabout or a bridge at the Nettleton Road and South Western Highway intersection may be more appropriate.

There were originally several options considered for delivering access to the Highway Commercial precinct, including a traffic light or roundabout upgrade to the Nettleton Road and South Western Highway intersection. However, the option for a U turn facility was ultimately progressed as a timely and cost-effective way to provide safe access to the precinct. This has also been supported by MRWA, as the preferred option. MRWA currently have no plans, proposals or funding planned for a traffic light or roundabout treatment at the Nettleton Road and South Western Highway intersection. As such, this option would have uncertainty for providing access to the developments on the western side of South Western Highway.



Another concern raised by submitters was the prioritisation of transport infrastructure projects across the Shire, stating that there are more pressing road safety issues within the Shire. This advertising is in relation to the proposed Draft Access Strategy at the South Western Highway and Nettleton Road intersection location. The proposed U turn facility at this location resulted from a need for a safe mechanism to allow vehicle access into the Highway Commercial precinct, west of South Western Highway. The Shire notes that South Western Highway is a Primary Regional Road, and as such any potential future upgrades at other locations are under the jurisdiction of Main Roads.

#### LDP amendment

As much of Character Area H is currently residential in nature, with only left in left out vehicular access for each lot off South Western Highway. For south bound traffic along South Western Highway, for example emanating from the town centre, this sees no formal mechanism to perform a movement to access the western precinct of land, leading (anecdotally) to unapproved U-turn movements at the current Nettleton Road/South Western Highway intersection.

Given the current and intended future commercial development within the area, and the expected increase in traffic associated with this, a solution to enable southbound traffic to access the western precinct of land was needed.

The current LDP proposed a rear access lane, within the rail reserve corridor, as a potential option. This however has not proven viable for a range of reasons including:

- Not having access to the land in question;
- The recent upgrade to Abernethy Road and the northern leg of George Street not being able to facilitate a southern leg due to this being a four way intersection with no traffic control possible because of proximity to existing traffic signals and the rail crossing;
- The practical challenges of extending a road in proximity of Beenyup Brook traversing the area;
- The main exposure of development being to South Western Highway;
- The rail corridor needing to be preserved for rail.

In advancing consideration of these challenges, the Shire developed a safe alternative plan to facilitate south bound access, which could also achieve overtime rationalisation of direct highway access from properties as they redevelop. The reduced number of access points along South Western Highway will reduce the impact of traffic generated by future commercial development, therefore aligning with the Access Strategy.

The LDP amendments will shift shared access and parking to the front of the allotments, with appropriate easements in gross over common access isles and crossovers taking place at subsequent development approval stages when properties redevelop.

The shifting of car parking from the rear to the front of the lots is supported, given that access can be safely achieved from the front of the lots, off South Western Highway due to the access option generated by the Shire. This car parking being provided off internal, communal roads with land interests that grant access to the public at large will reduce the impact of traffic and access off South Western Highway, even as more intensive development takes place.

This amendment proposes a provision relating to the location of built form for commercial development within Character Area H. The provision proposes a shift in the location of built form to the rear of the lots, to accommodate for the proposed internal road and car parking at the front of the lots. As the proposed internal road and car parking is deemed the most suitable way to



achieve the required access off South Western Highway, the shifting of built form to allow for this is supported. The built edge along the rail corridor will also assist in reducing the impact of future rail activity increase in the corridor, by providing a built shield to protect sensitive development on the eastern side of the highway.

Two submissions were received from residents concerned that the LDP amendment could result in the loss of their houses to make way for commercial development. Officers have advised that the LDP does not in any way force any landowner to develop anything at any time. Development would be an entirely private decision, and the LDP amendment instead seeks to depict how development could evolve. The shared access arrangements are capable of being staged, through time limited crossovers that would be conditioned for removal once delivery of ultimate access provisions occurs. Accordingly, there would be no risk to private landowners by virtue of this LDP amendment, given it would facilitate both interim and ultimate development options to occur.

#### Location

A submission raised concerns regarding the suitability of the location of the 'Highway Commercial' area. The submission stated that due to the lack of parking space, it would not be appropriate to locate commercial land uses in this location, being better suited to the location behind Byford Coles, where there are more parking facilities. It should be noted that the proposal is an amendment to the existing LDP, and therefore the location or suitability of the 'Highway Commercial' area as prescribed by the LDP has been shown based on a desire for a vibrant, mixed use town centre experience to take place over time. The location and lot sizes of Character Area H are suitable for providing mixed use commercial development at a moderate scale, to complement the existing and emerging central retail core. This is further supported by the 'Mixed Use' zone prescribed by the Draft Local Planning Scheme No. 3 and the Byford District Structure Plan, which allows for commercial land uses compatible with residential uses, such as showrooms and offices.

Given the smaller-scale, mixed-use nature of future development within Character Area H, on-site car parking with a yield prescribed by the prevailing Town Planning Scheme is capable and appropriate.

#### Wildlife Habitat

A submission raised concerns regarding the loss of vegetation which serves as wildlife habitat within Character Area H. The changes to the LDP are considered to enhance protection of the environment, through limiting the alterations that would occur by virtue of a rear access lane needing to be built. This would cause extensive vegetation loss, and therefore the amended LDP is considered an improvement for wildlife and natural habitat.

Based on the reasons outlined in this report, it is recommended that Council endorse both the access strategy and Byford Townsite LDP. This will provide the future planning direction for development, including the preferred infrastructure solution.



## **Options and Implications**

### Option 1

That Council:

1. Pursuant to Clause 51 of the Deemed Provisions, ENDORSES the schedule of submissions and comments, as contained within **attachment 3** and **attachment 4**.
2. Pursuant to Clause 52(1) of the Deemed Provisions, APPROVES the amendment to 'Character Area H' of the Byford Townsite Local Development Plan, as contained within **attachment 1**.
3. Pursuant to Clause 55(1) of the Deemed Provisions, PUBLISHES the approved amendment to 'Character Area H' of the Byford Townsite Local Development Plan.
4. ENDORSES the South Western Highway (south of Abernethy Road) Access Strategy, as contained within **attachment 5**.
5. NOTES that Main Roads WA has indicated that it is not in a position to fund the infrastructure denoted under the South Western Highway Access Strategy.
6. REQUESTS Officers to explore options for infrastructure delivery in the form of pursuing any available State Government grants, and for a business case to be presented for funding consideration as part of Council's 2024/2025 draft budget.
7. REQUESTS the Chief Executive Officer to write to Executive Director Infrastructure Planning and Land Services of the PTA, requesting they engage with the Shire and the community in order to commence a process of rail master planning between Byford and Mundijong. This rail master planning should seek to identify the practical options for a southern extension of passenger rail to Mundijong, preferred stabling / rail staging area and crossings of the rail.

### Option 2

As per Option 1, but with Part (6) removed.

### Option 3

That Council REFUSES to endorse the amendments to 'Character Area H' of the Byford Townsite Local Development Plan and REFUSES to endorse the Access Strategy due to preference for the current rear access arrangements being pursued.

Option 1 is recommended.

## **Conclusion**

The proposed access strategy and amendment to Character Area H of the Byford Townsite Local Development Plan provide an updated planning approach to facilitate the intended highway commercial and mixed use development, for the area. Following advertising, it is recommended that both be adopted by Council.

**Attachments (available under separate cover)**

- **10.1.7 - attachment 1** - Proposed Byford LDP Amendment to Character Area H (E23/3749)
- **10.1.7 - attachment 2** - Byford LDP Character Area H (IN04/10968)
- **10.1.7 - attachment 3** - Schedule of Submissions Draft Access Strategy (E23/9053)
- **10.1.7 - attachment 4** - Schedule of Submissions Proposed Amendment to Character Area H of the Byford Townsite Detailed Area Plan (E23/3993)
- **10.1.7 - attachment 5** - Draft Access Strategy Concept Plans (E23/7341)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

**Financial Implications**

The key financial implication is that associated with delivery of the infrastructure. In this regard, Officers recommend that implementation of the South Western Highway Access Strategy should be funded through accessing State Government grants, as the road infrastructure is that of MRWA responsibility. While MRWA have not agreed to fund the infrastructure, they have encouraged the Shire to consider a range of options including grants.

Given the need to consider the range of options, the Officer recommendation includes a Part (6) which seeks Officers to explore options for infrastructure delivery in the form of pursuing any available State Government grants, and for a business case to be presented for funding consideration as part of Council's 2024/2025 draft budget.



**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This option is considered to address strategic risks, by updating arrangements that reflect the intended planning framework.						
2	That Council REFUSES to endorse the amendments to 'Character Area H' of the Byford Townsite Local Development Plan and REFUSES to endorse the Access Strategy, which results in no viable access arrangements via South Western Highway and the potential for unsafe information arrangements continuing.	Planning framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Accept Officer recommendation





**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

1. Pursuant to Clause 51 of the Deemed Provisions, **ENDORSES** the schedule of submissions and comments, as contained within attachment 3 and attachment 4.
2. Pursuant to Clause 52(1) of the Deemed Provisions, **APPROVES** the amendment to 'Character Area H' of the Byford Townsite Local Development Plan, as contained within attachment 1.
3. Pursuant to Clause 55(1) of the Deemed Provisions, **PUBLISHES** the approved amendment to 'Character Area H' of the Byford Townsite Local Development Plan.
4. **ENDORSES** the South Western Highway (south of Abernethy Road) Access Strategy, as contained within attachment 5.
5. **NOTES** that Main Roads WA has indicated that it is not in a position to fund the infrastructure denoted under the South Western Highway Access Strategy.
6. **REQUESTS** Officers to explore options for infrastructure delivery in the form of pursuing any available State Government grants, and for a business case to be presented for funding consideration as part of Council's 2024/2025 draft budget.
7. **REQUESTS** the Chief Executive Officer to write to Executive Director Infrastructure Planning and Land Services of the PTA, requesting they engage with the Shire and the community in order to commence a process of rail master planning between Byford and Mundijong. This rail master planning should seek to identify the practical options for a southern extension of passenger rail to Mundijong, preferred stabling / rail staging area and crossings of the rail.



**10.1.8 - Proposed Metropolitan Region Scheme Amendment - Proposed Parks and Recreation Reservation Jarrahdale - Request for Preliminary Comment (SJ206)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Western Australian Planning Commission
Owner:	Various
Date of Receipt:	14 July 2023
Lot Area:	5.27ha
Town Planning Scheme No 2 Zoning:	Residential R12.5
Metropolitan Region Scheme Zoning:	Urban

**Report Purpose**

The purpose of this report is for Council to consider the request received from the Western Australian Planning Commission (WAPC) to provide preliminary comment on the proposed Metropolitan Region Scheme (MRS) Amendment for the proposed Parks and Recreation Reservation for undeveloped land on the southside of Jarrahdale townsite. It is recommended Council provide preliminary comment of support for the Proposed MRS Amendment.

**Relevant Previous Decisions of Council**

<p><i>Ordinary Council Meeting – 12 December 2022 – OCM301/12/22 – COUNCIL RESOLUTION</i></p> <p><i>That Council requests the Chief Executive Officer to respond to the DPLH indicating that before supporting any land transfer, Council requires a suitable legally binding agreement to be created by the State Government that will:</i></p> <ol style="list-style-type: none"> <li><i>a. bind subsequent landowners to undertake comprehensive planning in a manner that maximises the protection and retention of the jarrah forest on the subject land;</i></li> <li><i>b. bind subsequent landowners to be responsible for full infrastructure provision for the lots in question;</i></li> <li><i>c. bind subsequent landowners to undertake appropriate geological investigations upfront to determine specific site conditions of the land, and whether such conditions affect the ability for development to occur across parts or the whole of the land in question.</i></li> </ol>
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## Background

The WAPC have requested that the Shire provide preliminary comment on a Proposed MRS Amendment, which proposes to transfer 5.27ha area of land in Jarrahdale from the 'Urban' zone to a 'Parks and Recreation' reservation. This pertains to land that is undeveloped, yet was surveyed many decades ago as part of contemplating expansion of the then townsite. Such land is predominantly unallocated crown land, however three allotments are privately held. The intent of reservation under the MRS is to secure land for a stated regional purpose, which in this case is Parks and Recreation. If the amendment proceeds, there would be a process to acquire the privately held lots by the State Government, in order to affect the reservation intent.

The subject site is located to the south of the Jarrahdale townsite and is surrounded by the 'Parks and Recreation' reserve for the Serpentine National Park to the south and west. The subject site is also located around the Jarrahdale Primary School site and some residential properties exist to the north of the subject site. The subject site is heavily vegetated with mature trees and does not contain any buildings.

Previous advice received from the Department of Planning, Lands and Heritage indicated that the subdivision of this land was undertaken in the 1970s by the former State Housing Commission (now Department of Communities). The land has remained undeveloped since this time and no services or constructed roads have ever existed for these lots. The subject site is comprised of a number of unallocated crown land lots, as well as some lots in private ownership.

The unallocated crown land lots were considered to be part of the South West Native Title Settlement for inclusion in the Noongar Land Estate. The Department of Planning, Lands and Heritage (DPLH) requested the Shire to provide comment on the subject unallocated crown land lots being considered as part of the South West Native Title Settlement. This matter was considered by Council at the Ordinary Council Meeting held on 12 December 2022, where Council resolved to respond to DPLH indicating that before supporting any land transfer, Council requires a suitable legally binding agreement to be created by the State Government to bind subsequent landowners to maximise the retention and protection of the jarrah forest, be responsible for full infrastructure provision and undertake appropriate geological investigations.

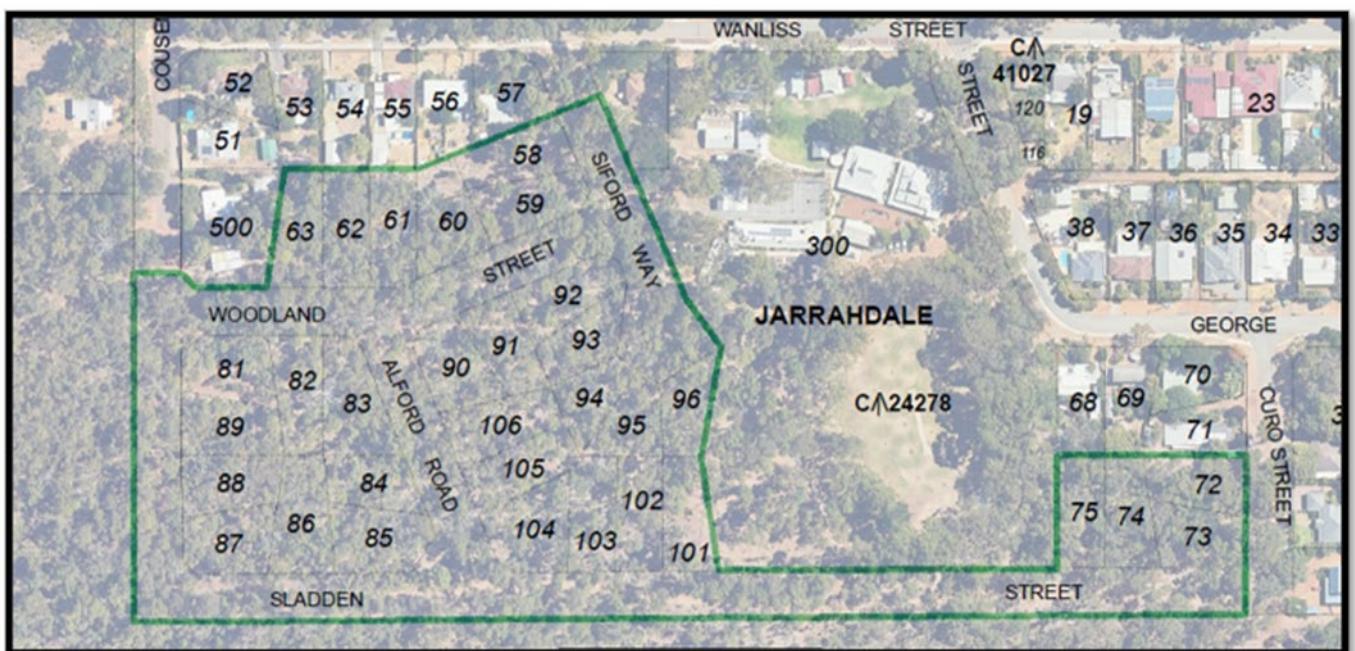


Figure 1: Subject Site

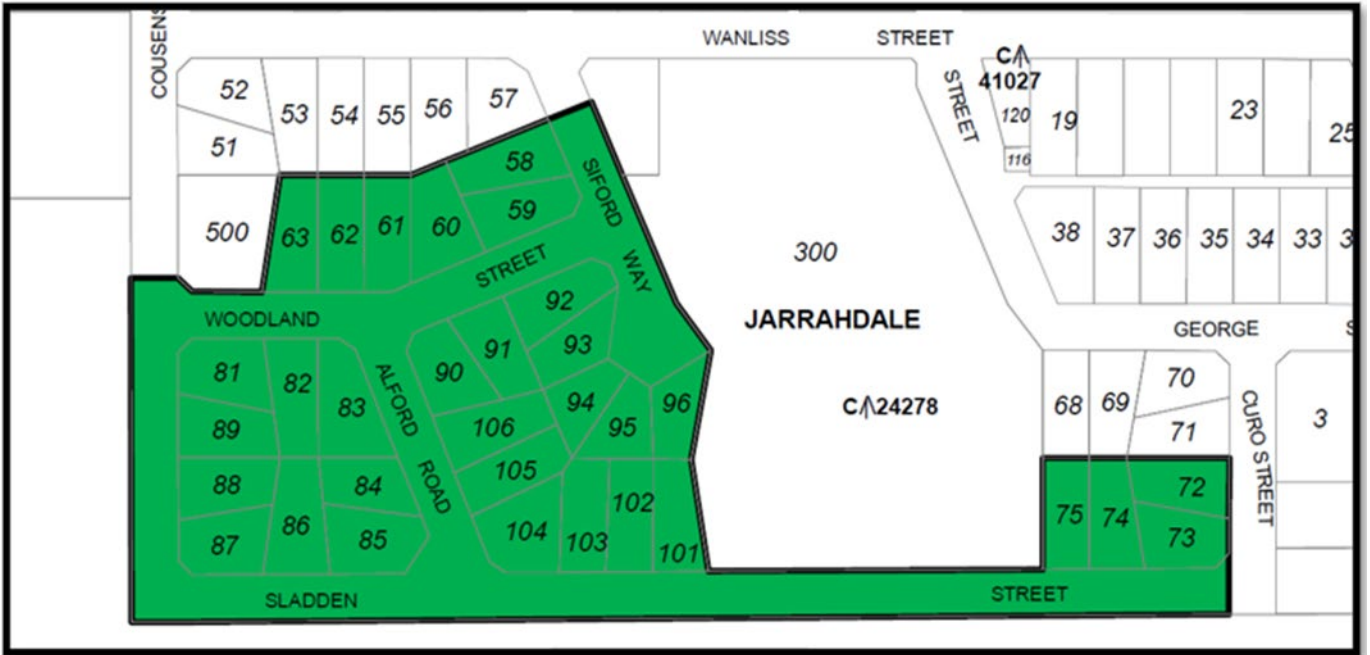


Figure 2: Proposed MRS Amendment

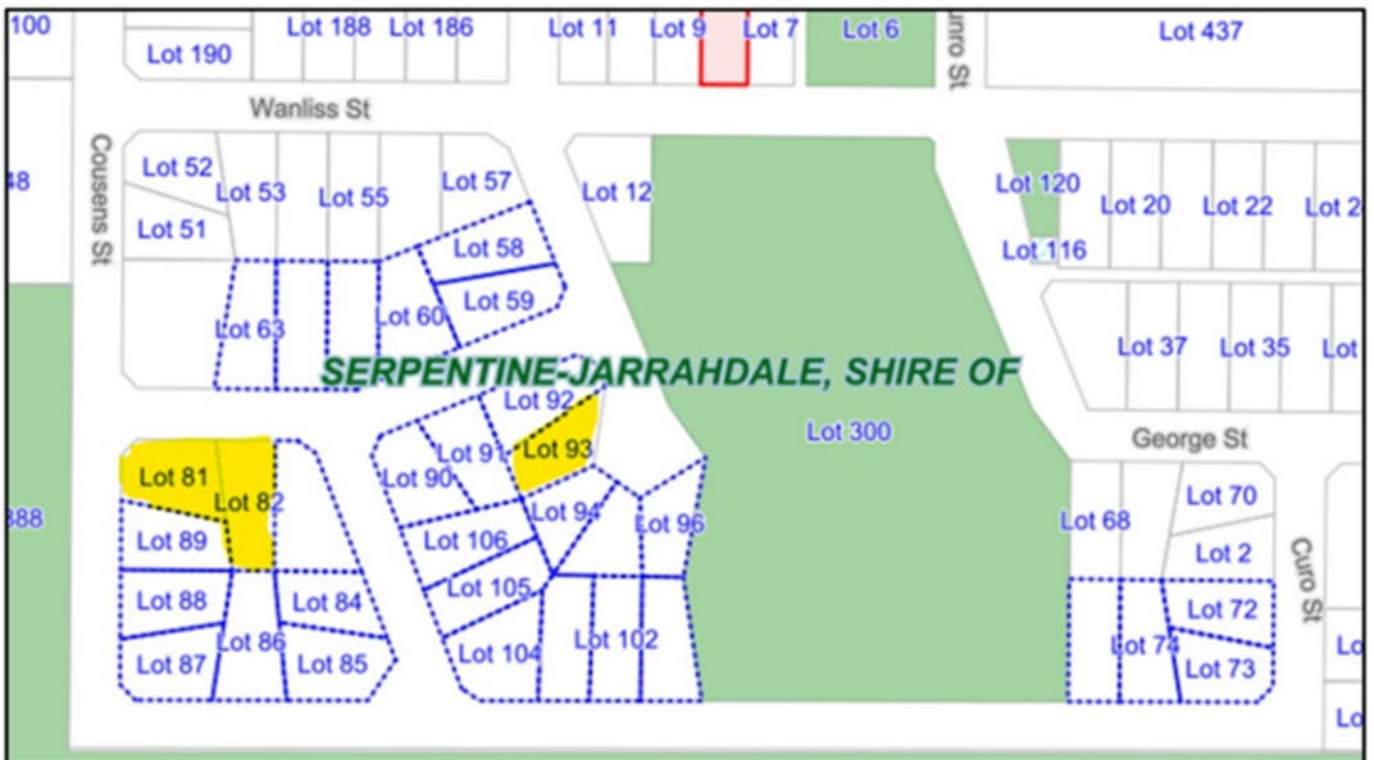


Figure 3: Image showing three allotments alienated from the Crown land (privately held)

### Community / Stakeholder Consultation

Once the Department of Planning, Lands and Heritage (DPLH) have received preliminary comments on the Proposed MRS Amendment, DPLH may present a report to the WAPC to consider whether to formally initiate an amendment to the MRS. Should an amendment be initiated, the WAPC will seek formal comment on the MRS amendment proposal from the Shire, State agencies, stakeholders and the community.



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## **Statutory Environment**

### Legislation

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

### State Government Policies

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

### Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Local Planning Policy suite

## **Planning Assessment**

### Planning Framework

The subject site is currently zoned 'Urban' under the MRS and 'Residential R12.5' under the Shire's Town Planning Scheme No.2 and Local Planning Scheme No.3. The Serpentine National Park, which is reserved as 'Parks and Recreation' under the MRS and is managed by the Department of Biodiversity, Conservation and Attractions (DBCA), is located to the south and west of the subject site. The Proposed MRS Amendment seeks to include the subject site within this 'Parks and Recreation' reserve.

### Environmental Protection

The subject site is heavily vegetated with native vegetation covering the majority of the area subject to the Proposed MRS Amendment, as shown in Figure 4. The Shire's Biodiversity Strategy classifies areas of native vegetation outside of public conservation as local natural areas. The Biodiversity Strategy contains goals and targets to prevent the further loss of and protect local natural areas within the Shire. The Proposed MRS Amendment would allow the native vegetation at the subject site to be retained within a 'Parks and Recreation' reserve. It is noted that any ability to develop the precinct would generally result in the complete removal of all vegetation. There would also be impacts on portion of the surrounding National Park, insofar as managing the risk of bushfire on these allotments.

As a natural area containing native vegetation, the subject site contains conservation and biodiversity values, which are important to protect. Section 5.4.2 of the Shire's Local Planning Strategy contains an objective to '*promote the conservation and sustainable management of natural areas*' and a strategy to '*protect natural areas for conservation purposes and limit development within such areas*'. The Proposed MRS Amendment is aligned with the Local Planning Strategy as it seeks to retain the native vegetation at the subject site for conservation purposes. The vegetation complex at the subject site is the Dwellingup D2 vegetation complex of the South West Forest Region of WA, as shown in Figure 5. This is the same vegetation complex as the land to the south of the subject site, which is part of the 'Parks and Recreation' reserve for



the Serpentine National Park. The Proposed MRS Amendment seeks to include the subject site within this 'Parks and Recreation' reserve.

The development of the subject site for urban purposes, as it is currently zoned under the MRS, would result in the removal of a natural area of native vegetation with important biodiversity and conservation values. The extent to which approval for vegetation clearing may be given and the requirements for clearing approvals would need to be considered if the land were to be developed as 'Urban'. The protection of the native vegetation at the subject site for conservation purposes is supported by the Shire's Local Planning Strategy and Biodiversity Strategy. Officers consider the Proposed MRS Amendment is appropriate to reserve the subject site as 'Parks and Recreation' to retain the native vegetation for conservation purposes.



**Figure 4: Native Vegetation**



**Figure 5: Vegetation Complex -  
Dwellingup D2 of the South West Forest Region of WA**



### Bushfire Risk

The subject site is located within a high risk, designated Bushfire Prone Area, surrounded by extensive vegetation and the Serpentine National Park. The subject site is located within an area of significant bushfire hazard and would be classified as Bushfire Attack Level (BAL) Flame Zone. For the subject site to be developed for urban purposes, extensive vegetation clearing would be required. In addition to this, the high level of bushfire mitigation and fuel load management required to reduce the BAL rating and the impacts of the BAL Flame Zone area would be difficult to maintain without substantial alteration to the adjoining National Park. This would damage that natural environment, and still place potential future residents of the currently zoned 'Urban' area at a high risk in the case of a bushfire.

There is also limited vehicular access to the subject site. Road reserves have been identified but have not been cleared or constructed. The Acceptable Solution of Element 3 of the State Planning Policy 3.7 Planning in Bushfire Prone Areas Guidelines requires vehicular access to be provided in two different directions to at least two different suitable destinations in the event of a bushfire. The current access to and from the subject site does not provide for two directional access routes to provide safe access in the case of a bushfire emergency.

State Planning Policy 3.7 Planning in Bushfire Prone Areas contains a policy objective 5.1, which states *'Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount'*. With regard to the current 'Urban' zoning, Officers consider there is a significant bushfire risk and lack of certainty that the potential for significant adverse impacts can be adequately reduced or managed. In applying the precautionary principle to the assessment of the Proposed MRS Amendment in accordance with State Planning Policy 3.7 Planning in Bushfire Prone Areas and the Guidelines, Officers consider that the Proposed MRS Amendment to reserve the subject site as 'Parks and Recreation' and acquire back privately held allotments, is appropriate given the significant bushfire risk associated with the current 'Urban' zoning and attempts to develop according to this.

### Infrastructure

The subject site does not have any supporting infrastructure including roads, electricity, water or drainage. This would need to be provided by the entity or entities having the controlling interest in the land, or alternatively the State Government, who originally undertook the subdivision. Road construction in terms of responsibility for the construction, the required standards and servicing extensions would need to be resolved if the land were to be developed for urban purposes. Other servicing issues such as onsite effluent disposal and provision of a water supply would also need to be addressed. The lack of infrastructure and services to the subject site presents a significant constraint to the feasibility of the land being developed as 'Urban'.

### Recommendation

In balancing the consideration of the native vegetation with conservation and biodiversity values located at the subject site, the significant bushfire risk, and lack of supporting infrastructure and services, Officers support the Proposed MRS Amendment to reserve the subject site as 'Parks and Recreation'. Developing the subject site for urban purposes, as per the current zoning, would result in a significant loss of native vegetation and biodiversity. Urban development at the subject site would also place additional residents in an area of high bushfire risk, with a lack of certainty regarding the required bushfire mitigation measures being able to be maintained. The lack of infrastructure to the subject site also provides a significant constraint to the development of the land as 'Urban'. Given the constraints on the land for development as 'Urban', the Proposed MRS Amendment to reserve the subject site as 'Parks and Recreation' is supported by Officers.



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## Options and Implications

### Option 1

That Council PROVIDES preliminary comments of SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - Jarrahdale Parks and Recreation Precinct.

### Option 2

That Council PROVIDES preliminary comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendment – Jarrahdale Parks and Recreation Precinct to the Western Australian Planning Commission.

Option 1 is recommended.

## Conclusion

The Proposed MRS Amendment seeks to transfer an approximately 5.27ha portion of land within Jarrahdale from 'Urban' to 'Parks and Recreation' under the MRS. There are key strategic considerations including environmental protection, bushfire risk and infrastructure provision, which relate to the Proposed MRS Amendment. Officers recommend the Proposed MRS Amendment be supported.

## Attachments (available under separate cover)

- **10.1.8 - attachment 1** - Proposed MRS Amendment - Jarrahdale Parks and Recreation Precinct (IN23/15801)

## Alignment with our Strategic Community Plan

<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets

## Financial Implications

There are no direct financial implications to the Shire on this matter. The intent of reservation under the MRS is to secure land for a stated regional purpose, which in this case is Parks and Recreation. If the amendment proceeds, there would be a process to acquire the privately held lots by the State Government, in order to affect the reservation intent.





### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This option is considered the lowest strategic risk option.						
2	That Council PROVIDES preliminary comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendment, which creates an expectation for development which leads to environmental impact and the placement of vulnerable development in an area of extreme bushfire risk.	Planning legislation and framework; Bushfire Risk Management Plan	Social / Community Outcomes	Possible	Major	SIGNIFICANT	Give reason for decision.

**Voting Requirements:** Simple Majority

### Officer Recommendation

**That Council PROVIDES preliminary comments of SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - Jarrahdale Parks and Recreation Precinct.**

**10.1.9 - No. 10 (Lot 500) Lampiter Drive, Mardella - Draft Master Plan for Consideration to Undertake Community Engagement (SJ2201)**

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

**Authority / Discretion**

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

The purpose of this report is for Council to receive the Draft Master Plan for No. 10 (Lot 500) Lampiter Drive, Mardella. It is also requested that Council consent to advertise the Draft Master Plan for community and stakeholder feedback.

The Draft Master Plan sets out a future scenario for use and development of the subject site, which was acquired by the Shire in 2018. The Draft Master Plan is based upon informing findings of an Environmental Assessment Report, and a careful strategic opportunity analysis of the current and future community and organisational needs that can be met from the land.

The report recommends that Council receives the Draft Master Plan and consents for its advertising for community and stakeholder feedback. It is also requested that Council request the CEO and Shire President approach the Hon Minister responsible for Emergency Services, Hon Stephen Dawson, to continue dialogue on the potential for the State's Emergency Services Training Academy to be located on the subject land.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting - 14 December 2020 - OCM407/12/20 - COUNCIL RESOLUTION / Officer Recommendation*

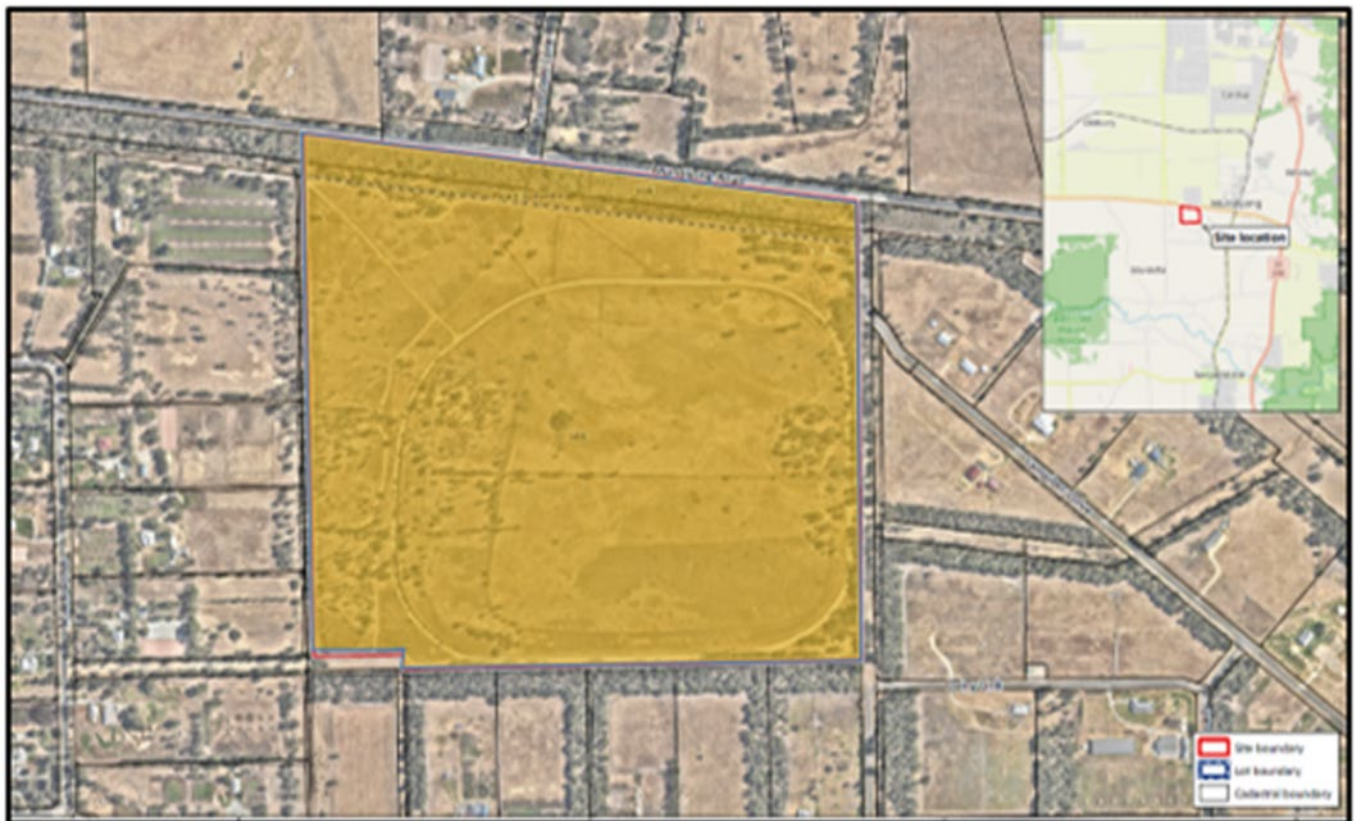
*That Council REQUESTS the Chief Executive Officer prepare and submit a non-binding briefing note to the Department of Fire and Emergency Services for the Training Academy Business Case, to consider the property at Lot 500 Mundijong Road, Mundijong as a potential site.*



## Background

The subject land represents a strategic asset for the Shire, having been acquired in 2018. While its current reservation under the Metropolitan Region Scheme reflects the parks and recreation function before it was acquired, it is now held by the Shire as a key strategic land opportunity for meeting future community and organizational needs.

Development of the land surrounding the site has been for farmlet purposes, providing for a range of productive rural uses on lots of an average 4ha size. The subject site is strategically positioned, with exceptional accessibility to the Perth and Peel regions, and on the edge of the future Mundijong City (58,000 people at full development) and West Mundijong Industrial Area (7,500 jobs potential). With careful planning and management of elements such as accessibility and interface to surrounding properties, the subject land is considered to have potential to meet future community and organizational needs.



**Figure 1: Subject Land**

The Draft Master Plan has emerged from consideration of a number of community and organizational elements. These have included:

- The State Government's analysis of land options to potentially accommodate the State's new emergency services training academy;
- The Shire's analysis of its long term infrastructure needs associated with its operations centre, animal pound and waste transfer station;
- Analysis of options to accommodate the Mundijong Emergency Services precinct, consisting of the Mundijong Bushfire Brigade, SES and Level 3 Incident Control Centre;
- Economic analysis regarding the issues of building local employment capacity and catalysts for other private business investment in the Shire.



The approach to DFES regarding the training academy is consistent with Council's December 2020 resolution. While the Shire has not been advised of the outcome, this Draft Master Plan aims to further illustrate the potential to State Government that the land may represent.

### **Community / Stakeholder Consultation**

If Council consents to community and stakeholder engagement taking place, the Draft Master Plan would be advertised for 42 days. Advertising would take place in accordance with **attachment 4** Community Engagement Plan.

### **Statutory Environment**

#### Legislation

- *Local Government Act 1995*
- *Land Administration Act 1997*

### **Comment**

A Draft Master Plan has been developed, as a vision setting document that could demonstrate one scenario for the Shire's use and development of the subject land. Before embarking on the formation of the Draft Plan, a number of informing steps were taken. These included:

- An Environmental Assessment Report of the subject site;
- An assessment of infrastructure planning associated with the future freight rail deviation project;
- Assessment of future organizational needs associated with operations and emergency management.

These are explained following.

#### Environmental Assessment Report (EAR) - Emerge

The purpose of the EAR was to identify the environmental values and considerations that are relevant for any potential future development within the site. The following key environmental considerations have been identified:

- Occurrence of Threatened Ecological Communities are relatively certain in the northern portion of the site, this would need to be further determined by undertaking a detailed vegetation survey.
- Avoidance of impacts on Threatened Ecological Communities should be an important consideration when developing any development proposal; This will trigger a range of environmental approval considerations.
- Fifty conservation significant flora species are considered possible or likely to occur within the site. Of the 50, 10 threatened and 24 priority flora were classified as 'high' or 'moderate' likelihood of occurrence within the site.
- A detailed flora survey targeting the conservation significant flora species identified will be required to be undertaken to determine the likely presence or absence of those species within the site. In the case of any occurrences of conservation significant flora within the proposed development, the opportunity to avoid impacts on any confirmed occurrences would be a key consideration.



- Eleven conservation significant species are considered possible or likely to occur within the site being: *Calyptorhynchus banksii naso* (Forest red-tailed black cockatoo), *Falco peregrinus* (Peregrine falcon), *Zanda baudinii* (Baudin's black cockatoo), *Zanda latirostris* (Carnaby's black cockatoo), *Dasyurus geoffroi* (Chuditch), *Isoodon fusciventer* (Quenda), *Notamacropus eugenii derbianus* (Tammam wallaby), *Notamacropus Irma* (Western brush wallaby), *Phascogale tapoatafa wambenger* (South-western brush-tailed phascogale), *Euoplos inornatus* (Inornate trapdoor spider) and *Idiosoma sigillatum* (Swan Coastal Plain shield-backed trapdoor spider).
- Further targeted surveys would be required to confirm if and to what extent the following species utilise the site.
- The extent of Bush Forever site includes the northern portion of the site and adjacent Mundijong Road reserve. This is a key consideration as it represents a range of significant environmental values including Threatened Ecological Communities, significant flora and fauna species and CCW.
- The ecological linkages a key value of Bush Forever site and any proposed access from Mundijong Road would likely impact upon this and would need to be considered in terms of mitigation opportunities.
- A CCW is identified in the northern portion of the site, Consideration around impact avoidance to this CCW would need to be considered, and any proposed development within the site would need to accommodate a 50m buffer, where more intensive development is avoided.

In synthesizing these various findings, an Indicative Site Constraints map has been produced. This is shown following:

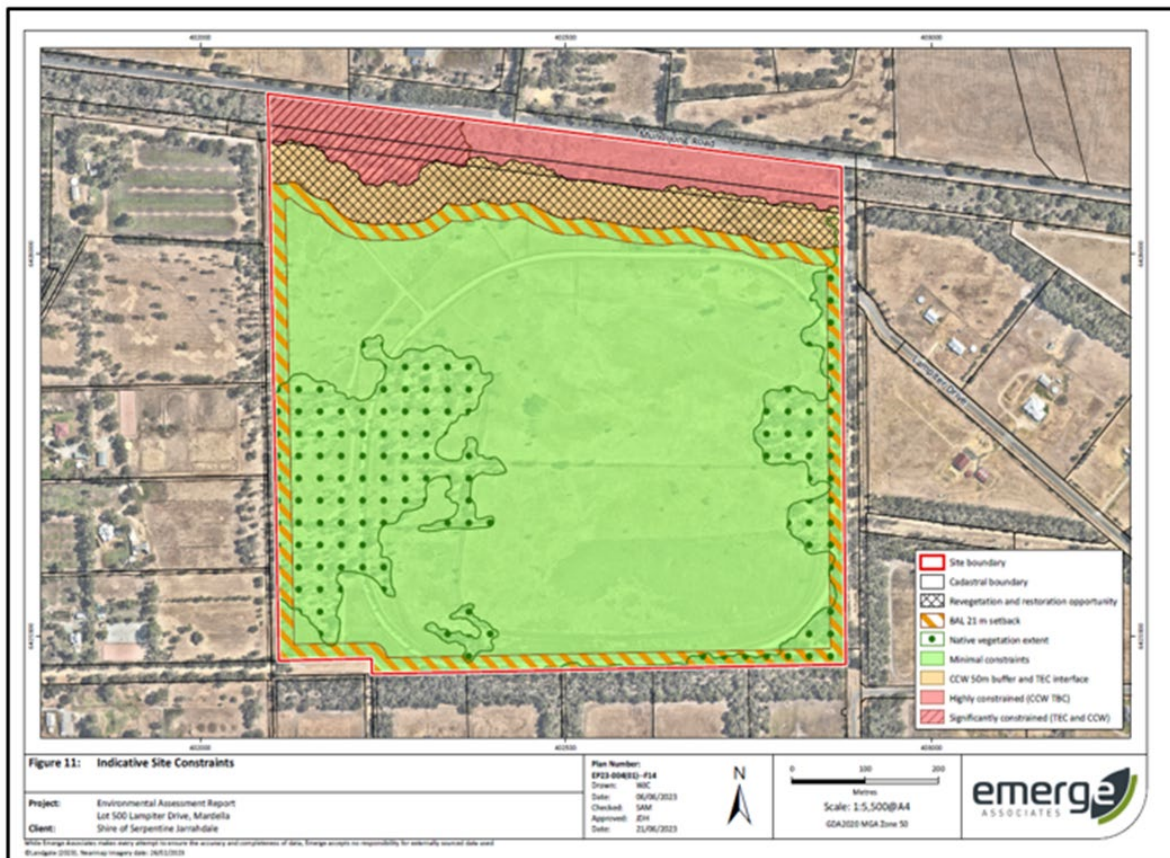


Figure 2: Site Constraints



- The CCW identified in the northern portion of the site would require a 50m buffer from any development to protect the integrity of the significant wetland values. Given the 50m buffer overlays pastureland with vegetation identified in 'degraded' and 'completely degraded' condition, there are opportunities to revegetate and rehabilitate this area as part of mitigation of environmental impacts associated with development within the site.
- The site is located within a 'bushfire prone area' under the state-wide Map of Bushfire Prone Areas prepared by the Officer of Bushfire Risk Management. An indicative 21 m setback has been identified as a conservative approach where vegetation classified forest (Class A) under A 3959 is assumed to surround the site.
- Through the vegetation identified in the southern portion of the site is 'degraded' or lesser condition, areas of native vegetation do occur within the southern portion of the site. A clearing permit would be required for the clearing of any native vegetation within the site for which exemptions do not apply.
- While legislative frameworks are unclear at this stage, a due diligence assessment would need to occur pertaining to Aboriginal cultural heritage considerations.
- The database searches identified two TECs as occurring within the site 'herb rich shrublands in claypans' and 'Corymbia calophylla - Kingia australis woodlands on heavy soils', in addition to nine TECs potentially occurring within the site which are all Matters of National Environmental Significance (MNES). Additionally, areas of vegetation within the site potentially support foraging, potential roosting and potential breeding habitat for black cockatoos (namely Baudin's black cockatoo, Carnaby's black cockatoo and Forest Red-tailed black cockatoos), which are listed as MNES therefore afforded protection under the EPBC Act.
- The specific impacts on MNES within the site would need to be determined following targeted surveys within the site and determination of the likely future development proposal, including access from Mundijong Road. Notwithstanding this, it is anticipated that the future development proposal would impact upon the black cockatoo habitat to some degree even if impacts to TEC's can be avoided. If the future works within the site will or are likely to have significant impacts on any MNES, then referral of the proposed action under the EPBC Act would be required.
- In this respect, determination of the presence or absence of MNES would be required through appropriate surveys and the development proposal would need to be considered to determine if impacts upon any MNES within the site would likely be significant.

A key consideration for addressing both state and federal environmental regulatory frameworks is ensuring possible impacts are avoided to the significant environmental values in the northern portion of the site, and where these impacts cannot be avoided justification will need to be provided as to why and provision of impact mitigation and offset requirements to respond to residual impacts. In the assessment of the offset considerations, the following recommendations were made:

1. Given the significance of the environmental values within the northern portion of the site, serious consideration is given to impact avoidance and minimisation, particularly to the known extent of TECs that occur in the northern portion of the site. This will need to be further confirmed through detailed flora and vegetation survey.
2. As part of progressing any proposed development, serious consideration is given to impact mitigation opportunities within the site, including the provision of development



separations/buffers and opportunities for ecological restoration of these areas to not only mitigate impacts but improve the site's ecological values in relation to TEC vegetation, wetlands and ecological linkage functions.

3. Should unavoidable impacts be considered for State and Federally listed TECs, that offset opportunities be considered and progressed very early in the overall planning process as these are likely to be material and possibly complex to resolve to the extent required to support State and Federal environmental approval processed.

Assessment of infrastructure planning associated with the freight rail deviation project

A planning study has been underway since 2019 to realign the existing freight rail line which currently traverses through the centre of Mundijong, and on the eastern edge of Mardella. It has included assessment of multiple corridor alignments, environmental and heritage studies and stakeholder consultation including with affected landowners and the community. In conjunction with the rail corridor selection, a short section of the future Tonkin Highway extension south of Mundijong Road was also incorporated in the planning study.

The public engagement process culminated in two online surveys and multiple community information sessions which focused on identifying a preferred route by the community for the rail realignment. Feedback from community and stakeholders, along with a Multi Criteria Analysis and a detailed assessment based on land and community impacts, has resulted in the preferred freight rail realignment corridor being identified. This is shown in the following image, together with the Tonkin Highway Extension Project case (that currently funded to be built), and future extension south of Tonkin Highway.

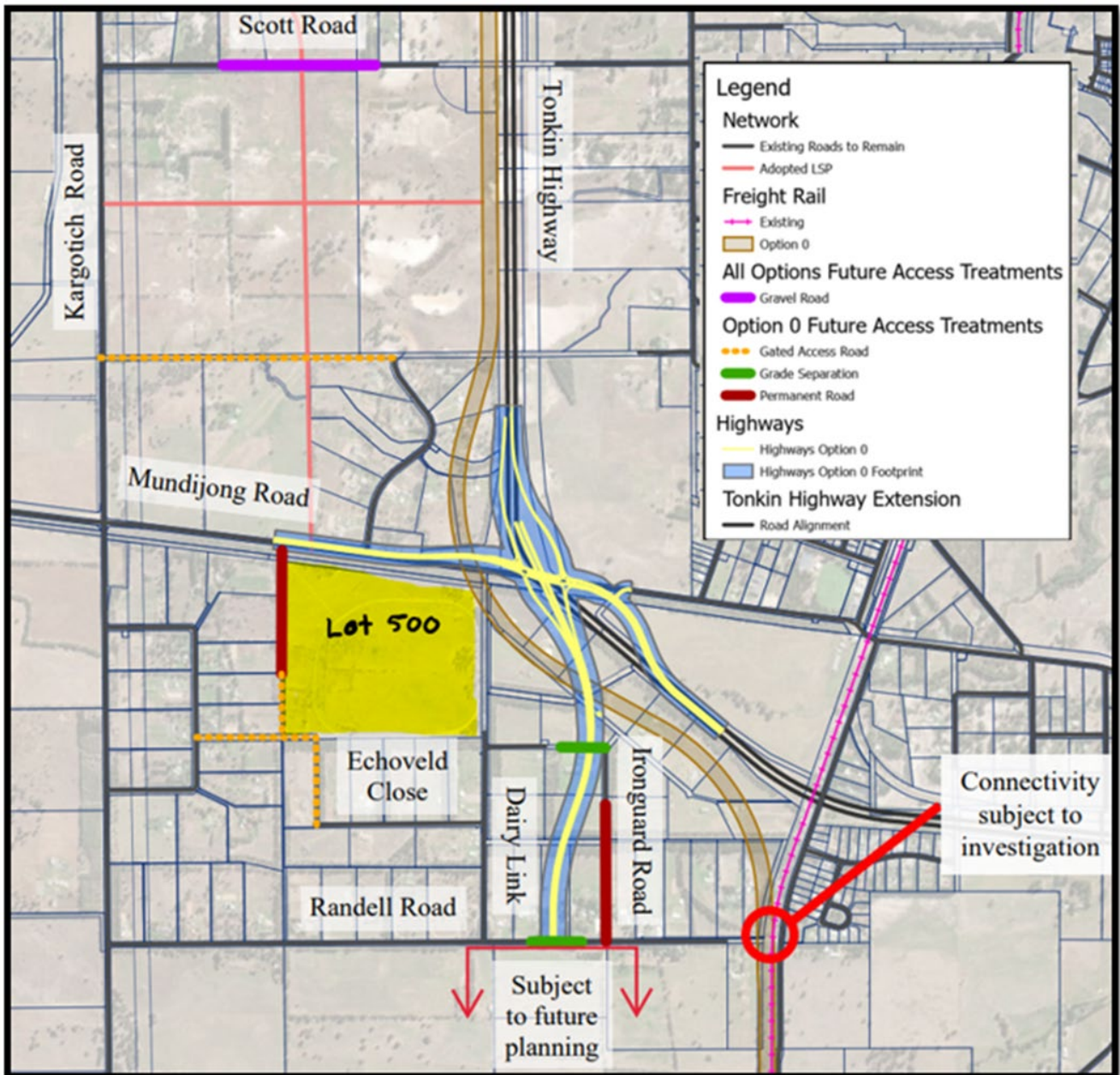


Figure 3

This shows the eastern area adjoining Lot 500, being proximate to the route for the rail deviation, and the southern extension of Tonkin Highway.

Assessment of future organizational needs

As a rapidly growing local government, analysis has previously been undertaken that has shown there is a need to plan for an operations and animal pound facility that meets future organisational and community needs. With a rapidly growing population, which will see the current 2023 population of 34,000 people double within 17 years, and then continue toward 100,000 people before 2050, there is a need to future proof waste transfer considerations for that future population. Finally, there will also be a need to provide a new emergency management facility for the Mundijong Bushfire Brigade and SES, and enhanced Incident Control Centre capabilities that can support effective disaster management planning for the future. These considerations have informed the Draft Master Plan.





## Draft Master Plan

The Draft Master Plan, included in **attachment 2**, identifies that there is strong opportunity for the subject site to accommodate the current and growing need for different land uses. In addition, the site has demonstrated advantages in relation to accessibility and co-location of facilities, while providing effective interface with surrounding land.

The following strategic site opportunities have been identified:

- Opportunities to leverage off the West Mundijong Industrial Area to the north and connectivity to Mundijong Road, Kwinana Freeway, Tonkin Highway Extension.
- The site can leverage off the future 'Mundijong City' with anticipated future population of 55,000 people.
- Proximity to existing State Government facilities (DFES Headquarters being 30 mins away and existing Mundijong Police Station).
- Future Freight Rail deviation provides further buffers for the possible DFES Training Academy and existing surrounding land uses.



**Figure 4: Key Strategic Opportunities of the Draft Master Plan**

## Key Elements of the Draft Master Plan

The key aspects include:

- The Master Plan provides space (20ha) for the possible DFES Training Academy with access from the future spine road / roundabout into the site. This includes provision for an administration and learning centre and training ground component. The training area will provide space for training scenarios, that simulate the range of scenarios emergency



responders may face (e.g. emergency response for high rise building, warehousing, residential, rural, urban, marine etc.).

- The Master Plan proposes space for an incident control centre (Level 3) co-located with the Mundijong State Emergency Services (SES) and Mundijong Volunteer Bushfire Brigade (MVBFB) functions.
- The Master Plan proposes a location for the future Shire of Serpentine Jarrahdale Operations Depot, including garage, storage building, animal care facility and waste facility building. The site offers an opportunity to undertake these works on land owned by the Shire and co-locate with other uses to foster a sense of a community hub connected to the West Mundijong Industrial Area.
- A commercial opportunity (4,500sqm) has also been designated, to service the range of employment and enterprise generating land uses the Master Plan would create.
- The access of internal roads allow for access by large vehicles consistent with the spine road access to the West Mundijong Industrial Area.

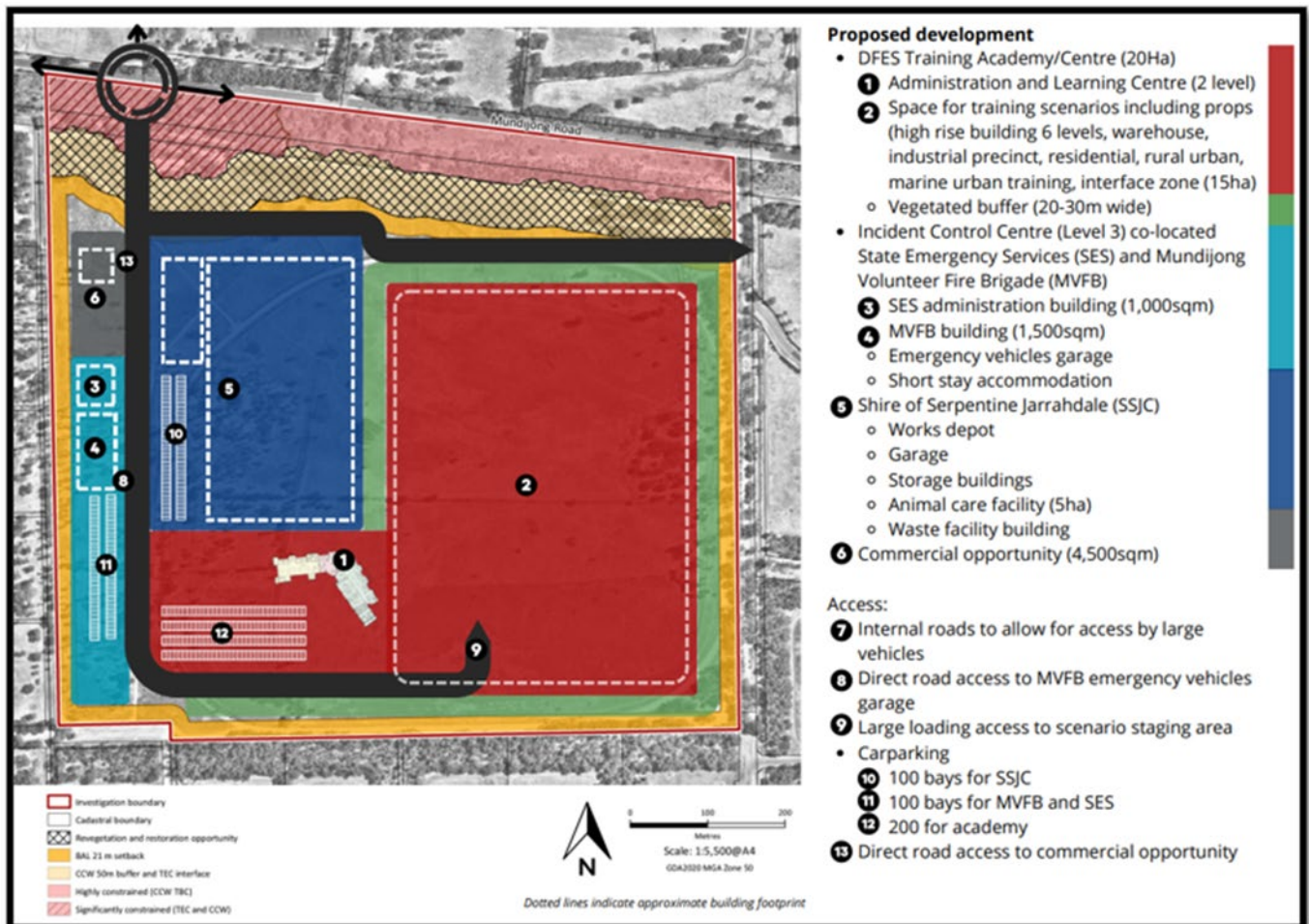


Figure 5: Draft Master Plan



An indicative concept plan has also been created. This seeks to indicate how careful attention to site layout and interface with surrounding development would be a primary focus should the Draft Master Plan end up charting a way forward with the subject proposals:



Figure 6: Draft Concept Plan



## **Options and Implications**

### Option 1

That Council:

1. RECEIVES the Draft Master Plan (**attachment 2**) and Environmental Assessment Report (**attachment 1**) for 10 (Lot 500) Lampiter Road, Mardella.
2. ENDORSES the Draft Master Plan being advertised for a period of 42 days, in order to obtain community and stakeholder feedback, and such advertising to be undertaken in accordance with the Community Engagement Plan (**attachment 4**).
3. REQUESTS the Chief Executive Officer and Shire President to meet with the Minister for Emergency Services and Commissioner of the Department of Fire and Emergency Services, in order to present the Draft Master Plan (**attachment 2**) for awareness and specific feedback on the proposal, and whether the site is the preferred site for the new potential DFES training academy.
4. Upon completion of (2) and (3), REQUESTS the Draft Master Plan be presented back to Council, together with community and stakeholder feedback, for further consideration.

### Option 2

That Council DOES NOT RECEIVE the Draft Master Plan and Environmental Assessment Report for 10 (Lot 500) Lampiter Road, Mardella, and DOES NOT CONSENT to community and stakeholder advertising.

Option 1 is recommended.

## **Conclusion**

This report has described the background and process in developing a Draft Master Plan opportunities for the subject site.

The report seeks Council to receive the document, and consent to community and stakeholder engagement taking place in order to further advance consideration of the potential for the land.

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

- **10.1.9 - attachment 1** - Environmental Assessment Report by Emerge (E23/9892)
- **10.1.9 - attachment 2** - 10 Lampiter Drive, Mardella (Lot 500) Draft Master Plan (E23/10324)
- **10.1.9 - attachment 3** - 10 Lampiter Drive, Mardella (Lot 500) Draft Concept Plan (E23/9890)
- **10.1.9 - attachment 4** - 10 Lampiter Drive, Mardella (Lot 500) Community Engagement Plan (E23/10326)



**Alignment with our Strategic Community Plan**

<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

**Financial Implications**

There are a range of statutory implications prescribed under the *Local Government Act 1995* should any local government consider the disposition of land, or seek to perform certain undertakings that meet limits defined. In this regard, a Draft Master Plan may be considered a vision based document and in no way presents an action on behalf of Council to support or otherwise proceed with decision making that would warrant compliance with the Act.

**Risk Implications**

Risk has been assessed on the basis of the Officer Recommendation.

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council consents to advertising the Draft Master Plan, but the State Government do not support its location as a training academy and results in the Master Plan needing to be reconsidered.	Ensuring a robust process has occurred in formulating the Master Plan.	Financial	Possible	Moderate	MODERATE	Engage with DFES.
2	That Council does not consent to the Draft Master Plan.	Nil.	Organisational Performance	Possible	Moderate	MODERATE	Nil.



**Voting Requirements:** Simple Majority

**Officer Recommendation:**

**That Council:**

- 1. RECEIVES the Draft Master Plan (attachment 2) and Environmental Assessment Report (attachment 1) for 10 (Lot 500) Lampiter Road, Mardella.**
- 2. ENDORSES the Draft Master Plan being advertised for a period of 42 days, in order to obtain community and stakeholder feedback, and such advertising to be undertaken in accordance with the Community Engagement Plan (attachment 4).**
- 3. REQUESTS the Chief Executive Officer and Shire President to meet with the Minister for Emergency Services and Commissioner of the Department of Fire and Emergency Services, in order to present the Draft Master Plan (attachment 2) for awareness and specific feedback on the proposal, and whether the site is the preferred site for the new potential DFES training academy.**
- 4. Upon completion of (2) and (3), REQUESTS the Draft Master Plan be presented back to Council, together with community and stakeholder feedback, for further consideration.**



**10.1.10 - Community Safety and Crime Prevention Plan 2023 – 2027 (SJ700-4)**

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

**Authority / Discretion**

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 adopting the Community Safety and Crime Prevention Plan 2023-2027.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting - 18 May 2020 - OCM112/05/20 - COUNCIL RESOLUTION*

*That Council ADOPTS the Community Safety and Crime Prevention Plan 2020-2022 as contained within attachment 1 SUBJECT to:*

- 1. Updating the table on page 7 of the Plan to include a per capita measure and an appropriate regional comparator to benchmark against.*
- 2. A new action 4.1.3 being included under Outcome 4.1 'Reduction in the incidence of crime and harm related to alcohol and other drugs' of the Plan as follows:  
"Formulate and implement a local planning policy specific to helping guide the exercise of discretion in respect of amenity considerations associated with the location, siting and design of liquor stores within the Shire of Serpentine Jarrahdale."*

**Background**

In 2004, the Shire of Serpentine Jarrahdale entered a partnership agreement with the Office of Crime Prevention to develop a Community Safety Plan. The Office of Crime Prevention provided funding to local governments to assist them with the process. In 2009 with the help of this funding, a Community Safety and Crime Prevention Plan was developed and endorsed by Council. This had an initial implementation timeframe of three years.

Many outcomes were achieved in the first phase, from varying community safety initiatives and promotions.

Plans have continued from 2013 to the present, with success based upon partnerships that were being developed especially in working closely with local residents, network of Community Safety Officers in the Southeast Corridor, and the local police. These partnerships were particularly seen in the following areas:



- Eyes on the Street Training for Shire Staff;
- Safety House WA;
- Neighbourhood Watch Network;
- Community BBQ Safety series;
- Byford Security Patrol Trial to focus on Hotspot Areas;
- Implementation of a Cocooning Program Partnering with local police and Neighbourhood Watch;
- Community Safety Talks to Local P&Cs and Community Groups.

Approaching nineteen years on, an updated Plan is timely for Council to now consider.

### **Community / Stakeholder Consultation**

The updated Plan was developed using research into WA Police crime statistics for the period 2015-2023 as well as community consultation with key stakeholders, including the Mundijong Police. The most recent feedback obtained through the 2022 Markyt Community Perceptions Scorecard, has also been used to inform this updated Plan for Council consideration.

From this consultation, six key priority areas and objectives have been identified:

1. Promote Safe Driving;
2. Promote Safer Communities;
3. Support Families, Children and Young People;
4. Address Alcohol and other Drug Misuse;
5. Promote Safe Physical Environments; and
6. Educate Families and Local Stakeholders about Bush Fire Risk.

For each strategic objective contained within the Plan, the following is provided:

- How the Shire will achieve the strategic objective through desired outcomes;
- Actions to achieve each desired outcome; and
- Key partners have been identified to assist with each action.

Details of how the Shire will measure success in achieving the objectives and who has influence over the Shire's ability to achieve its objectives have also been provided.

The Community Safety and Crime Prevention Plan 2023-2027 provides leadership and direction for all partners working to promote community safety and the reduction of crime levels. It encourages long term planning for safe and inclusive communities. Like the first version of the Plan, it will be monitored and reviewed, to track progress towards outcomes intended to be achieved.





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## Statutory Environment

The *Local Government Act 1995* establishes the general function of a local government, at clause 3.1, to provide for the good government of persons in its district. Community safety is a component of good government, but one where local government is primarily a support agency - not the lead. Such support is especially important in building community capacity for safe and inclusive areas, and to which partnership can be formed with law enforcement agencies to help deliver proactive local programs for targeted community needs.

## Comment

The Community Safety and Crime Prevention Plan 2023-2027 was developed through an extensive consultation process. Information was obtained from a variety of community groups and stakeholders regarding actual crime as well as their perceptions of safety and crime issues within the community. Factual data was provided by the WA Police and from Community Safety Surveys conducted by the Shire between 2013 and 2019.

Community Safety and Crime Prevention has been identified as one of the highest priorities for the community, according to the 2022 Markyt Community Perceptions Scorecard.

The aim of the consultation process was to:

1. Identify community safety priorities;
2. Encourage collaboration between state government, local government and community organisations on issues of community safety;
3. Direct resources towards appropriate community safety initiatives;
4. Build partnerships with key organisations, groups and individuals to address community safety; and
5. Coordinate actions to increase actual and perceived community safety in people's homes and public spaces.

As one of the fastest growing local governments, it is important that the Shire develops strategies to reduce crime and promote a safe, vibrant, inclusive, and connected community within the Shire of Serpentine Jarrahdale. Through partnerships and specific programs, Officers consider that the Shire will greatly influence community perceptions and outlook as it relates to safety and feelings of security.

**Attachment 1** contains the Draft. The following overviews key approaches and themes taken in the Draft Plan:

### Assault (family)

- Key themes: Education and information; safe access to information; encourage reporting; partnerships with schools in respect of aligned messaging; youth workers connecting young people to the help options available.

### Stealing

- Key themes: Inaugural safety and security grants program 2024/2025 (Shire contribution for home owners / business owners to install street facing CCTV); holiday watch program to continue; education via Neighbourhood Watch network on how to limit potential for opportunistic crime.



### Transport Offences

- Key themes: Continue “see something say something” initiative; highlight how important reporting is and what it leads to; safety in design in new roads.

### Drug Offences

- Key themes: Ensure messages about where help can be found; encourage anonymous reporting options “dob in a dealer” etc.

### Property Damage

- Key themes: Inaugural safety and security grants program 2024/2025 (Shire contribution for home owners / business owners to install street facing CCTV); holiday watch program to continue; education via Neighbourhood Watch network on how to limit potential for opportunistic crime.

One new initiative, as outlined above, is the reduction in the opportunity for crime through a security subsidy for residents to install street facing CCTV and other eligible security items in their homes. This would be a new initiative, and potentially would include an annual budget allocation of \$50,000. Should Council endorse the Draft Plan, there would be work done as part of the next budget process due in 2024/2025, to outline the specific mechanisms of this subsidy program.

## **Options and Implications**

### Option 1

That Council:

1. ADOPTS the Community Safety and Crime Prevention Plan 2023 - 2027 as per **attachment 1**.
2. REQUESTS the Chief Executive Officer and Shire President write to Hon Sabine Winton, Minister for Prevention of Family and Domestic Violence, seeking that the Department of Communities prioritise the Shire for funding and delivery of a womens refuges to provide accommodation and support services to women and children escaping family and domestic violence.

### Option 2

That Council DOES NOT ADOPT the Community Safety and Crime Prevention Plan 2023 - 2027.

Option 1 is recommended.

## **Conclusion**

The Community Safety and Crime Prevention Plan is not confined to action by local government alone. It signals the continuation of the new way of working on community safety and crime prevention issues, with much closer collaboration between community agencies, community members, local government and other State Government Partners e.g. Police, Department of Communities etc.

The Plan highlights that improving community safety and preventing crime is everyone’s responsibility. With all stakeholders working together to implement the objectives contained within the Plan, we can make a collective difference to all communities within the Shire of Serpentine Jarrahdale.

**Attachments (available under separate cover)**

- **10.1.10 - attachment 1** - Community Safety and Crime Prevention Plan 2023 - 2027 (OC23/8162).

**Alignment with our Strategic Community Plan**

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community
<b>Outcome 4.2</b>	A strategically focussed council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest

**Financial Implications**

The Community Safety and Crime Prevention Plan 2023-2027 is intended to be delivered over a period of five years. Primarily the Plan will be implemented utilising partnerships and programs, however an additional initiative being proposed is an annual security subsidy program, which would incur a recurring budget allocation beginning 2024/25, if Council supported it at the future budget time.

Having the Plan in place also enables the Shire to apply for funding opportunities, which includes using a combination of Shire funds, external funding/or contributions from community safety and crime prevention stakeholders.



**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 be the lowest strategic risk option.						
2	<p>If Council does not adopt the Plan there could be:</p> <p>a) a negative impact on the Shire's reputation with regards to supporting Community Safety and Crime Prevention;</p> <p>b) a decrease in well-being and perceptions of safety within the community.</p>	<p>Currently the 2020 to 2023 Crime Prevention Plan is being implemented. The new Plan has been adapted to the change in both actual and perceived crime.</p>	Reputation	Possible	Moderate	MODERATE	Accept Officer Recommendation

**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

- ADOPTS** the Community Safety and Crime Prevention Plan 2023 - 2027 as per attachment 1.
- REQUESTS** the Chief Executive Officer and Shire President write to Hon Sabine Winton, Minister for Prevention of Family and Domestic Violence, seeking that the Department of Communities prioritise the Shire for funding and delivery of a womens refuges to provide accommodation and support services to women and children escaping family and domestic violence.



## 10.2 Infrastructure Services reports:

<b>10.2.1 - RFT 10/2023 – Orton Road Telstra Assets Relocation – Revised quotation (SJ4219)</b>	
<b>Responsible Officer:</b>	Strategic Projects Lead
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

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

The purpose of this report is for Council to consider approving the Shire's sole supplier contract with Telstra (previously approved - OCM172/07/23) to the revised value of \$765,684.51 ex GST (**CONFIDENTIAL attachment 1**)

### Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 17 July 2023 – OCM172/07/23 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <ol style="list-style-type: none"> <li>1. That Council <b>RESOLVES</b>, in accordance with Regulation 11(f) of the Local Government (Functions and General) Regulations 1996, that because of the unique nature of the services required, it is unlikely that there is more than one potential supplier;</li> <li>2. That Council <b>APPROVES</b> the Shire entering into a sole supplier contract with Telstra to the value of \$717,941.60 ex GST, as contained within <b>CONFIDENTIAL attachment 2</b>;</li> <li>3. <b>AUTHORISES</b> the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for completion of the works specified in <b>CONFIDENTIAL attachment 2</b>.</li> </ol>
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### Background

As part of the hypergrowth road projects, following the completion of the detailed design of the Orton Road project, it was discovered that a 1.9km section of the existing Telstra copper network cable is located within the road widening area between Kargotich Road and Hopkinson Road. In accordance with the approved standard utilities alignment, the standard telecommunication services alignment should be 0.9m from the property boundary. However, the existing Telstra cable is located below the road shoulder, on the south side of the road about 5 metres away from the standard alignment. The Telstra cable needs to be relocated to the new alignment to facilitate the road widening.



In November 2022, a request was made to Telstra to provide a quotation for the relocation of the copper network. On 26 May 2023, the Shire received the quotation (**CONFIDENTIAL attachment 2**) totalling \$717,941.60 ex GST. However, the quotation had a validity period of only thirty days expiring on 24 June 2023, and by the time it was scheduled to be presented to Council (17 July 2023), it had already expired and needed revalidation.

On 4 July 2023, while finalising the report to Council, Officers contacted Telstra to validate the quotation and extend the validity period from 30 to 45 days to ensure the quotation would remain valid until a purchase order could be raised after the Council approval to proceed with the works. Telstra representative verbally confirmed that based on the previous similar cases, the quotation would remain unchanged for about 6 months. Officers requested confirmation by receiving the re-validated quotation, however, on 18 July 2023, a day after the Ordinary Council Meeting, Officers received re-validated quotation with a higher value than the original. The new quotation (**CONFIDENTIAL attachment 1**) valued at \$765,684.51 ex GST, which is approximately \$48,000 more than the initial quotation. As the asset owner, Telstra is the sole authority to undertake their asset relocation works, either by using their own resources or engaging their pre-approved qualified sub-contractors. Accordingly, it is not possible to engage any other contractors from the industry to relocate the Telstra assets. It is therefore recommended that Telstra's revised quotation is accepted to enable the road project to progress without further delays.

### **Community / Stakeholder Consultation**

Nil.

### **Statutory Environment**

Legislation requires tenders to be publicly invited before entering into a contract valued at \$250,000 or more.

Regulation of the *Local Government (Functions and General) Regulations 1996* provides exemptions from this requirement. These exemptions include Regulation 11(f) where because of the unique nature of the services required, it is unlikely that there is more than one potential supplier.

Council's delegation to CEO of section 3.57 is restricted by a condition that limits use of the exemption provided by Regulation 11(f) to contracts of a value of not greater than \$500,000.

### **Comment**

To proceed with the road widening, it is necessary to relocate the Telstra asset to the standard telecommunication service corridor, away from the road.

Telstra has confirmed that the asset relocation must be carried out by a Telstra-certified contractor and organised by Telstra itself. The Shire is not permitted to directly contact private contractors for this purpose (refer **attachment 3**).

Based on the received Telstra quotation (**CONFIDENTIAL attachment 1**), the new cost for Telstra assets relocation works for Orton Road upgrade project is equal to \$765,684.51 ex GST. The 2023-24 Draft Budget proposes a budget of \$1,592,000 for this project.

Officers have contacted Telstra seeking clarification for the cost increase, given that less than 2 months had passed since the first quotation was issued. Telstra responded that the main reason for the cost increase is due to a significant increase for the provision of traffic management services by their sub-contractors for work to be undertaken during 2023-24 financial year. (refer **attachment 4**).



The new quotation is valid for 45 days, starting from the date of issue on 14 July 2023 and expiring on 28 August 2023.

As the value of the revised quotation varies from the previous decision of council OCM172/07/23, the sole supplier contract with Telstra is presented again to the council for their consideration.

### Options and Implications

#### Option 1

That Council:

1. APPROVES the Shire entering into a sole supplier contract with Telstra to the value of \$765,684.51 ex GST, as contained within **CONFIDENTIAL attachment 1**;
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for completion of the works specified in **CONFIDENTIAL attachment 1**.

#### Option 2

That Council REQUESTS the Chief Executive Officer to present a reduced scope of works that excludes service relocation for the project for Council consideration at a future meeting.

Option 1 is recommended.

### Conclusion

Council's award of RFT 10/2023 to Telstra would enable telecommunications assets relocation as part of Orton Road upgrade project to proceed.

### Attachments (available under separate cover)

- **10.2.1 - CONFIDENTIAL attachment 1** – Hypergrowth Project - Orton Road - Telstra service relocation - Revised quotation (IN23/15469)
- **10.2.1 - CONFIDENTIAL attachment 2** – Hypergrowth Project - Orton Road - Telstra service relocation – original quotation (IN23/13403)
- **10.2.1 - attachment 3** – Orton Road - Telstra service relocation – Telstra confirmed the contractors can only be engaged by Telstra (IN23/14141)
- **10.2.1 - CONFIDENTIAL attachment 4** – Hypergrowth Project - Orton Road - Telstra clarification for the reason behind the service relocation cost increase (E23/9718)

### Alignment with our Strategic Community Plan

<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration



**Financial Implications**

There are no immediate financial implications associated with this decision.

The proposed 2023/24 Long Term Financial Plan has a total proposed budget for this project of the following:

Financial Year	Budget
2021-22	\$370,000
2022-23	\$152,000
2023-24 (Proposed)	\$1,592,000
2024-25 (Proposed)	\$3,975,250
<b>Total</b>	<b>\$6,089,250</b>

To date there has been spends of \$369,728 on this project which still leaves sufficient funds for these works and the funds are confirmed via an executed funding agreement with the State Government.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option						
2	The project without service relocation would result in no road widening leading to the project not achieving it's intended benefits for the community.	Nil	Social Community Outcomes /	Likely	Moderate	SIGNIFICANT	Nil





Continued

## Ordinary Council Meeting Agenda Monday, 21 August 2023

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**Voting Requirements:** Simple Majority

### Officer Recommendation

**That Council:**

1. **APPROVES** the Shire entering into a sole supplier contract with Telstra to the value of \$765,684.51 ex GST, as contained within **CONFIDENTIAL** attachment 1;
2. **AUTHORISES** the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for completion of the works specified in **CONFIDENTIAL** attachment 1.



**10.2.2 – Lot 123 and 124 Gordon Road Access, Serpentine (SJ1271)**

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

**Authority / Discretion**

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

The purpose of this report is for Council to consider options for the provision of vehicular access to Lots 123 and 124 Gordon Road, Serpentine.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 19 June 2023 – OCM143/06/23 - COUNCIL RESOLUTION / Alternative Officer Recommendation*

*That Council DEFERS this matter to the July Ordinary Council Meeting to allow the opportunity for the residents involved to make representation to Council on this matter.*

**Background**

An 80m long section of Gordon Road, from where the existing gravel road within the road reservation terminates, to the boundaries of Lots 123 and 124 has never been constructed. This section of Gordon Road is adjacent to the southern boundary of Lot 2. In absence of a constructed road, the owners of Lot 123 and 124, have had longstanding vehicular access to their properties via an informal gravel track located within the adjoining privately owned Lot 2.

Lot 2 Gordon Road was listed for sale in late 2021, which at that time prompted the owners of Lot 123 and 124 to contact the Shire requesting the Shire to provide a road connecting the boundary of their properties to the constructed section of Gordon Road. The owners of Lots 123 and 124 were concerned that the new owner of Lot 2 may not allow them to use the track located within Lot 2 to access their properties in future.

**Community / Stakeholder Consultation**

Shire Officers have contacted the new owners of Lot 2 to explain the current access arrangement issue and seek information regarding their future plans for development of Lot 2. Also discussed with the new owner were a number of possible options that provide new or maintain the existing access to Lots 123 and 124. The new owners of Lot 2 have advised that they intend to develop the land and install fencing around the perimeter of their property preventing the current public access through Lot 2. They also indicated that they would consider selling a portion of Lot 2 for



the purpose of amalgamation with the road reserve to allow for the existing track to be used for public access.

Shire Officers have also been contacted on several occasions by the owners of Lots 123 and 124 where they were seeking information regarding the Shire's position on the provision of access to their properties including construction of the unbuilt section of Gordon Road.

Further to this, the owner of Lot 123 has advised Officers that in her opinion, the Shire is responsible for the provision of a safe vehicular access and egress to and from the lots. As the owner is a single lady, 68 years of age, on her behalf, her daughter has also raised concerns with Officers as to the safety risks which present to her and her family if Emergency Services (Ambulance, Police and Fire) are unable to access the property in the event of an emergency involving them such as a fall, snake bite or fire.

Officers have emailed the owners of both Lot 123 and 124 a copy of the 4 proposed options presented in this report for Council consideration as well as the Officer recommendation to receive feedback on their view of the Officer recommendation. Each owner has provided feedback on the 4 proposed options and Officer recommendation as follows:

- Owner of Lot 124 Gordon Road has advised she strongly rejects options 1, 2 and 3 and strongly advocates for option 4 being the fairest and most logical pathway to resolution moving forward. The response from the owner of Lot 124 is attached as **attachment 5**.
- Owner of Lot 123 Gordon Road has advised she does not support option 1 or 2 in any way and rejects both options unreservedly and supports option 3 or option 4. The response from the owner of Lot 123 is attached as **attachment 6**.

### **Statutory Environment**

- *Land Administration Act 1997;*
- *Local Government Act 1995;*
- *Planning and Development Act 2005.*

### **Comment**

Gordon Road exists as an unsealed, gravel road located on the east side of South Western Highway in Serpentine. It provides access to 12 rural lots.

Towards the eastern end of the road reserve for Gordon Road, an 80-metre section of the road was never constructed within the dedicated road reserve. This section is adjacent to the Southern boundary of Lot 2 and extends towards Lot 123 and Lot 124. The constructed section of Gordon Road terminates at a point providing vehicular access to Lot 27 and Lot 6 only. The topography of the land in this 80m section of the road reserve is very steep and is densely vegetated in some sections, such that vehicular access is not possible in its current state, refer to **images A and B** below showing the cadastral boundaries and photograph of the unbuilt section of the road reservation.



**Image A – Cadastral boundaries and existing roads.**



**Image B – Unbuilt section of Gordon Road road reserve – Looking east from end of existing gravel Gordon Road, up towards Lot 123 and 124.**



The mechanism by which new roads are constructed to provide access to newly created lots is through the imposition of such conditions on a landowner/developer at the time of subdivision. In this regard, a standard model condition of subdivision listed in the Western Australian Planning Commission Model Subdivision Conditions Schedule requires, in part, “those lots not fronting an existing road are provided with frontage to a constructed road/s connected to the local road system”.

Following an exhaustive search of the Shire’s records, Officers were unable to determine why this requirement was either not imposed, or if imposed, not fulfilled at the time of creating lots 123 and 124 Gordon Road. Furthermore, Officers have investigated and reviewed available records however it was not possible to be determined when Lots 123 and 124 were created.

A review of historical Landgate aerial images indicate that since the creation of Lot 123 and 124 Gordon Road, the owners have had longstanding vehicular access to their properties via an informal gravel road located within the adjoining privately owned Lot 2, in lieu of a constructed road within the dedicated road reserve. Based on the historical Landgate images, this access arrangement has been in place since mid-1970’s for Lot 123 and since late 1980’s for Lot 124. This has been possible as Lot 2 is not fenced, and vehicles are able to freely access the property. Officers are not aware of any formal agreements between the three lot owners in regard to use of the portion of Lot 2 to access Lots 123 and 124.

In late 2021, Lot 2 Gordon Road was listed for sale by the property owner. It appears that there was an awareness by each of the Lot 123 and 124 property owners of the informal access arrangements as this prompted each owner to separately contact the Shire and request the Shire to construct a road to connect their properties to the constructed portion of Gordon Road. The length of unmade road is 80 meters. When making this request, both owners raised their concerns that new owners of Lot 2 may refuse them access to their properties through Lot 2. In May 2022, the sale of Lot 2 was completed, and the property was transferred to the new owners.

Shire Officers also obtained legal advice regarding the Shire’s responsibility to provide a constructed road link up to the boundary of Lot 123 and 124, as well as the legal implications of the long-standing informal access arrangements for these two lots via Lot 2.

The Legal advice dated 19 May 2022 provided clarification to a number of points, which have been summarised below:

- “It is reasonable for the Shire to contend that it is under no responsibility to build a road right up to the boundaries of Lot 123 and 124.”

There is no requirement within the *Local Government Act* or the *Land Administration Act* that requires a Local Government to construct a road on every road reserve in its district.

- “It is reasonable for the Shire to contend that the two property owners are responsible for constructing a crossover/road to connect their properties to the constructed portion of Gordon Road”.

A Local Government is not responsible for constructing crossings (vehicle crossovers) that connect a (public) road to a private property. This is the lot owner’s responsibility.

- “The road through Lot 2 is marginally unlikely to be considered a common law road but the Shire could consider solutions such as an easement or compulsory acquisition if it wished to consider the Lot 2 road as an alternative to constructing a road to connect the trafficable portion of Gordon Road to or close to the boundaries of the two lots”.

The Legal advice is contained in **CONFIDENTIAL attachment 1**.



It should be noted that this is not an isolated case in the Shire where a road reserve exists without a road being constructed in the road reserve. A desk top analysis of the current road network within the Shire, undertaken by Shire Officers, indicates that there are approximately 42 similar cases of existing road reserves with no formal roads constructed within the road reserves. Where these reserves are used for access, they appear to be simply informal tracks, not constructed for vehicular traffic. A plan depicting the location of these reserves within the Shire is shown in **attachment 4**.

A number of options are available to address the access issue.

One option being the construction of the missing 80m section of road within the road reservation. Shire Officers undertook a desktop investigation to determine the cost to construct the 80m section of the road. Given the steep grade of the land (approximately 25%), the road would need to be sealed to prevent erosion and wash out during rain events. The estimated cost to clear the existing vegetation, design and construct a 4m wide sealed (chip seal and not asphalt) road is \$150,000. Undertaking this option, a maximum of up to 10 trees will be required to be cleared depending on the final alignment of the proposed road design. A clearing permit to clear these trees will need to be applied for by the Shire.

Another option which Officers have discussed with the owner of Lot 123, is for the owner to construct a crossover at their cost, approximately 80 meters in length from their property boundary to the constructed road within the dedicated road reserve. The owner indicated this will not be a possible option for her from a cost point of view. Both the owners of Lot 123 and 124 would need to construct individual crossovers or agree to construct one shared crossover.

A further option for consideration is for the acquisition of a portion of Lot 2, adjacent to the Gordon Road road reserve, as it is currently being used to access Lots 123 and 124, and amalgamate that portion of Lot 2 with the Gordon Road road reserve. This will enable continuation of the current access arrangement by providing a wider dedicated road reservation. It is estimated that a 14m wide North-South portion and a 21m wide East-West portion of Lot 2, equating to an area of 4,525 m<sup>2</sup>, would be required to be purchased and amalgamated with the existing Gordon Road road reserve to enable this. Based on the May 2022 sale price of Lot 2 of \$825,000, the proportionate land value for the required land based on the May 2022 sale price is estimated to be \$15,740, however this will be subject of a valuation and agreement at the time of finalising the transfer. The total cost of this land amalgamation would be approximately \$40,000 (subject to final land valuation) which will include purchase of the land and payment of legal fees, survey works and subdivision fees. The acquisition can be funded by either the Shire, or the owners of Lots 123 and 124. The area of land required for this option is indicated below in **image C**.

It should be noted that should this option be adopted, the road asset liability of Shire would increase by 4,525 m<sup>2</sup>. In addition, the existing track located in Lot 2 and used by the owners of Lots 123 and 124 is not an appropriately constructed road but rather the natural ground formed by vehicular traffic. This track which is approximately 225m long, will require formation and construction of a 4m wide gravel finished pavement with drainage to a rural standard in order to be classified as an access road. The estimated cost of this work would be \$140,000. Together with the land and amalgamation cost, the total cost to complete this option to an acceptable standard will be in the order of \$180,000.



**Image C – Portion of Lot 2 to be acquired and amalgamated with Gordon Road road reserve**

Officers have contacted the new owners of Lot 2, explaining the current situation and to understand their likely use of the land in the future and implications of the current access arrangements. The owners indicated that the current access arrangements are likely to continue for the near future, until such time that they obtain approval to construct a dwelling on the lot and reside there. At that time, they will fence their property for their security. The option to acquire and amalgamate the portion of Lot 2 with Gordon Road has been discussed with the owners, who indicate they are not opposed to this option.

An alternative to secure the access was also discussed between Officers and the Owner of Lot 2. This discussion was for an access easement over the existing access track within Lot 2, to secure the future vehicular access for Lots 123 and 124 through Lot 2. The easement dimensions would be similar to that of the area that would be purchased and amalgamated in the above suggested option. This option would be the cheapest of all the options, as it would not require land to be acquired and subdivided and would not require a road or crossovers to be constructed. However, the owner of Lot 2 indicated they are not supportive of the easement option as it provides no benefit to them. Unless the owners of Lot are compensated for any impact to their land and agree to a proposal, it will not be possible to create this easement.

This report was listed for discussion at the 19 June 2023 Ordinary Council Meeting, but the item was deferred to 17 July 2023 Ordinary Council Meeting to provide the affected residents the opportunity to present their position to Council.

Since the 19 June 2023 Ordinary Council Meeting, Officers have further reviewed other possible options and explored an additional option where the construction of the 80m road extension within



the road reserve could be undertaken by the Shire at a cost to the owners of Lots 123 and 124. Through this option, the road construction can be pre-funded by the Shire, with the cost to be recovered from the owners of Lot 123 and 124 at a future time when the properties are sold.

To obtain security for the repayment of the construction cost in future, the Shire would lodge a caveat against the land with the Registrar of titles, lodged against each of the lots.

To lodge the caveat, each of the land owners will need to agree to reimburse equal half of the cost to the Shire at a later date when they sell their properties. This agreement would be executed as a formal deed of agreement. The deed to be executed between the parties would record acknowledgement of the landowners' obligation to reimburse, contain a charging clause under which the landowners charge their land with the debt owed to the Shire for the cost of works.

The current estimated cost to design and construct the 80m section of the road, as a 4m wide sealed road is \$150,000. On this basis, each lot owner would be required to repay \$75,000 to the Shire. This cost is an estimate only. The construction of the road would be undertaken by an external Civil Contractor, engaged by the Shire in accordance with Council Policy 3.2.4 – Purchasing and Procurement of Goods or Services up to \$250,000. The total final construction cost will be per the cost of engagement of a contractor awarded the contract to complete the works in accordance with this Policy plus the cost of the Design works.

The legal advice also confirms that in so far as the total final cost, the Shire would not charge interest on the agreed amount.

Legal advice has been sought to confirm if this arrangement is acceptable by law, this as an option. The Legal advice is contained in **CONFIDENTIAL attachment 2** and **CONFIDENTIAL attachment 3**.

## **Options and Implications**

### Option 1

That Council:

1. ACKNOWLEDGES this is a challenging situation to resolve;
2. ACKNOWLEDGES the responses received from the two property owners affected, Lot 123 and Lot 124 Gordon Road in regards to the 4 options presented;
3. NOTES the legal advice received, that the Shire is under no responsibility to construct a road right up to the boundaries of Lot 123 and 124 as contained within **CONFIDENTIAL attachment 1**;
4. REQUESTS that the CEO write to the affected properties advising that Council's adopted position is that it will only AGREE to design and construct the unconstructed 80m section of Gordon Road to a 4m wide sealed road, subject to the written agreement of the owners of Lot 123 and 124 Gordon Road that the:
  - i. Two owners pay the cost upfront to the Shire, split evenly between the two owners, or
  - ii. Two owners consent to signing a Deed of Agreement which will be supported by a "subject to" Caveat on their property title for payment of 50% of the total costs of the road construction to the Shire upon the sale or transfer of ownership of each lot;
  - iii. Whichever alternative is consented by the two owners, costs to be met by the owners upfront.





5. AUTHORISES the Chief Executive Officer to execute a formal deed of agreement, in agreement with the owner of Lot 123 and 124 Gordon Road, acknowledging the landowners' obligation to reimburse to the Shire for the total costs, by including a charging clause under which the landowners charge their land with the debt owed, and lodge caveat's on each title in accordance with the Deed of Agreement;
6. In the event that construction is not funded upfront by the owners, and option 4.ii (being the subject to caveat option) is agreed to by the owners of Lots 123 and 124 APPROVES the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expense	Gordon Road -Capital Expenditure	150,000	
6400-NEW-4907-0000	Increase Revenue	Gordon Road – Capital Contributions – Other		150,000
<b>Reason:</b> Construction of something at Gordon Road to be funded from Contributions by the respective Landowners				

### Option 2

That Council REQUESTS the Chief Executive Officer, advise the owners of Lot 123 and Lot 124 Gordon Road that Council declines the request to fund construction of the 80m unconstructed section of Gordon Road or purchase a portion of Lot 2 Gordon Road to amalgamate with the Gordon Road road reserve allowing for the current access to Lots 123 and 124, with the cost for the access option being met up front and in total by the owners of Lot 123 and 124.

### Option 3

That Council:

1. AGREES to purchase approximately 4,525m<sup>2</sup> portion of Lot 2 Gordon Road and amalgamate it with the existing Gordon Road road reserve at an estimated cost of \$40,000 (subject to final land valuation) to be funded from the Roads Reserve budget in the 2023/24 Financial Year; and
2. AGREES to fund the formation and construction of an approximately 225m long x 4m wide gravel finished pavement with drainage to a rural standard at an estimated cost of \$140,000, with the total approximate cost of this option being \$180,000 and APPROVES the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expense	Gordon Road -Capital Expenditure	180,000	
6400-NEW-5033-0000	Increase Trf From Reserve	Gordon Road – Transfer From Reserve – Road and Bridge Asset Management Reserve		180,000



Account Number	Type	Account Description	Debit \$	Credit \$
<b>Reason:</b> Construction of 80m long section Gordon Road to be funded from Road and Bridge Asset Management Reserve				

3. NOTES that the road located within the amalgamated Gordon Road road reserve will become an asset for the Shire to manage and maintain.

Option 4

That Council:

1. SUPPORTS funding of the design and construction of 80m of Gordon Road, to a 4m wide sealed road to Lots 123 and 124 within the existing road reserve, at an estimated cost of \$150,000 and APPROVES the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expense	Gordon Road -Capital Expenditure	150,000	
6400-NEW-5033-0000	Increase Trf From Reserve	Gordon Road – Transfer From Reserve – Road and Bridge Asset Management Reserve		150,000
<b>Reason:</b> Construction of 80m long section Gordon Road to be funded from Road and Bridge Asset Management Reserve				

2. NOTES that the newly built 80m long section of Gordon Road will become an asset for the Shire to manage and maintain.

Option 1 is recommended.

**Conclusion**

The owners of Lot 2 will develop their property in future, including fencing the boundaries which will prevent the current public vehicle access through Lot 2 to Lots 123 and 124. Therefore, access arrangements to Lots 123 and 124 will need to be finalised prior to Lot 2 becoming fenced from public access.

Based on the legal advice received, the Shire is not obliged to provide a constructed road access to Lot 123 and 124 Gordon Road. The responsibility to secure vehicular access or to construct a vehicle crossover from these property boundaries to the existing constructed road therefore remains with the property owners. On this basis, option 1 is recommended.



**Attachments (available under separate cover)**

- **10.2.2 – CONFIDENTIAL attachment 1** – Legal Advice regarding Gordon Road, Serpentine – access to Lots 123 and 124 – 19 May 2022 (IN22/12612)
- **10.2.2 – CONFIDENTIAL attachment 2** – Supplementary Legal Advice regarding Gordon Road, Serpentine – Crossover costs for Lots 123 and 124 – 13 July 2023 (IN23/14964)
- **10.2.2 – CONFIDENTIAL attachment 3** – Supplementary Legal Advice regarding Gordon Road, Serpentine – Road Link Construction to Lots 123 and 124 – 25 July 2023 (IN23/16087)
- **10.2.2 – attachment 4** – Shire existing road reservations with lot access where a road is not constructed (E23/10228)
- **10.2.2 – attachment 5** – response from Lot 124 Gordon Road on options (IN23/16925)
- **10.2.2 – attachment 6** – response from Lot 123 Gordon Road on options (IN23/16988)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

**Financial Implications**

The recommended option 1 will have an interim financial implication of \$150,000 to the Shire Roads Reserve budget in the current financial year. The Shire will also be responsible for maintenance of an additional 80m long x 4m wide sealed road. The estimated annual maintenance cost of this road would be approximately \$500 per year.

Should option 3 be considered, this will have a financial implication to the Shire's Roads Reserve budget in the 2023/24 financial year for the amount of approximately \$180,000 (subject to final land valuation) for purchasing land and amalgamating with the road reserve and construction of a gravel road. This option will require maintenance of the existing 225m long x 4m wide gravel track, requiring ongoing grading and gravel re-sheeting estimated to cost approximately \$2,000 per year.

Should option 4 be considered, this will have a financial implication to the Shire's Road Reserve budget in the 2023/24 financial year for the amount of \$150,000 to construct the road extension. The Shire will be responsible for maintenance of an additional 80m long x 4m wide sealed road. The estimated annual maintenance cost of this road would be approximately \$500 per year.



**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 owners do not consent to funding the construction upfront or having a caveat placed on their title		Reputation	likely	Minor	MODERATE	
2	That Council supports the request for the owners to construct the access option	Local Government Act 1995 and the Shire Vehicle Crossover Specifications	Reputation	Likely	Minor	MODERATE	
3	That Council support the purchase and amalgamation of portion of Lot 2 of Gordon Road in the 2023/24 FY	Consideration as part of the 2023/24 financial year Roads Reserve Budget.	Financial	Likely	Insignificant	MODERATE	
4	That Council support funding the design and construction of 80m of Gordon Road in the 2023/24 FY	Consideration as part of the 2023/24 financial year Roads Reserve Budget.	Financial	Likely	Insignificant	MODERATE	



**Voting Requirements:** Absolute Majority

**Officer Recommendation**

**That Council:**

1. **ACKNOWLEDGES** this is a challenging situation to resolve;
2. **ACKNOWLEDGES** the responses received from the two property owners affected, Lot 123 and Lot 124 Gordon Road in regards to the 4 options presented;
3. **NOTES** the legal advice received, that the Shire is under no responsibility to construct a road right up to the boundaries of Lot 123 and 124 as contained within **CONFIDENTIAL** attachment 1;
4. **REQUESTS** that the CEO write to the affected properties advising that Council's adopted position is that it will only **AGREE** to design and construct the unconstructed 80m section of Gordon Road to a 4m wide sealed road, subject to the written agreement of the owners of Lot 123 and 124 Gordon Road that the:
  - i. Two owners pay the cost upfront to the Shire, split evenly between the two owners, or
  - ii. Two owners consent to signing a Deed of Agreement which will be supported by a "subject to" Caveat on their property title for payment of 50% of the total costs of the road construction to the Shire upon the sale or transfer of ownership of each lot;
  - iii. Whichever alternative is consented by the two owners, costs to be met by the owners upfront.
5. **AUTHORISES** the Chief Executive Officer to execute a formal deed of agreement, in agreement with the owner of Lot 123 and 124 Gordon Road, acknowledging the landowners' obligation to reimburse to the Shire for the total costs, by including a charging clause under which the landowners charge their land with the debt owed, and lodge caveat's on each title in accordance with the Deed of Agreement;
6. In the event that construction is not funded upfront by the owners, and option 4.ii (being the subject to caveat option) is agreed to by the owners of Lots 123 and 124 **APPROVES** the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expense	Gordon Road -Capital Expenditure	150,000	
6400-NEW-4907-0000	Increase Revenue	Gordon Road – Capital Contributions – Other		150,000
<b>Reason: Construction of something at Gordon Road to be funded from Contributions by the respective Landowners</b>				

**10.3 Corporate Services reports:**

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

**Authority / Discretion**

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

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

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.

**Background**

Nil.

**Community / Stakeholder Consultation**

Not Applicable.

**Statutory Environment**

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

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

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



**Comment**

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

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

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

**Options and Implications**

Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 July 2023 to 31 July 2023, totalling \$5,786,322.09

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 July 2023 to 31 July 2023, totalling \$5,786,322.09

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 31 July 2023 (E23/9875)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 29 May 2023 to 27 June 2023 – Redacted (E23/9876)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

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

The accounts paid under delegated authority for 1 July 2023 to 31 July 2023 totalled \$5,786,322.09



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	That Council does not accept the payments	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	

**Voting Requirements:** Simple Majority

### Officer Recommendation

**That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 July 2023 to 31 July 2023 totalling \$5,786,322.09 as contained in attachment 1.**



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

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

**Authority / Discretion**

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

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

This report is about the financial position of the Shire as at 30 June 2023.

**Relevant Previous Decisions of Council**

*Special Council Meeting – 25 July 2022 – SCM026/07/22 - COUNCIL RESOLUTION – extract*

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

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

*Whichever is greater.*

*In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.*

**Background**

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at a point in time.

**Community / Stakeholder Consultation**

Nil.



## **Statutory Environment**

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

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

## **Comment**

### Monthly Financial Report

The attached report shows the month end position as at the end of 30 June 2023.

The municipal surplus as at 30 June 2023 is \$6,327,575 which is favourable, compared to a budgeted amount. The primary cause of this is a due to a number of carryforwards projects as discussed below.

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

### **Operating Revenue**

#### Rates

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

#### Operating Grants, Subsidies and Contributions

Favourable variance of \$2,957,664 due primarily to:

- Receiving 2023-24 Financial Assistance Grant in advance- \$2,993,663

#### Fees and Charges

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

#### Interest Earnings

Favourable variance of \$218,946 due primarily to:

- Higher interest rates than anticipated.

#### Other Revenue

Favourable variance of \$154,991 due primarily to:

- Reimbursement on legal cost from rates outstanding debtors for various assessment fees - \$102,528.
- Reimbursement on workers compensation claim from Local Government Insurance Scheme (LGIS) - \$55,262.

#### Profit on Asset Disposal

Unfavourable variance of \$83,045 due primarily to:

- The delay in supply and delivery of plant and fleet items. This has delayed in replacement of fleet assets .



## **Operating Expenses**

### Employee Costs

Favourable variance of \$1,472,956 due to vacant positions within the organisation.

### Materials and Contracts

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

### Utility Charges

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

### Depreciation on Non-Current Assets

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

### Insurance Expenses

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

### Interest Expenses

Unfavourable variance of \$15,543 due primarily to:

- Additonal repayment of loan interest on Loan 121 – Abernethy Road - \$30,291.52

### Other Expenditure

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

### Loss on Disposal of Assets

Unfavourable variance of \$85,905 due primarily to:

- Disposal of a depot transportable building – Non Cash

## **Other**

### Contributions/Grants for the Construction of Assets

Unfavourable variance of \$13,265,327 due primarily to construction for the following projects are ongoing or have not commenced and therefore revenue cannot be recognised in this financial year, with the most significant being:

- \$8,574,373 - Keirnan Development - Stage 1A
- \$2,169,054 - Upgrades of Roads - Kargotich - Stage 1
- \$1,027,593 - Kingsbury Drive Federal Black Spot
- \$789,455 - Byford Skate Park Stage 2

Revenue budgets for these projects will be carried forward into the 2023/24 Financial year.

### Capital Expenditure

Favourable variance of \$9,862,980 for purchase of property, plant, and equipment primarily due to the delay in supply and delivery of plant and fleet items and number of ongoing facility capital projects still in process with the most significant being:

- \$6,624,410 - Admin Building Development - Stage 2
- \$1,584,204 – Plant and Equipment



Favourable variance of \$13,963,479 for purchase and construction of infrastructure primarily due to projects that are due to commence or continue construction in 2023-24 financial year, with the most significant being:

- \$8,574,373 - Keirnan Development - Stage 1A
- \$2,169,054 - Upgrades of Roads - Kargotich - Stage 1
- \$1,027,593 - Kingsbury Drive Federal Black Spot
- \$789,455 - Byford Skate Park Stage 2

Expenditure budgets for these projects will be carried forward into the 2023/24 Financial year.

Refer to Capital Works Expenditure within **attachment 1** for further details.

#### Proceeds from Disposal of Assets

Unfavourable variance of \$382,727 due primarily to:

- The delay in supply and delivery of plant and fleet items. This has delayed in replacement of fleet assets, resulting in lower than anticipated proceeds.

Proceeds from Disposal of Assets budgets will be carried forward into the 2023/24 Financial year.

#### Proceeds from Loans

Unfavourable variance of \$6,000,000 due primarily to:

- The construction not being commenced yet in the admin building. Therefore drawn down from loan is not required in 2022-23 financial year.

Proceeds from Loan budgets will be carried forward into the 2023/24 Financial year.

#### Repayment of Leases

Unfavourable variance of \$13,382 due primarily to:

- Extension of Civic Centre photocopier lease until 31 March 2023.

#### Transfer to Reserve

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

#### Transfer from Reserve

Variance in Transfer from Reserve of \$3,167,615 due primarily to:

- Administration Building Development Construction to be funded from reserve has yet to commence
- The delay in supply and delivery of plant and fleet items. This has delayed in replacement of fleet assets.

Transfer from Reserves associated with ongoing projects will be carried forward into the 2023/24 Financial Year.



**Options and Implications**

Option 1

That Council RECEIVES the Monthly Financial Report for June 2023 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the Monthly Financial Report for June 2023, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 1 is recommended.

**Conclusion**

Nil.

**Attachments (available under separate cover)**

- **10.3.2 - attachment 1** – Monthly Financial Report – June 2023 (IN23/16119)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

As at 30 June 2023, the Shire’s respective cash position was as follows:

Municipal Fund:     \$9,160,146.44  
Trust Fund:             \$304,221



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for May leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	Accept Officer Recommendation

**Voting Requirements:** Simple Majority

### Officer Recommendation

**That Council RECEIVES the Monthly Financial Report for June 2023 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.**



**10.3.3 - Award Request for Tender – RFT 01/2023 – Administration Building – Staff Amenities Refurbishment (SJ4196)**

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

**Authority / Discretion**

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

The purpose of this report is to provide Council a tender evaluation report and seek approval for the award of the Staff Amenities refurbishment project.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 15 May 2023 – OCM115/05/23 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. APPROVES the request to go to tender for the Staff Amenities refurbishment project as contained within attachments 1 and 2.*
- 2. NOTES the project update on Council Chambers relocation and Staff Accommodation refurbishment.*
- 3. NOTES that the pre-tender estimates for Stage 2A only relates to the construction costs of the project and does not include the costs associated with staff relocation and measures to mitigate noise and other impacts close to the construction zone and alternative kitchen, common spaces and ablution facility arrangements during construction identified in a Staff Relocation Strategy. These costs will be presented to Council with the submissions received for the tender for construction.*

**Background**

Stage 2 of the Administration Building Redevelopment Project consists of refurbishment of:

- Staff Amenities (toilets and kitchen/lunch areas);
- Staff Accommodation offices; and
- Council Chambers relocation.

Stage 2A includes the Staff Amenities (toilets and kitchen/lunch areas) and Staff Accommodation offices with Stage 2B being the Council Chambers relocation. This report only deals with Stage 2A.



Detailed design documentation and tender specifications were completed for the Staff Amenities earlier this year. Following the Ordinary Council Meeting outcome on 15 May 2023, a procurement process has been carried out by Officers as per the project management framework. Tenders have now been closed and the Shire is able to present the outcome of the tender assessment and evaluation process to the Council.

### **Community / Stakeholder Consultation**

#### Policy Concept Forum

Nil.

### **Statutory Environment**

- *Planning and Development Act 2005;*
- *Building Act 2011;*
- *Food Act 2008.*

In respect to the *Planning and Development Act 2005*, a local government enjoys a broad exemption under both region and local planning scheme planning application requirements.

The above three dot points explains the engagement process that would need to occur, noting that a formal planning approval would not be required. In terms of building legislation and health legislation, a certified building permit application may be required for any building work in accordance with section 9 of the *Building Act 2011*. As a Building Permit is required, an independent building surveyor has been engaged to issue a Certificate of Design Compliance (CDC) for the proposed design.

### **Comment**

The below information further explains the procurement process that has been undertaken. The assessment of the tender's submission has also been summarised for Council's reference.

#### Submissions

The Request for Tender RFT 01/2023 - Administration Building – Staff Amenities Refurbishment was advertised on Saturday 27 May 2023 and closed at 2.00pm on Friday 16 June 2023.

The Tender was advertised in the following papers:

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

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

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





Tender submissions were received from the following companies:

#	Company Name
1	Ausglobal Construction Pty Ltd
2	BE Projects (WA) Pty Ltd
3	Hoskins Contracting Pty Ltd

### Evaluation Panel

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

- Director Corporate Services
- Director Infrastructure Services
- Manager Major Projects

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

### Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	55%
Relevant experience with: <ul style="list-style-type: none"><li>• 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</li></ul>	15%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none"><li>• Capacity to deliver the services including:</li><li>• Key personnel / Professional skills;</li><li>• Describe the key personnel who will be involved in the work, including past work of a similar nature.</li></ul>	15%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none"><li>• Project schedule;</li><li>• Process for delivery of goods/services;</li><li>• Project Management Plan;</li><li>• Critical assumptions; and</li><li>• Any additional information.</li></ul>	15%

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



Following the assessment of all tender submissions, against the selection criteria, the tender submitted by **BE Projects (WA) 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 **BE Projects (WA) Pty Ltd** be accepted.

### **Options and Implications**

The following options have been identified:

#### Option 1

That Council:

1. AWARDS Tender RFT 01/2023 - Administration Building – Staff Amenities Refurbishment to **BE Projects (WA) Pty Ltd** to the value of \$1,626,444.86 excluding GST, as contained within **CONFIDENTIAL attachment 1**;
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 01/2023 - Administration Building – Staff Amenities Refurbishment; and
3. In accordance with the Shire's Project Management Framework and Contract Management Policy RESOLVES that the Project Budget for Stage 2A including Tender RFT 01/2023 is \$2,450,033.

#### Option 2

That Council NOT AWARD the contract and retender.

#### Option 3

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

#### Option 4

That Council REASSESS and appoint an alternative tenderer / quoter.

Option 1 is recommended.

### **Conclusion**

**BE Projects (WA) 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 **BE Projects (WA) Pty Ltd**.



### Attachments (available under separate cover)

- **10.3.3 – CONFIDENTIAL attachment 1** – RFT 01/2023 - Administration Building – Staff Amenities Refurbishment - Evaluation Report (E23/6976)
- **10.3.3 – CONFIDENTIAL attachment 2** – RFT 01/2023 - Administration Building – Staff Amenities Refurbishment – Pricing Schedule (E23/6977)
- **10.3.3 – CONFIDENTIAL attachment 3** – RFT 01/2023 - Administration Building – Staff Amenities Refurbishment - Probity Report (E23/6978)
- **10.3.3 – CONFIDENTIAL attachment 4** – RFT 01/2023 - Administration Building – Staff Amenities Refurbishment – Illion Comprehensive Report – BE Projects (WA) Pty Ltd (E23/8165)

### Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.1</b>	Recognise local heritage
<b>Strategy 1.2.2</b>	Encourage and support public art in public areas
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.2</b>	Seek to minimise resource usage and continue to maximise reuse opportunities
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community



### **Financial Implications**

As noted in the June 2022 OCM report, the overall project feasibility budget was \$8,510,500 as adopted by Council. As the scope of the project has been reduced to remove the link building, this level of funding will not be required.

The project plan currently notes a total budget of \$6,900,300 for the refurbishment of combined three sub-stages noted as:

- Staff Amenities;
- Staff Accommodation; and
- Council Chambers.

The tender amount from **BE Projects (WA) Pty Ltd** has been received at \$1,626,455 (ex GST), which is noted as 9% higher than the Pre-tender estimate of \$1,500,000. Given the detailed assessment of the submission has occurred, the project team is comfortable in endorsing the contractor's submission as competitive and reflective of the current market conditions.

With offers for Stage 2A being received, the budget for this part of the accommodation project can be set. To accord with the Shire's Project Management Framework and Contract Management Policy it is proposed that the Stage 2A budget be set at \$2,450,033. This budget includes:

- the construction works set out in Tender RFT 01/2023.
- contingency reflective of market conditions and construction in a brownfield development.
- project management costs including to superintendent the works and manage interface elements with the staff and visitors to the building. This includes the current consultation process with Shire staff teams around temporary works and relocation strategy.
- temporary works including the cost of infrastructure adjustments to shift staff into updated library offices, removal of existing sea containers from the construction footprint, hiring temporary buildings for toilets, shower and kitchen /crib amenities including 10 months of servicing these facilities.

The above nominated project construction cost for Stage 2A will be supported within the total project budget of \$6,900,300.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Not having adequate office and civic space to meet organisational requirements.	Progression of the developed concept plan and execution of works that addresses the requirements of the Shire.	Reputation	Likely	Moderate	HIGH	Proceed to detailed design and execution of the project plan.
2,3 and 4	Retention of staff	Manage by improving work environment to attract and retain staff whereby reducing cost of ongoing recruitment	Reputation	Possible	Moderate	MODERATE	Seek input from staff during detailed design.

**Voting Requirements:** Simple Majority

### Officer Recommendation

**That Council:**

1. **AWARDS Tender RFT 01/2023 - Administration Building – Staff Amenities Refurbishment to BE Projects (WA) Pty Ltd to the value of \$1,626,444.86 excluding GST, as contained within CONFIDENTIAL attachment 1;**
2. **AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 01/2023 - Administration Building – Staff Amenities Refurbishment; and**
3. **In accordance with the Shire’s Project Management Framework and Contract Management Policy RESOLVES that the Project Budget for Stage 2A including Tender RFT 01/2023 is \$2,450,033.**



**10.3.4 – Arrangements for swearing-in of elected members, appointments of members of Committees and Advisory Groups, and elected member induction following the 2023 Ordinary Local Government Election (SJ4128)**

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

**Authority / Discretion**

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 arrangements following the 2023 Ordinary Local Government Election associated with:

- hospitality on the election count-night;
- swearing-in of elected members and election of the Deputy President;
- appointment of members of Committees and Advisory Groups; and
- elected member induction.

**Relevant Previous Decisions of Council**

Nil.

**Background**

The 2023 Ordinary Local Government Election will be held on 21 October 2023. On 15 May 2023, the Shire was advised that the Minister for Local Government on the recommendation of the Local Government Advisory Board had accepted Council's recommended Ward and Representation configuration.

The Ward and Representation configuration that will commence following the 2023 Ordinary Local Government Election is:

- 1 x Shire President elected at large across the district; and
- 6 x Councillors distributed evenly across three wards with no change to the configuration of the Shire's ward boundaries at this time.

The Minister also agreed with the recommendation that the abolishment of council positions required to reduce numbers be taken from the positions due to expire at the 2023 Ordinary Local Government Election.



This means that the following positions will be available to contest at the 2023 Ordinary Local Government Election:

- 1 x Shire President elected at large across the district;
- 1 x Councillor (South Ward); and
- 1 x Councillor (North West Ward).

Following the election there are a series of activities that need to take place to ensure continuity.

Under legislation, Councillors must be sworn-in before acting in the role. This is traditionally held on the Monday immediately following the election, which in 2023 would have been Monday, 23 October 2023. However, given the potential delay in the declaration of results it is proposed that the swearing in be held a week later on Monday, 30 October 2023.

Following the swearing-in of elected members, Council is required to determine seating allocations for elected members and vote for a Deputy President, who is elected by Council in accordance with section 2.15 of the *Local Government Act 1995* (the Act).

Council also has established:

- two Committees under section 5.8 of the Act, being the Audit, Risk and Governance Committee, which includes external members; and the CEO Employment Committee.
- seven advisory groups which feature a combination of Councillors and external members being:
  - Access and Inclusion Advisory Group
  - Equine Advisory Group
  - Cemeteries Advisory Group
  - Bush Fire Advisory Committee (BFAC)
  - Local Emergency Management Committee (LEMC)
  - Keirnan Park Stakeholder Reference Group
  - Volunteer Bushfire Brigade Enhancement Working Group

Council also directly makes appointments or nominates appointees to a combination of external government and non-government organisations in accordance with Council's policy on the matter such as WALGA zone and South East Regional Energy Group (Switch Your Thinking).

With the exception of the Metro Outer Joint Development Assessment Panel (MOJDAP), tenure on these groups expires at the 2023 Ordinary Local Government Election. As such, following the election, Council will need to make appointments to these groups (and may need to make recommendations to the Minister on appointments to the MOJDAP).

Following an election, it is accepted best practice that Councillors receive an induction. The importance of a comprehensive induction for Councillors has been reinforced in Department reports into local government performance.

The induction process used at the Shire was expanded in 2021 as a multiday event which included external presenters.

This paper describes the proposed arrangements.

**Community / Stakeholder Consultation**

<b>Meeting Date</b>	7 August 2023
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Dagostino, Cr Duggin, Cr Mack, Cr Strange, Cr Strautins

**Statutory Environment**

Section 2.29 of the Local Government Act 1995 establishes that a person elected as the President, Deputy President or a Councillor has to make a declaration in the prescribed form before acting in the office.

This means that a person cannot act as in their elected role until they are formally sworn-in.

**Comment**

To enable planning for Council following the election, it is necessary for decisions to be made for post-election arrangements. The proposed arrangements are presented to Council as follows.

Election night arrangements

The election night count will be carried out at the Civic Centre at 6 Paterson Street, Mundijong. Traditionally, the election count attracts candidates and their supporters for the announcement of the results. While the count is normally completed within 90 minutes, certification of election results is reliant on the Western Australian Electoral Commission (WAEC) head office can take longer.

In 2023 optional preferential voting will be employed with CountWA software. The duration of the count and certification is an unknown but with added complexity for all local governments across the State, it is expected to be longer than in previous years.

In a webinar recorded on Thursday, 25 May 2023, the WAEC advised the sector that the declaration of results may not occur during the evening, due to the complexity associated with the count. The WAEC have also advised the sector there is a chance that the declaration of the result may not occur until the Monday following the election.

Accordingly, it is proposed that the swearing-in be conducted on Monday, 30 October 2023 with a Special Council Meeting held also that evening.

Council's policy *1.1.17 Refreshment and Alcohol Policy* provides that reasonable and appropriate expenditure can occur to cater for civic functions. The definition of civic functions provided for in the policy includes civic functions such as citizenship ceremonies that provide community recognition or a welcome by the Council. This definition does not appear to include catering associated with the announcement of the election result. As such, if Council wishes for catering to be provided on election night, a resolution to expend \$500 is proposed.

As occurred in 2019, 2021 and the fresh election in 2022, no alcohol is to be purchased or served.

An informal survey of neighbouring local governments conducted in 2019 found that, while the scale of election night activities varied, most provided catering for count staff, scrutineers and members of the public present for the announcement of results.

Swearing-in of elected members, allocation of seating and election of the Deputy President

It is proposed that the swearing-in of elected members, allocation of seating and election of the Deputy President occurs on the evening of Monday, 30 October 2023 at 6:00pm.





This is a week later than previous elections because of the potential delay in the declaration of results.

Officers are advised that other metropolitan local governments are planning a similar approach.

As in previous years, the event would comprise the Swearing In Ceremony immediately followed by a Special Council Meeting to conduct the remaining business, which in this case would be the election of the Deputy President and the allocation of seating.

This means that Council would not be able to meet between the election and the swearing-in. In the event of an emergency scenario, a swearing-in could be arranged and occur before the scheduled one to enable Council to function.

This approach would be in accordance with legislation but would mean that candidates elected at the 2023 ordinary local government election would not be able to commence performing their role until they were sworn-in.

Options for the person to witness the declaration and related matters associated with the ceremonial aspects were discussed with Council at the Policy Concept Forum on Monday, 7 August 2023.

#### Appointment of members of Committees and Advisory Groups

The appointment of members of Committees and Advisory Groups is proposed to be considered by Council at a Special Council Meeting held on Monday, 6 November 2023.

Council had previously resolved to hold the November 2023 Audit, Risk and Governance Committee on Monday, 6 November 2023.

To ensure all Committee Members, including external members receive an induction and sufficient time to consider the Agenda for that meeting, it is proposed that the November 2023 Audit, Risk and Governance Committee Meeting be shifted to Monday, 27 November 2023.

In respect to external members, it is proposed that an expression of interest is conducted for positions on the Audit, Risk and Governance Committee and Council's Advisory Groups, with the results presented to Council at the Monday, 6 November 2023 Special Council Meeting.

#### Composition of Committees

With the reduction in elected members from nine to seven following the 2023 Ordinary Local Government Election, it is proposed that Council give consideration to revising the composition of Committees.

The Audit, Risk and Governance Committee currently has a membership of five Councillors and four external members. Following the election, it is proposed that the Audit, Risk and Governance Committee's membership is revised to reduce the number of external members to two members. This approach would be consistent with Council's earlier resolution to reduce Councillor numbers.

The recent Bill has enabled external members of Committees to receive a meeting fee set by Council in accordance with a ruling by the Salaries and Allowances Tribunal. At the time of writing this report, this clause had not yet commenced.

While this would be a decision for a subsequent meeting of Council, in the first instance it is recommended that Council agree to advertise for two independent members of the Audit, Risk and Governance Committee as part of the proposed advertising, with the view to revising the Committee's membership. Council could revise the Terms of Reference of the Committee when appointing members further.



Under section 7.1B of the Act, a local government may delegate to its audit committee its powers and duties under Part 7 of the Local Government Act 1995. As the Shire’s audit committee’s business extends beyond Part 7 of the Act, for the avoidance of any confusion and to ensure greater transparency, it is proposed that the Committee’s decisions continue to be presented to Council for ratification.

In respect to the CEO Employment Committee, it is proposed that this Committee’s membership be expanded to all Councillors. This would be a decision for Council following the election.

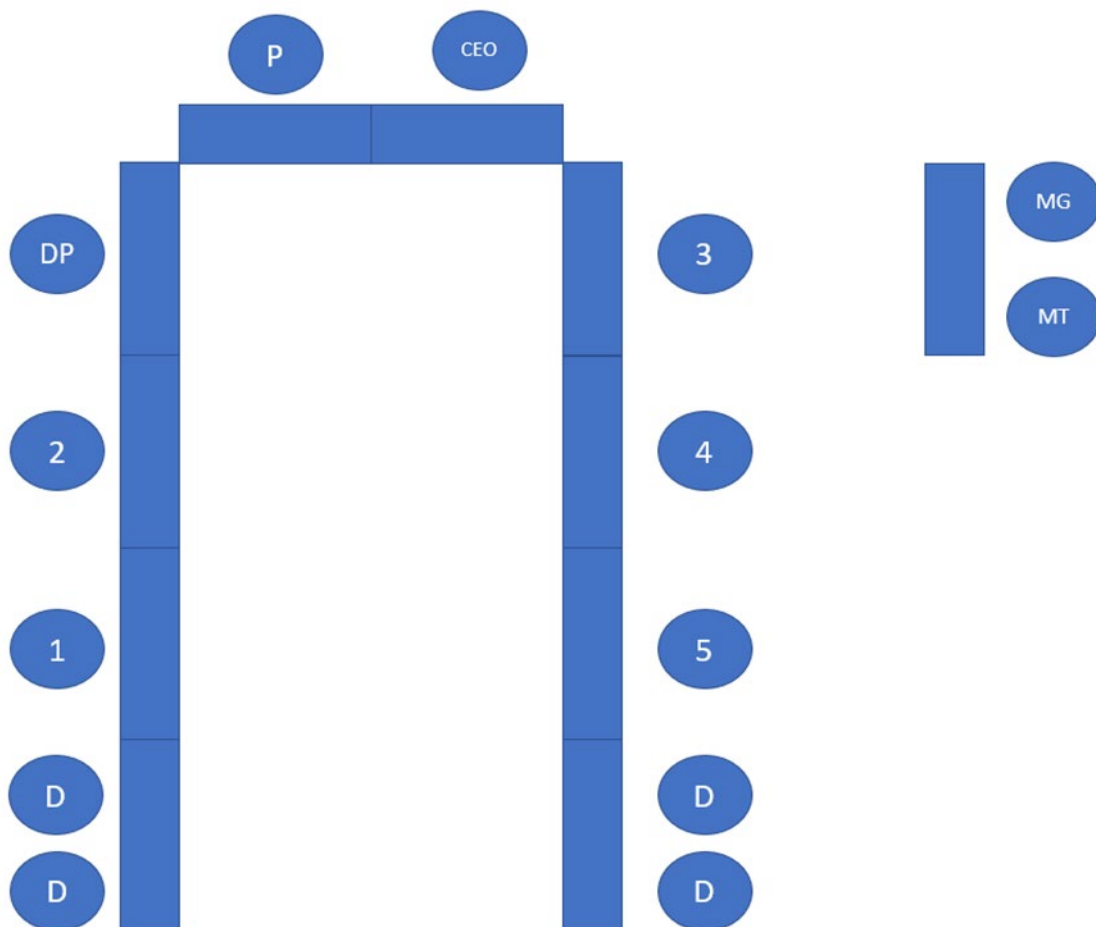
### Post-election seating arrangements

One of the consequences of COVID-19 was the replacement in June 2020 of the former chamber desk with a temporary chamber layout, featuring a series of movable meeting tables. This layout was employed as a means of ensuring social distancing and resulted in the Directors being moved behind Councillors.

This layout is not ideal from a meeting perspective because it results in Councillors having their backs to Directors and Directors, when asked to speak at Council, speaking to the backs of Councillors. It also creates a sub-optimal cabling environment with the Shire’s audio-visual cabling running underneath chairs and tables, creating a potential obstruction and safety hazards.

With the change in representation configuration following the 2023 Ordinary Local Government Election, there is an opportunity to revise the seating arrangements.

The proposed seating for a Council Meeting would be as shown below:





This revised seating would return Directors to the main chamber desk, enabling Directors to provide advice to Council when asked, in a more conducive manner.

This revised seating proposes to continue to employ the existing furniture at this time. A discussion regarding seating arrangements for the new chambers will be progressed per that project's project plan.

In accordance with Clause 8.2 of the Shire's Standing Orders, at the first meeting held after the ordinary election day (proposed to be held on Monday, 30 October 2023), the CEO will allocate by random draw, a position at the Council table to each Councillor.

### Elected member induction

In addition to the compulsory training for Councillors who are not otherwise exempt, it is proposed that all Councillors receive an induction to welcome them to the organisation, strengthen Council as a collective quasi-judicial decision-making body and prepare them for their responsibilities and duties as public officers under legislation.

Council has significant power under the *Local Government Act 1995* and the State's planning framework and legislation and individual Councillors have significant responsibilities.

The objectives of the induction are three-fold:

- Provide critical information to Councillors to prepare them for their immediate role;
- Provide an opportunity for a dialogue and a conversation with Councillors to form a cohesive working relationship; and
- Introduce Councillors to the Shire Administration.

The formal induction is proposed to be held over four Mondays commencing on Monday, 30 October 2023.

The proposed program for the first two days is shown in the tables below:

### **Day 1 - Monday, 30 October 2023**

Time	Topic	Purpose
2:30pm – 3:00pm	Rehearsal for swearing-in ceremony and Special Council Meeting	This practical session will go through the arrangements for the evening's swearing-in ceremony and Special Council Meeting. <ul style="list-style-type: none"> <li>• Seating arrangements prior to swearing in</li> <li>• the Oath and associated paperwork</li> <li>• Voting procedures</li> <li>• Seating allocation</li> </ul>
3:00pm – 4:00pm	IT provision to new Councillors as required	This session will only be required for new Councillors as it will provide an opportunity to onboard any new Councillors with their IT equipment and credentials
6:00pm	Swearing-in Ceremony and Special Council Meeting	To enable the President-Elect and Councillors-Elect to make their required declarations, elect the Deputy President and allocate seating.



### Day 2 – Monday, 6 November 2023

Time	Topic	Purpose
9:00am – 9:15am	Welcome and introductions	Provide a welcome to the Shire and an overview of what the purpose of the induction is and the sessions planned.
9:15am – 9:45am	An overview of the Shire of Serpentine Jarrahdale: <ul style="list-style-type: none"> <li>• organisational structure</li> <li>• challenges, issues, opportunities</li> <li>• the Shire’s journey</li> </ul>	This session will provide an overarching introduction to the Shire administration, the organisational structure, challenges
9:45am – 10:15am	Integrated Planning, the Strategic Community Plan, the Corporate Business Plan, Long Term Financial Plan and the Annual Budget	This session will cover the IPR including SCP, CBP. Financial plan and annual budget. It will provide an overview of the current strategic vision and the major projects being undertaken.
10:15am – 10:45am	Meetings and communication. The who, what, when, how of Council meetings, committees, advisory groups, Q&A and Policy Concept Forums (PCF)	This session will provide some practical guidance on the logistics of Council. It will cover the timetable of Council, including the timing of meetings, committees, Q&A and PCF.
10:45am – 11:00am	Morning tea-	
11:00am – 11:45am	How Council makes decisions – the process for meetings	This session will provide a practical overview of how meetings operate and basic meeting procedure conventions.
11:45am – 12:30pm	Managing interests, conduct and the responsibilities of being a public officer	This session will cover the legislative responsibilities of Councillors as public officers and inform Councillors about the oath, rules of conduct, code of conduct and provisions related to interests.
12:30pm	Close	
7:00pm	Special Council Meeting	Appointment of Council and Committee Members



### **Day 3 – Monday, 13 November 2023**

- Culture and values session – independent, expert facilitator

The program for Day 3 is yet to be determined, but is proposed to focus on culture and values as well as group dynamics, with the sessions delivered by an independent expert in the field. The types of topics that would be expected to be covered in such a session would include dealing with interpersonal conflict, leadership, insights into different ways of working and emotional intelligence. This approach is consistent with Council's previous resolution regarding a culture and values workshop.

Pending Council's in-principle support for this option, Officers propose conducting a procurement exercise to identify a suitable entity to provide this session closer to the date.

To ensure ongoing organisational effectiveness, it is proposed that follow-up sessions with the independent expert are held on a six monthly basis, but will be guided by expertise of the training provider selected.

### **Day 4 – Monday, 27 November 2023**

- Local government planning framework

This session will be presented by an external expert and cover the local government planning framework and important role that Council plays in land use planning and planning approvals. A session of this type was successful delivered in 2021. It proposed to be a half-day session commencing in the afternoon on Monday, 27 November 2023.

Holding the session on Monday, 27 November 2023 is intended to avoid holding the session on the same day as the Ordinary Council Meeting on Monday, 20 November 2023.

Overall, the four-day induction program is intended to be provided to all Councillors, whether they are first-time Councillors, returning or sitting members. This is to provide a common platform for Councillors to operate a collective decision-making body.

Funding to support these sessions will be included within the 2023-24 budget.

An induction for external members of the Audit, Risk and Governance Committee is also proposed. As was the case in 2021, the induction for external Committee Members will cover:

- How Council makes decisions – the process for meetings; and
- Managing interests, conduct and the responsibilities of being a public officer.

### **Options and Implications**

#### Option 1

That Council:

1. NOTES that food to the value of up to \$500 will be provided at the election night count and that no alcohol is to be purchased or served.
2. REQUESTS that the Swearing In Ceremony following the 2023 ordinary local government election be held on 30 October 2023 at 6:00pm
3. In accordance with section 5.4 of the *Local Government Act 1995*, CALLS for a Special Council Meeting to be held on Monday, 30 October 2023 for the purpose of Election of the Deputy Shire President and the allocation of seating commencing immediately after the conclusion of the Swearing In Ceremony at 6:00pm.



4. NOTES arrangements for the Swearing-In Ceremony as described in this report.
5. CANCELS the Policy Concept Forums scheduled for Monday, 23 October 2023 and Monday, 6 November 2023.
6. RESCHEDULES the Audit, Risk and Governance Committee to be held on Monday, 6 November 2023 commencing at 5:30pm to Monday, 27 November 2023 commencing at 5:30pm and REQUESTS that the Chief Executive Officer update the Shire’s website accordingly.
7. In accordance with section 5.4 of the *Local Government Act 1995*, CALLS a Special Council Meeting to be held on Monday, 6 November 2023 at 7:00pm for the purpose of considering appointments to Committees, Advisory Groups and other groups with Councillor representation.
8. REQUESTS that an expression of interest is conducted for external members of Council Committees and Advisory Groups and REQUESTS that responses received are presented for Council’s consideration at the Special Council Meeting called for that purpose.
9. NOTING the change in representation following the 2023 Ordinary Local Government Election and the potential to revise the membership of the Audit, Risk and Governance Committee to enable membership from all elected members, RESOLVES that the expression of interest for external members to the Committee call for expressions for two independent member positions.
10. AGREES to the revised chamber seating arrangements set out in this report.
11. AGREES to the induction program set out in this report.

Option 2

That Council REQUESTS that the Chief Executive Officer make arrangements on the matters dealt with in the report in consultation with the Shire President.

Option 1 is recommended.

**Conclusion**

Planning for the 2023 Ordinary Local Government Election is occurring in earnest. To ensure the success of post-election activities and continuity of the Shire’s business, Officers have proposed arrangements described in this paper.

**Attachments (available under separate cover)**

Nil.

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

The costs associated with the activities in this report are proposed to be accommodated in the 2023-24 budget. The 2023-24 budget included an amount of \$6,000 for Councillor training to be conducted as a group.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1&2	The timetable means that Council will not be able to meet in the period between the week of the election and swearing in on Monday, 30 October 2023 and that candidates elected at the election will not be able to commence their functions until they are sworn in.	A swearing-in can be arranged at any time after the declaration of results	Organisational Performance	Unlikely	Minor	MODERATE	



**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

1. **NOTES** that food to the value of up to \$500 will be provided at the election night count and that no alcohol is to be purchased or served.
2. **REQUESTS** that the Swearing In Ceremony following the 2023 ordinary local government election be held on 30 October 2023 at 6:00pm
3. In accordance with section 5.4 of the *Local Government Act 1995*, **CALLS** for a Special Council Meeting to be held on Monday, 30 October 2023 for the purpose of Election of the Deputy Shire President and the allocation of seating commencing immediately after the conclusion of the Swearing In Ceremony at 6:00pm.
4. **NOTES** arrangements for the Swearing-In Ceremony as described in this report.
5. **CANCELS** the Policy Concept Forums scheduled for Monday, 23 October 2023 and Monday, 6 November 2023.
6. **RESCHEDULES** the Audit, Risk and Governance Committee to be held on Monday, 6 November 2023 commencing at 5:30pm to Monday, 27 November 2023 commencing at 5:30pm and **REQUESTS** that the Chief Executive Officer update the Shire's website accordingly.
7. In accordance with section 5.4 of the *Local Government Act 1995*, **CALLS** a Special Council Meeting to be held on Monday, 6 November 2023 at 7:00pm for the purpose of considering appointments to Committees, Advisory Groups and other groups with Councillor representation.
8. **REQUESTS** that an expression of interest is conducted for external members of Council Committees and Advisory Groups and **REQUESTS** that responses received are presented for Council's consideration at the Special Council Meeting called for that purpose.
9. **NOTING** the change in representation following the 2023 Ordinary Local Government Election and the potential to revise the membership of the Audit, Risk and Governance Committee to enable membership from all elected members, **RESOLVES** that the expression of interest for external members to the Committee call for expressions for two independent member positions.
10. **AGREES** to the revised chamber seating arrangements set out in this report.
11. **AGREES** to the induction program set out in this report.





**10.3.5 – Corporate Business Plan Performance Report – April to June 2023 and 2022-2023 End of Year (SJ940-3)**

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

**Authority / Discretion**

Information	For the Council to note.
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**Report Purpose**

The purpose of this report is to provide Council with a quarterly performance report against the 2022-26 Corporate Business Plan (CBP) for the period 1 April to 30 June 2023 and an end of year performance report for the period 1 July 2022 to 30 June 2023.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 15 May 2023 – OCM113/05/23 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 January to 31 March 2023 as contained in this report and attachment 1.*
- 2. ADOPTS the amendments to the Corporate Business Plan 2022-26 as outlined in this report and attachment 2.*

**Background**

On 15 August 2022, Council adopted the Shire of Serpentine Jarrahdale Corporate Business Plan 2022-26 (OCM199/08/22) and subsequently adopted amendments on 21 November 2022 (OCM284/11/22), 20 March 2023 (OCM058/03/23) and 15 May 2023 (OCM113/05/23) as part of quarterly performance reports.

The Corporate Business Plan 2022-26 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 2022-26 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.



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## **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. This change is likely to have a flow on impact on the Corporate Business Plan, however the detail is not currently known. 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 19DA of the *Local Government (Administration) Regulations 1996* remains in place until new regulations are in effect and provisions commence.

## **Comment**

### **Quarterly Performance Report 1 April to 30 June 2023**






The Shire of Serpentine Jarrahdale has completed a quarterly performance report against the 2022-26 Corporate Business Plan for the period 1 April to 30 June 2023 ('the Report'). The Report is contained in **attachment 1** for the Council to note.

As the Report relates to the period up to 30 June 2023, changes to projects that have occurred in the period from 1 July 2023 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 101 actions in the Corporate Business Plan. Statistics this period show:

- **76%** are on track or complete (77/101);
- **24%** are at risk or behind target (24/101);
- **0%** are critical;
- **0%** are on hold; and
- **0%** are deferred or not proceeding.

Key achievements and highlights this reporting period are as follows:

- Support for the development application (subject to conditions) for 'Public Works' for a Career Fire and Rescue Services Fire Station associated development under the Metropolitan Region Scheme at Lot 201, 169 Doley Road, Byford.
- Endorsement of the Memorandum of Understanding (MOU) between the Shire of Serpentine Jarrahdale and East Metropolitan Health Service (EMHS) in relation to the Byford Health Hub.



- 
- Endorsement of an agreement with Landcare SJ Inc. for the provision of Natural Reserve Maintenance (NRM) services for 5-year period, commencing on 1 July 2023.
  - Re-commitment to addressing the impacts of climate change by becoming a signatory to the WA Local Government Association (WALGA) Climate Change Declaration.
  - Adoption of the Register of Delegations and Authorisations, following annual review.
  - Adoption of the Shire of Serpentine Jarrahdale 2021-22 Annual Report.
  - General Meeting of Electors held on 14 June 2023, to present the 2021-22 Annual Report.
  - Progress towards the Administration Accommodation project including completion of detailed design in preparation for calling a tender for the construction.
  - Endorsement of advocacy priorities for the 2025 State and Federal Government Elections.
  - Approval from the Western Australian Planning Commission of Local Planning Scheme No. 3.
  - Approval from the Minister for Planning for Development Contribution Schemes for Byford and Mundijong.
  - Endorsement of Major Event Grant funding for:
    - Byford Carols to be held in December 2023; and
    - WA State Jumping Championships (or alternate Jumping Event) to be held in October 2023.
  - Adoption of the following Council Policies:
    - CEO Performance Review Cycle
    - Crossovers; and associated Standard Specification for Construction of Crossover
  - Completion of the review of Operations and Waste, Fleet and Facilities Business Units (including Waste Transfer Station).
  - Endorsement to advertise the following documents for public comment:
    - draft Council Plan 2023-2033;
    - draft Shire of Serpentine Jarrahdale 2023-2028 Access and Inclusion Plan; and
    - Differential General Rates and the Minimum Payments Statement of Objects and Reasons for the 2023-24 rating year.
  - Adoption of the Organisational Development Roadmap 2023-2026.
  - 2023-24 Draft Budget Community Information Breakfast, held on 13 July 2023.
  - Delivery of the Anzac Day Dawn Service and the Commemorative Service, a Seniors Healthy Lifestyle event, Families Week Fun Day and Muddy Buddies.
  - Confirmation of arrangements for the 2023 Ordinary Local Government Election, including recommended locations and times for early voting, and recommended locations for polling places on election day.
  - Award of \$82,000 in community grants, resulting in a total of \$107,700 for the year, to a total of 25 community and sporting groups.



- Completed the Equine Priority – Awareness Campaign, achieving 1,413 website page visits and digital advertising reaching over 66,000 people.
- Managed 91 compliance site inspections and 23 new complaints in relation to unauthorised development.
- Watkins Road Re-use Shop diverted 8 tonnes from landfill.



The following actions **completed** this reporting period are:

- Metropolitan Regional Road Group Upgrades Renewal – Briggs Road Rehabilitation.
- Roads to Recovery Reseal Program – Holmes Road, Oakford; Baldwin Road, Serpentine; and College Court, Serpentine.
- Shire Road Reseal Program – Richardson Street, Serpentine; and Lefroy Road, Serpentine.
- Review of the Operations and Waste, Fleet and Facilities Business Units (including Waste Transfer Station).
- Equine Priority – Awareness Campaign.
- Trail Renewal – 14km of trails around Darling Downs Equestrian Estate completed and information bay off Evening Peel Court refurbished.
- Minor Facility Renewals – Baseball Dugouts at Briggs Park.
- Gravel Re-sheeting – Yangedi Road North and Kiely Lane.
- IT Renewal.
- Mundijong Road Pavement Rehabilitation.
- Nettleton Road Upgrade.
- Clem Kentish Reserve Master Plan.



The **24** actions identified as **at risk or behind target** are:

### 6 Major Capital Projects:

Action 1:	<u>Marcora Trail Upgrades</u> Trails upgrades to Marcora Trail (Carpark Improvements and maintenance works on the trail).	Status			
		Q1	Q2	Q3	Q4
Comment:	Officers are reviewing the project scope to determine what can be achieved and delivered for this project within the allocated resources and budget.				
Remedial Action:	Project initiation document once complete will be presented to the Project Board for consideration of project next steps.				



Action 2:	<u>Whitby Falls Trail Drainage Upgrade</u> Install drainage solution at the Whitby Falls Trail.	Status			
		Q1	Q2	Q3	Q4
Comment:	Quotes for the detailed design have been received and unfortunately, the works exceeded the available project budget. Shire Officers reviewed the scope and sought approval from the Project Board for additional funds to complete the project, which have been approved in July 2023. This Project will now enter the Construction Phase which is scheduled to commence in November/December 2023, in the drier months.				
Remedial Action:	The Project was originally forecast to be completed by the end of April 2023, prior to the winter months. Due to delays in the detailed design phase, the project is delayed until the weather is favourable, with construction now scheduled to commence in November/December 2023.				

Action 3:	<u>Bruno Gianatti Hall – Outdoor Hub Project</u> Redesign existing playground facilities next to the Bruno Gianatti Hall to incorporate a cohesive nature play and community space.	Status			
		Q1	Q2	Q3	Q4
Comment:	During the reporting period, quotes for Stage 1 of the Outdoor Hub have been received and unfortunately the quotes exceeded the available budget. The Shire is now negotiating with JCC and DLGSC to agree on a changed and/or reduce scope to deliver works within the available funds. Once the revised scope has been agreed, it may require another request for quote, prior to proceeding.				
Remedial Action:	The Shire is working with the key stakeholders to agree on a revised scope to deliver works, within the project objectives and within the available budget.				

Action 4:	<u>Depot Accommodation Upgrades</u> Refurbishment to the current Depot Accommodation.	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>A status update on the Depot Accommodation Upgrades for this reporting period is as follows:</p> <ul style="list-style-type: none"> <li>- Site works completed for new buildings.</li> <li>- Buildings delivered and installed successfully.</li> <li>- External services installed into the new buildings and powered up.</li> <li>- Civil works - courtyard completed.</li> <li>- Close out for Temporary Occupancy Certificates completed.</li> </ul>				
Remedial Action:	This project will continue to be managed in accordance with the Project Management Framework.				



	<u>Keirnan Park Recreation Precinct (Construction of Stage 1A)</u>	Status			
		Q1	Q2	Q3	Q4
Action 5:	Construct Stage 1A of the Keirnan Park Sports Recreation Precinct – AFL/Cricket Ovals, Pavillion and supporting infrastructure (FAA with Dept LG).				
Comment:	<p>An update regarding this project is as follows:</p> <ul style="list-style-type: none"> <li>- Detailed design for Stage 1A is complete.</li> <li>- Officers are reviewing the pre-tender estimate as it is indicating costs higher than current budget.</li> <li>- Procurement for the H2 ground water investigation is complete. Works on site will commence approximately August, pending weather conditions.</li> <li>- The clearing permit application has now been lodged.</li> <li>- \$2M funding endorsed from the State Government for the development phase, on condition of the Shire's matching contribution.</li> <li>- The second funding agreement will be progressed following completion of water investigation and service agreements.</li> </ul>				
Remedial Action:	Impacts from issues described above are being managed in accordance with the Project Management Framework.				

	<u>SJ Community Recreation Centre – Asset Management Works</u>	Status			
		Q1	Q2	Q3	Q4
Action 6:	Works to the Serpentine Jarrahdale Community Recreation Centre as identified within the Building Condition Audit & Life Cycle Costing report.				
Comment:	The Recreation Centre's external painting is underway and making good progress. Simultaneously, the Facilities Team is actively evaluating the proposed plans for the skylight removal and reception area modification. Once the team reviews and approves the plans, the building consultant will move forward with submitting the building permit application. Additionally, the Facilities Team is presently in the process of reviewing the quotes received for the safe roof access system.				
Remedial Action:	As previously reported, the Facilities team have been impacted by the volume of projects and conflicting operational priorities. A review of resources and processes for the Facilities team has now been undertaken, resulting in a forward plan to support the delivery of projects, as well as business as usual activity. Allocation of additional resources will be made to ensure timely delivery of this project, in the 2023-24 financial year.				



### 10 Capital Works Programs:

Action 1:	<u>Drainage Renewal</u> Renew Shire drains - · Culverts – 2 x Elliot Road	Status			
		Q1	Q2	Q3	Q4
Comment:	Operations received quotes from 3 contractors and have selected a contractor. Staff changeover impacted upon this project being delivered, and occurred at the same time when works could have been undertaken during favourable weather.				
Remedial Action:	Construction is scheduled for mid-November 2023.				

Action 2 and 3:	<u>Street Lighting - New</u> Install new street lighting at the following Shire locations: - Mundijong Road / Lampiter Drive, Mundijong - Upgrade Abernethy and Hopkinson Road intersection	Status			
		Q1	Q2	Q3	Q4
Comment:	Installation at Mundijong Rd/Lampiter Drive is complete. The Abernethy Rd / Hopkinson Rd project is delayed by Western Power. The Shire engaged Powerlyt to complete and submit the street light application to Western Power in November 2022. Western Power has been paid the design fee and we are awaiting Western Power to appoint an electrical designer. Delays experienced with Western Power have been raised with them and escalated with Western Power Customer Relation Officer.				
Remedial Action:	Continue to liaise with Western Power and Customer Relation Officer to ensure project progresses.				

Action 4:	<u>Signage on equine trails</u> Install signage on equine trails	Status			
		Q1	Q2	Q3	Q4
Comment:	Signs have been purchased and received. Maps of the locations to be installed on trails across the Shire are to be created, then quotes will be sought and the signs installed.				
Remedial Action:	Signs have been purchased and received. Maps of the locations to be installed on trails across the Shire are to be progressed in next quarter.				





Action 5:	<u>Public Amenity New and Upgrade</u> Accessible toilet facilities at Jarrahdale Cemetery	Status			
		Q1	Q2	Q3	Q4
Comment:	During the reporting period, the location and specification of the toilet facility was finalised. An RFQ was issued and unfortunately, the received quotes exceeded the available budget. Officers are now working to reduce the scope and obtain additional funds to complete the project.				
Remedial Action:	Officers are reviewing the scope of the toilet facility and seeking additional funds to complete the project, in accordance with the Project Management Framework.				

Action 6:	<u>Universal Access and Inclusion Program</u> Deliver access and inclusion improvements on Shire facilities.	Status			
		Q1	Q2	Q3	Q4
Comment:	This quarter has seen discussions with a building consultant to engage a recommended access and inclusion specialist to assist with the review and prioritisation of the identified works.				
Remedial Action:	As previously reported, the Facilities team have been impacted by the volume of projects and conflicting operational priorities. A review of resources and processes for the Facilities team has now been undertaken, resulting in a forward plan to support the delivery of projects, as well as business as usual activity. Allocation of additional resources will be made to ensure timely delivery of this project, in the 2023-24 financial year.				

Actions 7, 8, 9, 10, 11 and 12:	<u>Minor Facility Renewals</u> Briggs Park Changeroom Refurbishment Briggs Pavilion Main Hall Refurbishment Mens Shed Upgrade Operations Depot Compliance and Security Upgrade Youth Services – Critical Safety Upgrades and Facilities Planning Bush Fire Brigade Management Program and Projects – Byford Changerooms, Serpentine Changeroom, and Improvements at the Fire Station	Status			
		Q1	Q2	Q3	Q4
Comment:	Briggs Pavilion Changeroom and Pavilion project is on hold, pending approval of the 2023-24 budget. It has been recommended that the capital funds are returned to the building reserve and requested nearer the time when project management resources are available to deliver the project.				



	<p>Men's Shed upgrade is progressing well. The Operations Depot ablution block has been relocated to the Men's Shed site, awaiting building permit approval. Application for an electrical supply upgrade is underway.</p> <p>Operations Depot Compliance and Security Upgrade is also progressing. A security contractor is engaged for required modifications and swipe access installation, expected to be completed soon.</p> <p>Youth Services Critical Safety Upgrades are nearing completion. The duress alarm system has been installed and commissioned, and the procedure is being finalised before making it operational.</p> <p>Bush Fire Brigade Management Program and Projects are making progress. Minor building and electrical works from the WHS audit findings are now complete. Byford and Serpentine Fire Stations are in the concept design phase, with input from Bush Fire Volunteers and Building consultant.</p>
Remedial Action:	Additional project management resources have been identified to ensure successful project delivery for the above projects; specifically the Byford and Serpentine Fire Station changeroom upgrades.

		Status			
		Q1	Q2	Q3	Q4
Action 13, 14 and 15:	<u>Minor Facility Renewals – 2021-22 Carry-Forward Projects</u>				
	Mundijong Landcare Building (electrical wiring and switchboard)				
	Recreation Centre doors, septic and stage				
	Admin Aircon Renewal				
Comment:	<p>The scope and procurement process are being finalised before engaging an electrical contractor. Regarding the Recreation Centre, priority is given to other works, including the items mentioned in the Building Condition Audit &amp; Life Cycle Costing report.</p> <p>Admin Aircon Renewal project is now complete.</p>				
Remedial Action:	<p>As previously reported, the Facilities team have been impacted by the volume of projects and conflicting operational priorities. A review of resources and processes for the Facilities team has now been undertaken, resulting in a forward plan to support the delivery of projects, as well as business as usual activity. Allocation of additional resources will be made to ensure timely delivery of this project, in the 2023-24 financial year.</p>				

		Status			
		Q1	Q2	Q3	Q4
Action 16:	<u>Minor Facility New</u> SJ Community Recreation Centre – Solar PV System				
Comment:	<p>As reported last quarter, this project has not progressed as Facilities Maintenance are currently impacted by volume of projects and conflicting operational priorities.</p>				



Remedial Action:	As previously reported, the Facilities team have been impacted by the volume of projects and conflicting operational priorities. A review of resources and processes for the Facilities team has now been undertaken, resulting in a forward plan to support the delivery of projects, as well as business as usual activity. Allocation of additional resources will be made to ensure timely delivery of this project, in the 2023-24 financial year.
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Action 17:	<u>Civil Renewals – ad hoc</u>	Status			
	Civil Renewals – ad hoc	Q1	Q2	Q3	Q4
Comment:	Ad-hoc Civils renewals are on-going, with 1 remaining - Elliot Rd for Culvert replacements. This cannot be completed until November due to high levels of rain.				
Remedial Action:	Elliot Rd Culvert replacement will be completed in November, when weather is favourable.				

Action 18:	<u>Fire Danger Sign Upgrade</u>	Status			
	Fire Danger Sign upgrade	Q1	Q2	Q3	Q4
Comment:	Due to issues with the Nationwide roll out of this initiative there has been a delay in the delivery of the electronic sign from the manufacturer on the East Coast.				
Remedial Action:	The sign has now been delivered and is in the process of being installed. Manual signs were installed in time for the fire season as an interim measure.				

### 5 Strategic Operating Projects:

Action 1:	<u>Reconciliation Action Plan</u>	Status			
	Develop a Reconciliation Action Plan	Q1	Q2	Q3	Q4
Comment:	This quarter Officers delivered an all-staff breakfast which included a guest speaker, supporting organisational involvement in the Reconciliation Week Virtual Breakfast. Delivery of Cultural Awareness sessions was postponed this reporting period, as further engagement is required with relevant agencies.				
Remedial Action:	A project plan will be developed by August 2023 which will outline internal and external activities to be delivered in 2023/24, inclusive of cultural awareness sessions.				



Action 2:	<u>Mundijong Town Centre Precinct Structure Plan</u>	Status			
	Develop a Mundijong Town Centre Precinct Structure Plan	Q1	Q2	Q3	Q4
Comment:	Officers were unable to engage a consultant, despite three attempts, due to the situation in the current market which lacks spare capacity to deliver the project. At the June OCM Council approved a revised approach to undertake the project in-house.				
Remedial Action:	The pre-project phase of feasibility will be re-started based on the revised project approach, and this restart/review will inform updates to project timing; capacity of current project budget to deliver revised approach and; staff resource implications. A future update in regards to this will be presented as part of the Corporate Business Plan.				

Action 3:	<u>Disability Access and Inclusion Plan 2022-27</u>	Status			
	Develop the Disability Access and Inclusion Plan 2022-27 as required under Western Australian Disability Services Act (1993).	Q1	Q2	Q3	Q4
Comment:	The Disability Access and Inclusion Plan was presented to Council at the June 2023 OCM and endorsed for 30-day public comment period (OCM152/06/23). Comment period commenced on Your Say SJ, with comments to be received by 4 August 2023.				
Remedial Action:	30-day public comment period on Your Say SJ closes 4 August 2023. Final adoption will be presented to Council at the September OCM if public comments are received. If no public comments are received, in accordance with Council resolution OCM152/06/23, the endorsed plans will be adopted.				

Action 4:	<u>Soldiers Road Principal Shared Path</u>	Status			
	Finalise arrangements for the Principal Shared Path on Soldiers Road from Bishop Road to Abernethy Road (WA Bicycle Network Grants Program - DoT).	Q1	Q2	Q3	Q4
Comment:	<p>WABN has provided advice that the original proposal of utilising the existing gravel road as a shared path is being reconsidered. This is due to the possibility of installing the new Main Cable alignment closer to the existing rail line.</p> <p>WABN has requested the Shire to perform the following tasks:</p> <ul style="list-style-type: none"> <li>- Verify the current status of the designs and ensure their relevance.</li> <li>- Generate a new construction cost estimate.</li> <li>- Review the existing grant agreement contract to confirm that all tasks remain applicable.</li> </ul>				



	- Provide an update on the clearing permits associated with the project.
Remedial Action:	In response to the WABN request for a status update on this project, Officers have reviewed the scope and costings for various options, including staging the project over several years and providing cost estimates. The new costings are significantly higher than the budget allocated for this project. These options including costings, were submitted to WABN for their consideration. Officers are currently awaiting response from WABN on the Shire's proposal. Due date for project has been extended as part of the Corporate Business Plan review.

Action 5:	<u>Scrivener Road – Gravel Pit</u>	Status			
	Investigation of gravel pit at Scrivener Road for Shire use.	Q1	Q2	Q3	Q4
Comment:	Requires retendering due to the quality of responses.				
Remedial Action:	The viability of proceeding with this project requires further consideration and will be reviewed to determine if the Shire should proceed with the investigation of the only location available. A future update will be provided to Council on this matter.				

**3 Services:**

Action 1:	<u>Youth Services</u>	Status			
	Provide youth development services to Young People between the ages of 12 and 18 to enhance their connections to the community.	Q1	Q2	Q3	Q4
Comment:	Term 2 programming and mid-year school holiday programs have been affected due to onboarding of Youth team personnel and completion of facility safety works (including installation of Duress Alarm system). Programming to recommence Term 3.				
Remedial Action:	Youth staff have been recruited and Programming recommenced in Term 3.				

Action 2:	<u>Building Services</u>	Status			
	Provide efficient and effective building compliance services.	Q1	Q2	Q3	Q4
Comment:	It is evident that development is growing at a fast rate within the Shire and the Building Services inability to achieve the expected KPIs during staff shortages, hampers development and customer service. Therefore, adequate resources, in particular a full-time registered builder surveyor practitioner and development services support officer are important to be secured to ensure the team can return to providing the highest customer service delivery expected and critically determine applications within legislated timeframes.				



Remedial Action:	A part-time registered builder surveyor practitioner commenced in July and recruitment process is underway for a full-time Development Services Support Officer. This will get the team back to the high level of customer service usually provided.				
Action 3:	<u>Environmental Health</u> Provide efficient, effective, compliant environmental health services.	Status			
		Q1	Q2	Q3	Q4
Comment:	During this quarter the workload was monitored closely in response to increasing risk to delivery of the service team plan. During this quarter the team saw a 300% increase in health applications and a 150% increase in health risk assessments requiring completion. As remedial action for the last quarter, contract EHO services were maintained for half of this quarter to enable completion of health premises inspections within 12% of KPI target. We successfully filled the Environmental Health Officer Role in May after a 5 month vacancy. Despite implementing short term remedial actions, the team was not able to proactively deal with a range of issues and faced increasing work pressure stress due to capacity constraints. Based on close review of this quarter, the last 12 month period of service delivery and forecasting forward to upcoming growth and critical projects it is clear that the team is at the point where an additional FTE Environmental Health Officer (EHO) is necessary.				
Remedial Action:	Commence recruitment of the second vacant Environmental Health Officer role in the new financial year.				

Details of the remaining 77 actions **on track** this reporting period are outlined in **attachment 1**. Further commentary on these results is provided later in this report under the conclusion.

## Performance Report 2022-2023 End of Year

### 2022-2023 Highlights and Achievements

Highlights of the Shire's major achievements and service statistics over the year is provided below by respective objective areas.

*People – A connected, thriving, active and safe community*

Key Achievements
<ul style="list-style-type: none"> <li>• Announcement of the WA Government's commitment of \$36.3 million in the 2023-24 State Budget to deliver the Byford Health Hub.</li> <li>• Progress towards Byford Skatepark (Construction of Stage 2) including: <ul style="list-style-type: none"> <li>○ Completion of project consultation and concept design phases; and</li> <li>○ Award of contract to complete the design and construction</li> </ul> </li> <li>• Key progress towards the Keirnan Park Recreation Precinct project including: <ul style="list-style-type: none"> <li>○ Detailed design for Stage 1A completed</li> <li>○ Completed procurement for H2 ground water investigation; and</li> </ul> </li> </ul>



- Lodgement of clearing permit application.
- Opening of the Serpentine Jarrahdale Library Service in Byford, including launch of 858CoLab public workspace and completion of 'Lost Creatures' Public Artwork by artist Hayley Welsh.
- Commencement of the Mobile Library Service.
- Adoption of the Equine Facilities Master Plan.
- Implementation of an Equine Emergency Preparedness Program.
- Completion of the Equine Priority – Funding Opportunity Resource Project.
- Completion of the Equine Priority – Awareness Campaign.
- Delivery of several new and regular community events, workshops and programs including:
  - Seniors Week 2022 including a bus excursion to a high tea event at Peel Manor House, a luncheon with live music and a Mad Hatters High Tea
  - Annual Christmas Street Party and Food Truck Fiesta in Mundijong
  - Christmas Lights Competition, with winners across three categories: Business, Rural and Residential
  - Anzac Day Dawn Service and the Commemorative Service
  - Seniors Healthy Lifestyle event
  - Families Week Fun Day
  - Muddy Buddies; and
  - Basic Aslan Conversation Courses.
- Completion of restoration works to the Old Hopeland School Hall.
- Completion of access improvements to the Serpentine Bridge School.
- Trial of the free Holiday Watch Patrol Service.
- Delivery of workshops to support and align with the Local Food Action Plan and Health, including:
  - Growing food with hydroponics and aquaponics
  - Healthy Soil, Healthy Food
  - Planting veggies for spring / summer in a small place and composting
  - Therapeutic Horticulture Workshop I: Designer Herb Pot
  - Therapeutic Horticulture Workshop II: Strawberry growing
  - Autumn / Winter veggie planting workshop for backyard gardeners
  - 5 x School Waste Audits (Mundijong, Byford, Serpentine, Jarrahdale and Eton Farm Primary Schools); and
  - Presentation of the Local Food Action Plan at World Soil Day event at the State Library.
- First annual Serpentine Jarrahdale Career and Enterprise Expo held in collaboration with Byford Secondary College and industry leaders.
- Delivery of the Emergency Services Volunteer Awards Evening to honour the outstanding contributions of local firefighting and SES volunteers.
- Managed the 2022/23 fire season and high threat period, including compliance against the fire control notice.



- Development approval for the Oakford Volunteer Bush Fire Brigade Station.
- Endorsement of the 2023-24 Community Events and Activities Calendar.

#### Key Annual Service Statistics

##### Community Activation

- Arts, Culture and Heritage – 66 event applications processed and 13, 336 attendees at events
- Sport and Recreation – 329 KidSport applications approved, 259 participants at programs and activities
- Volunteers - 4 volunteers recognised through the Volunteer Recognition Initiative
- Community Grants and Contributions - \$108,708 provided to 25 community groups
- Senior Support – 6 workshops/sessions for 257 participants
- Children and families – 4 SJ Interagency Network meetings with an average of 17 participants.
- 102 conferees from 21 different countries attended a Citizenship Ceremony to become an Australian citizen.

##### Library

- 68 adult program and activities delivered to 344 participants
- 97 children program and activities delivered to 1,615 participants
- 14,157 e-resource loans
- 56,798 library resources borrowed
- 13,086 library loans through the self-serve machine
- 2,864 loans via the Mobile Library Service
- 1,016 new library members and 6,832 active library members
- 234 hours booked by external groups for meeting rooms and community spaces

##### Environmental Health

- 276 Food Safety Assessments
- 165 Health Application Assessments (including applications for effluent disposal systems, trading in public places, public building applications and applications for food premises)
- 181 Other Health Premises Assessments (including skin penetration premises, public buildings, lodging houses and offensive trade premises)
- 57 health assessments on event applications
- 534 health risk assessments
- Managed 1,755 community environmental health services requests of which 1,744 were completed exclusively through the CRM module of OneComm

##### Compliance

- 97 formal complaints received, and 257 site inspections undertaken
- 159 resolved complaints, including through voluntary compliance and validating unauthorised developments through the submission of retrospective development applications





- 8 prosecutions commenced
- Managed 6 State Administrative Tribunal appeals
- 14 extractive industry site inspections carried out and \$102,945 worth of extractive industry licences

Emergency Services

- Provided training for 260 Bush Fire Brigade Volunteers
- 8,162 Firebreak Inspections undertaken
- 84 Fire Management Plan assessed
- \$172,521 Mitigation Activity Funding acquitted
- \$591,642 Local Government Grants and Subsidies Program Funding acquitted

Rangers / Community Safety

- 134 cat registrations
- 988 dog registrations
- 95 dog infringements / cautions
- 152 litter and building site waste infringements / cautions
- 21 livestock infringements / warnings
- 460 parking infringements / warnings
- 17 neighbourhood watch meetings
- 13,200 e-watch newsletters distributed
- 10 Community BBQs

Facilities

- 2 leases completed
- 824 casual bookings
- 34 community bus bookings

*Place – A protected and enhanced natural, rural and built environment*

**Key Achievements**

- Opening of the SJ Reuse Shop at the Watkins Road Transfer Station and Recycling Centre.
- Opening of the Tourmaline Boulevard Dog Park in Byford.
- Re-commitment to addressing the impacts of climate change by becoming a signatory to the WA Local Government Association (WALGA) Climate Change Declaration.
- Completion of fencing at the Serpentine Sports Reserve.
- Opening of new day yards for users of the Darling Downs Equestrian Park.
- Installation of solar street lighting at Mundijong Road / Lampiter Drive.
- Annual Free Verge Plant Program.
- Finalisation of the Byford Town Team project.
- Endorsement of the Local Heritage Survey.



- Completion of FOGO Processing Facility Feasibility Plan.

#### Key Annual Service Statistics

##### Waste

- 92% of bins collected at first pass
- 98% of missed bins recovered within 24 hours
- Processed the following waste through the Watkins Road Transfer Station:
  - 2,410 tonnes of hard waste
  - 71.4 tonnes of recyclable cardboard
  - 712 tonnes of recyclable scrap metal
  - 44 tonnes of recyclable electronic waste
  - 26.5 tonne of recyclable batteries
  - 1,518 tonnes of recyclable greenwaste
  - 1,643 recyclable mattresses
  - 3,409 recyclable tyres

#### *Prosperity – An innovative, commercially diverse and prosperous economy*

#### Key Achievements

- Subdivision approval of the West Mundijong Industrial Area.
- Completion of the Business Case for Lot 814 /815 Millars Road, Jarrahdale.
- Commercial feasibility of developing Lot 814, Millars Road, Jarrahdale.
- Endorsement of the Memorandum of Understanding (MOU) between the Shire of Serpentine Jarrahdale and East Metropolitan Health Service (EMHS) in relation to the Byford Health Hub.
- Installation of street lighting by Western Power at the intersection of King and Coyle Roads, Oldbury.
- Completion of the Gordin Way Bus Bay Extension.
- Completion of the following road projects:
  - Keirnan Street Upgrade
  - Mundijong / Kargotich Road Roundabout Upgrade
  - Hopkinson Road Upgrade
  - Briggs Road Rehabilitation
  - Nettleton Road Upgrade
  - Mundijong Road Pavement Rehabilitation
  - Rowley Road Temporary Resurfacing road renewal



- Karnup Road and Yangedi Road renewal; and
- Reseals for the following 11 roads: Tonkin Street, Keirnan Street, Holmes Road, Baldwin Road, Senior Court, College Court, Millars Road, Chestnut Road, Richardson Street, Hardey Street and Lefroy Road.

### Key Annual Service Statistics

#### Statutory Planning

- Received 475 development applications and determined 429 applications valued at \$67.9M
- Involved in 7 State Administrative Tribunal matters
- Determined 8 Joint Development Application Panel applications
- 120 Bushfire Attack Level Assessments

#### Building

- 1262 Building Approvals at a value of \$179,415,224
- Determined 733 Certified Building Applications in an average assessment time of 6 days.
- Determined 250 Uncertified Building Applications in an average assessment time of 16 days
- 840 Swimming Pool Barrier Compliance Inspections

#### Strategic Planning

- Processed 69 applications, including subdivisions, structure plans, local development plans and subdivision clearances within the statutory timeframes.
- The new Local Planning Scheme No. 3 was approved by the Western Australian Planning Commission.
- The Local Heritage Survey was finalised, branded and distributed.
- Local Planning Policy 3.5 Byford Town Centre Public Realm, LPP 3.8 Byford Town Centre Build Form and LPP 4.25 Uniform Fences were adopted by Council.
- Development Contribution Schemes for Byford and Mundijong were approved by the Minister for Planning.
- All local planning policies were modified by Council to ensure that they are ready for the implementation of the new planning framework.

#### Engineering

- Assessed 112 development applications
- Approved 23 subdivision civil drawings
- Approved 167 crossovers
- Approved 5 stormwater management plans
- Assessed 37 subdivision applications



- Assessed 2 Local Structure Plans
- Assessed 1 rezoning and scheme amendment referral
- Approved 22 capital design projects and progressed them to Project delivery team

Expenditure on new and upgraded assets:

- \$165K on new facilities
- \$3.6M on road upgrades
- \$2.1M on new parks
- \$798K on new plant and fleet
- \$47K on new street lighting

Expenditure on asset renewals:

- \$854K on ICT renewal
- \$1.8M on facility renewals
- \$4.9M on road renewals
- \$51K on drainage renewals
- \$106K on footpath renewals
- \$866K on park renewals
- \$10K on carpark renewals
- \$195K on plant and fleet renewals

Expenditure on asset maintenance:

- \$10.9M expenditure on asset maintenance including buildings, civils, parks and reserves
- Managed 2,297 reactionary maintenance requests

*Progressive – A resilient organisation demonstrating unified leadership and governance*

**Key Achievements**

- Delivery of an in-person Fresh Election for the North Ward.
- Submission to the Local Government Advisory Board following the Shire of Serpentine Jarrahdale Ward and Representation Review.
- Delivery of an all-staff integrity event.
- Implementation of a Managers Leadership Development Program.
- Adoption of the Shire of Serpentine Jarrahdale 2021-22 Annual Report.
- Progress towards the Administration Accommodation project including completion of detailed design in preparation for calling a tender for the construction.
- Key progress towards the Depot Accommodation Upgrades including:
  - Completion of site works and building installation



- Installation of external services
- Completion of Courtyard civil works; and
- Completion of close out for Temporary Occupancy Certificates.
- Completion of the 2022 Community Perceptions Survey.
- Community consultation “Shape Our Future” to inform the Major Strategic Review of the Shire’s Strategic Community Plan.
- Completion of the Operations Centre Structure Review.
- Adoption of the Organisational Development Roadmap 2023-2026.
- Continued implementation of the Project Management Framework and introduction of frequent Project Board meetings.
- Key progress towards the implementation of an Enterprise Resource Planning System including:
  - Development of numerous e-forms to replace manual process with automated business processes
  - Development of the Bush Fire Brigades Volunteer Portal
  - Improvements to mature the Project Lifecycle Management Framework and develop tools and templates for consistence and compliance with the Shire’s Project Management Framework.
- Facilitating the adoption of the following new or revised Council Policies:
  - New Lighting as part of New Public Infrastructure
  - Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale
  - Health and Safety
  - Fireworks
  - Electronic Meetings
  - Councillor Training and Continuing Professional Development
  - CEO Performance Review Cycle
  - Crossovers; and associated Standard Specification for Construction of Crossover

#### Key Annual Service Statistics

##### Customer Service

- 39,981 Customer Requests Received
- 39,827 Customer Requests Completed
- 1,809 after hours enquiries
- On average, 71% of customer requests are resolved in the same day
- On average, 81% of customer complaints are resolved within 14 days



Communications

- 268,483 website sessions
- 180,191 website users with 1,167,424 page views
- 1,059,079 users reached through social media
- 1,627 new social media followers
- 19 Media responses
- 41 Media releases
- 71 design projects delivered
- 44 communication plans developed and implemented
- 15 videos produced

ICT & Records

- Registered 16,594 documents into Content Manager
- Completed 19 Freedom of Information requests
- Completed 5,841 Service Requests

Governance

- 11 Ordinary Council Meetings, 8 Committee Meetings and 8 Special Council Meetings with all agenda and minutes released within statutory timeframes.
- Issued 13 tenders and 31 requests for quote
- Processed 3,002 purchase orders
- Processed 17 conflict of interest disclosures, 21 secondary employment applications and 4 gift disclosures

Finance

- Adoption of the 2022-23 Annual Budget, 2022-26 Corporate Business Plan and 2022-32 Long Term Financial Plan.
- Adoption of the Annual Financial Statements and Audit Report 2021-2022 in May 2023
- Completed Infrastructure revaluation by 30 June 2023.

**Performance against the Corporate Business Plan 2022-23 Key Performance Indicators**

The results of the Corporate Business Plan 2022-26 Key Performance Indicators as at 30 June 2023, is provided below.

KPI 1: 80% of strategic operating projects are completed by their due date

Result: 80% (12/15)



As at 30 June 2023, the Corporate Business Plan 2022-26 contained 15 Strategic Operating Projects due on, or before 30 June 2023. Of these, 12 were completed by their due date:

- Byford Town Teams (due date 30 September 2022, completed 19 September 2022)
- Equine Priority – Funding Opportunity Resource (due date 30 September 2022, completed 11 August 2022)
- Serpentine Jarrahdale Community Recreation Centre Operation and Management Arrangement (due date 30 September 2022, completed 19 September 2022)
- Equine Priority – Emergency Preparedness (due date 31 December 2022, completed 31 December 2022)
- Commercial Feasibility of developing Lot 814 (due date 31 December 2022, completed 12 December 2022)
- Equine Facility Masterplan (due date 31 December 2022, completed 12 December 2022)
- Local Heritage Survey (due date 31 December 2022, completed 31 October 2022)
- COVID-19 Risk Mitigation (due date 30 June 2023, completed 3 April 2023)
- FOGO Processing Facility Feasibility Plan (due date 30 June 2023, completed 24 April 2023)
- Operations Centre Structure Review (due date 30 June 2023, completed 26 June 2023)
- Equine Priority – Awareness Campaign (due date 30 June 2023, completed 30 June 2023)
- Clem Kentish Reserve Master Plan (due date 30 June 2023, completed 19 June 2023)

The 3 outstanding Strategic Operating Projects are summarised below:

Project	Due Date	Comment	Estimated Completion date
Disability Access and Inclusion Plan	30 June 2023	The Disability Access and Inclusion Plan was presented to Council at the June 2023 OCM and endorsed for 30 day public comment. If public comments are received, the final plan will be presented to Council at the September OCM. If no public comments received, the endorsed plans will be adopted.  Project finish date is extended to 30 September 2023 in the 2023-27 Corporate Business Plan.	30 September 2023
Soldiers Road Principal Shared Path	30 June 2023	Further planning of Soldiers Road Principal Shared Path for future construction is underway (as requested by the funding provider, WA Bicycle Network).	30 June 2024



Project	Due Date	Comment	Estimated Completion date
		Project finish date is extended to 30 June 2024 in the 2023-27 Corporate Business Plan.	
Scrivener Road – Gravel Pit	30 June 2023	Project requires re-tendering due to quality of previous responses; review is underway with an aim to re-advertise in August 2023.  Project finish date is extended to 30 June 2024 in the 2023-27 Corporate Business Plan.	30 June 2024

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

**Result:** 82%

As at 30 June 2023, the result for this KPI is 82% (18/22). The Corporate Business Plan 2022-26 contained six (6) major capital road projects and 16 minor capital road projects due to be constructed by 30 June 2023. Of these, 18 were completed by their due date:

- Keirnan Street Upgrade major capital project
- Rowley Road Temporary Resurfacing road renewal project
- Tonkin Street Reseal
- Keirnan Street Reseal
- Mundijong/Kargotich Road Roundabout Upgrade
- Holmes Road Reseal
- Baldwin Road Reseal
- Senior Court Reseal
- College Court Reseal
- Millars Road Reseal
- Chestnut Road Reseal
- Richardson Street Reseal
- Hardey Street Reseal
- Lefroy Road Reseal
- Hopkinson Road Upgrade
- Briggs Road Rehabilitation
- Nettleton Road Upgrade
- Mundijong Road Pavement Rehabilitation





The 4 outstanding road projects are summarised below:

<b>Project</b>	<b>Due Date</b>	<b>Comment</b>	<b>Estimated Completion date</b>
Larsen Road Upgrade (Major Capital Road Project)	30 June 2023	<p>The Shire has submitted 8-month extension of time request to MRRG to deliver the project and it was approved on 21 Dec 2022 to complete by 28 February 2024. The Shire has also submitted a variation request to MRRG and an additional \$54,891 was approved on 10 May 23.</p> <p>Project finish date is extended to 29 February 2024 in the 2023-27 Corporate Business Plan.</p>	28 February 2024
Mundijong Road Upgrade (Major Capital Road Project)	30 June 2023	<p>The Shire has submitted an 8-month extension of time request to MRRG to deliver the project due to the requirement to extend the native vegetation clearing permit which expired on 26 September 2022. The time extension was approved by MRRG on 12 December 2022 to complete the project by 28 February 2024, and this is reflected in the 2023-27 Corporate Business Plan.</p>	28 February 2024
Whitby Street, Mundijong (Major Capital Road Project)	30 June 2023	<p>Base course has been completed, Sealing is delayed due to inclement weather.</p> <p>Project is expected to be completed by 30 September 2023 and this has been reflected in the 2023-27 Corporate Business Plan.</p>	30 September 2023
Nicholson Rd-Foxton Dr- Left Turn Auxiliary Lane-Minor Widening (Minor Capital Road Project)	30 June 2023	<p>Base course has been completed. Sealing is delayed due to inclement weather and is expected to be completed by end of July 2023.</p>	30 September 2023



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

**Result:** The results of the community perceptions survey completed in November 2022 were provided to Council at a Special Council Meeting in February 2023. Unfortunately, Performance Index Scores across the four (4) focus areas of Vision, Liveability, Governance and Rates Value show a decline in each area since the last community perceptions survey was last completed in November 2020.

The 'Overall Performance Index Score' is a combined measure of the Shire as a 'place to live' and as a 'governing organisation' which the Shire scored 51/100 in November 2022 (14 index points below the industry standard for Western Australia), compared to a result of 58/100 in November 2020 (7 index points below the industry average for Western Australia).

Whilst significant planning has been carried out to deliver community infrastructure to meet the requirements of the growing community, delivery of these projects has not been able to keep up at the pace required, which reflects in these results.

These results were used to inform the development of the Shire's new Strategic Community Plan, of which a major review is underway. Additionally, 12 community driven priorities identified through the survey, seen Officers collate the current status and actions of each priority, as well as additional actions for Council consideration during the 2023-24 Integrated Planning and Reporting processes, as presented at the Special Council Meeting in February 2023.

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

**Result:** The staff engagement survey was released to staff in September 2022 and completed in November 2022. The 'Overall Workplace Index Score' is 63, down 2 points from the last survey conducted in 2019 where the overall score was 65. The Overall Performance score, which rates the organisation positively as a place to work is 90% in 2022, a drop of 2% from 2019. The priorities identified from the survey this year are access to equipment and resources, fair pay, staff retention, team spirit, policies, systems and processes.

The number of responses to the survey increased in 2022, with a total of 147 responses received, in comparison to 98 responses received in 2019. The Infrastructure directorate showed significant increase in response rate, with 53 staff responding to the survey, in comparison to 22 respondents in 2019. This is due to a more active response rate from the Operations outdoor workforce.

A majority of directorates showed significant improvements in either the overall workplace index score or the organisation as being a positive place to work. Where there is decline in satisfaction scores, retention of staff is the primary concern raised, which is reflective of the current labour market crisis.

In response to the feedback received from the 2022 survey, an action plan has been implemented which includes workshops and surveys that are accessible to all staff for contribution. The key focus areas cover purpose and values, employee benefits and wellbeing, and innovative ways of working, with a review of systems and work styles to enable increased performance, productivity and work life balance.

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

**Result:** 73 for the 2021-22 financial year.

The result for the 2022-23 financial year is not yet available as it is subject to completion of the audited financials, therefore will be provided in future reporting.



## **Options and Implications**

### Option 1

That Council:

1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 April to 30 June 2023 as contained in this report and **attachment 1**.
2. NOTES the Corporate Business Plan Performance Report on the 2022-2023 Financial Year as contained in this report.

### Option 2

That Council DOES NOT NOTE the performance reports contained in this report.

Option 1 is recommended.

## **Conclusion**

Over the course of the 2022-2023 financial year, the Shire has made significant improvement in the delivery and progression of initiatives as outlined in this report, including several major road upgrades, continued development of the Project and Contract Management Frameworks and progress towards Council's major government-funded and key strategic projects (Keirnan Park Recreation and Sporting Precinct, Byford Skate Park, Hypergrowth Road Upgrades, Oakford Volunteer Bush Fire Brigade Station, Administration and Depot Accommodation upgrades).

The Shire has achieved notable advancement in 2022-23 to meet KPI 1: *80% of strategic operating projects are completed by their due date*, achieving a result of 80%, in comparison to a result of 35% achieved in 2021-22.

Furthermore, KPI 2: *80% of road projects planned to be constructed are delivered* has also been achieved in 2022-23, with a result of 82%. This demonstrates the Shire's commitment to building a safer road network and delivering on this key priority as identified by the community through the Community Perceptions Survey. Pleasingly, these KPI's hit their targets despite facing the challenges of cost increases and capacity in a very competitive market.

The results of the 2022 Community Perceptions Survey have provided valuable insights to inform the major review of the Shire's Strategic Community Plan and a draft Council Plan for 2023-33.

To align with the adopted Council Plan (following the upcoming Local Government Election in October 2023), a major review of the Corporate Business Plan will be undertaken in 2023-24, to ensure the Shire's strategic direction remains in line with the needs and aspirations of the community and inform the Shire's annual Integrated Planning and Reporting timetable, which incorporates the development of the Annual Budget and updating of the Long-Term Financial Plan.

Combined with continued enhancements and maturity of the Project Management Framework, implementation of the Organisational Development Roadmap, and implementation of the Council prioritised recommendations and actions from the report titled 'Review of Operations and Waste, Fleet and Facilities Business Units', this will further strengthen the organisation and ensures the Shire maintains a high standard of project delivery, governance and accountability.



**Attachments (available under separate cover)**

- **10.3.5 - attachment 1** – Corporate Business Plan 2022-26 Performance Report 1 April to 30 June 2023 (E23/10450)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

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 & 2	There are no significant risks associated with Option 1 & 2.						

**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

1. **NOTES** the performance report against the 2022-26 Corporate Business Plan for the period 1 April to 30 June 2022 as contained in this report and attachment 1.
2. **NOTES** the Corporate Business Plan Performance Report on the 2022-2023 Financial Year as contained in this report.



### 10.4 Community Engagement reports:

<b>10.4.1 - Cardup Career Fire and Rescue Station – Gazettal and Emergency Services boundary Levy (SJ648)</b>	
<b>Responsible Officer:</b>	Director Community Engagement
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officer’s Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
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#### Report Purpose

The purpose of this report is for Council to consider feedback to the Department of Fire and Emergency Services regarding the Cardup Career Fire and Rescue Station proposed Gazettal and Emergency Services boundary Levy.

#### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 15 May 2023 - OCM099/05/23 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council SUPPORTS the development application for ‘Public Works’ for a Career Fire and Rescue Services Fire Station associated development under the Metropolitan Region Scheme at Lot 201, 169 Doley Road, Byford as contained within attachment 1, subject to the following conditions:*

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

<i>Plans and Specifications</i>	<i>P1-P9 received at the Shire Office on 3 April 2023  Traffic Impact Statement dated 2 February 2023  Environmental Acoustic Report dated 6 February 2023  Bushfire Attack Level and Planning Report dated 21 November 2022  Bushfire Management Plan dated 9 February 2023  Environmental Management Plan dated January 2023  Waste Management Plan dated April 2023</i>
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- b. *Upon completion of the upgrade of Doley Road and Orton Road (including the roundabout at the intersection of these roads), the developer, at their own cost, must construct a new crossover to align with the levels of the upgraded roads.*
- c. *Prior to the issue of a Building Permit a Stormwater Management Plan must be submitted to the Shire of Serpentine Jarrahdale for approval which demonstrates the following:*



- (i) Predevelopment flows of the site are maintained and details of how capacity of the proposed stormwater management system will be suitable to account for repeated storm events and how it will be cleaned and drained;*
  - (ii) Details of how water will be treated for contaminants;*
  - (iii) Final Finished Floor Levels and Finished Ground Levels and confirmation of fill proposed to be brought to site; and*
  - (iv) Separation to groundwater.*
- Once approved the plan must be implemented in its entirety prior to the use occurring.*
- d. The development to comply with the submitted Bushfire Management Plan dated 21 November 2022 at all times.*
  - e. The development is to comply with the submitted Waste Management Plan dated April 2023.*
  - f. Prior to the issue of a Building Permit, an updated Landscape Plan be submitted and approved by the Shire which demonstrates the following:*
    - (i) Management schedule of the landscaped areas of the vegetation including replacement if landscaping fails;*
    - (ii) Density of replanting Marri trees along Orton Road;*
    - (iii) Density of landscaping proposed onsite;*
    - (iv) Trees to be retained.*
  - g. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/ applicant to contribute towards the costs of providing common infrastructure, as established through Amendment 208 (once gazetted) to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.*
  - h. Prior to issue of a Building Permit, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.*
  - i. Prior to occupation of the development, the provision of percent for art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.*
  - j. Prior to the issue of a Building Permit, a Noise Management Plan is to be submitted demonstrating reasonable and practicable measures to manage noise, to the satisfaction of the Shire on advice of the noise branch of the DWER.*

## **Background**

The Shire of Serpentine Jarrahdale has been advocating to the State Government for many years for a career fire station to be built in the district.

In November 2022, the State Government announced a new career fire station would be built in Byford, located at 169 (Lot 201) Doley Road, Byford. The Media Statement issued by the State Government is provided at **attachment 1**.

The establishment of a Career Fire and Rescue Station (CFRS) for the Shire will result in the extension of the Metropolitan Gazetted Fire District (MGFD), corresponding with the time-based response window that is able to be covered by the CFRS. This will see that area changed to be subject to the highest Emergency Services Levy (ESL) of Category 1. Currently, the Shire sits



outside the MGFDF and volunteer bushfire brigades provide the response arrangements. This is ESL Category 3. Response arrangements within the MGFDF are primarily handled by CFRS.

DFES have provided information and briefings to the Shire and its volunteer bush fire brigades regarding the extension of the MGFDF and is seeking feedback from the Shire on the proposed extension.

## **Community / Stakeholder Consultation**

### Policy Concept Forum

<b>Meeting Date</b>	3 April 2023
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Coales, Cr Duggin, Cr Mack, Cr Strange, Cr Strautins

### DFES briefings

DFES provided a briefing on the Cardup Career Fire and Rescue Station – Gazettal and Emergency Services Boundary Levy to the Shire President, Chief Executive Officer and Director Community Engagement on Wednesday, 29 March 2023.

DFES provided a briefing to the Shire’s Volunteer Bush Fire Brigades on Friday, 14 April 2023.

### Bush Fire Advisory Committee

The Bush Fire Advisory Committee considered a report at its meeting on 20 April 2023 and has made a recommendation for Council to consider, which is contained in the Bush Fire Advisory Committee minutes at **attachment 2**.

## **Statutory Environment**

- *Bushfires Act 1954*
- *Fire Brigades Act 1942*
- *Fire and Emergency Services Act 1998*

## **Comment**

### Metropolitan Gazetted Fire District boundary

With the construction of the new Cardup CFRS, DFES is proposing to adjust the existing MGFDF that will see it extend past the boundary of the Armadale CRFS to encompass the new Cardup CFRS response area. The briefing document provided by DFES, outlining the proposal and legislative and procedural steps required to implement the changes for the MGFDF boundary and Emergency Services Levy, is provided at **attachment 3**.

DFES have provided two draft maps which identify the proposed response area for the Cardup CFRS, proposed extension of the MGFDF and proposed changes to ESL categorisation. These reveal:

Map 1 – Seven-minute Isochrone Map for the new Cardup CFRS, provided at **attachment 4**.

Map 2 – Proposed extension of the MGFDF and the ESL 1 and ESL 3 boundary changes, provided at **attachment 5**.



### Emergency Services Level categories

The ESL is an annual charge paid by all property owners in Western Australia, levied by the State Government and collected on its behalf by local government.

The rate used to calculate the ESL on a property is determined by a property's ESL category. All land in WA is classified into one of five ESL categories based on the types of fire and emergency services available in the area as shown in the table below (*source: DFES website*).

ESL Category	Typical Location	Emergency Response	2022-23 ESL Rates
1	Perth Metropolitan Fire District	The Perth metropolitan network of Career Fire and Rescue Service stations and the State Emergency Service	\$0.016213
2	Regional Cities	A Career Fire and Rescue Service station plus a Volunteer Fire and Rescue Service and the State Emergency Service	\$0.012160
3	Perth Metropolitan Fringe	A Volunteer Fire and Rescue Service unit and/or Volunteer Bush Fire Brigade supported by the Perth metropolitan network of Career Fire and Rescue Service stations and the State Emergency Service	\$0.008106
4	Country Towns	A volunteer service with structural firefighting capability and the State Emergency Service	\$0.005675
5	Pastoral / Rural Areas	The State Emergency Service network and volunteer fire services in the vicinity	\$93 fixed charge per rates notice

Each year, minimum and maximum ESL thresholds are set for each ESL category based on what a property is used for as shown in the table below (*source: DFES website*). The ESL property classifications are used for the levy only, and therefore may be different from other property or zoning classifications used for local governments rates.

ESL Category	MINIMUM		MAXIMUM	
	All property uses	Single-Residential, Vacant Land and Non-Commercial Farming	Multi-Residential (e.g. units/flats/apartments on a single assessment)	Commercial, Industrial and Miscellaneous
1	\$93	\$468	\$468 x the number of dwellings	\$267,000
2	\$93	\$351	\$351 x the number of dwellings	\$200,000
3	\$93	\$234	\$234 x the number of dwellings	\$134,000
4	\$93	\$164	\$164 x the number of dwellings	\$93,000
5	\$93 per assessment			
Mining Tenements	\$93 per assessment			

If the proposed Metropolitan Gazetted Fire District boundary is approved by the Minister, affected property owners will be required to pay ESL category 1 (the maximum amount being \$468) as opposed to the current ESL category 3 (the maximum amount being \$234). The map also shows the southern parts of the Shire being changed from ESL 5 to ESL 3, which could see maximum amounts payable change from \$93 to \$234. These charges would not be applicable until the Cardup CFRS is operational, with the station due for practical completion in December 2024 (**attachment 2**).





### Impact on Volunteer Bush Fire Brigades

The Shire welcomes the construction of the new Cardup CFRS, which will provide the community with improved response times to emergencies and provide career fire fighters with access to modern and contemporary facilities and equipment.

The new Cardup CFRS will have an impact on the Shire's Volunteer Bush Fire Brigades, with the proposed extension of the MGF and the ESL 1 and ESL 3 boundary changes encompassing the following brigades:

- Byford Volunteer Bush Fire Brigade
- Oakford Volunteer Bush Fire Brigade
- Mundijong Volunteer Bush Fire Brigade

When the new Cardup CFRS is operational, the number of callouts for the Shire's three brigades are expected to be reduced, and most likely significantly. The career fire station will be the first respondent to all emergency call outs within the ESL 1 boundary and backed up in the first instance by a secondary career fire station.

DFES and the Shire recognise that the volunteer bush fire brigades will continue to play a pivotal role as part of the Shire's ongoing preparedness, response, management, and mitigation of emergencies in the district. It is important that DFES continues to engage with the Shire and its volunteer bush fire brigades in advance of the new Cardup CFRS being operational, so that the Shire's emergency services volunteers remain a key part of the Shire's response capability.

The Shire is seeking from DFES an arrangement that ensure a collaborative and cooperative arrangement with affected BFBs, which may include bespoke local arrangements to ensure incidents can be actively responded to and quickly extinguished. For example, local BFBs would be located closer than backup CFRS brigades, meaning some consideration needs to be given to how to use local resources so as to best deal with an incident and one which could potentially escalate quickly.

This also helps keep the Shire's local BFBs engaged, which is very important given the multiple turnout arrangements that are required during high threat period to quickly deal with incidents no matter where they start on the landscape.

This forms the basis of the Bush Fire Advisory Committee's recommendation, which is presented at Option 1.

### **Options and Implications**

#### Option 1 / Bush Fire Advisory Committee Recommendation

That Council:

1. NOTES the Cardup Career Fire and Rescue Station – Gazettal and Emergency Services boundary Levy proposed changes provided by the Department of Fire and Emergency Services, as per **attachments 3, 4 and 5**.
2. REQUESTS the Chief Executive Officer write to the Department of Fire and Emergency Services Commissioner to:
  - a. Thank DFES for the briefing on the Cardup Career Fire and Rescue Station – Gazettal and Emergency Services boundary Levy proposed changes.



- b. Advise DFES the Shire supports the proposed changes to the Metropolitan Gazetted Fire District.
  - c. Request DFES to continue to work collaboratively with the Shire's Community Emergency Services Manager and Volunteer Bush Fire Brigades in advance of the new Cardup Career Fire and Rescue Station becoming operational so there is a shared agreement and understanding of how the volunteer brigades will operate within the proposed Metropolitan Gazetted Fire District boundary to support them to continue their pivotal role as part of the Shire's ongoing preparedness, response, management and mitigation of emergencies in the district.
3. REQUESTS the Chief Executive Officer to:
- a. investigate where other local governments have implemented changes to their Volunteer Bushfire Brigades as a result of a new Career Fire Station and work with the brigades to understand the impacts and options available, and
  - b. present a discussion paper to Bush Fire Advisory Committee following the investigations.

#### Option 2

That Council NOTES the Cardup Career Fire and Rescue Station – Gazetted and Emergency Services Levy boundary proposed changes provided by the Department of Fire and Emergency Services, as per **attachments 3, 4 and 5**, and DOES NOT provide feedback to the Department of Fire and Emergency Services.

Option 1 is recommended.

#### **Conclusion**

In November 2022, the State Government announced a new career fire station would be built at 169 (Lot 201) Doley Road, Byford.

The proposed site for the Cardup CFRS is not currently part of a gazetted fire district and sits adjacent to the MGF. It is to be located within a current volunteer bushfire brigade response area within the Shire, which is designated Emergency Services Levy category 3.

DFES is proposing to adjust the existing MGF that will see it extend past the boundary of the Armadale CRFS to encompass the new Cardup CFRS response area, changing the Emergency Services Levy category of that area from 3 to 1. There will also be flow on impacts to the southern ESL 5 area, becoming ESL 3 as a result.

Council is requested to provide feedback to DFES about the proposed changes to the MGF boundary, as recommended by the Bushfire Advisory Committee at their meeting on 20 April 2023.



**Attachments (available under separate cover)**

- **10.4.1 - attachment 1** – Media Statements - Cardup Fire Station project (E23/4784)
- **10.4.1 - attachment 2** – Bush Fire Advisory Committee Meeting Minutes 20 April 2023 (E23/4958)
- **10.4.1 - attachment 3** – DFES briefing document - Cardup Career Fire and Rescue Station – Gazettal and Emergency Services Levy boundary (IN23/7452)
- **10.4.1 - attachment 4** - Seven-minute Isochrone Map for the new Cardup CFRS (IN23/6784)
- **10.4.1 – attachment 5** - Proposed extension of the MGF and the ESL 1 and ESL 3 boundary changes (IN23/6786)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.2</b>	Support local emergency services
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**Financial Implications**

There are no financial implications associated with this report.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil						
2	There is the risk that providing no comment to DFES could result in a suboptimal arrangements, compared to being proactive.	DFES briefings to Shire and Volunteer Bush Fire Brigades on the Gazettal and Emergency Services Levy proposed changes	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Give reason for decision



**Voting Requirements:** Simple Majority

**Bush Fire Advisory Committee Recommendation / Officer Recommendation**

**That Council:**

- 1. NOTES the Cardup Career Fire and Rescue Station – Gazettal and Emergency Services boundary Levy proposed changes provided by the Department of Fire and Emergency Services, as per attachments 3, 4 and 5.**
- 2. REQUESTS the Chief Executive Officer write to the Department of Fire and Emergency Services Commissioner to:**
  - a. Thank DFES for the briefing on the Cardup Career Fire and Rescue Station – Gazettal and Emergency Services boundary Levy proposed changes.**
  - b. Advise DFES the Shire supports the proposed changes to the Metropolitan Gazetted Fire District.**
  - c. Request DFES to continue to work collaboratively with the Shire’s Community Emergency Services Manager and Volunteer Bush Fire Brigades in advance of the new Cardup Career Fire and Rescue Station becoming operational so there is a shared agreement and understanding of how the volunteer brigades will operate within the proposed Metropolitan Gazetted Fire District boundary to support them to continue their pivotal role as part of the Shire’s ongoing preparedness, response, management and mitigation of emergencies in the district.**
- 3. REQUESTS the Chief Executive Officer to:**
  - a. investigate where other local governments have implemented changes to their Volunteer Bushfire Brigades as a result of a new Career Fire Station and work with the brigades to understand the impacts and options available, and**
  - b. present a discussion paper to Bush Fire Advisory Committee following the investigations.**



### 10.5 Executive Services reports:

<b>10.5.1 - Peel Alliance Policy Position Statement – Mining and Extractive Industries (SJ1350)</b>	
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
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#### Report Purpose

The purpose of this report is seeking Council's consideration of the Policy Position Statement – Mining and Extractive Industries prepared by the Peel Alliance and consider if a contribution will be made towards advocating this position.

#### Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 17 July 2023 - OCM178/07/23 - COUNCIL RESOLUTION / Officer Recommendation - <b>extract</b></i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>RECEIVES the minutes of the Annual General Meeting of Electors held on Wednesday, 14 June 2023.</i></li> <li>2. <i>In respect to GME002/06/23, REQUESTS the Chief Executive Officer lists the Peel Alliance Policy Position Statement on mining in the Peel Region at the Policy Concept Forum on 24 July 2023 following which it is presented to Council for formal consideration at an Ordinary Council Meeting.</i></li> </ol>
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#### Background

The Shire of Serpentine Jarrahdale is a member of Peel Regional Leaders Forum (PRLF) trading as the Peel Alliance.

Peel Alliance consists of organisations across the Peel region that are responsible for economic development, community development, regional catchment management, and local governance.

Peel Alliance members are:

- City of Mandurah
- Shire of Boddington
- Shire of Murray



- Shire of Serpentine-Jarrahdale
- Shire of Waroona
- Peel Community Development Group
- Peel Harvey Catchment Council
- Regional Development Australia – Peel
- Peel Development Commission (observing member)

Alliance members expressed concerns about mining in the region, with several expansion and exploration applications underway in the forest and scarp areas. Mutual areas of concern between members include:

1. The cumulative impact of mining exploration and expansion does not appear to be considered when approvals are given, particularly with a number of ‘big players’ operating in the same region – in particular the protection of significant ecological assets.
2. The cost, time and resources required to respond to Public Environmental Review (PER) documents for proposed expansions in a meaningful way is a significant burden on organisations and requires the engagement of expert consultants and legal advice.
3. The process to respond to exploration licence applications is very difficult to navigate and laborious, sometimes impossible and also expensive/ time consuming.
4. Consultation by the mining companies and meaningful engagement on planned activities is poor, and there is no confidence in the protection of communities and sensitive environmental assets.
5. Poor response from mining companies to concerns raised about dust, pollution and hazards to communities.
6. The substantial investment in trails (both completed and planned), supporting infrastructure/services and ecotourism is not protected from mining activities and at risk.
7. State agreements do not provide a mechanism for these controls/engagement and are largely out-of-date (there does not appear to be any another mechanism).
8. There is a need to address these concerns strategically and with impact.

Peel Alliance wanted to develop a policy position statement to articulate the position of the Alliance in relation to mining and mineral extraction in the Peel region, from an environmental, social and governance (ESG) perspective. It is intended to underpin advocacy efforts for effective legislation, recognition of cumulative impacts, and genuine engagement and participation as the host community.

Anna Dixon Consulting was engaged by the PRLF to prepare a Background Paper and Draft Policy Position Paper for the Peel Alliance.

The Background Paper which outlines the background, issues around engagement planning and regulation, economy, people, environment and looks at case studies is attached at **attachment 1**.

The Draft Policy Position Statement – Mining and Extractive Industries is attached at **attachment 2**. Each member organisation of PRLF is requested to consider the draft statement and provide feedback or support. This report presents this matter for Council’s consideration.

**Community / Stakeholder Consultation**Policy Concept Forum

<b>Meeting Date</b>	24 July 2023
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Coales, Cr Duggin, Cr Strange, Cr Strautins

Representatives from Peel Alliance have met with Alcoa regarding this draft position paper.

**Statutory Environment**

Mining and extractive industries operate under a Statutory Environment which are outlined in the Background Paper. The draft Policy Position Paper proposes changes to the statutory environment in which the mining companies operate.

The consideration of this Policy Position Statement has no direct Statutory implications on the Shire.

**Comment**

Officers consider that the Draft Policy Position Paper, based upon the issues identified in the Background Paper, requests the following:

*Position 1 Modernised planning and legislation that is fair, consistent, and upheld through effective regulation.*

*Our Position*

*Future-focused, transparent, and effective planning and legislation is central to achieving better environmental, social and governance outcomes for the Peel region. Peel Alliance has identified processes, legislation and compliance measures that are inconsistent, do not address current environmental risk, and no longer meet community expectation.*

*Position 2 A commitment to protect the economic base of the peel region, now and into the future.*

*Our Position*

*The natural environment of the Peel region holds national and international significance and is central to the region's economy, lifestyle and sense of place. While we advocate for diversified and sustainable economic growth, this must recognise and protect the Peel region's biodiversity assets and ensure climate mitigation measures are upheld. Peel Alliance is committed to fostering sustainable development of the region for current and future generations of residents and visitors.*

*Position 3 Transparent engagement with host communities, supported by independently verified reporting.*

*Our Position*

*Peel Alliance has identified that a lack of meaningful engagement with host communities about proposed and existing mining operations has led to a loss of confidence in the current process. We believe there needs to be a commitment to transparent and ongoing engagement with local stakeholders, supported by independently verified and publicly available performance reporting.*



Each of these positions are explained further in the Draft Position Paper at **attachment 2** together with the asks to achieve these outcomes.

Officers believe these positions represent a reasonable position to be taking at a regional level. The position does not oppose mining in the region but proposes the manner in which current and future operations should occur which align largely to changing expectations about transparency and engagement.

There is benefit of approaching this issue at a regional level rather than be individual local governments as it still allows for a relationship with mining companies operating in the area. Furthermore, many of the mining or extractive industries operate in more than one local government in the Peel Region so adopting this position at a regional level provides consistency for them between local governments.

If all local governments agree to the position it is expected that Peel Alliance will advocate for this position and associated changes with stakeholders including mining companies and State and Federal Government representatives.

This would be done using targeted stakeholder engagement and media releases using the services of an external company which Peel Alliance would engage. To this end Peel Alliance are also seeking a contribution from each of the Local Governments to fund this service. Below are the financial contributions other local governments in the Peel Region have committed to this purpose:

- Shire of Murray - \$15,000
- City of Mandurah - \$10,000
- Shire of Waroona - \$7,500
- Shire of Boddington - \$7,000

The Peel Alliance is requesting the Shire of Serpentine Jarrahdale contribute \$15,000 towards this advocacy.

These amounts have been suggested based upon ability to pay and potential impact of current and future mining and extractive industry operations on the districts involved.

The Council has previously resolved to allocate \$25,000 to assist with preparing a submission during the Environmental Review of Alcoa's planned expansion. Given that Alcoa's Environmental Review has not yet been released for public comment and that Officers consider some of the issues raised in the position paper could form part of the Shire's submission, Officers are recommending that \$15,000 of this budgeted amount be used for advocacy for the Policy Position Statement.





## **Options and Implications**

### Option 1

That Council:

1. ENDORSES the Peel Alliance Policy Position Statement – Mining and Extractive Industries at **attachment 2**;
2. AGREES to contribute \$15,000 towards advocacy of this position statement with funds coming from Environmental Impact Study (Project number 12003);
3. REQUESTS the Chief Executive Officer inform Peel Alliance of the Council's resolution in regard to this matter.

### Option 2

That Council:

1. ENDORSES the Peel Alliance Policy Position Statement – Mining and Extractive Industries (**attachment 2**); and
2. RESOLVES NOT TO CONTRIBUTE any funds to advocacy of the policy statement instead suggesting Peel Alliance and any advocacy is done in house at no cost to members.
3. REQUESTS the Chief Executive Officer inform Peel Alliance of the Council's resolution in regard to this matter.

### Option 3

That Council:

1. RESOLVES NOT TO ENDORSE the Peel Alliance Policy Position Statement – Mining and Extractive Industries (**attachment 2**);
2. RESOLVES NOT TO CONTRIBUTE any funds to advocacy of the Policy Position Statement; and
3. REQUESTS the Chief Executive Officer inform Peel Alliance of the Council's resolution in regard to this matter.

Option 1 is recommended.

## **Conclusion**

Officers believe Officers believe the draft Policy Position Paper is a reasonable position to take in regards to the current and future activities of mining and extractive industries in the region.

Issues such as this are better advocated for at a regional level rather than impacting upon the individual relationships each local government may have with businesses in their district.

On this basis Officers are recommending Council support the Draft Policy Position Statement.

There is significant alignment between what would have been in the Shire's comment on the EPA Review of Alcoa's planned expansion so Officers see merit using some of the funds budgeted to assist in developing the Shire's submission on this review for advocacy of this Policy Position Statement.

**Attachments (available under separate cover)**

- **10.5.1 - attachment 1** – Peel Alliance - Policy Position Statement Mining - Background Paper - Draft only (E23/10379)
- **10.5.1 - attachment 2** – Peel Alliance - Policy Position Statement - Mining and Extractive Industries - Draft only (E23/10380)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.1</b>	Recognise local heritage
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Outcome 2.3</b>	A productive rural environment
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

**Financial Implications**

The request of a contribution of \$15,000 towards advocacy of the Policy Position Statement is recommended to come from Environmental Impact Study (Project number 12003) in the Shire's 2023/24 FY budget.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This may result in a shortfall in available funding for preparing a submission during the Environmental Review of Alcoa's planned expansion		Financial	Possible	Insignificant	LOW	
2	Advocacy may be less effective and strain relationships with member local governments		Reputation	Possible	Insignificant	LOW	
3	This approach may not be in alignment with community expectations		Reputation	Possible	Minor	Moderate	

**Voting Requirements:** Simple Majority

### Officer Recommendation

**That Council:**

1. **ENDORSES** the Peel Alliance Policy Position Statement – Mining and Extractive Industries at attachment 2;
2. **AGREES** to contribute \$15,000 towards advocacy of this position statement with funds coming from Environmental Impact Study (Project number 12003);
3. **REQUESTS** the Chief Executive Officer inform Peel Alliance of the Council's resolution in regard to this matter.

**10.6 Confidential reports:**

The meeting is to be closed to members of the public whilst item 10.6.1 is discussed.

**10.6.1 – CONFIDENTIAL - Allegation of breach of code of conduct – SJ2023-2 (SJ3105)****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 *Local Government Act 1995*.

**Confidentiality Provisions**

This report is confidential in accordance with section 5.23(2)(b) and (f) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

*(b) the personal affairs of any person; and*

*(f) a matter that if disclosed, could be reasonably expected to —*

- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
- (ii) endanger the security of the local government's property; or*
- (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.*

A full report is provided to Councillors under separate cover. The report is not available for publication.



Continued

## Ordinary Council Meeting Agenda Monday, 21 August 2023

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- 11. Urgent business:**
- 12. Councillor questions of which notice has been given:**
- 13. Closure:**