



Shire of
Serpentine
Jarrahdale



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 21 February 2022

Contact Us

Enquiries

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

In Person

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



www.sjshire.wa.gov.au



Councillor Attendance Register

In accordance with Ordinary Council Meeting, 16 December 2019, Resolution OCM293/12/19, clause 5 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings and Policy Concept Forums”.

Council October 2021 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
07/02/22	PCF	✓	✓	✓	A	A	✓	✓	A	✓
13/12/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
06/12/21	SCM	✓	✓	A	✓	✓	✓	✓	✓	A
29/11/21	PCF	✓	✓	A	✓	✓	✓	✓	✓	✓
22/11/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
15/11/21	OCM	✓	✓	✓	✓	A	✓	✓	✓	✓
10/11/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
01/11/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
01/11/21	SCM	✓	✓	✓	✓	A	✓	✓	✓	✓
25/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
25/10/21	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

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 that 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.



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 21 February 2022 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich declared the meeting open at 7pm and welcomed Councillors, Staff, and members of the gallery, and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to the Traditional Owners, Elders Past, Present and Emerging.

The Shire President, Councillor Rich acknowledged and welcomed past Councillors, Sandra Hawkins and Bill Denholm.

Minutes

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

Attendees:

Councillors: M Rich.....Presiding Member
D Atwell
R Coales
M Dagostino
T Duggin
G Singh
L Strange
D Strautins

Officers: Mr P Martin.....Chief Executive Officer
Ms H Sarcich.....Deputy CEO / Director Community
and Organisational Development
Mr F SullivanDirector Corporate Services
Mr R NajafzadehDirector Infrastructure Services
Dr K ParkerManager Governance and Strategy
Mr D Van der Linde.....Manager Strategic Planning
Mr A Nair.....Manager Statutory Planning and Compliance
Ms M Gibson.....Governance Officer – Council and Committees
(Minute Taker)

Apologies: Councillor M Byas
Mr A TrosicDirector Development Services

Observers: Members of the Public – 29
Staff members – 1



2. Public question time:

2.1 Response to previous public questions taken on notice:

Special Council Meeting – Monday, 6 December 2021

Question asked by **Ms Lisa Brazier** at the Special Council Meeting, Monday, 6 December 2021. Correspondence was sent to Ms Brazier on 14 December 2021 (OC21/26819).

Question 3

In the engagement and communication plan the impact on the broader Shire community was rated as medium.

Did this rating take into consideration the impact of future increased in rates for residents, the number of residences that will be required to meet the maintenance costs and do we know the future costs to maintaining the site?

Response (Deputy CEO/Director Community and Organisational Development)

The rationale for the assessment of risk is detailed on page 4 of the Keirnan Park Engagement and Communication Plan and does not specify consideration of the funding of the future operations of the Keirnan Park Recreation Precinct.

The Keirnan Park Business Case (March 2021) outlines that following practical completion, the annual costs for operation of Stages 1A, 1B and 1C combined will be as follows:

- *Operational maintenance \$544,508*
- *Outgoings \$144,000*
- *Replacement Costs- Buildings \$82,570.*

Ordinary Council Meeting – Monday, 13 December 2021

Question asked by **Mr Bill Denholm** at the Ordinary Council Meeting, Monday, 13 December 2021. Correspondence was sent to Mr Denholm on 16 December 2021 (OC21/27218).

Question 2

A gravel road was installed at Briggs lower oval on the east side. What was the total cost of this track that goes nowhere, apart from the canteen? Whose idea was it to construct it as there was a previous limestone track?

Response (Director Infrastructure Services)

The cost of constructing the track is unknown as this work may have been completed as a general maintenance item and associated cost was not captured separately.

The area was an overgrown track and Officers believe the work was undertaken to delineate the track from the playing field and at the same time provide a track that could be used to access the oval for maintenance purposes. This track allows for additional parking for users of the oval and unloading / loading of heavy / large machinery when plant is needed to undertake oval maintenance work. Officers involved in the construction of the track are either no longer working with the Shire or are on leave, therefore exact details of the background for the gravel resheeting are unknown.



2.2 Public questions:

Public question time commenced at 7:01pm.

Chris Gianatti, on behalf of Robert Gianatti, Karrakup WA 6122

Question 1

The proposed water extraction and development is near the top of the valley and the extraction of water will impact all properties surrounding and downstream of the development. We are not connected to any township scheme water and are solely reliant upon bore water and ground water for drinking, washing, watering of stock, and irrigation of crops.

What guarantees and actions will the Shire Council put in place to compensate landowners when the water table dries up and water can no longer be extracted for our own purposes, on our properties?

Response (Manager Statutory Planning and Compliance)

The planning framework does not provide provisions to residents for compensation for planning decisions.

Question 2

The company says that the volume of water that will be extracted is sustainable.

What independent environmental impact studies have the Shire Council and the company undertaken showing that the amount of water being extracted will be replenished by rainfall, and who will monitor this extraction and ensure that it varies with annual rainfall?

Response (Manager Statutory Planning and Compliance)

The application included a Hydrogeological report which was peer reviewed by a hydrogeological consultant engaged by the Shire. The proposal seeks to implement an annual ground water monitoring regime, which includes recording of abstraction volumes, regular collection, submission and analysis of groundwater samples. Officers, through their compliance process can request this information if required to investigate concerns of non-compliance.

Question 3

The sale value of properties will greatly reduce if they no longer can source a free, reliable, and contamination-free source of water.

What assurances do we have that we will be compensated for the devaluing of our property once there is no longer sufficient water available for our intended use, and future use?

Response (Manager Statutory Planning and Compliance)

The change in the value of properties is not something that is considered as part of the planning process.



Darrel Wayne Herren, Serpentine WA 6125

Question 1

What was the process taken and how did the Developer gain permission to clear the trees and native bush on Rudall St and fill in Hardeys Creek? I was told it was protected.

Response (Manager Strategic Planning)

The developer of Lot 97/98 Lefroy Street Serpentine submitted a subdivision application that was approved by the Western Australian Planning Commission, which included the realignment of the creek and removal of some trees. This followed on from an appeal to the State Administrative Tribunal by the developer. The alignment of the creek was a significant point of contention of the reconsideration at the Tribunal.

Question 2

Why was a meeting held on the Tuesday on site to approve the clearing, after my question on the Monday?

The Shire President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

Question 3

The Developers very first operation was to start clearing this native bush, is this normal practice?

The Shire President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

Ann King, Karrakup WA 6122

Question 1

What will the impact on water be in respect to the number of bores drilled; litres of ground water that will be extracted daily and the measures that will be in place to ensure water levels do not drop to an unacceptable level?

Response (Manager Statutory Planning and Compliance)

The peer review undertaken by JDK estimate that there will be a predicted drawdown in groundwater ranging from 3.3m to .9m within the 900m drawdown radius assessed within the report. The proposal also seeks to implement a monitoring programme of the bores onsite. Officers as part of the Shire's compliance process can request this information to ensure compliance with the approved plans.

Question 2

What level of noise/light pollution will be produced and at what times and days?

Response (Manager Statutory Planning and Compliance)

Noise emitted from the development would be associated with the 24-hour/7-day week ground water extraction process which is to occur within a sea container and associated commercial vehicles of the development. The proposed 8 commercial



vehicle movements are proposed to be spread across the 24-hour period. There are no details submitted of lights being used as part of the operation.

Question 3

We are on a slip road and access to this property currently runs past our property, what will be the impact on transport in respect to truck movements per day and time and our access to the slip road?

Response (Manager Statutory Planning and Compliance)

Option 2 within the report provides for the requirement of road upgrades to be undertaken to Nettleton Road and the access to the property to provide for suitable widening of the northbound carriageway of Nettleton Road to ensure the flow of traffic. As part of this process any upgrades will need to consider existing treatments within the area.

Debbie Rose, Karrakup WA 6122

Question 1

The proposed water extraction will affect my ability and the surrounding property owner's abilities to source water for fighting and extinguishing fires. No or very little water to the entire valley could result in catastrophic outcomes. What support will the company or Shire Council be providing for water and its storage for firefighting purposes on our properties?

Response (Manager Statutory Planning and Compliance)

It is the Individual Landowners responsibility to ensure they have the necessary firefighting equipment and water available within rainwater tanks for firefighting purposes. The brigades and water contractors will also respond to fires in the locality.

Question 2

Nettleton road is a narrow, windy and extremely hilly road with no overtaking lanes. It is used mainly by holiday makers, cyclists, motorbikes and people living in the area. Extra trucks on this road would be a major safety concern for all travellers and could result in more road accidents and possibly fatalities. Will the Shire be consulting with Main Roads regarding the safety issues of having heavy vehicles travelling on the scenic route to Jarrahdale and will this road be upgraded to cope with the heavy vehicles?

Response (Manager Statutory Planning and Compliance)

Nettleton Road is a local road, there is no requirement for consultation with Main Roads resulting from this proposal.

Option 2 within the report provides for the requirement of road upgrades to be undertaken to Nettleton Road and the access to the property to provide for suitable widening of the northbound carriageway of Nettleton Road, both north and south of the driveway intersection to ensure the flow of traffic.

Bill Denholm, Byford WA 6122

Question 1

With the departure of key personnel, will the SJ Shire still be in the position to deliver key projects on time and on budget?



Response (Chief Executive Officer)

I won't discuss the individual staff members in detail, however, I will say that local governments, including the SJ Shire, are not immune to the current economic conditions impacting upon both the employment market and contractors capacity.

In response to this, Officers have recommended to the Audit Risk and Governance Committee Meeting scheduled to be held on 28 February the following Risk be added to the Shire's Strategic Risk Register:

Risk

Market factors impacting the delivery of major capital projects on time and within budget

Causes - Current market place driven primarily from COVID-19:

- Shortage of materials / supply chain disruptions resulting in cost increases*
- Shortage of contractors, consultants and suppliers*
- Lack of contractor, consultant and supplier capacity to deliver works resulting in cost increases*
- Lack of bidders to procurement opportunities causing processes to be prolonged and redone*
- Lack of skilled and experienced project managers in the market place to manage projects*

The Council tonight will consider a request from the CEO to workshop some of the timelines of delivery of major projects in response to these market conditions.

Question 2

With the loss of these staff, are we at risk of losing grant funding due to being unable to meet timeframes?

Response (Chief Executive Officer)

At this stage we don't anticipate any impact upon grant funding as we are negotiating extension to some funding agreements where appropriate. Funding agencies are receiving the same requests from many other local governments and at this stage seem to be accommodating these requests. In other cases such as the funding agreement Council will consider tonight regarding the construction of Stage 2 of the Skatepark, Officers have allowed significant time to deliver this project which is hopefully past the peak the construction the market is currently experiencing.

Question 3

Will the drainage pits on Mundijong Oval be replaced well before the upcoming football season?

Response (Director Infrastructure Services)

No, the Operations Team will be undertaking an investigation to assess the condition of the drainage pits and pipes in the northern and western section of Mundijong oval. We anticipate this work to be completed within the next two weeks. Following the assessment, if repairs/renewal of the drainage pits and pipes is required, a submission will be prepared to Council requesting funding as part of the



Shire's 22/23 capital budget. Works will be scheduled for the next financial year in consultation with the sporting clubs, subject to funding approval.

Mrs Lee Bond, Box 44 Armadale WA 6112

Question 1

Please provide me with a more definitive answer re the establishment of the Static Water Supply for Settlers Rest Estate?

Response (Director Infrastructure Services)

As advised previously, the Shire has installed static water supply at Lot 1504 Orton Rd which is in nearby vicinity to Settlers Rest Estate. In regards to installing an additional static water supply near Settlers Rest Estate, the Shire will undertake further investigation regarding the needs, feasibility and funding sources of a potential static water supply, in line with the Tonkin Highway extension and vesting of the management order for Lot 145 Hopkinson Road with the Shire.

Question 2

Why does this Council support the \$30 biodiversity payment when Cotton Bush and Cape Tulip are growing as prolific as an illegal cannabis crop right under the Shire's nose and a member of SJ Landcare is part of the Shire team re the environment and you have done nothing to control it?

The Shire President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

Question 3

What does the Shire have listed as heritage value and why hasn't the old dairy on Hopkinson Road been listed and did the ratepayer purchase turner cottage, if so, what was paid for it?

Response (Manager Strategic Planning)

The Council has initiated the landowner engagement component of the Local Heritage Survey as per OCM341/12/21. The full list of those places that the community has identified as being of heritage value is listed there. Fremnell's dairy is on the list as a Management category 3 heritage site. In respect to the second part of your question, the Shire of Serpentine Jarrahdale did not purchase Lot 23 Karnup Road, Serpentine on which Turner Cottage is situated.

Public question time concluded at 7:26pm.

3. Public statement time:

Public statement time commenced at 7:26pm.

Chris Gianatti, on behalf of Robert Gianatti, Karrakup WA 6122

Fresh, uncontaminated water is a precious and increasingly scarce natural resource that is valued and used by all property owners; and must not be extracted for the monetary and financial gain of any one landowner or commercial enterprise/ multinational company.

I strongly object to the proposed commercial water extraction and development on Lot 687, 1201 Nettleton Road Karrakup.



Debbie Rose, Karrakup WA 6122

I am the owner of Lot 101, 28 Alcoa Road, Karrakup and object to the proposed groundwater extraction.

Our only water supply is from our dam which was originally used for orchard irrigation many years ago. The original owner of this property informed us that this dam would always replenish itself with groundwater after pumping for several hours every night over the summer months to irrigate the orchard. This dam always remained full of water all year round.

Over the past 15 to 20 years this dam no longer replenishes itself after pumping for several hours every night to the orchard. The dam's water level is becoming lower every year even though the orchard is no longer there now.

This tells us the groundwater is already beginning to dry up and by commercially pumping from upstream for no other reason but financial profit will only make this matter considerably worse. We rely on this water source on for drinking, water for livestock, irrigation, household use and for firefighting.

Penny Muecke, Jarrahdale WA 6124

Good Evening Madame President and Councilors. I thank you for the opportunity to speak to you today.

My name is Penny Muecke and I am a member of Jarrahdale's Future

The Jarrahdale communications tower.

Jarrahdale's Future was tasked with assessing Jarrahdale's aging essential infrastructure as to its robustness and ability to meet the challenges of a warming climate.

The Jarrahdale tower, like so many other towers, had about 30 minutes to 2 hours backup battery power. In an outage caused by a fire, a storm or just a power outage we very rapidly found ourselves without any form of communication, even SOS. Our investigations lead us to the firm conviction that the tower was no longer fit for purpose for today's needs.

We approached funding bodies and government departments for help.

The Federal Government did have a funding program that provided increasing the backup power to mobile towers, but that program had limited funds available. The WA Department of Primary Industry and Regional Development was incredibly unhelpful. The Shire of Serpentine Jarrahdale Emergency Services Department, however, was incredibly helpful and immediately took up the challenge!

Two years on and the Shire has upgraded the Tower to a level that makes it fit for purpose in today's world.

On behalf of the residents and rate payers of Jarrahdale, we thank Council and the Shire officers who worked so hard to bring this about. It is very much appreciated.

The Water Extraction Proposal.

Jarrahdale's future also reviewed the Application for extraction of water at Lots 13 and 14 Nettleton Road. We applaud the decision to have an independent peer review of the proponent's Hydrogeology Assessment – that is certainly current best practice and well worth the cost.



We also commend the high standard and professionalism of the Report prepared by the Shire Officers in Planning. On the basis of the Shire Report, Jarrahdale's Future encourages Council to vote for the First Motion put forward and recommended by the Shire Officers, that is, that the application be refused.

There is a further issue that I would like to raise.

We know that climate change will bring hotter temperatures, more fires and storms, and increasingly less rainfall in this part of the world. It is obvious from the events of the last few years that country people will bear the brunt of these changes to a greater extent than people living in cities. It is country people who have lost homes, businesses and stock, with country towns like Kalbarri very nearly obliterated.

In the last few years we have seen many destructive fires– each one more intense than the last as the climate continues to heat up. The communications black out when the power is turned off and mobile towers go down has been a constant and growing concern. People have been left with no way of contacting anyone even in an emergency.

We also know that standard statistics show that 97% of total disaster funding is spent on recovery, while only 3% is spent on mitigation. Increasing the amount spent on mitigation saves an enormous amount in the long run. It is not clear if the Federal and State Governments really grasp the significance of these figures.

The WA Department of Primary Industry and Regional Development appear to be totally disinterested in the idea - their response to both our very detailed letters was to ignore most of what we said and advise us that we did not need backup power in a fire or emergency situation as the tower would be left to turn off, we would be all evacuated and all we needed was a battery radio so we could listen to the ABC emergency channel for instructions.

In the recent Kondinin fire, the fire was so intense and travelled at such speeds that the towers went down very early in the fire event. Listening to survivors on ABC radio the most stressful issue was one of the loss of communication. We have heard that the result of the total communications blackout so early in the fire event resulted in complete chaos. A government official again advised that all people needed to do was to buy a battery radio and listen to the ABC emergency channel!!

Given that the revenue raised from primary industry in WA – from mining, export of grain, wine wool, meat etc – is a crucial part of our economy it is difficult to understand the stance of both Federal and State governments.

What is clear is that country people and country Shire Councils appear to be the only ones who really understand the issues involved here. We are going to have to push back hard against this lack of real concern from other levels of government if we want to survive what the climate is going to throw at us.

Rick Giles, Jarrahdale WA 6124

Transport

It is proposed to run this transport operation with three or four truck loads per day.

If we take the tonnage of water that the operation will move per year - 50,000 t/yr - and allow only 12 days of downtime per year, this represents 142 tonnes per day for 353 days per year.



Considering the payload of the trucks that they propose to use, only the B doubles with a capacity of 38 tonnes can possibly achieve this production in four loads per day. In a normal week, this will mean four loads per day for 6 days and 3 loads on Sunday, all year.

Therefore, the proposal is based upon the assumption that only B doubles, with a gross vehicle mass of 57.4 tonnes, will be employed. Consequently, the proposal is based upon the assumption that Jarrahdale Road and Nettleton Road will be reclassified as RAV routes.

The transport study was desktop work, and they state that they used satellite/aerial imagery and Google Street view to assess critical road conditions. Other road users were waved away as a comparatively minor factor.

Nettleton Road is rough, which increases the width of the road swept by the B doubles' second trailer, the shoulders are either narrow or non-existent, and visibility is often poor. Laden trucks down the Scarp on Jarrahdale Road are also a concern.

Opening these roads to continuous use by one transport operation will open the way for RAVs in general to pass through Jarrahdale.

Hydrogeology

This part of the proposal is very confusing, with numbers being moved around from one context to another, very little real field data and a lot of sweeping assumptions. To collect a useful amount of data would be unrealistically expensive.

The Shire subjected the hydrogeology report to peer review by another consultant and we are very grateful for that review.

The summary of the report by the peer review hydrogeologist engaged by the Shire is straightforward:

"JDA considers that the Water Direct report has not conclusively established that a bore or several bores in the aquifer beneath the property can sustain the supply required for the bottled water proposal, nor that unacceptable impacts will not occur on the bores on the neighbouring properties."

This should not be a complete surprise – the hydrogeology of a catchment like this is a very complex issue, with a deep and very complicated soil profile, areas of forest, rehab mine pits, cleared land, and irrigated orchard. Very little field data were collected to support the development proposal.

The property in question is approximately 9.4ha of land with about 4ha of irrigated orchard. This is part of a 52ha area of cleared land, which in 2003 included about 26ha of irrigated orchard. Since 2003, the area of irrigated orchard has decreased to about 14ha, and the 52ha is now subdivided into smaller lots with a number of owners.

In the original proposal, it was suggested that a further 6ha of orchard would be cleared, but it was unclear whose orchard was being referred to, as the remaining orchard area is now owned by several landholders, and the property under consideration contains less than 6ha of orchard.

At the same time, the proposal stated that (my emphasis):

"The proposed operations are in addition to the existing orchard operations. As such, the use of the site for ground water extraction does not jeopardise the continuing use of the site for rural activities."



The justification for the extraction and export of 50,000 kL of water from the 9.4ha property was based upon the assumption that due to the reduced area of irrigation over the whole 52ha, “surplus” water is now available for the bottled water operation on the 9.4ha property. No data are available regarding the actual quantity of irrigation water used in the past or in the present. Only Dept of Agriculture industry estimates were used in the calculations. We do not know what proportion of the irrigated water was recirculated through the soil profile to return to the aquifer from which it was drawn. As noted in the hydrogeological peer review, it is possible the original area of orchard declined due to inadequate irrigation water availability. It is also unclear whether or not the area of orchard cleared, and to be cleared in the future, referred to orchard on the proponent’s land, or that of their neighbours.

A two day pump test was conducted by the proponent and the data were given to the consulting hydrogeologist. From these data was extrapolated an estimate that 60,000 kL of water were passing from north to south through the proponent’s 9.4ha property in an aquifer that lies at the bottom of the soil profile and on top of the basement granite rock. As the proposed 50,000 kL to be extracted is less than the 60,000 kL estimated for the through-flow, the proponent argued that removal of the water for bottling would have negligible effects upon neighbouring properties.

However, in the proponent’s response to the negative peer review, this 60,000 kL of through-flow appears to have been redefined as the amount of water that will be made available due to the clearing of 6ha of orchard in the future – the future clearing that I referred to previously. However there is less than 6ha of orchard on the proponent’s property. In addition, the proponent’s response said that “most” of the orchard on the proponent’s property would be cleared, so less than 4ha is involved. Using the Dept of Agriculture’s industry-practice data, clearing less than 4ha of orchard would represent releasing about half the 60,000 kL from irrigation use. Confusion reigns.

This strengthens the summary presented above from the peer review of the hydrogeological analysis.

Neither the proponent’s nor the Shire’s peer review hydrogeologist mentioned the risk of an impact of the water extraction upon the wider environment. At the bottom of the valley in question, just east of the Jarrahdale townsite, is a moist swamp that is the discharge of the water in the aquifer that lies on top of the basement granite rock. This swamp is the habitat for an unusual mainland quokka colony. If this swamp becomes less moist, it will become more vulnerable to periodic wildfire, and the colony may be wiped out as has happened in other locations.

Over 40% of the water in the Perth region is desalinated. The other resources are finite and declining as rainfall has declined since the 1970s. It is irrational to export water from this region of Australia when we are pumping desalinated seawater into the Serpentine Dam, which is now effectively a reservoir for this purpose, and then releasing some of the desalinated water into the Serpentine River during summer to maintain the health of that river. This region is not suitable as a source of export water, there is no surplus in the southwest of WA.

Sandra Hawkins, Whitby WA 6123

I would like to ensure all Councillors are aware that I will be staging a protest on the rail line at the crossing on Keirnan Street Whitby on Saturday from 8am. I have been endeavouring for the past two years to have a pedestrian crossing built over the rail line,



which is owned by ARC Infrastructure, this would be in collaboration with Main Roads, the Shire and Arc Infrastructure.

The reason that this is required, is for the children who are residents of the Whitby Estate, the future residents and everyone who lives in the vicinity, as the estate will increase in size to approximately 5,000 houses (15,000 people) approximately.

There is no safe path across the line at present, as everyone has to walk into the path of oncoming traffic. Having witnessed some very close encounters between children, adults, children on cycles and cars, it is a serious accident or fatality waiting to happen.

I know that the Shire has been very sympathetic towards the reasoning to install a safe passage, but as usual, it is a question of money. But what value does one place on a child's life? In fact every one's life matters.

I know that the Shire intends to close Kiernan Street and reroute the traffic away from the estate, but there is no reason why a crossing can't be installed now, as it will continue to serve the community, even after the road closes.

What is the sense in asking the children who attend Court Grammar to walk another kilometre away going southwards and then an extra kilometre to come back to where they would normally cross the railway line? Besides, this may not happen for a very long time, actually the CEO informed me that it could be 20 to 25 years.

To be fair, after writing to the people in authority, Arc Infrastructure and the Shire CEO have made contact with me and I feel that I have had an extremely productive talk with Arc Infrastructure. If this continues, I will not stage the protest to allow negotiations to continue and am hopeful that I am going to have a successful outcome. Thank you for your time.

Margaret Cala, Mardella WA 6125

I am making this statement on behalf of the Serpentine Jarrahdale Ratepayers & Residents Association, regarding Agenda Item 10.1.3 – Proposed Groundwater Extraction – Lots 13 and 14, 1201 Nettleton Road, Karrakup (PA21/1002).

We are pleased to see that the Officers Recommendation is to Refuse the application; which is in line with community opinion on this proposal to extract 50,000 kL of groundwater annually from three existing bores on the property for the purpose of treating and selling as bottled water. As we see it, this proposal does not align with the Shire's land use definitions contained within the Town Planning Scheme No.2 (TPS2).

The site is zoned 'Rural' under TPS2 and the broad objectives of the Rural zoning states "The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area." It is our opinion, the commercial extraction of water for human consumption does not reasonably comply with the common understanding or expectation of a 'rural pursuit'. In Western Australia drinking water is derived from a variety of sources – ground water, desalination and catchment of rain water – but none of these are exclusively rural in origin.

We are also concerned that the Draft TPS 3 does not appear to support this activity on rural land either.

The proposal is supported by a Hydrological Report – which appears to leave some questions unanswered. Anyone with experience of water in the Darling Range is aware of the capricious nature of aquifers, and of the drying which has occurred in the last 15-20 years – with associated loss of traditional water sources in the form of dry creeks, depleted



dams and dry or depleted springs; as well as the substantial loss of areas of mature trees where ground water levels have dropped.

The affect this proposal may have on neighbouring properties is also of concern to us. Groundwater reservoirs do not follow property boundaries – and pumping can and does affect surrounding areas. The existing orchard on the site may well use a similar total of water used – but not at the same 7 day a week, 52 weeks a year summer and winter contained within this proposal. I doubt that anyone knows conclusively just how sustainable this proposal might be. The application suggests that a proportional reduction in the existing orchard area will balance the water use; but what will become of the area deprived of water? Will it be rehabilitated with young trees which take up more ground water than mature ones? Or will it lie barren, creating another heat sink and fire hazard.

The proponent intends to use B Double tankers to transport the water – using the only 2 routes available – Nettleton and Jarrahdale Roads. Neither of these are either safe or suitable for heavily laden vehicles. Jarrahdale Road was, some years ago deemed unsuitable as a truck route to Albany Highway due to its grades and bends. Nothing has changed – the same grades exist today, and the road alignment is not significantly different. If one company gains permission to use these roads; others will follow. I myself remember the horrors of large, heavily laden trucks on Nettleton Road during the period when Alcoa's Jarrahdale crushing station was in use.

We are living in a time where our rainfall has dropped and water supplies – in one of the driest countries on earth – have diminished. There has also been a change of heart within the community regarding individual responsibility to protect and where possible enhance our environment, and to ensure that we, and our neighbours conduct ourselves in ways that are sustainable, respectful and with an eye to future generations. The SJ Ratepayers Association does not see any of these criteria met in this proposal, and again we commend the Shire Officers recommendation and seek the support of all Councillors to decline this application. Thank you.

Bill Denholm, Byford WA 6122

During the weekend, I attended the Watkins Road Transfer Station. The temperature was approximately 37 degrees. The three Shire workers had the facility working like a machine. At times a very small queue were waiting, but still, when needed, they assisted some ratepayers unload. Very impressive and well done. This reminded me, over the past few months, the SJ Shire has seen the departure of some very valued employees (some senior positions). One being the Manager of Waste, who created and manages the Waste Transfer Station. He was pivotal in ensuring the SJ Shire was in a good position in Rivers Regional Council for the future (financially). He was always available to provide support for Councillor Byas and myself (the SJ representatives on Rivers) which was much appreciated. I would like to take this opportunity to wish him and the other departees all the best for the future and thanks.

Mrs Lee Bond, Box 44 Armadale WA 6112

Has anyone checked on the Orton Road site re compliance, it appears they think you have forgotten them? Just to remind you these are the people that left the disaster on King Road.

The developer contribution for Settlers Rest Estate was not used on the estate so after twenty years there should be a nice little sum after interest has been added. I think the residents of the estate should be able to give their opinion on how it should be spent as long as it is sensible. Using it to maintain the bridle path area after the Shire and water



corporation have restored it to a safe decent area would seem to be the best use of this money.

I have mentioned that the use of the term 'completed' when a resident complains leaves people angered when they see nothing has been done or no-one has contacted them. A change of wording would make for better relations between staff and residents.

Public statement time concluded at 8pm.

4. Petitions and deputations:

Paul Kotsoglo, Managing Director, Planning Solutions, regarding item 10.1.2 - Proposed Alterations, Additions and Signage - Lot 1 and Lot 2, 865 South Western Highway, Byford (PA21/930)

Paul Kotsoglo, Managing Director for Planning Solutions made a deputation supporting the Officer Recommendation for approval.

Nathan Stewart, Senior Planner, Rowe Group, regarding item 10.1.5 - Byford Activity Centre Forum - Outcomes Report

Rowe Group acts on behalf of ALDI Supermarkets, the landowner of Lot 510 (No. 845) South Western Highway, Byford.

We attended the Byford Activity Centre Forum on 26 October 2021, in order to represent ALDI's views on the Byford Town Centre. In particular, we were to express the critical need for an east-west vehicular connection between the new and old Byford Town centre.

This evening, Council is to consider the Outcomes Report, prepared by LK Advisory to summarise the key outcomes from the Forum. Council is to resolve to note or not the outcomes and recommendations from the Report. We acknowledge that it appears that the Shire's place planning is not currently resourced to implement.

On review, it appears Figure 7 of the Outcomes Report shows the Clara Street extension through George Street and over the rail line and further to Sansimeon Boulevard. This appears to be shown as a 'Desire Line' in Figure 7. The Outcomes Report does not describe anywhere in it of the need for the east-west vehicular connection.

Our one concern with the Outcomes Report is this; that this critical connection is shown as a 'Desire Line'. It is much more than that. The survivability of the businesses on the old Byford Town Centre hinges on an east-west full-movement vehicular connection to the new Town Centre.

Council has previously supported the potential for an east-west full-movement connection when it considered the Byford Town Centre Local Structure Plan in August 2020. We ask Council to continue to support this connection.

We understand that the Shire is involved in the planning for the Byford Station. We request that the Shire continue its dialogue with METRONET and push for a raised platform arrangement to enable an east-west vehicular connection at Clara Street to be integrated with the station design.

In relation to resourcing for the implementation of the Outcomes Report, whilst this is unfortunate, we say this is a considerable project of considerable importance. All we ask is for the Shire to continue to push for the east-west full-movement vehicular connection at Clara Street.



5. President's Report:

Good evening everyone, and welcome to the Ordinary Council Meeting for February 2022.

As this is our first meeting of the year, I would like to welcome all Councillors, Shire staff and members of the public – I hope 2022 is a safe and productive year for us all.

It has been a busy start to the year for our local brigades, with members from across Serpentine Jarrahdale's volunteer bushfire brigades involved in attending 8 local fires as well as assisting fighting bushfires in other local government areas across the state.

This has included responses to Bullsbrook, Avon Valley, Kalamunda, Nambeelup, Rockingham and Denmark.

This involved significant planning and coordination effort and we thank our local brigades for their service in helping contain these fires and protect local communities.

It was great to join with our community on Australia Day and celebrate our community champions at the Shire's Citizen of the Year Awards.

Congratulations to all the award winners and nominees – it was great to celebrate the contributions of those in our community who go above and beyond and make our Shire such a connected and thriving community.

This year the Shire also recognised 13 recipients of the National Medal, an award that recognises 15 years of diligent service by members of the Australian Emergency Services.

These 13 recipients are members of the Shire's local volunteer bushfire brigades and it was fantastic to incorporate these awards in our Australia Day celebrations, and to acknowledge all Emergency Services staff and volunteers throughout the Shire.

The day concluded with our Australia Day Citizenship Ceremony, where we welcomed 29 new citizens from 9 different countries.

Great to see the SJ Famers Market back on the 5th of February for another great year.

It was also great to join with our community on Saturday, 12 February and celebrate the 50th anniversary of the Shire's Library Services.

Thank you to SJ Library Friends who presented the Shire with a commemorative photo to recognise the 50th anniversary – we look forward to displaying the photo at Byford Hall when the service begins its next chapter at the facility in the middle of the year.

Since our last meeting, the CEO Mr Paul Martin and I attended the following meetings together:

- Armadale Police District Superintendent Mark Longman to discuss district policing.
- Federal Member for Canning Andrew Hastie to discuss Federal Election Priorities.
- Serpentine residents to discuss local priorities
- Our monthly meetings with Darling Range MLA Hugh Jones to discuss the delivery of State Government election commitments, and we also met with East metropolitan Region MLC Matthew Swinbourn to discuss local issues.
- Serpentine Historical Society discuss storage arrangements.

Finally, I'd like to close tonight in recognising the passing of Mr Barry Mort.



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Barry served as a Councillor here at the Shire of Serpentine Jarrahdale from 1993 – 1996, but was perhaps best known for the tremendous service he gave to both the Armadale Career Fire and Rescue Service and Mundijong Volunteer Bush Fire Brigade.

He was honoured at the Shire's Emergency Services Volunteer Awards Evening last year for reaching 35 years of service.

We extend our deepest sympathies to Barry's family and friends.

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

14 December 2021	Serpentine Primary School Assembly	Serpentine
	East Keralup Access Road - Official sod-turn event	Nambeelup
	Meeting with Minister Roger Cook and East Metro Health Service	Perth
	Marri Grove Primary School Assembly	Byford
15 December 2021	Beenyup Primary School Assembly	Byford
	Weekly Meeting with CEO	Shire Offices
	Meeting with Alcoa Huntley Mine	Shire Offices
	Mundijong Primary School Assembly	Mundijong
	Meeting with Andrew Hastie	Mandurah
	Jarrahdale Primary School Assembly	Jarrahdale
16 December 2021	Meeting with Armadale Police District Superintendent	Shire Offices
	PDC Board Christmas Lunch	Jarrahdale
	Keirnan Park Community Information Session	Mundijong
17 December 2021	Meeting with Hugh Jones	Byford
	Staff End of Year Function	Shire Offices
11 January 2022	Meeting with Clydesdale WA	Shire Offices
12 January 2022	Meeting with Cr Atwell and CEO	Shire Offices
13 January 2022	Weekly Meeting with CEO	Shire Offices
	Joint Development Assessment Panel Meeting	Shire Offices
17 January 2022	Meeting with Hugh Jones	Shire Offices
19 January 2022	Weekly Meeting with CEO	Shire Offices
20 January 2022	Australia Day Event Run Through	Shire Offices
26 January 2022	Australia Day Awards and Citizenship Ceremony	Byford
27 January 2022	Meeting with Serpentine Residents	Shire Offices
2 February 2022	Weekly Meeting with CEO	



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	Keirnan Park Recreation and Sporting Precinct - Project Status Update Workshop	Shire Offices
3 February 2022	Photo Op - Library 50th Anniversary Promotion	Shire Offices
7 February 2022	Meeting with Andrew Trosic - Windmill Ave	Shire Offices
	CEO Employment Committee Meeting	Civic Chambers
	Policy Concept Forum	Civic Chambers
10 February 2022	Peel Trails Committee Meeting	Video Conference
	Peel Regional Leaders Forum	Video Conference
	Peel Country Zone Meeting	Video Conference
	Equine Advisory Group Meeting	Video Conference
	Jarrahdale Forest Protectors	Jarrahdale
11 February 2022	Meeting with Hon Mathew Swinbourn	Shire Offices
14 February 2022	Meeting with Hugh Jones	Teleconference
	Special Audit Risk and Governance Meeting	Civic Chambers
	Q&A Agenda Briefing	Civic Chambers
15 February 2022	Meeting with Cr Duggin and CEO	Shire Offices
	Meeting with Serpentine Historical Society	Shire Offices
	Whitby Residents Association Meeting	Whitby
16 February 2022	Weekly Meeting with Shire President	Teleconference
	Meeting Regarding Special Electors Meeting Request	Shire Offices

6. Declaration of Councillors and Officer's interest:

Chief Executive Officer, Mr Paul Martin, declared an Impartiality Interest in item 8.1 – CEO Employment Committee Meeting – 7 February 2022, as Council is considering the Minutes of the CEO Employment Committee Meeting, which is considering the CEO's KPIs. The extent of the interest is as CEO, they are Mr Martin's KPIs and associated process for review.

Councillor Lauren Strange declared an Impartiality Interest in item 10.1.2 - Proposed Alterations, Additions and Signage – Lot 1 and Lot 2, 865 South Western Highway, Byford,



as Cr Strange is involved in the Activate Byford Group. The extent of the interest is that Activate Byford is advocating for a mural on one of the walls facing George Street.

Councillor Robert Coales declared an Impartiality Interest in item 10.1.4 - Retrospective 'Stable' Development within Byford Trotting Complex - Lot 49 Thatcher Road, Byford, as Cr Coales investigated a matter with the WA Police where Mr Anderson is a complainant.

Councillor Robert Coales declared a Financial Interest in item 10.1.7 - Final approval of Shared Use Agreement – Shire of Serpentine Jarrahdale and Court Grammar School, as Cr Coales is a board member of Court Grammar School.

Councillor Mike Dagostino declared an Impartiality Interest in item 10.1.7 - Final approval of Shared Use Agreement – Shire of Serpentine Jarrahdale and Court Grammar School, as Cr Dagostino's daughter attends Court Grammar Pre Primary.

Councillor Gary Singh declared an Impartiality Interest in item 10.1.7 - Final approval of Shared Use Agreement – Shire of Serpentine Jarrahdale and Court Grammar School, as Cr Singh's son attends Court Grammar.

Shire President, Councillor Michelle Rich declared an Impartiality Interest in item 10.2.2 - Appointment of Community Representatives to the Keirnan Park Stakeholder Reference Group, as Cr Rich is a long term supporter of the Keirnan Park Project.

Councillor David Atwell declared an Impartiality Interest in item 10.2.2 - Appointment of Community Representatives to the Keirnan Park Stakeholder Reference Group, as Cr Atwell is a long term supporter of the Project.

Chief Executive Officer, Mr Paul Martin, declared a Financial Interest in item 10.4.3 – COVID-19 Update – Organisational Preparedness and Response, as it is dealing with COVID leave, for which he is entitled. The extent of the interest is that Mr Martin is an employee.

Manager Governance and Strategy, Dr Kenneth Parker, declared a Financial Interest in item 10.4.3 – COVID-19 Update – Organisational Preparedness and Response, as he is an employee and the policy relates to employment conditions. The extent of the interest is that Dr Parker is an employee and may be eligible for COVID leave.

Director Infrastructure Services, Mr Reza Najafzadeh, declared a Financial Interest in item 10.4.3 – COVID-19 Update – Organisational Preparedness and Response, as it relates to income from his employment as an employee of the Shire. The extent of the interest is that Mr Najafzadeh is the Director of Infrastructure Services.

Director Development Services, Mr Andrew Trosic, declared a Financial Interest in item 10.4.3 – COVID-19 Update – Organisational Preparedness and Response, as he is an employee of the Shire who would be subject to the policy provisions. The extent of the interest is that Mr Trosic would be subject to the policy provisions.

Deputy CEO/Director Community and Organisational Development, Ms Helen Sarcich, declared a Financial Interest in item 10.4.3 – COVID-19 Update – Organisational Preparedness and Response, as she is an employee of the Shire. The extent of the interest is the report contains advice related to terms of conditions of all employees.

Manager Communications and Customer Engagement, Mr Brian Oliver, declared a Financial Interest in item 10.4.3 – COVID-19 Update – Organisational Preparedness and Response, as he is an employee. The extent of the interest is that Mr Oliver is an employee and could access the Shire's COVID-19 Leave Policy.



People, Development and Wellbeing Manager, Ms Terrie Cole, declared a Financial Interest in item 10.4.3 – COVID-19 Update – Organisational Preparedness and Response, as she is an employee. The extent of the interest is that Ms Cole would benefit from the proposed leave provisions set out in the Council Policy 1.1.12 – Covid-19 Leave being submitted.

Governance Officer – Council and Committees, Ms Mandie Gibson, declared a Financial Interest in item 10.4.3 – COVID-19 Update – Organisational Preparedness and Response, as she is an employee and the policy relates to employment conditions. The extent of the interest is that Ms Gibson is an employee and may be eligible for COVID leave.

Manager Statutory Planning and Compliance, Mr Ashwin Nair, declared a Financial Interest in item 10.4.3 – COVID-19 Update – Organisational Preparedness and Response, as he is an employee of the Shire who would be subject to the Policy provisions. The extent of the interest is that Mr Nair would be subject to the Policy provisions.

Manager Strategic Planning, Mr Deon Van der Linde, declared a Financial Interest in item 10.4.3 – COVID-19 Update – Organisational Preparedness and Response, as he is an employee of the Shire who would be subject to the Policy provisions. The extent of the interest is that Mr Van der Linde would be subject to the Policy provisions.

Director Corporate Services, Mr Frazer Sullivan, declared a Financial Interest in item 10.4.3 – COVID-19 Update – Organisational Preparedness and Response, as he is an employee. The extent of the interest is that Mr Sullivan may be eligible for leave.

Councillor Dean Strautins declared an Impartiality Interest in item 10.5.2 - Lot 814 Millars Road, Jarrahdale – Commercial Feasibility and Business Case, as Cr Strautins has discussed with Axito Group innovative options in the Shire. The extent of the interest is that discussions have stopped over a year ago.

Councillor Lauren Strange declared an Impartiality Interest in item 10.5.2 - Lot 814 Millars Road, Jarrahdale – Commercial Feasibility and Business Case, as Cr Strange was employed at LandCorp – now Development WA, for over a decade and maintains personal friendships with a number of Development WA staff.



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

7.1 Special Council Meeting – 6 December 2021

OCM001/02/22

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Atwell

That the minutes of the Special Council Meeting held on 6 December 2021 be CONFIRMED (E21/14906).

CARRIED UNANIMOUSLY 8/0

7.2 Ordinary Council Meeting – 13 December 2021

OCM002/02/22

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Duggin

That the minutes of the Ordinary Council Meeting held on 13 December 2021 be CONFIRMED (E21/15341).

CARRIED UNANIMOUSLY 8/0



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

8.1 CEO Employment Committee Meeting – 7 February 2022

The Chief Executive Officer has declared an Impartiality Interest in this item.

Attachments (available under separate cover)

- **Attachment 1** – CEO Employment Committee Meeting Minutes – 7 February 2022 (E22/1481)

Voting Requirements: Simple Majority

OCM003/02/22

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Duggin

1. That Council **RECEIVES** the Unconfirmed Minutes of the CEO Employment Committee Meeting held on 7 February 2022 (E22/1481).
2. That Council **ADOPTS** CEO Employment Committee Resolution CEO005/02/22 and **REQUESTS** the Chief Executive Officer to:
 1. Develop a process for consideration by the CEO Employment Committee for the regular reporting and discussion on CEO KPIs between the CEO and all Councillors to come into effect in the 2022-23 Financial Year;
 2. Hold a workshop with all Councillors to discuss the CEO KPIs related to the 2021-22 Financial Year; and
 3. Refer any amendments which are mutually agreed to be made to KPIs directly to Council for consideration.

CARRIED UNANIMOUSLY 8/0

8.2 Special Audit, Risk and Governance Committee Meeting – 14 February 2022

Attachments (available under separate cover)

- **Attachment 1** – Special Audit, Risk and Governance Committee Meeting – 14 February 2022 (E22/1784)

Voting Requirements: Simple Majority

OCM004/02/22

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Duggin

1. That Council **RECEIVES** the Unconfirmed Minutes of the Special Audit, Risk and Governance Committee Meeting held on 14 February 2022 (E22/1784).



- 2. That Council ADOPTS Audit, Risk and Governance Committee Resolution ARG002/02/22 and RECEIVES the 2020/2021 Annual Financial Report including the Independent Audit Report from the Office of the Auditor General as per attachment 1, in accordance with Section 7.2 of the *Local Government Act 1995*; RECEIVES the Office of the Auditor General Audit Management Report as per attachment 2; RECOMMENDS that Council AUTHORISES the Shire President to write to the Minister for Local Government addressing the action the local government has taken in respect to the matters identified as significant by the Auditor as described in this report in accordance with section 7.12A of the *Local Government Act 1995*; and REQUESTS that the Chief Executive Officer seek clarification on the assumptions settlement basis of leave liability, as detailed in note 20.**

CARRIED UNANIMOUSLY 8/0

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

9.1 - Notice of Motion – Location of Future Child Care Centres (SJ3760)	
Councillor	Councillor Strautins
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Notice of Motion

A Notice of Motion was received from Councillor Strautins via email on Thursday, 10 February 2022.

The Notice of Motion is “That Council:

1. REQUESTS that the Chief Executive Officer investigate options to develop a new Local Planning Policy for Child Minding Centres within the Shire, which encourage such developments to achieve the following aspects:
 - a. Encouraging such developments to be located adjoining areas of public open space, or pathways that lead to public open space, with the aim of providing better connection to the natural environment for clients of such developments;
 - b. Encouraging such developments to be located along good quality pedestrian pathways, that enable safe walking and cycling to such developments that helps manage traffic impacts;
 - c. Encouraging such developments to be designed in a manner which reflects elements of natural character, expressed by the rural and natural areas of the Shire.”

Officer Comment

In accordance with Deemed Provision 3(1) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2:

“The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.”

The planning for, and development of, child care centres is one such related matter.

The notice of motion provides the scope to investigate the development of a local planning policy, to address those matters raised in the motion. In looking at the particular matters, this could include:

1. Location criteria (such as investigating how to encourage sites to locate near areas of public open space);
2. Accessibility criteria (such as investigating how to prioritise locations near major path networks and their interchanges);
3. Design criteria (such as to encourage physical works which reflect elements of the natural landscape and typical rural architectural forms).

Once a draft policy is prepared, it would need to be presented to Council, for Council to consider whether to proceed to advertise the draft policy for public comment. If this occurs, and following advertising, the policy will be presented back to Council for consideration of adoption.



Voting Requirements: Simple Majority

Councillor Recommendation

That Council:

1. REQUESTS that the Chief Executive Officer investigate options to develop a new Local Planning Policy for Child Minding Centres within the Shire, which encourage such developments to achieve the following aspects:
 - a. Encouraging such developments to be located adjoining areas of public open space, or pathways that lead to public open space, with the aim of providing better connection to the natural environment for clients of such developments;
 - b. Encouraging such developments to be located along good quality pedestrian pathways, that enable safe walking and cycling to such developments that helps manage traffic impacts;
 - c. Encouraging such developments to be designed in a manner which reflects elements of natural character, expressed by the rural and natural areas of the Shire.

OCM005/02/22

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Strange

That Council:

1. **REQUESTS that the Chief Executive Officer investigate options to develop a new Local Planning Policy for Child Minding Centres within the Shire, which encourage such developments to achieve the following aspects:**
 - a. Encouraging such developments to be located adjoining areas of public open space, or pathways that lead to public open space, with the aim of providing better connection to the natural environment for clients of such developments;
 - b. Encouraging such developments to be located along good quality pedestrian pathways, that enable safe walking and cycling to such developments that helps manage traffic impacts;
 - c. Encouraging such developments to be designed in a manner which reflects elements of natural character, expressed by the rural and natural areas of the Shire; and
 - d. **Report back to Council before end of May 2022.**

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer Recommendation

To activate location towards an SJ specific healthy environment of Child Minding centres for infants and their families.

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

10.1.1 – Proposed Road Naming – Lot 97 Lefroy Street and Lot 98 Arnold Road, Serpentine (SJ500-04)	
Responsible Officer:	Acting Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Vision Surveys
Owner:	Arrowmax Pty Ltd
Date of Receipt:	7 December 2021
Lot Area:	5.01ha
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 a proposal for a new road name for a subdivision at Lot 97 Lefroy Street and Lot 98 Arnold Road, Serpentine.

Officers recommend that Council endorse the proposed road name and alternative, on the basis of their suitability in respect of assessment against the Policies and Standards for Geographical Naming in Western Australia (Landgate policy) and Local Planning Policy 1.7 – Road Naming (LPP 1.7).

Relevant Previous Decisions of Council

There are no previous decisions of Council relating to this application.

Background

The proposal relates to the subdivision of Lot 97 Lefroy Street and Lot 98 Arnold Road, Serpentine, which will result in the creation of one new road. An aerial view of the subject site is provided below:



Figure 1: Aerial Imagery

Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*. The naming process requires the relevant Local Government to endorse names for roads created as part of subdivision. Those names endorsed by the Local Government must then be forwarded to Landgate for final approval. Landgate has delegated authority from the Minister for Planning, Lands and Heritage to grant final approval for road names.

Proposal

The application proposes the naming of one new road to be created as part of an approved subdivision within Serpentine. The proposed road name is shown in the road layout plan below:

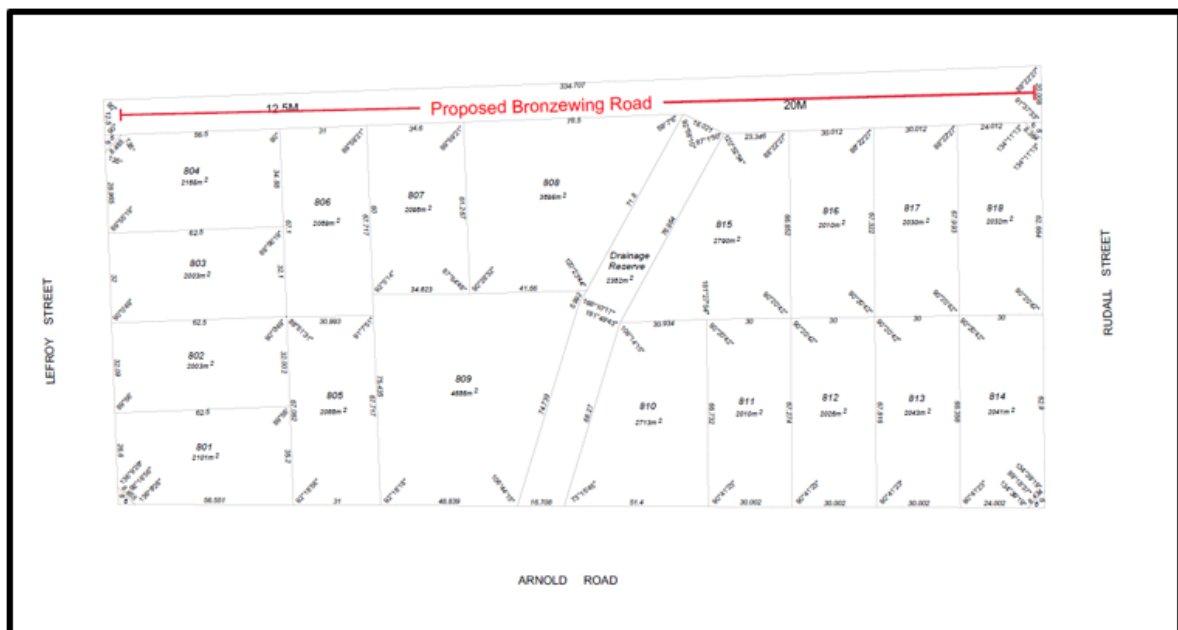


Figure 2: Road Layout Plan



The application also entails an alternative name to be used in the event there are any issues with the preferred name. The names and their background have been provided in the table below:

Road Name Table	
Proposed Preferred Name	Background
Bronzewing Road	A species of Perth bush bird
Proposed Alternative Name	Background
Whistler Drive	A species of Perth bush bird

Community / Stakeholder Consultation

No consultation is required in accordance with Shire and Landgate policy.

Statutory Environment

Legislation

Land Administration Act 1997.

State Government Policies

Policies and Standards for Geographical naming in Western Australia (Landgate Policy).

Local Planning Framework

Local Planning Policy 1.7 – Road Naming (LPP1.7).

Assessment

LPP1.7 states that where more than four road names are proposed, then an overall theme should be proposed by the applicant. As the proposal only entails one name, no theme is required; however, the applicant has given regard to surrounding road names such as Finch Mews and Blue Wren Close and proposed bird names as road names to align with names in the surrounding area.

The proposed names have been assessed against the Landgate policy in conjunction with the Shire's LPP 1.7. The policy provisions and considerations have been provided in the table below:

Policy Assessment	
Policy Requirement	Officer Comment
Consideration of current and future street names	The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire.
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area.



Policy Assessment	
Policy Requirement	Officer Comment
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed road names have been documented in the road name table, earlier in this report.
Names shall not be offensive or likely to given offence, incongruous or commercial in nature	The proposed preferred and alternative names are not considered to be offensive, incongruous or commercial in nature.
Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public	The proposed names have been selected to align with roads named after birds in the surrounding area.
Unduly long names and names that comprise of two or more words should generally be avoided	The proposed preferred and alternative names comprise of no more than 10 letters and are only one word in length.
Proposals for road names shall include an appropriate road type suffix	<p>The proposed suffixes are considered to be appropriate and consistent with suffix definitions under the GNC policy.</p> <p>Road (Rd) – Open way or public passage primarily for vehicles.</p> <p>Drive (Dr) – Wide thoroughfare allowing a steady flow of traffic without many cross-streets.</p>
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	As shown on the road name plan earlier in this report, the road names are commensurate with the length of the road and are considered to be practical.

Options and Implications

Option 1

That Council:

1. ENDORSES the following road name in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the preferred name as contained within **attachment 1** to Landgate for final approval:
 - a. Bronzewing Road
2. ENDORSES the following second preference road name in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that the first preference name is not deemed acceptable by Landgate:
 - a. Whistler Drive



Option 2

That Council DOES NOT ENDORSE the proposed road names.

Option 1 is recommended.

Conclusion

Council endorsement is sought for one proposed road name and one alternative to be used as part of the subdivision at Lot 97 Lefroy Street and Lot 98 Arnold Road, Serpentine. The proposed names are considered to be consistent with the requirements of LPP1.7 and Landgate's road naming policy.

Officers support the proposal and recommend that Council endorse the proposed names.

Attachments (available under separate cover)

- **10.1.1 – attachment 1** – Road Layout Plan (E22/612)
- **10.1.1 – attachment 2** – Road Name List (E22/613)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	Council supporting names not the	Policies and Standards for Geographical naming in Western Australia Local Planning Policy 1.7 – Road Naming	Social / Community Outcomes	Possible	Insignificant	LOW	Propose alternative names to replace those that are not supported



Voting Requirements: Simple Majority

OCM006/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Atwell, seconded Cr Strautins

That Council:

- 1. ENDORSES the following road name in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the preferred name as contained within attachment 1 to Landgate for final approval:**
 - a. Bronzewing Road**
- 2. ENDORSES the following second preference road name in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that the first preference name is not deemed acceptable by Landgate:**
 - a. Whistler Drive**

CARRIED UNANIMOUSLY 8/0

**Councillor Strange declared an Impartiality Interest in item 10.1.2.**

10.1.2 – Proposed Alterations, Additions and Signage – Lot 1 and Lot 2, 865 South Western Highway, Byford (PA21/930)	
Responsible Officer:	Acting Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	D Forbes
Owner:	Lenz Corp Pty Ltd Atf The Lenz Investment Trust
Date of Receipt:	23 September 2021
Lot Area:	5,139.607m ²
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban', 'Primary Regional Roads'

Report Purpose

The purpose of this report is for Council to consider a development application for alterations, additions and signed to the existing retail development at Lot 1 and Lot 2, 865 South Western Highway, Byford.

These specifically propose a loading dock and aesthetic screen (to George Street) and signage to facilitate a Dan Murphy's Store.

The application is presented to Council, as it seeks variations to the built form and design requirements of Local Planning Policy 3.8 – Byford Town Centre Built Form Guidelines (LPP3.8). 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 the application is generally consistent with the intent and objectives of LPP3.8, and the broader planning framework of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2). The application is therefore recommended for conditional approval.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background

Existing Development

The subject property is 5,139m² and is currently established with a mainly retail (food offering and service provision) development on the land. The tenancy subject to this application is a former IGA and associated Cellarbrations Liquor Store.



Figure 1: Aerial context

The focus of the alterations and additions is to the loading dock and frontage of the development to George Street. The proposed signage and external colour changes to the building will also be viewable from the George Street, Abernethy Road and South Western Highway frontages.

The current interface of the development to George Street is shown following:

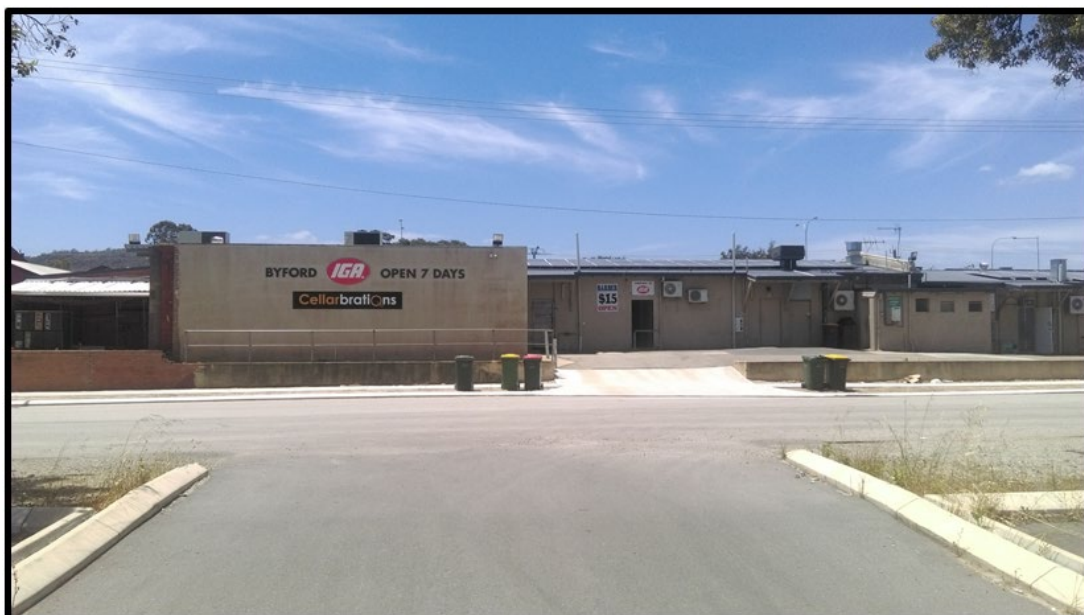


Figure 2: View of the existing back of house arrangements from George Street



Figure 3: View of the site from George Street, looking south



Figure 4: View of the crossovers and future planting screen locations from George Street, looking north

There is a mentioned aesthetic edge screen proposed along George Street, that will attempt to better present the development to George Street.

Proposed Development

The land use of Liquor Store continues the permitted use of the land. Thus, this application deals with the physical works component only, which (in conjunction with land use) needs to be approved under TPS2.



The application does not propose any changes to the size of the sales area of the shop, the car parking arrangements or the current approved land use of the site under TPS2. Thus the application relates only to the following works:

- Replacement of signage to the exterior of the existing building and on the existing pylon sign;
- An extension to form a new loading dock towards the north-west corner of the site (173m² of floor area), removing the existing half-constructed building;
- Access from South Western Highway and Abernethy Road will remain however widening of the crossovers along George Street to accommodate larger vehicles is proposed; and
- A new steel framed aesthetic landscape screen to the George Street façade.

There are no exemptions for these works under the *Planning and Development (Local Planning Schemes) Regulations 2015* and therefore development approval is required.

Key aspects of the proposed development are provided in the figures below, the full application can be viewed in **attachment 1**.

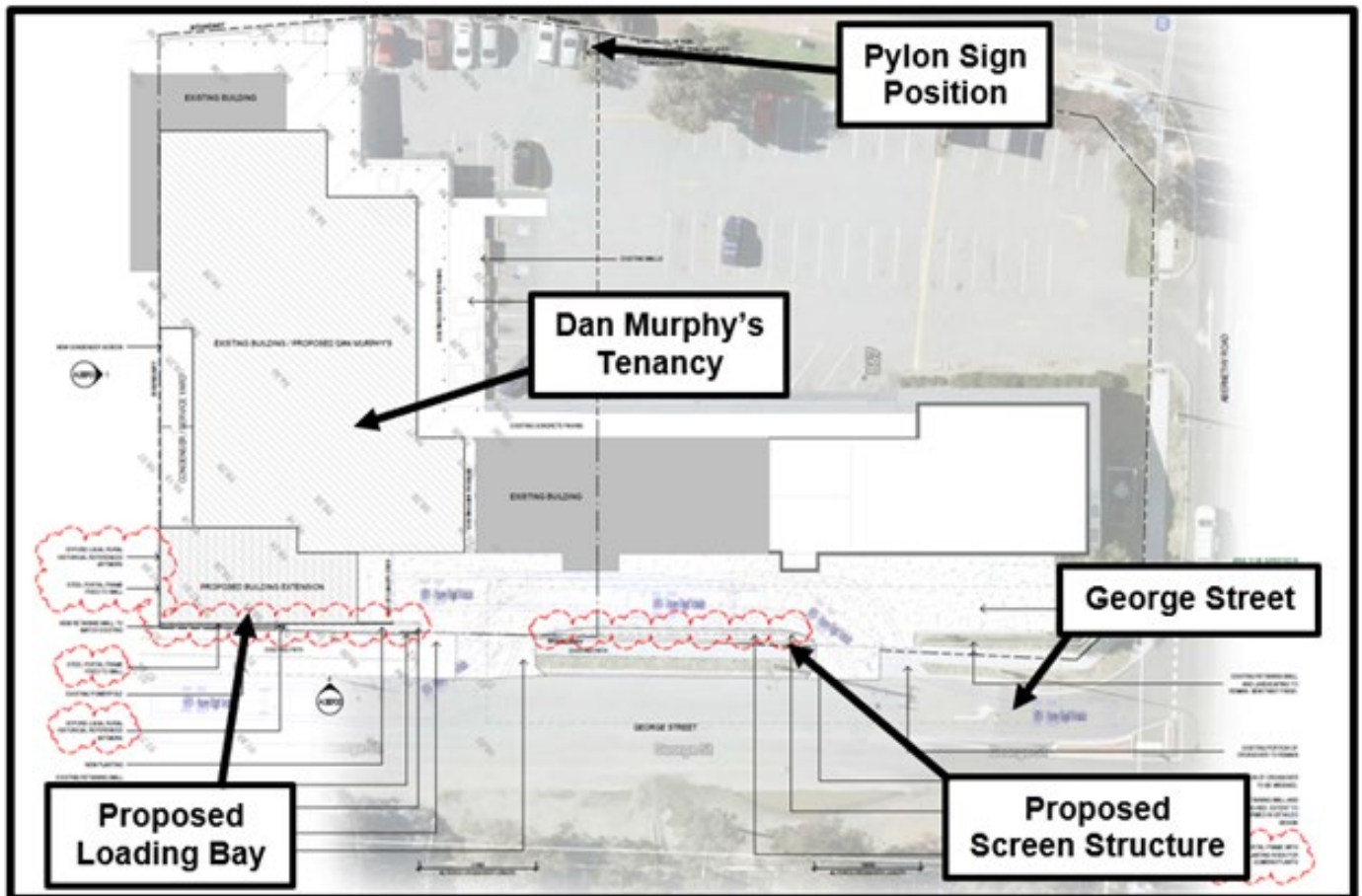


Figure 5: Site plan



Figure 6: North, East and South frontages

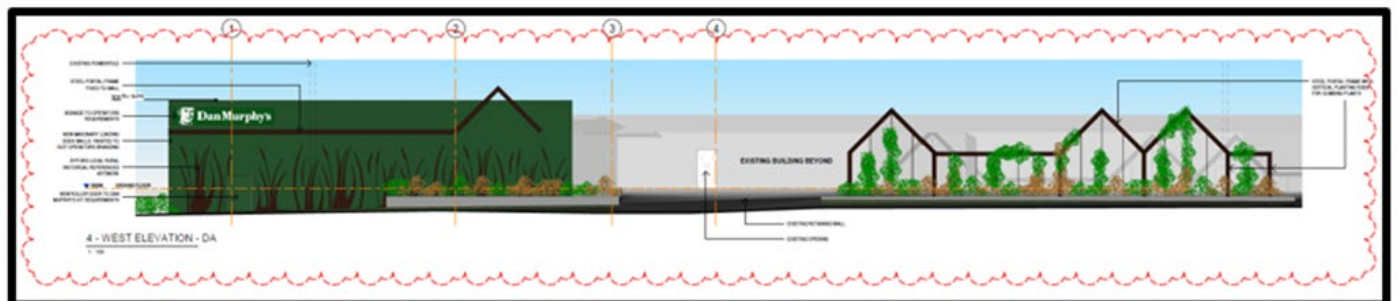


Figure 7: George Street (West) frontage showing the screening frame to the right and new loading dock to the left

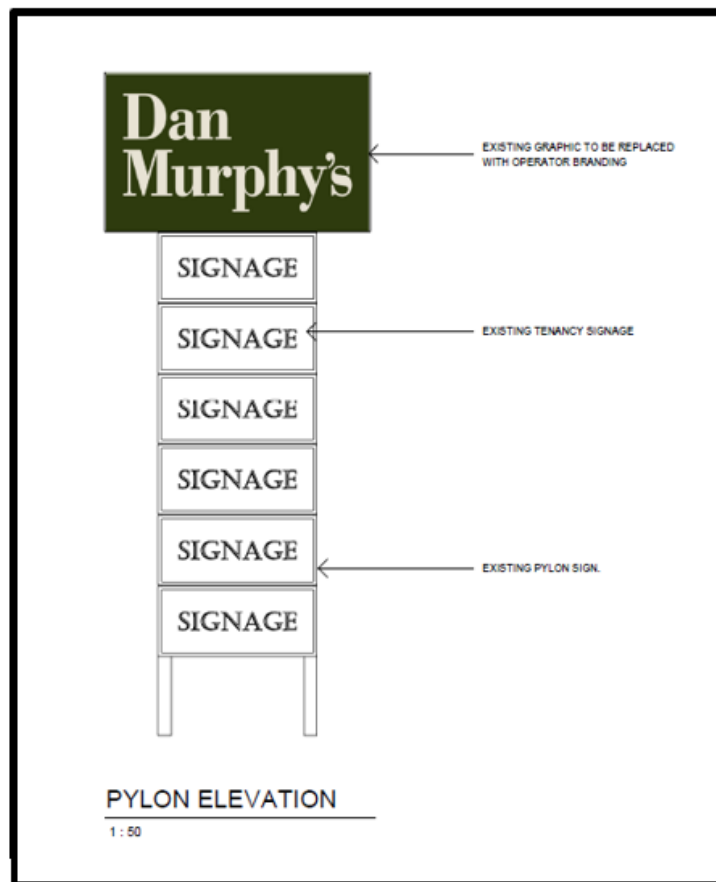


Figure 8: IGA sign on existing pylon sign to be replaced with 'Dan Murphy's' signage

Community / Stakeholder Consultation

The application was advertised to affected landowners within a 200m radius for a period of 14 days from 22 November 2021 to 6 December 2021, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4). During the consultation period, five submissions were received, one objecting to the proposal and four providing comments with no specific objections.

The concerns raised in the objection to the proposal and recommendations made in the submissions, in summary, are listed below:

- The back of house façade to George Street of the existing building should be improved;
- The proposed landscaping along George Street is not sufficient;
- The proposed steel portal screening frame would not sufficiently screen the development nor is of a high-quality design;
- Possibility of a community painted mural on the George Street frontage; and
- The compatibility of the development with the future intention of George Street to be a Town Centre street.

The concerns are addressed under the relevant headings of the report. A full summary of the submissions with the applicant's response and Officer comment is contained within **attachment 2**.



Main Roads Western Australia (MRWA)

The application was referred to MRWA for a period of 42 days due to the pylon sign fronting South Western Highway which is a 'Primary Regional Road' under the Metropolitan Regional Scheme. MRWA provided a submission raising no objections subject to conditions which have been incorporated into the Officer recommendation. The full MRWA response can be viewed within **attachment 2**.

Statutory Environment

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TSP2)
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3)
- Byford District Structure Plan 2020
- Byford Town Centre Local Structure Plan
- Local Planning Policy 1.4 - Public Consultation for Planning Matters
- Local Planning Policy 1.6 - Public Art for Major Developments
- Local Planning Policy 3.7 - George Street Design Guidelines
- Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines

Planning Assessment

Schedule 2, Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)* lists matters to be considered in the determination of development applications. A full assessment was carried out against the applicable matters relevant to this proposal and can be viewed within the Technical Assessment (**attachment 3**).

For the purpose of this report, discussion is confined to the variations to the Local Planning Policy.

Land Use

The two tenancies the subject of this application, being a former IGA and a Cellarbrations Liquor Store, both have current approvals as a 'Shop' land use under TPS2. As a result, the proposed development would continue to operate under these permitted uses. As the proposal does not propose a change of use, there is no consideration of this aspect sought by the application.

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

The subject site is zoned 'Urban Development' under TPS2. Clause 5.18 of TPS2 sets out the objectives of the 'Urban Development' zone, as "*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". This objective is facilitated through Structure Plans, which guide land use permissibility and development.

The subject site lies within the Byford District Structure Plan 2020 (BDSP) and the Byford Town Centre Local Structure Plan (LSP) which provide the relevant precinct designations. Pursuant to the BDSP and the LSP, the subject site is identified as 'District Centre' and 'Commercial' respectively.

In respect of the equivalent 'Commercial' zone designation of TPS2, this aims to *"encourage the establishment of a commercial centre in each of the four towns in the Shire, to maximise the public benefit and amenity in the towns in respect of retail, office and entertainment facilities."* The development would provide a continued retail use, consistent with the intent of the LSP for the site.

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

Under the Shire's Draft Local Planning Scheme No. 3 (LPS3), the site will be zoned 'District Centre'. The objectives of the 'District Centre' zone under LPS3 are to promote a variety of commercial land uses and development that generates employment and diversity within the centre. It seeks to ensure a vibrant and active area which acts as a focal point for the community to meet. Officers consider the development meets the objectives of the 'District Centre' zone as it provides a continuation of retail use and employment within the town centre.

Local Planning Policy 3.5 – Byford Town Centre Public Realm Guidelines

LPP3.5 relates primarily to the development of streetscapes, and provides principles for consideration for development within key areas of the Town Centre. Officers note the proposal includes the widening of crossovers and the development of a loading dock, on the interface of the site to George Street. The relevant principles applicable from LPP3.5 relate to the requirement to consider high quality design and safety aspects of the pedestrian environment.

The development proposes to implement an aesthetic landscape screen to help moderate the current visual edge of the development to George Street. This aims to improve what is a strategic and visual aspect of the town centre, noting the presence directly north of the intersection of George Street and Abernethy Road.

Built Form and Amenity

The key document informing the desired built form outcome for the Byford Town Centre is Local Planning Policy 3.8 – Byford Town Centre Built Form Guidelines (LPP3.8). A full assessment against the relevant provisions of LPP3.8 can be found in the Technical Assessment attached to this report (**attachment 3**). In summary, the proposal seeks variations to the following key areas of LPP3.8.

Architectural Character:

The provisions of LPP3.8 relating to architectural character require development to employ a contemporary rural theme. This theme is to be emphasised through materials, building articulation and colours. The site generally maintains this theme with the use of colour and artwork, however, the loading dock addition comprises of a tilt-up concrete wall with only small amounts of articulation.

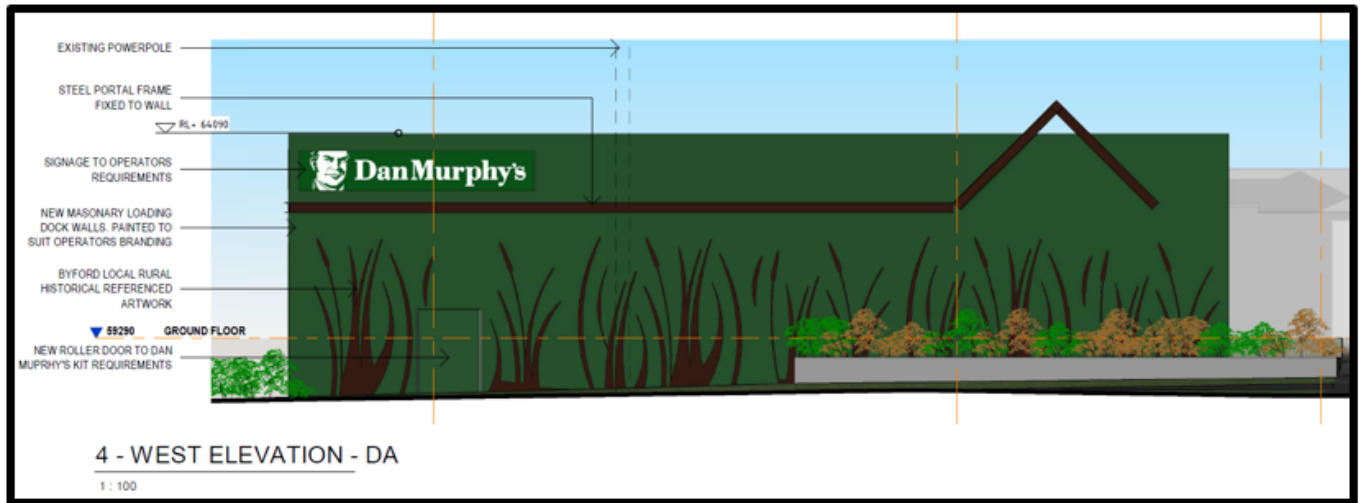


Figure 9: Western elevation of the proposed loading dock

Officers acknowledge the scope of the proposal is not to redesign the whole site, but rather provide small-scale short-term improvements, being the loading dock. Acknowledging this, it is considered that overall, the proposal improves the visual appearance of the building and goes further to provide a responsive design to the rural atmosphere of Byford. The provision of the portal frame projecting to form a gable roof form reflects much of the rural vernacular of the Shire, and also presents an interpretation of the gradual lines of the escarpment. It is noted that the colour scheme proposed (green), a nominal painted reed artwork and the steel framed portal contribute to a rural theme.



Figure 10: Existing partly constructed loading dock to be removed and replaced



As viewed from the streetscape, the wall of the loading dock will be 6.18m at its highest point and 22m in length. As identified in the community submissions, the large wall provides opportunity for public or community art to feature on the wall. This also reflects Local Planning Policy 1.6 (Public Art for Major Developments), which provides the basis for the related public art condition. The public art condition results in the following process taking place:

1. Artist is nominated, including the artist's qualification, experience and suitability to the project;
2. Design documentation including research, concept development, design theme is presented;
3. Detailed design plans of the artwork with plans to scale and which include, dimensions location, materials colours and installation details and engineering certification where required (including details relating to anti vandal treatment);
4. Details of the cost of the art. This is limited to the artist's fee; labour, materials; installation and naming plate; building fabric that the art is attached to (e.g. fences, walls), anti-vandal treatment or coatings or any other associated construction costs.

A condition has therefore been recommended to affect this outcome.

Building Articulation and Building Materials:

The building articulation and building materials section of LPP3.8 provides further design requirements that buildings within the Byford Town Centre should adhere to. The applicable provisions relate to preventing blank and flat building facades with the use of architectural elements to break up facades and the use of a composite of building materials. The improvement of the existing 'back of house' George Street façade was also a matter raised as a concern in submissions. The development proposes a 6.18m high and 22m in length flat building façade to George Street, with visual interest to be approached through public art treatment and a lightweight portal section on this wall.

The proposed loading dock wall will be a prominent structure on what is to be a key street within the Byford Town Centre Train Station precinct. Officers note the policy framework that strives for a positive design outcome in this regard, and that the public art condition for this wall aims to address this.

At night time however, there is the risk that the artwork will not be readily visible, and this may contribute to a bulky and otherwise plain looking wall being generally viewed. To address this concern and meet the policy provisions, a condition is recommended to include appropriate lighting of the artwork, so that it is visible at night. This will help deliver improved lighting for the area, and thus improved security and safety for what is an important pedestrian link.

Building Orientation / Interface:

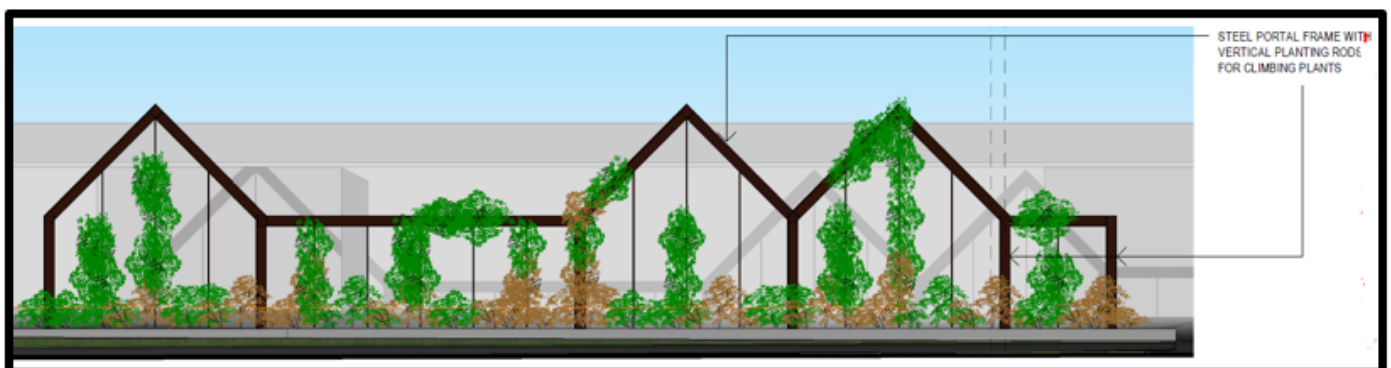


Figure 11: Screening frame



It is noted that comments in the community consultation section of the report raised concern with the effectiveness of the screening device as proposed. Officers are supportive of the concept of a landscape screening approach; however, there needs to be some greater 'filling out' of the screen. While it is important to keep a degree of visibility through the screen from a safety perspective, some additional filling out, through the likes of angled slats, could create a more robust treatment that addresses the desired aesthetic improvement. This could, for example, look as follows:



A condition is therefore recommended to require, as part of the plans submitted for a Building Permit, that the aesthetic landscape screen incorporate greater filling out components, to the satisfaction of the Shire. This will provide a more immediate measure of screening and give time for the vegetation to establish itself to complete the full screen.

Signage:

The signage provisions of LPP3.8 require that signage on buildings in the town centre area should not be repetitive, nor take up more than 10m² of a building façade. The proposal incorporates five wall signs that bear the tenant's logo and name; however, these are displayed across each façade and are not considered to present as repetitive or overbearing. Signage proposed on the southern facing façade measures a total of 11.6m² in area, which however is a slight variation of 1.6m².

The design principles for signage in LPP3.8 seek to create signage that is creative, unique and contributes to local character. Officers note that the signs are generally small in scale, being no greater than 5.1m² and are spread across the different elevations of the building. The signs therefore do not dominate the building façade and incorporate a dark green colour, consistent with the rural character of the area. In light of the minor variations proposed, the nature of the proposal being only to provide small scale improvements to the existing structure, Officers are supportive of the signage considering it meets the intent of the design principles.

Landscaping

A condition has also been imposed to address landscaping of the adjoining verge areas, in order to complete the development and its adjoining frontages. This reflects the policy provision for an integrated landscape and built form outcome, creating the sense of a seamless and well-designed public and private realm interface.

Waste Management

A condition has also been imposed to require a Waste Management Plan for the overall development. Given the predicted increase in waste expected to be generated by the development, having an appropriate plan in place to manage this waste is necessary.



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

The objective of LPP 1.6 is to facilitate public art to enhance public enjoyment, engagement and understanding of places through the integration of percent for art. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater.

As detailed above, the Shire policy expectation to enhance the interest of the building and to engage pedestrians within the public domain is for elevations of the development to be used for public art. As such, the recommendation includes conditions of approval for the provision of public art. This will ensure general consistency with the overall planning framework for the site.

Options and Implications**Option 1**

That Council APPROVES the development application for extension and alterations including signage as contained within **attachment 1** at Lot 1 and Lot 2, 865 South Western Highway, Byford 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-P6) received at the Shire Offices on 9 November 2021; Traffic Impact Statement (P7) dated 15 September 2021; and Waste Management Plan (P48) dated 15 September 2021.
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- b. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- c. Plans submitted for a building permit are to demonstrate the following modifications to the satisfaction of the Shire of Serpentine Jarrahdale:
- The landscape screen structure to George Street incorporating infill treatments (such as angled slats, perforated metal screens etc) so as to provide a total of 25% solid screened area and 75% landscaped area;
 - Suitable lighting of the loading dock wall, in order to illuminate the public art treatment for that wall and ensure safety of the area;
 - Detailed crossover design to George Street, including all associated modifications and reinstatement works for the footpath, kerbing and other infrastructure located within the George Street road reserve.
- d. A landscape plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the issue of a Building Permit. This is to demonstrate the following minimum requirements:
- For the landscape screen structure along George Street, the utilisation of advanced screening based native species, such as *Adenanthos Sericeus*;
 - For the adjoining verge areas of George Street and Abernethy Road outside of the footpath, the introduction of appropriate native ground covering vegetation;



iii. Details of management of all landscaped areas.

Once approved, the landscape plan shall be implemented prior to occupation of the development, and thereafter maintained to the satisfaction of the Shire.

- e. A public art concept is to be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the issue of a Building Permit. This concept is to indicate a suitable public art design for the loading dock wall facing George Street, which is sympathetic to the local rural character of Byford. Once approved, the public art design is to be implemented prior to occupation of the development.
- f. A waste management plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a building permit. Once approved, the waste management plan is to be implemented and maintained.

Option 2

That Council REFUSES the application due to the proposed design failing to provide a sufficient design response to the George Street frontage, and not being reflective of the supporting planning framework for design within the Byford Town Centre.

Option 1 is recommended.

Conclusion

The application seeks approval for the alterations and additions on Lot 1 and Lot 2, 865 South Western Highway, Byford. The item is presented to Council to exercise its discretion regarding the variations to LPP3.8. Officers acknowledge that the nature of the proposal is to provide functional improvements to the site, limiting the scope to the loading dock, widening of the crossovers and rebranding signage to suite the new tenant. The application is recommended for approval subject to conditions.

Attachments (available under separate cover)

- **10.1.2 – attachment 1** – Development Plans (E22/481)
- **10.1.2 – attachment 2** – Summary of Submissions (E22/696)
- **10.1.2 – attachment 3** – Technical Assessment (E21/13189)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no financial implications resulting from this development.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council approves the development application subject to conditions	Appropriate conditions are recommended for approval, which address the risks of approving the development proposal.					
2	That Council refuses the development and the application is appealed to SAT	Planning framework	Reputation	Possible	Moderate	MODERATE	Ensuring reasons for refusal are valid planning reasons

Voting Requirements: Simple Majority

Officer Recommendation

That Council APPROVES the development application for extension and alterations including signage as contained within **attachment 1** at Lot 1 and Lot 2, 865 South Western Highway, Byford 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-P6) received at the Shire Offices on 9 November 2021; Traffic Impact Statement (P7) dated 15 September 2021; and Waste Management Plan (P48) dated 15 September 2021.
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- b. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- c. Plans submitted for a building permit are to demonstrate the following modifications to the satisfaction of the Shire of Serpentine Jarrahdale:
 - i. The landscape screen structure to George Street incorporating infill treatments (such as angled slats, perforated metal screens etc) so as to provide a total of 25% solid screened area and 75% landscaped area;



- ii. Suitable lighting of the loading dock wall, in order to illuminate the public art treatment for that wall and ensure safety of the area;
 - iii. Detailed crossover design to George Street, including all associated modifications and reinstatement works for the footpath, kerbing and other infrastructure located within the George Street road reserve.
- d. A landscape plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the issue of a Building Permit. This is to demonstrate the following minimum requirements:
- i. For the landscape screen structure along George Street, the utilisation of advanced screening based native species, such as *Adenanthos Sericeus*;
 - ii. For the adjoining verge areas of George Street and Abernethy Road outside of the footpath, the introduction of appropriate native ground covering vegetation;
 - iii. Details of management of all landscaped areas.
- Once approved, the landscape plan shall be implemented prior to occupation of the development, and thereafter maintained to the satisfaction of the Shire.
- e. A public art concept is to be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the issue of a Building Permit. This concept is to indicate a suitable public art design for the loading dock wall facing George Street, which is sympathetic to the local rural character of Byford. Once approved, the public art design is to be implemented prior to occupation of the development.
- f. A waste management plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a building permit. Once approved, the waste management plan is to be implemented and maintained.

OCM007/02/22**COUNCIL RESOLUTION****Moved Cr Rich, seconded Cr Dagostino**

That Council APPROVES the development application for extension and alterations including signage as contained within attachment 1 at Lot 1 and Lot 2, 865 South Western Highway, Byford 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-P6) received at the Shire Offices on 9 November 2021; Traffic Impact Statement (P7) dated 15 September 2021; and Waste Management Plan (P48) dated 15 September 2021.
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- b. **All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- c. **Plans submitted for a building permit are to demonstrate the following modifications to the satisfaction of the Shire of Serpentine Jarrahdale:**



- i. The landscape screen structure to George Street incorporating infill treatments (such as angled slats, perforated metal screens etc) so as to provide a total of 25% solid screened area and 75% landscaped area;
- ii. Suitable lighting of the loading dock wall, in order to illuminate the public art treatment for that wall and ensure safety of the area;
- iii. Detailed crossover design to George Street, including all associated modifications and reinstatement works for the footpath, kerbing and other infrastructure located within the George Street road reserve.

Once approved, these works shall be implemented prior to occupation of the development, and thereafter maintained to the satisfaction of the Shire.

- d. A landscape plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the issue of a Building Permit. This is to demonstrate the following minimum requirements:
 - i. For the landscape screen structure along George Street, the utilisation of advanced screening based native species, such as *Adenanthos Sericeus*;
 - ii. For the adjoining verge areas of George Street and Abernethy Road outside of the footpath, the introduction of appropriate native ground covering vegetation;
 - iii. Details of management of all landscaped areas.

Once approved, the landscape plan shall be implemented prior to occupation of the development, and thereafter maintained to the satisfaction of the Shire.

- e. A public art concept is to be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the issue of a Building Permit. This concept is to indicate a suitable public art design for the loading dock wall facing George Street, which is sympathetic to the local rural character of Byford. Once approved, the public art design is to be implemented prior to occupation of the development.
- f. A waste management plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a building permit. Once approved, the waste management plan is to be implemented and maintained.

CARRIED 6/2

Councillor Coales, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

Councillors Rich, Atwell, Dagostino, Singh, Strange and Strautins voted FOR the motion.

Councillors Coales and Duggin voted AGAINST the motion.

Reason for difference to Officer Recommendation

To make sure that the reinstatement works on George Street footpath, kerbing and other infrastructure is carried out in a timely manner.



10.1.3 – Proposed Groundwater Extraction – Lots 13 and 14, 1201 Nettleton Road, Karrakup (PA21/1002)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.

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:	Burgess Urban Design
Owner:	Laytome Pty Ltd
Date of Receipt:	14 October 2021
Lot Area:	9.39ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for a proposed Groundwater Extraction business at Lots 13 and 14, 1201 Nettleton Road, Karrakup.

The application is presented to Council as 48 submissions were received during the advertising process either objecting or raising concerns about the proposed development. Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or through the imposition of planning conditions, in accordance with Delegated Authority 12.1.1 – Determination of Development Applications.

Officers consider the proposed development, as a use not listed in the zoning table, does not meet the objective of the Rural zone, and is not consistent with various aspects of the prevailing planning framework. As such, Officers recommend that the application should be refused.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background**Existing Development**

The subject site is located on the eastern side of Nettleton Road, in a small pocket of rural lots surrounded by State Forrest and historically used for orcharding. The application area covers the two southernmost lots in this area, as shown in Figure 1 below.

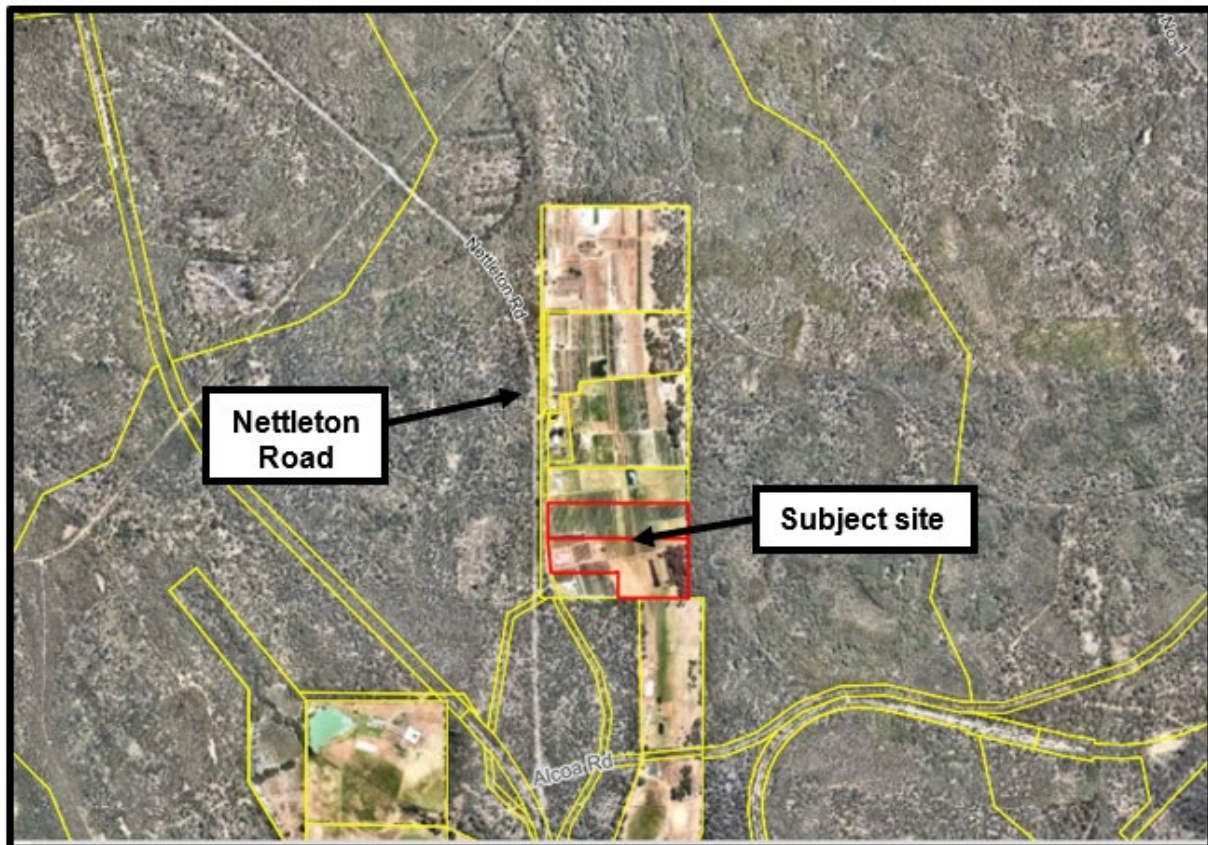


Figure 1: Locality Plan

The subject site is currently established for orcharding and features rows of fruit trees, dams, and sheds associated with the orchard's operations. The current orcharding operations, as set out in the application, are estimated to use 60,000KL of bore water annually for irrigation. Figure 2 below shows the layout of the site.



Figure 2: Site Layout Plan



Proposed Development

The application seeks approval for a Groundwater Extraction facility on the subject site. The purpose of the facility is to extract groundwater for off-site bottling and sale. The operations proposed to occur on-site entails both the extraction and preliminary filtering of bore water. Key aspects of the proposal are as follows:

- The extraction of 50,000KL of groundwater annually from three existing bores (extracting water 24/7);
- The construction of one 250,000L water tank used to hold water pumped from the bores;
- The installation of a sea container, internally fitted to filter water;
- The construction of two 50,000L water tanks used to hold filtered water;
- Construction of a hardstand for the parking of water tanker trucks; and
- A maximum of four water tanker trucks attending site per day to load water.

In terms of the proposed water extraction volume, the applicant has clarified that the overall water taken from the site will not change. The intent of the application is to divert 50,000KL of the water currently used by the orchard to the proposed groundwater extraction business. The orchard is proposed to be reduced in scale.

The application includes relevant technical reports, including a Hydrogeological Assessment that was provided to set out potential impacts to water resources as a result of the proposed development. In accordance with the planning framework, the Shire engaged a suitably qualified independent consultant to peer review the Hydrogeological Assessment, in order to assist the Shire in its merits based assessment. This peer review assists the Shire in aspects of merits based assessment of the planning framework.

The full details of the application can be viewed in **attachment 1**. The full peer review of the Hydrogeological Assessment can be viewed in **attachment 2**.

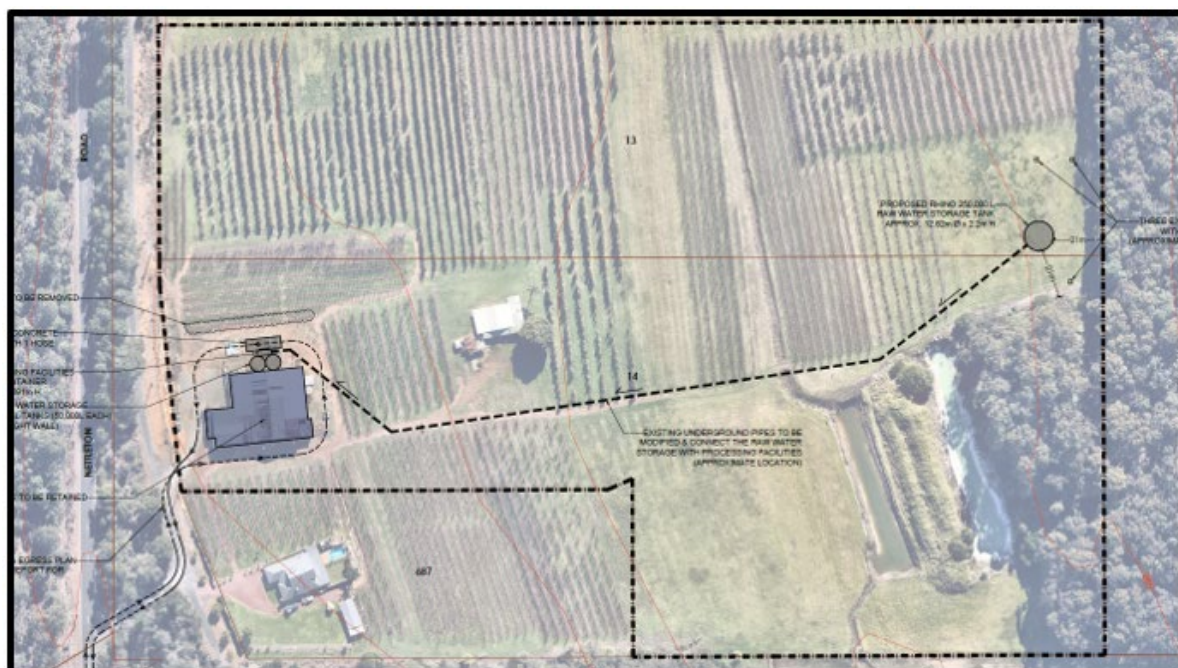


Figure 3: Proposed development



Community / Stakeholder Consultation

The application was advertised to landowners within a 1km radius of the subject site for a period of 28 days from 28 October 2021 – 25 November 2021, in accordance with Local Planning Policy 1.4 - Consultation on Planning Matters (LPP1.4). During the consultation period, a total of 48 submissions were received, all of which either objected to the proposal, or raised questions/concerns. The grounds of the objections are broadly summarised as follows:

- Concerns with the methodology used in the Hydrogeological Assessment;
- Concerns about impacts to water availability and water quality for surrounding properties;
- Concerns about the sustainability of the development;
- Concerns about impacts to the nearby national forest: vegetation, wildlife and tourism;
- Concerns about noise and traffic safety from trucks; and
- Concerns about the appropriateness and consistency of the development within a rural area.

The full details of the submissions can be viewed in **attachment 3** and the Applicant's response to submissions can be viewed in **attachment 4**.

Department of Water and Environmental Regulation

The application was also referred to the Department of Water and Environment Regulation (DWER) for technical comment in relation to the proposal. DWER provided a submission, which does not object to the proposal but provides advice in relation to groundwater, native vegetation and waste management issues. The full details of the submission can be viewed in **attachment 5**.

Statutory Environment

Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- Metropolitan Region Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2

State Government Policies

- State Planning Policy 2.5 – Rural Planning;
- State Planning Policy 2.9 – Water Resources;

Local Planning Framework

- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Local Planning Policy 1.4 - Consultation on Planning Matters (LPP1.4)

Planning Assessment

A planning assessment has been undertaken in accordance with clause 67 of the Deemed Provisions and can be viewed within **attachment 6**. For the purpose of this report, discussion is confined to the issues raised in the objection and where Council is required to exercise its discretion.

Land Use:

The proposed development is not considered to fall within any of the land use definitions contained within the Shire of Serpentine Jarrahdale's Town Planning Scheme No.2 (TPS2).

For development that does not reasonably fall within the interpretation of any of the use categories under TPS2, clause 3.2.5 requires consideration against the objective of the relevant zone to determine whether the development can be approved. The subject site is zoned 'Rural' under TPS2, the objective of the 'Rural' zone is provided in clause 5.10.1 of TPS2, as follows:

"The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area."

While TPS2 does not define a 'rural pursuit', the general definition as determined by SAT relates to 'characteristics of the country' (*Attwell and City of Albany [2009] WASAT 38*). Officers are not satisfied that the proposal, involving the extraction of water for offsite bottling and sale, could reasonably be considered a 'characteristic of the country'. This suggests such development would be either commonplace or exclusively occurring in the country.

The proposed development entails the extraction of water for human consumption. Perth's main drinking water supply is sourced primarily from a combination of desalination plants, aquifers and dams. The infrastructure associated with this is spread across the metropolitan area in coastal areas, urban areas, rural areas and State Forests. This type of development is considered neither commonplace nor exclusive to country areas and is therefore not considered to be a characteristic of the country.

The objective for the Rural zone, however, does not require a development to be a rural pursuit where it is an 'associated activity' to a rural pursuit. The extraction of water may be considered an associated activity where the end use of the water is in conjunction with a development that is 'characteristic of the country'. This may include water extraction for the irrigation of pastures, or water extraction to fill dams to water stock. In this case the water is extracted to be bottled for sale for general human consumption. Bottling and sale of water is not considered to be either commonplace or exclusively occurring in the country.

Officers consider the proposed development is neither a rural pursuit nor associated activity and conclude that the use is therefore not permitted in the zone in accordance with clause 3.2.5 of TPS2.

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

The proposed development is not considered to fall within any of the land use definitions contained within Draft LPS3. For development that does not reasonably fall within the interpretation of any of the use categories under LPS3, clause 18(4) requires consideration against the objective of the relevant zone to determine whether the development can be approved. The subject site is proposed to remain zoned 'Rural' under LPS3, the objectives of which are as follows:

- i. *To provide for the maintenance or enhancement of specific local rural character.*
- ii. *To protect and accommodate broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*



-
- iii. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.*
 - iv. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.*
 - v. To provide for a limited range of non-rural land uses only where they have demonstrated a direct benefit to the local community and are compatible with surrounding land uses.*

The proposed development seeks to reallocate 50,000KL of the 60,000KL of water currently allocated to orcharding activities occurring on the site. This is proposed to be managed through a corresponding reduction in the size (and thus irrigation needs) of the orchard, to suit the proposed development. The reallocation of the water resource, as a result of the proposed development, is not considered to reflect the objectives of the zone. The proposed development can only be accommodated through a reduction in orcharding activities, which is considered to conflict with the zone based objective ii.

Officers are not satisfied there is sufficient information to demonstrate the proposed development would not have an adverse impact on the groundwater. This takes account of the independent peer review findings, and the associated merits based assessment pertaining to potential environment impacts on the groundwater resource. This places the proposed development in an inconsistent position with zone based objective iii.

The proposed development is considered to be a non-rural land use. The application has not demonstrated that the proposed development would have a direct benefit to the local community nor that the proposed development is compatible with surrounding uses. With groundwater availability being a significant strategic resource to support primary rural uses, the proposed development is not considered to be compatible with surrounding land uses.

Officers consider that the proposal would not be consistent with the objectives of the 'Rural' zone under LPS3. This places the proposed development in an inconsistent position with zone based objective v.

Shire of Serpentine Jarrahdale Local Planning Strategy (LPS):

The subject site is designated 'Rural' under the LPS. The description of the Rural area under the LPS states that Rural land facilitates agricultural production and the protection of the natural landscape. The rationale underpinning the objectives of for Rural areas under LPS states the following:

'The Shire considers it is important to maintain rural land in close proximity to Perth to accommodate various rural industries and food production activities for the growing population. It is important that rural land is preserved for this purpose and is not consumed by the encroachment of inappropriate activities or suburban expansion.'

In achieving this, the LPS establishes three key areas of consideration and breaks them down into targeted objectives. The relevant objectives for consideration of the proposed development have been listed below:

- Strengthen agricultural production as a significant economic contributor to the Shire and the broader region;
- Protect land for agricultural enterprises in proximity to Perth and its markets;



- Protect large rural lots and land for a range of agricultural enterprises reflective of the rural landscape and economic value to the shire; and
- Provide specific controls in relation to water management.

The first three objectives listed above relate to the strengthening and protection of rural land for agricultural production or enterprises. The LPS places a greater emphasis on the protection of rural land for agricultural purposes where the soil type and land capability for agricultural activities is highest. The rationale for Rural land states the following in this respect:

'In order to protect the Shire's agricultural areas, it is important to preserve land capable of supporting specific types of agricultural production without causing damage. A number of different Landscape Systems are located throughout the Shire. Each landscape system is defined based on the soil types found and their characteristics. This also provides correlation between the landscape system and land capability. Areas of low, moderate and high capability soil types exist across the Shire.'

The subject site is located in an area identified as having 50-70% of the land with a high to very high land capability for annual horticulture, such as orcharding. This is shown in an extract from the Department of Primary Industry and Regional Development land capability mapping in the figure below:



Figure 4: Land Capability

The site is also listed as having a similarly high land capability for dryland cropping, grazing, perennial horticulture (growing of trees and shrubs) and for vineyards.

The reduction of the existing orchard to facilitate a non-rural development on a lot with a high land capability for a broad range of agricultural activities is in conflict with the objectives for the Rural area to protect and strengthen agricultural production. Furthermore, the capacity of the remaining vacant portion of the site to be used for other agricultural purposes would be diminished. The proposed development is inconsistent with these objectives for rural land.



The final objective relevant for consideration relates to water management. For the reasons identified later in this report, Officers consider the application does not adequately address water management and cannot conclude the proposed development would align with this objective.

State Planning Policy 2.5 – Rural Planning (SPP2.5):

The broad policy intent of SPP2.5 is set out as follows:

“The purpose of this policy is to protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.”

Furthermore, SPP2.5 identifies the following key objectives:

“(a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;

(b) provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;

...(g) protect and sustainably manage environmental, landscape and water resource assets.”

As outlined earlier in this report, the subject site falls within an area of the Shire that has a high land capability for the full range of agricultural activities. In order to facilitate the proposed development, the existing orchard on the site is proposed to be reduced.

In relation to sustainable use of water resources, Officers are not satisfied that the application has adequately addressed water issues and cannot conclude that the proposed development would not adversely impact water resources.

Officers consider that the proposal does not align with the intent or objectives of SPP2.5 and that it should not be supported.

State Planning Policy 2.9 – Water Resources (SPP2.9):

SPP2.9 provides guidance to planning decision makers for consideration of water resources in land use planning. The objectives of SPP2.9 are to:

- 1. Protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values;*
- 2. Assist in ensuring the availability of suitable water resources to maintain essential requirements for human and all other biological life with attention to maintaining or improving the quality and quantity of water resources; and*
- 3. Promote and assist in the management and sustainable use of water resources.*

The SPP2.9 objectives are facilitated through policy measures, which are to be considered when assessing a development application. The key measures of SPP2.9, applicable to this proposal, are listed below:

5.1 General Measures

(ii) Aim to prevent or, where appropriate, ameliorate the following potential impacts:

- any adverse effects on water quality and quantity and, as a minimum, proposed development should aim to maintain water quality and ensure water quantity is compatible with the receiving waters;*



5.2 Surface and Groundwater Resources

- (ii) *Protect, manage, conserve and enhance surface and groundwater catchments and recharge areas supporting significant ecological features or having identified environmental values, by ensuring, where possible, appropriate management or limiting inappropriate land use/s to maintain water quality and quantity for existing and future environmental and human uses.*
- (iii) *Ensure the availability of water resources is compatible with the future requirements of the proposed and surrounding land use through an assessment of quantity and quality requirements for both the development and the environment.*

The proposed development entails the extraction of groundwater, and the removal of this from the associated water ecology of the area. Furthermore, as an area with a high land capability for agriculture, maintaining a reliable source of groundwater for such uses is a high priority.

Officers are not satisfied that the application has adequately addressed water availability issues and cannot conclude that the proposed development would not adversely impact water resources. This has been addressed in further details under the headings below.

Methodology and Peer Review of the Hydrogeological Assessment:

The methodology used in the preparation of the Hydrogeological Assessment (HA) was raised as a point of concern through submissions and identified as an issue through the peer review. The peer review has identified a number of deficiencies of the HA, as detailed below:

- The report does not include any sources or raw data in an appendix to support the findings of the assessment;
- The report does not provide any justification for the claim that the development will only slightly, if at all, reduce the amount of stream flow towards the Serpentine River;
- Test pumping to inform aquifer parameters was not undertaken in accordance with Australian Standards;
- The report states the test pumping is considered suitable for rudimentary test pumping analysis; however, the deficiencies of the testing programme are not described and the data from the test pumping is not provided;
- There is an inconsistency in the assumed saturated aquifer thickness in different sections of the report;
- Estimations on aquifer throughflow provided in the report rely on several assumptions that are not sourced or supported by other data in the report;
- The average hydraulic gradient (slope of the water table) of 0.014 is not confirmed by the groundwater levels given in Table 3 of the report, which show no consistent gradient;
- The width of the aquifer is assumed to be about double the width of the cleared area of 80m, that is 160 m west-to-east, but this assumption is not justified;
- The report has not accounted for the drying climate of the southwest of Western Australia. The annual estimated recharge figure of 6% of 1,000mm/yr rainfall identified in the report is a realistic estimate; however, longer term estimates accounting for reduced rainfall have not been provided;
- The drawdown figures provided account for one year of pumping. It is more realistic to present estimates after two years of pumping, by which time drawdown will have essentially stabilised;



- The report states that groundwater use for orchard irrigation is estimated to have decreased by 216,000KL since 2003, based on aerial photography. While this is a reasonable method of estimation, the aerals relied on to make this estimation have not been provided;
- The report provides some inconsistency in pumping water levels in different sections of the report.

In summary, the peer review states that the HA has not conclusively established that a bore or several bores in the aquifer can sustain the supply required for the proposal, nor that adverse impacts will be avoided to bores on neighbouring properties.

The applicant's consultant provided a response to the peer review as part of the response to submissions. The response clarifies some matters but does not address the majority of issues raised by the peer review. Officers consider the HA contains insufficient information to provide certainty in the results presented and based on this, cannot conclude that the proposed development is consistent with the planning framework.

Water Availability, Sustainability and Water Quality Impacts:

The HA relies on the rationale that the proposed development will not require any more water than the current operations to justify the sustainability of the development and maintenance of water availability. This is based on an estimated annual water consumption of 60,000KL by the existing orcharding operations. The HA does not provide any supporting evidence to substantiate the estimated annual usage. Furthermore, there is no clear analysis in respect of how the extraction and reapplication (through orcharding) of groundwater, vs extraction and export from site of groundwater, will impact or influence the groundwater balance of the local ecology. This is a key issue, especially given the pressures being placed upon the groundwater balance, due to changing rainfall patterns and a drying climate.

The HA provides predictions for the potential impacts of the proposed development on groundwater availability. The predictions show the change in the groundwater level as a result of the proposed development. The HA only provided predictions after one year of pumping. The peer review recommended predictions should consider two years of pumping, at which stage groundwater levels would have stabilised, and provided predictions based on the information available. A comparison of the first year and second year predictions is provided below:

Drawdown Impact Predictions by Distance		
Distance from bore	Year 1 change (as identified by the applicants HA)	Year 2 change (as identified by the peer review)
100m	- 2.7m	- 3.3m
300m	- 1.1m	- 1.8m
500m	- 0.4m	- 1.1m
550m		- 0.9m
640m	0.0m	
900m		0.0m

Table 1: Drawdown Impact Predictions

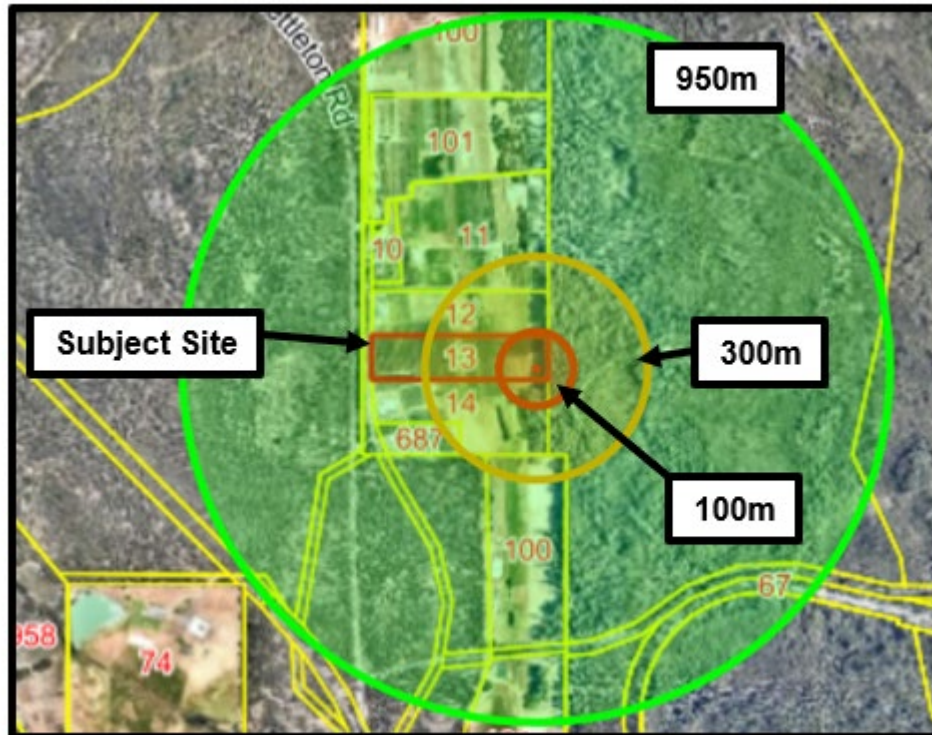


Figure 5: Aerial image showing the areas impacted by groundwater change

The predictions are based solely on the proposed developments drawdown and do not account for drawdown impacts from existing residential and rural land uses within the locality or groundwater recharge. The HA provided predictions for the groundwater recharge rate separately, being approximately 195,000KL/yr for the wider locality. The peer review agrees with this prediction; however, adds that this is likely to change over time due to the drying climate of the south west of Western Australia and a reasonable longer-term prediction would see this reduce to 140,000 KL/yr.

No commentary was provided in the HA to account for existing water usage from nearby residential and rural uses. The locality comprises primarily of orchards, many of a similar size as the current operations occurring on the subject site. The applicant indicates the existing orcharding operations uses 60,000KL of groundwater annually. Assuming the surrounding orchards require a similar annual groundwater usage, the drawdown impacts of the proposed development could be greater than predicted.

The HA does not account for future development. This is particularly important as there is a broad range of water intensive agricultural uses that are permitted in the Rural zone and would not require development approval. DWER provided advice that the locality does not fall within a proclaimed area and so there are no licencing requirements in place to ensure water security. As a result, it is uncertain if the proposal will impact the capacity of surrounding operations to expand or be used for other purposes for which the zone is intended.

On top of the uncertainty around the predicted impact to groundwater levels, there is also uncertainty around the point at which neighbouring bores may be impacted. This is because there is no data or study to show the current depth of other bores in the area.

Officers consider that insufficient information is available to be able to conclusively establish the impacts of the proposed development on groundwater availability and subsequent sustainability of the development in the long term.



In relation to groundwater quality, this was not addressed in the HA. Given the operations are limited to extracting, filtering and storing water, it is unlikely the development itself would adversely impact on the quality of groundwater as the proposed operations do not involve any risk of nutrient or contaminant export.

Environmental Impacts:

Concerns were raised in submissions about the impacts of the development upon the environment. The concerns relate in part to the impact of water extraction on vegetation within the adjoining State Forrest and in part to the impact of water extraction on lakes, wetlands and the like.

The HA states the impact will be negligible due to the proposed extraction of water remaining consistent with estimated historical usage; however, due to the uncertainty around the impact of the proposed development on groundwater levels it is difficult to substantiate this.

Officers consider there is insufficient information to adequately address the impacts of the development on the environment more broadly.

Traffic:

The applicant proposes that the extracted water would be loaded into water tankers, being either 15.5m single or 19m pocket B-Double trucks. Four tankers are expected to access the site daily to load water. In order to support this component of the application, the applicant has provided a Transport Impact Statement (TIS).

The TIS identifies the route the water tankers would take, heading north on Nettleton Road and making a right turn into the property. The trucks would then leave by the same route, heading south on Nettleton Road. This route results in trucks travelling through the Jarrahdale Townsite to get to and from the site. Neither Nettleton Road nor Jarrahdale Road are part of the RAV network.

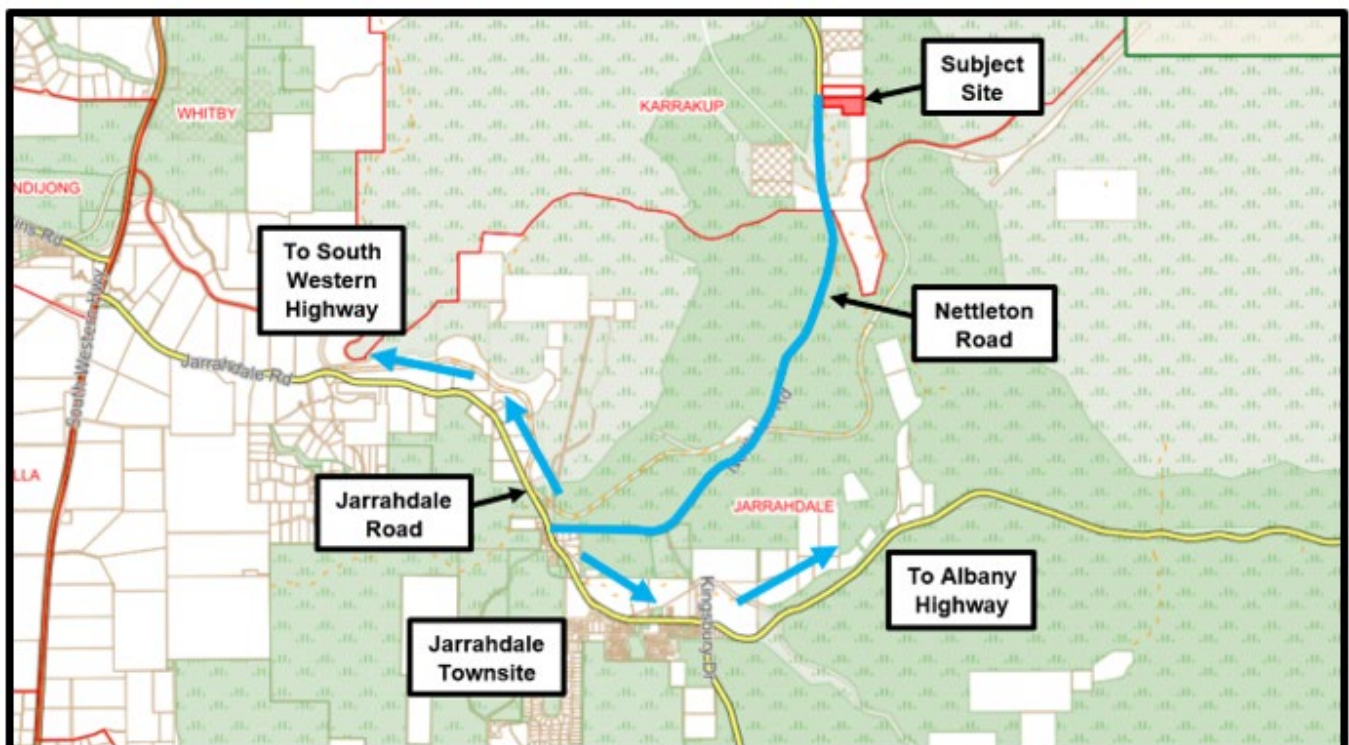


Figure 5: Proposed water tanker truck route



The Shire's current vehicle traffic statistics indicate traffic in this area is primarily local residents, tourists attending the Jarrahdale Region and vehicles associated with nearby rural businesses. The traffic volumes in the vicinity of the site are approximately 450 vehicles per day. This is inclusive of approximately 25 to 30 heavy vehicle movements per day. The proposed development would generate an additional eight heavy vehicle movements. The applicant has justified these vehicle movements in the TIS by implying that the low number of additional vehicle trips associated with this development is acceptable and can be accommodated due to the existing low traffic volumes on Nettleton Road.

While traffic volumes in the area are relatively low, the proposal presents an increase to the number of heavy vehicle movements in the locality by approximately 30%. This is significant from both an amenity perspective for local residents and a road safety perspective. It is noted that the road pavement is narrow in sections of the local road network, with no edge lines or sealed shoulders.

Regarding intersection safety, Nettleton Road is a 100km/hr speed zone at the point of access to the subject site. The TIS indicates that sight distance to the south is restricted by a vertical crest and therefore the required stopping sight distance of 190m is not available (albeit it is close to being achieved according to the report). This presents a potential conflict hazard particularly due to the slower acceleration characteristics of heavy vehicles turning out of the site and the 100km/h speed limit on Nettleton Road.

Officers consider that while the road has capacity to cater for the vehicles, the TIS has not adequately addressed the risk to road safety as a result of the limited sight distances at the point of access to the site.

Options and Implications

Option 1

That Council REFUSES the application for the following reasons:

- a. The proposed land use is not consistent with the objective of the 'Rural' zone and is therefore not approvable in accordance with clause 3.2.5 (a) of Shire of Serpentine Jarrahdale Town Planning Scheme No.2.
- b. The proposed land use is not consistent with the objectives of the 'Rural' zone as contained within draft Local Planning Scheme No.3 and would therefore be a use that is not capable of approval under Local Planning Scheme No.3.
- c. The proposed development does not achieve the objectives of the Local Planning Strategy relating to rural land.
- d. The proposed development is inconsistent with the objectives of State Planning Policy 2.5 – Rural Planning, in so far as the development is not an agricultural development and is in competition with surrounding agricultural development for essential resources.
- e. The proposed development is inconsistent with the objectives of State Planning Policy 2.9 – Water Resources, in so far as the proposal has not conclusively established its level of impact on the groundwater resource.
- f. Insufficient information has been provided to adequately address traffic safety issues arising from the proposed development, specifically in relation to the inadequacy of sight lines identified at the intersection of Nettleton Road.

**Option 2**

That Council APPROVES the application subject to the following conditions:

- a. The development is to be carried out in compliance with the plans and documentation dated 14 October 2021 and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.
- b. A building permit application is to be submitted to, and approved by, the Shire of Serpentine Jarrahdale prior to the commencement of any works.
- c. Plans submitted for a building permit application are to demonstrate an upgrade to the intersection of Nettleton Road and the access to be used by the development, to the satisfaction of the Shire of Serpentine Jarrahdale. This upgrade is to include suitable widening of the northbound carriageway of Nettleton Road both north and south of the driveway intersection, so that trucks accessing the driveway from a northbound direction do not impede the safe through flow of other northbound traffic. Once approved, the upgrades to Nettleton Road and the driveway intersection must be undertaken prior to operation of the development.

Option 1 is recommended.

Conclusion

The subject application seeks approval for a groundwater extraction operation at the subject site. Officers are unable to conclude from the information provided with the application that the proposed development would not have an adverse impact on the availability of the water resource. Further to this, the proposed use does not meet the objectives of the 'Rural' zone and, as a use not listed in the zoning table, is not permissible on this basis. As a result, the application is recommended for refusal.

Attachments (available under separate cover)

- **10.1.3 – attachment 1** – Development Plans (E22/1507)
- **10.1.3 – attachment 2** – Peer Review of Hydrogeological Report (E22/1511)
- **10.1.3 – attachment 3** – Summary of Submissions (E21/13196)
- **10.1.3 – attachment 4** – Applicants Response to Submission (E22/1512)
- **10.1.3 – attachment 5** – DWER Submission (E22/1513)
- **10.1.3 – attachment 6** – Technical Assessment (E21/14469)

Alignment with our Strategic Community Plan

Outcome 2.2	A sustainable natural environment
Strategy 2.2.2	Seek to minimise resource usage and continue to maximise reuse opportunities
Outcome 2.3	A productive rural environment
Strategy 2.3.1	Identify and promote rural and agriculture industry opportunities
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.

**Financial Implications**

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This option is considered to be the lowest risk options.						
2	That Council APPROVES the development application	Planning Framework	Physical or Psychological	Possible	Moderate	MODERATE	Appropriate conditions of approval



Voting Requirements: Simple Majority

OCM008/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Strautins

That Council REFUSES the application for the following reasons:

- a. The proposed land use is not consistent with the objective of the 'Rural' zone and is therefore not approvable in accordance with clause 3.2.5 (a) of Shire of Serpentine Jarrahdale Town Planning Scheme No.2.
- b. The proposed land use is not consistent with the objectives of the 'Rural' zone as contained within draft Local Planning Scheme No.3 and would therefore be a use that is not capable of approval under Local Planning Scheme No.3.
- c. The proposed development does not achieve the objectives of the Local Planning Strategy relating to rural land.
- d. The proposed development is inconsistent with the objectives of State Planning Policy 2.5 – Rural Planning, in so far as the development is not an agricultural development and is in competition with surrounding agricultural development for essential resources.
- e. The proposed development is inconsistent with the objectives of State Planning Policy 2.9 – Water Resources, in so far as the proposal has not conclusively established its level of impact on the groundwater resource.
- f. Insufficient information has been provided to adequately address traffic safety issues arising from the proposed development, specifically in relation to the inadequacy of sight lines identified at the intersection of Nettleton Road.

CARRIED UNANIMOUSLY 8/0

**Councillor Coales declared an Impartiality Interest in item 10.1.4.**

10.1.4 - Retrospective 'Stable' Development within Byford Trotting Complex - Lot 49 Thatcher Road, Byford (PA21/1027)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Peter Anderson
Owner:	Peter Joseph Wyatt
Date of Receipt:	19 October 2021
Lot Area:	13449.69m ²
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 retrospective development application for the keeping of up to 35 competition horses at Lot 49, Thatcher Road, Byford. This represents the land use of 'Stable', with physical works components including the various yards, shelters, stable buildings, fencing and management products. The subject land is located within the Byford Trotting Complex.

The application is presented to Council as an objection was received during the advertising process. Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or through the imposition of planning conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

Officers recommend approval of the retrospective development application subject to detailed conditions that will directly manage all the environmental and amenity aspects associated with the proposal. Based upon these conditions and supporting management plans, Officers are satisfied that the amenity of the area will be sufficiently protected, and a compatible high-performance equine development will be able to operate within the Byford Trotting Complex.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application



Background

Existing Development

The subject site is located within the Byford Trotting Complex as identified by the Byford District Structure Plan. The land is 1.34ha in area and is bounded by Abernethy Road to the south and Thatcher Road to the east. The locality is an established equine precinct focussed upon providing equine services associated with the pacing industry, and supported by State level performance infrastructure of the Byford Trotting Complex. The locality comprises of properties established to provided composite living with stabling, providing direct access to equine trails that link to the supporting training infrastructure.

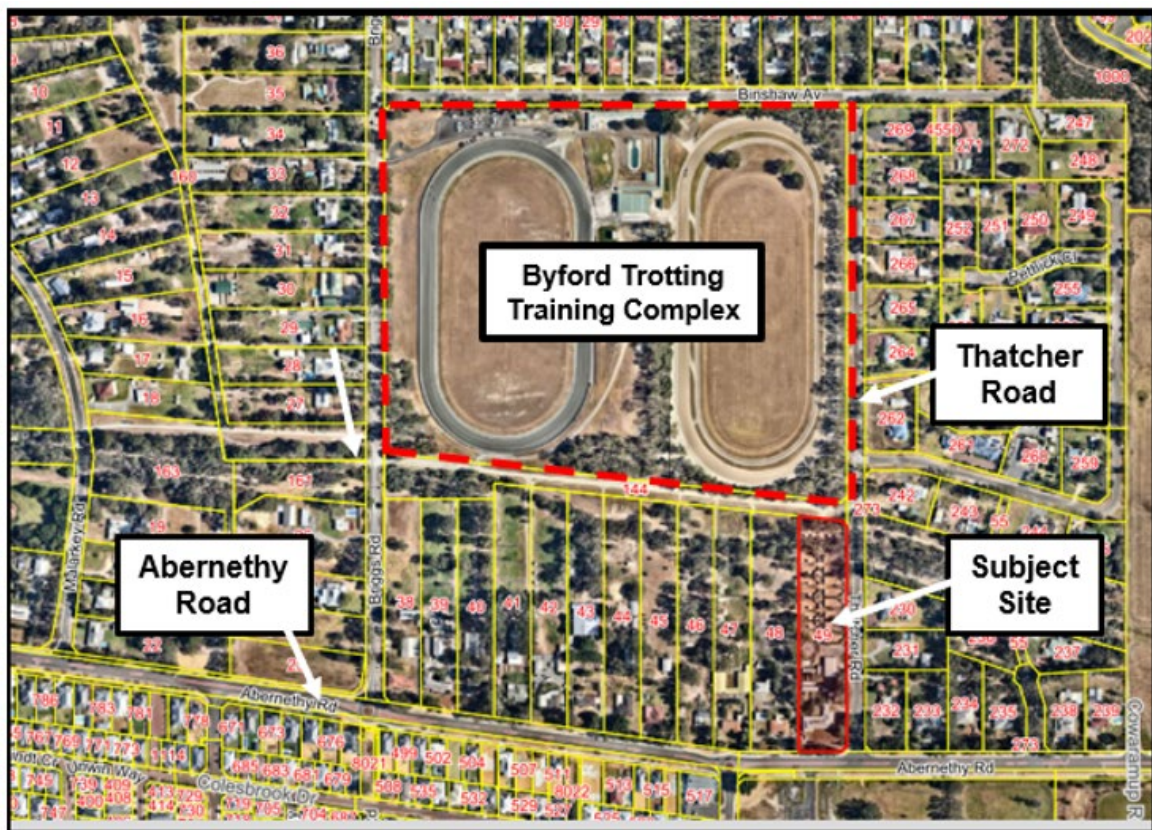


Figure 1: Location Plan

The site has no grazing pasture or grass cover in paddocks, in order to minimise the risk of horses developing a laminitis condition from pasture which would be detrimental to the intended high performance-based outcomes of the horses. The rear of the site is vegetated with mature trees.

Retrospective Proposal

The application seeks retrospective approval for a 'Stable' development to keep up to 35 horses on site. The associated physical works include the various yards, shelters, stable buildings, fencing and management products (including yellow sand) associated with the 'Stable'. There are also two commercial vehicles used in association with the land use.

The applicant provided information that the number of horses will generally fluctuate from 20 to 35 depending on the racing season. Numbers increase during the months of March, April, May, October and November during which young horses are brought to site for initial race training regimes, before they progress to another level of training/education at a different site. The number of horses on site also fluctuates as horses move to be rested, sold or retired away from the site.



The subject site is a fully established equestrian property featuring 18 uncovered horse shelters/yard, stables and a round training ring. The layout of the site and size of the yards are shown in the site plan Figure 2 below.

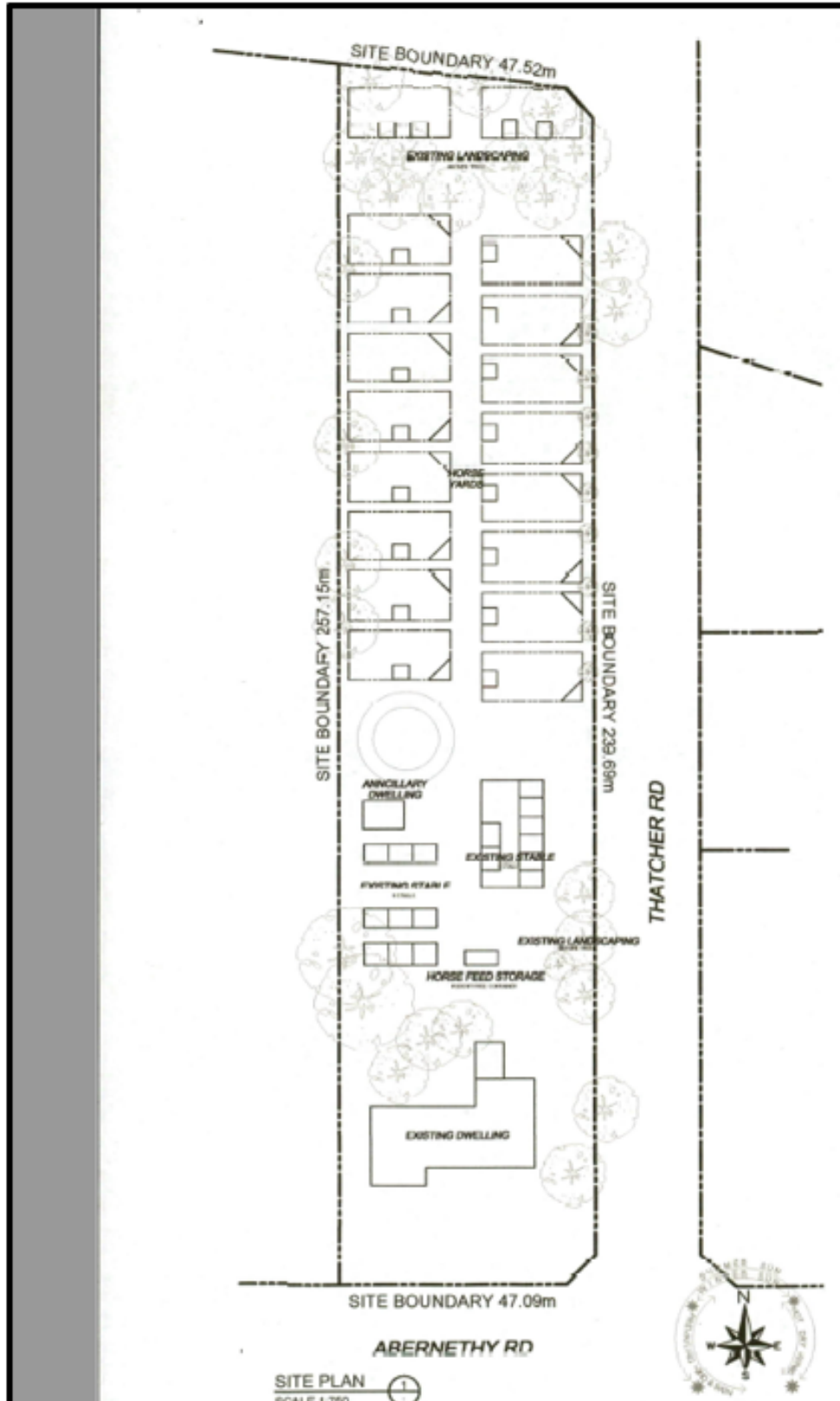


Figure 2: Site plan



The facility employs six stable hands and assistant trainers, and two employees who assist with picking up of manure and other daily horse related activities. Training operations occur in the morning between 7.00am and 12.30pm at the Byford Trotting Complex track. Racing of the horses occurs off site where the horses are generally off site from 6pm to 10pm on race days.

Stable Operation Process

The applicant provided the following information with regard to the daily site operations.

The business trains racehorses six days a week, with trials being run on Sundays at the Byford Trotting Training Complex. Staff arrive at 7am and stabled horses are systematically:

1. *Walked from their stable.*
2. *Geared up in an enclosed shed.*
3. *Driven to the neighbouring Byford Trotting Complex for a 30minute track session.*
4. *Returned to the shed to have their gear removed.*
5. *Hosed down on the grassed area to the east of the shed.*
6. *Walked to their stable.*

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

A closer aerial image of the site is provided following:





Community / Stakeholder Consultation

The application was advertised to surrounding properties for a period of 21 days from 27 October 2021 to 16 November 2021, in accordance with Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4). During the consultation period, one letter of objection and one letter of support was received.

The letter of objection raised concerns in relation to overstocking of the site and concerns about health and environmental impacts resulting from the operations. These concerns have been addressed in further detail under the relevant section of this report.

Consultation with other Agencies:

The application was also referred to the Department of Water and Environmental Regulation (DWER) and the Department of Primary Industries and Regional Development (DPIRD) for comment. The submissions received from each department have been listed below:

Department of Water and Environmental Regulation (DWER)

The application was referred to the Department of Water and Environmental Regulation who provided no in principle objections to the proposal, subject to the following key matters being given due consideration.

Land Capability

Should the City approve a proposal to keep horses at the property the Department's Water Quality Protection Guideline 13 - Environmental management guidelines for horse facilities and activities (WQPG 13) (DWER, 2002) details the best management practices designed to protect the environment. Recommended conditions as detailed in WQPG 13 which should be included in a Stock Management Plan for the property are:

- Stable floors, yards and wash-down areas should be constructed with impervious material such as concrete or compacted limestone (minimum depth of 300 mm) to maximise the prevention of nutrients entering into the soil and groundwater.*
- Manure waiting to be removed off-site should be stored on a covered impervious surface.*
- The location and management of a washdown and wastewater area should be detailed (runoff can be connected to sewer or be drained to an impermeable, lined waste stabilisation pond system).*

Groundwater

The subject property 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 of Water. The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.

It is important to note there may be difficulties securing groundwater in the Serpentine Groundwater Area (Byford 3 subarea). Should the applicant be considering using groundwater for irrigation the applicant should contact the licensing section at the Department's Mandurah office for further advice.



Peel Harvey Coastal Plain Catchment

The proponent is to be advised that the proposal is located within the Peel-Harvey catchment and the provision of the Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992 and the Statement of Planning Policy No 2.1, Peel-Harvey Coastal Plain Catchment (SPP 2.1) shall apply.

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.

Department of Primary Industries and Regional Development (DPIRD)

DPIRD provided a submission of no objection and provided the following advice:

As the property has been designated as part of the Byford Trotting Complex, DPIRD does not object to the abovementioned proposal, and provides the following comments in relation to stocking rates.

- Aerial imagery from February 2021 shows 18 uncovered, unsealed horse enclosures. The application notes the use of yellow sand. The use of the yellow sand will assist in reducing the export of phosphorus from the facility. It is not clear how frequently the yellow sand is replaced.*
- The property plan shows four existing enclosed stables with 17 stalls.*
- The proportion of time spent in the stables compared with the open enclosures is unclear.*
- The time that the horses spend in the open enclosures compared to the enclosed stables will affect how much dust is generated by the facility.*
- If there were no horse enclosures, the available paddock area would be approximately 0.61 ha.*
- The soil landscape unit is Pinjarra P1a Phase (213Pj_P1a), which has a unit classification of SR4/SR5. This unit can withstand 6 DSE/ha.*
- This results in a maximum sustainable stocking rate of 3.66 DSE.*
- One light horse is 10 DSE, so ordinarily DPIRD would object to this as the soil cannot withstand even one horse. However, as it is located within the Byford Trotting Complex and intended to be a stabling facility, DPIRD does not object to this proposal.*

A summary of the submissions including applicant comments can be viewed in **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

- Metropolitan Region Scheme (MRS);*
- The Stocking Rate Guidelines for Rural Small Landholdings (Department of Agriculture, 2000);*
- WQPG 13: Environmental Guidelines for Horse Facilities and Activities (WQPG 13);*



- State Planning Policy 2.5 - Rural Planning (SPP2.5);
- State Planning Policy 2.1 The Peel-Harvey Coastal Plain Catchment (SPP2.1);
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7).

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS 2);
- Local Planning Strategy (LPS);
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3);
- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4);
- Local Planning Policy 4.7 - Placement of Fill (LPP4.7).

Planning Assessment

A full technical assessment was carried out against the current planning framework in accordance with Clause 67, Schedule 2 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 content of the objections received and where Council is required to exercise its discretion.

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

The subject site is currently zoned 'Special Rural' under TPS2. The intent of the 'Special Rural' zone as set out in TPS 2 is as follows:

- 5.9.1 *The purpose and intent of the Special Rural Zone is to depict places within the rural area wherein closer subdivision will be permitted to provide for such uses as hobby farm, horse training and breeding, rural residential retreats and intensive horticulture, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of the selected areas.*

The training and agistment of horses are consistent with the stated purpose and intent of the zone and the strategic planning framework of the area. The retrospective development presents a proposal that supports the existing and future equine community as identified within the Shire's Equine strategy protected through TPS2. The subject site abuts the Byford Trotting Complex tracks which are an integral part of the equine industry of Byford and the history of the area. The site is one of the 200 equine properties forming the Byford Trotting Complex as stated within the Byford District Structure Plan.

Land Use:

The proposal appropriately falls within the 'Stable' land use classification as the proposal involves feeding and keeping of horses onsite, where training is undertaken off site. The specific land use definition is:

'Stable' defined as "any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities".

Within the 'Special Rural' zone, a 'Stable' land use is discretionary which requires planning approval to be obtained prior to the use occurring.



Specific provisions contained in Appendix 4 of TPS2 relating to the Byford Trotting Complex identify the intent for the area to be used for composite stabling and residential development. The proposal, if carefully managed, is considered to align with this intent.

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

The subject site falls within the Rural Residential policy area of the Strategy and is proposed to be zoned 'Rural Residential (RR1)' under draft Local Planning Scheme No.3 (LPS3). The proposal best fits the definition of 'rural pursuit', which is defined as follows:

'rural pursuit/hobby farm' defined as meaning *"any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household -*

- (a) the rearing, agistment, stabling or training of animals;*
- (b) the keeping of bees;*
- (c) the sale of produce grown solely on the premises."*

This use is proposed to be a Discretionary 'D' use in the 'Rural Residential' zone. Rural pursuit does imply an assessment in respect of scale, insofar that it limits an activity to not involving permanently employing a person who is not a member of the occupier's household. The emphasis being placed upon permanent employment being associated with the occupation of the household, which as previously mentioned, relates to the composite stabling and residential living within the Byford Trotting Complex.

In respect of the Local Planning Strategy, the relevant objectives of the 'Rural Residential' zone include:

- *Provide for Rural Residential development in appropriate, well-located areas.*
- *Preserve and enhance the existing rural character of Rural Residential properties.*
- *Ensure Rural Residential developments are sensitive to environmental values.*

The proposal is considered to generally meet the objectives of the Rural Residential zone under LPS3. Equestrian uses are typically found in rural residential areas and in this case the proposal is located in an area that has been set up specifically for the purpose of more intensive composite stabling and residential land uses. The applicant has provided management plans that are proposed to be implemented to manage all potential amenity impacts.

Statement of Planning Policy (SPP) 2.1: The Peel Harvey Coastal Plain Catchment

The subject site is located within the Peel-Harvey catchment area. The policy ensures that changes to land use within the catchment to the Peel-Harvey Estuarine System are controlled to avoid and minimise environmental damage. Land uses which are likely to drain towards the Peel-Harvey Estuarine System, should be managed to reduce or eliminate nutrient export from the land. As discussed further in this report, the waste management measures proposed as part of this application are considered to adequately address the risk of nutrient export if properly implemented.

The Beenyup Brook west watercourse runs across the northern portion of the site. The water course has been fenced off from surrounding activities as depicted in the picture below:

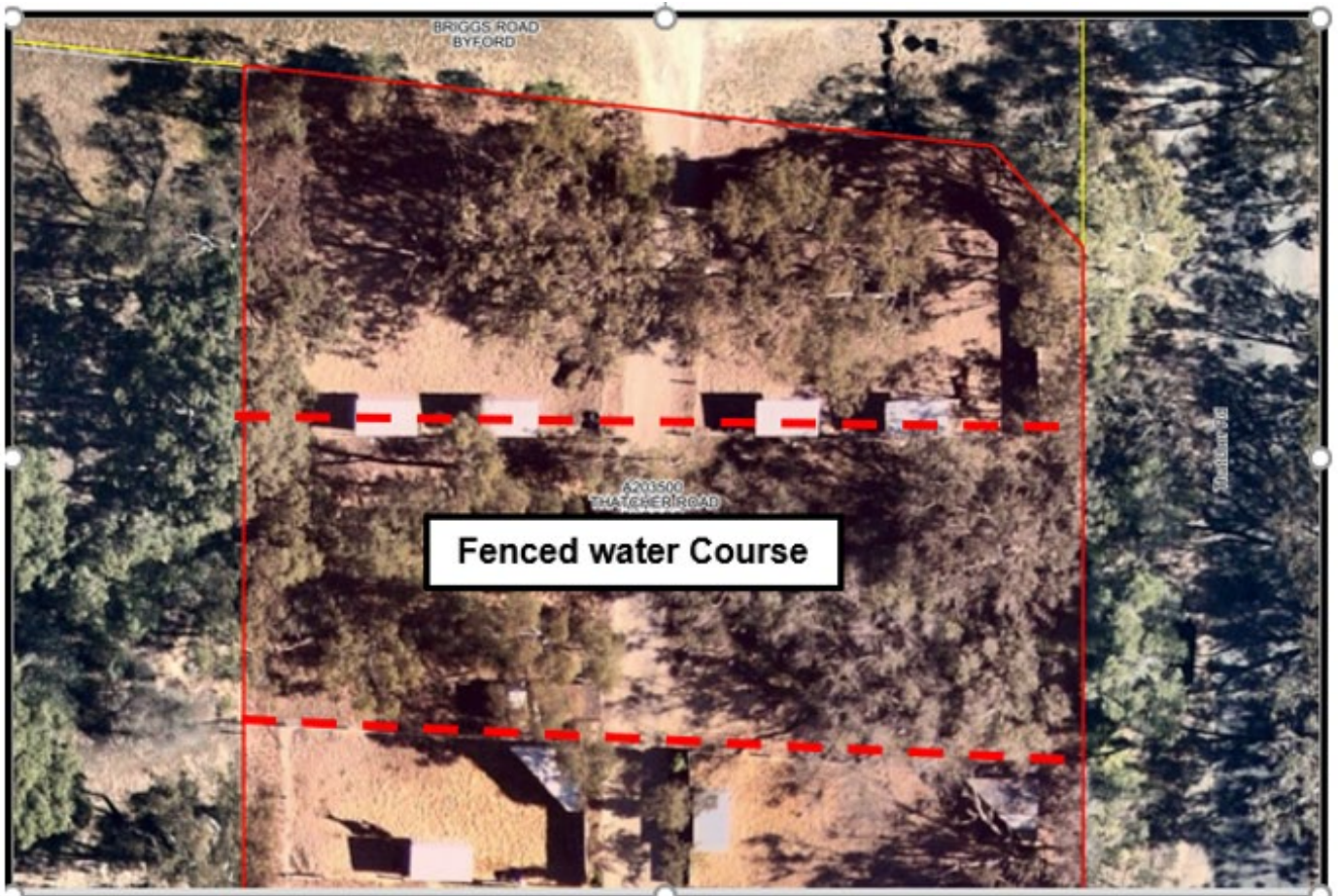


Figure 3: Fencing to Beenyup Brook

In respect of managing the proximity of the paddock/yards adjacent to the watercourse, DPIRD provided advice recommending that the use of yellow sand will assist in reducing the export of phosphorus nutrient from the facility. The applicant provided information that sand will be replaced annually. In this regard, a condition of approval has been recommended that the Waste Management Plan be updated to include specific detail around these management measures, specifically the use of sand with a high phosphorous retention index to manage the risk of nutrient export.

Stocking Rates

Under the Stocking Rate Guidelines for Rural Small Holdings by the Department of Agriculture and Food (the guidelines), stocking rates are defined as *“the numbers for stock, e.g. sheep, cattle, horses, emus or any other type of animal that can consistently be kept on a piece of pasture all year round with minor additional feeding without causing environmental degradation”*.

The keeping of up to 35 horses would exceed the normal stocking rates if the proposal included a traditional, non-intensive, non-high performance approach. In explaining the difference, the agistment of racing horses requires intensive stabling whereby tight control of horses is needed to ensure high-performance outcomes. This changes all aspects of the traditional measures that inform stock rates. Officers consider the number of horses proposed to be kept, accounting for seasonal fluctuation, may be acceptable in the context of the Byford Trotting Complex, subject to careful controls being in place to manage environmental and amenity impacts.



Amenity

The intensive nature of the development results in the potential for amenity impacts on surrounding properties where careful controls are not in place. The impacts likely to be generated include noise, dust and odour impacts.

Noise

To address noise, the applicant submitted a Noise Impact Assessment (NIA) in accordance with the *Environmental Protection (Noise) Regulations 1997* (the Regulations) and prepared by Herring Storer Acoustics. This can be viewed as **attachment 4**. The report assessed continuous noise level emissions associated with truck movements (starting, moving off and unloading) from the wash bay area, horse stable and premises more generally, against the prescribed standards of the Regulations.

The Regulations set out the maximum allowable noise level that may be emitted, measured from the point of the receiver of that noise. In this case, a noise locator was placed within the premises in close proximity to noise sources as shown in Figure 4 below. Noise level measures were undertaken between 24 and 31 August 2021.



Figure 4: Noise Monitor Location



Noise emissions from the operations (noise sources) were recorded using automatic noise data loggers that were set to measure statistical data at 15-minute intervals. The noise monitors also recorded audio files for post processing of noises levels and with the capability to confirm noise sources.

The table below shows the assigned outdoor noise levels for the existing locality.

TABLE 3.4 - ASSIGNED OUTDOOR NOISE LEVEL				
Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Neighbouring Residences	Day	47	57	67
	Sunday / Public Holiday Day Period	42	52	67
	Evening	42	52	62
	Night	37	47	57

Note: L_{A10} is the noise level exceeded for 10% of the time.
L_{A1} is the noise level exceeded for 1% of the time.
L_{Amax} is the maximum noise level.

Figure 5: Assigned Outdoor Noise Levels

The noise levels over the monitoring periods were analysed using the data collected. Weather conditions for the monitoring period were also included where periods of high wind and rain were discounted from the analysed results. The table below summarises the applicable assigned noise levels and assessable noise level emissions.

TABLE 7.2 – ASSESSMENT OF NOISE LEVEL EMISSIONS					
Location	Activity	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
Highly Noise Sensitive Premises, Thatcher Road	Wash Bay Activities	41 L _{A10}	Day	47	Complies
	Truck Tailgate closing	43 L _{Amax}		67	Complies
	Truck starting	36 L _{A01}		57	Complies
	Truck Moving off	34 L _{A10}		47	Complies
	Return Unloading	27 L _{A10}	Night	37	Complies

Figure 6: Assessment of Noise Level Emissions

The results of the assessment demonstrate the noise level emissions measured comply with the assigned levels under the Regulations.

In addition to the noise assessment, the applicant has proposed the following noise mitigation measures to control noise emissions and further protect the amenity of the area:

- Increased stable size to house only horse, to reduce interaction
- Operational start times, delayed to 07.00am
- Feed bins fixed to stables to ensure no movement, causing impact noise
- Barriers erected in stables to reduce line of site and impact noise from horses
- Quad bike removed from site and Gator Electric vehicle purchased for use



- *Petrol chainsaws and brush cutters replaced with electric versions*
- *Petrol chainsaws and brush cutters replaced with electric versions*
- *Truck movement using real lane access for night movement*
- *Onloading of horses from night racing returns relocated to behind shed to ensure barrier toward residence of concern*
- *Horse hose down area noise control in the form of rubber applied to chins, which were the source of impact noise*

Officers are satisfied that the Noise Impact Assessment has sufficiently demonstrated that the proposal is compliant with the Regulations and that noise can be adequately managed so as to not adversely impact on the amenity of neighbouring residents.

Dust

To address concerns in relation to dust, the applicant provided a Dust Management Plan (DMP), prepared by Emission Assessments Pty Ltd. The DMP identified principle sources of internal and external dust generation associated with the operations. The report also assessed potential sources of fugitive dust and outlined initiatives already implemented and initiatives that can be further implemented to control these potential sources and reduce their impact to adjoining sensitive receptors. The DMP identifies the main sources of internal dust as follows:

1. *Enclosed shed (Figure 2) where horses are geared up for training. The shed is swept daily towards the northern end of the shed. The dust that is swept to outside of the shed is a potential fugitive emission that could impact the residence to the east or west of the site.*
2. *Horses are driven to the Byford Trotting Complex along an unsealed alleyway (Refer Figure 2) between the left and right stables. The sulky wheels and hooves generate dust that has the potential to become fugitive and impact amenity of receptors to the east and west of the site.*
3. *Once the horses have completed their training session and had their gear removed, they are hosed down. When they return to their stables and they often roll in the stable to dry off and self sooth their bodies. This action is known to occur at random times of the day, whenever a horse feels the need to self soothe. The stable footing is predominately yellow sand; hence this activity is a potential sources of fugitive dust and may impact amenity of receptors to the east and west of the Site.*
4. *The existing horse walker on site; is decommissioned and will be disposed of. When it was in operation it was fitted with a sprinkler system to control fugitive dust emissions. As this potential source is decommissioned, it does not have the potential to cause an impact to amenity and is not considered in the subsequent risk assessment.*

A risk assessment was undertaken for activities associated with each dust source using a risk assessment matrix. The matrix assessed risks as 'Low', 'Moderate', 'High', or 'Extreme'. The report concluded that the risk of dust annoyance from the three identified internal dust sources would be 'Low', subject to recommended dust management strategies being implemented and along with the proper implementation of dust monitoring actions as how in the table below.



IDENTIFIED POTENTIAL SOURCE	ENVIRONMENTAL ASPECT	RISK ASSESSMENT PRIOR TO CONTROLS			CONTROLS	RESIDUAL RISK ASSESSMENT		
		Consequence Rating	Likelihood Rating	Risk Factor Initial Risk		Consequence Rating	Likelihood Rating	Risk Factor Residual Risk
1. Shed Sweeping	Dust emission from sweeping fines outside of the shed daily	2	3	6 (Med)	<ul style="list-style-type: none"> Reduce shed sweeping to once per week. Replace sweeping with hosing facility floor. Plant screening trees on either side of the access gate. 	2	2	4 (Low)
2. Unsealed Alleyway	Dust emission as sulky and hooves generate dust along the alleyway as horse is driven to the training track	2	3	6 (Med)	<ul style="list-style-type: none"> Purchase water cart. Operate cart as regularly and as required to prevent visible dust emitted when alleyway is in use. 	2	2	4 (Low)
3. Horse Activity in Stable	As horses walk and roll in their stable footing, visible dust is evident	2	3	6 (Med)	<ul style="list-style-type: none"> 3.5*2m concrete hardstand to prevent horses digging and making dust while they are standing, eating and resting in the shade. Wind/Dust screens insitu Screening trees have been planted. Footing is currently coarse fill. Clean fill is bought into the stables each year. Clean fill will be washed before it is bought onto the premises to reduce initial dust load of the footing. Increase the number of screening trees along the eastern boundary fence. Leave stables R1 and R2 vacant in summer months to increase the buffer between the site and local receptors. 	2	2	4 (Low)

Figure 7: Fugitive Dust Sources Risk Assessment

Officers note that the applicant proposes use of a water cart that will be used to regularly spray the unsealed alleyway. The applicant also proposes to increase the number of screening trees to reduce dust annoyance on neighbouring properties. Officers recommend that a Dust Management and Monitoring Plan (DMMP) be required as a condition of approval to ensure all principle sources of internal and external dust generation associated the proposal will be adequately managed. It is also recommended that a Landscape Plan be required as a condition of approval to ensure the location, number, species and maintenance of landscaping is suitable to meet the dust control outcomes sought.

Waste Management

Given the risk of nutrient export generated by the keeping of up to 35 horses on site, management of waste from the horses must be carefully considered. Strong waste management measures will also ensure odour from the operations do not impact amenity. In that regard, the applicant has proposed the following waste disposal and manure management methods:

- *manure is picked up daily in the paddocks and stored in a tip truck prior to be disposed off-site to a compost facility every Wednesday and Saturday.*
- *The tip truck is covered with a waterproof material to prevent fly breeding.*
- *Feed will be stored in vermin proof containers*

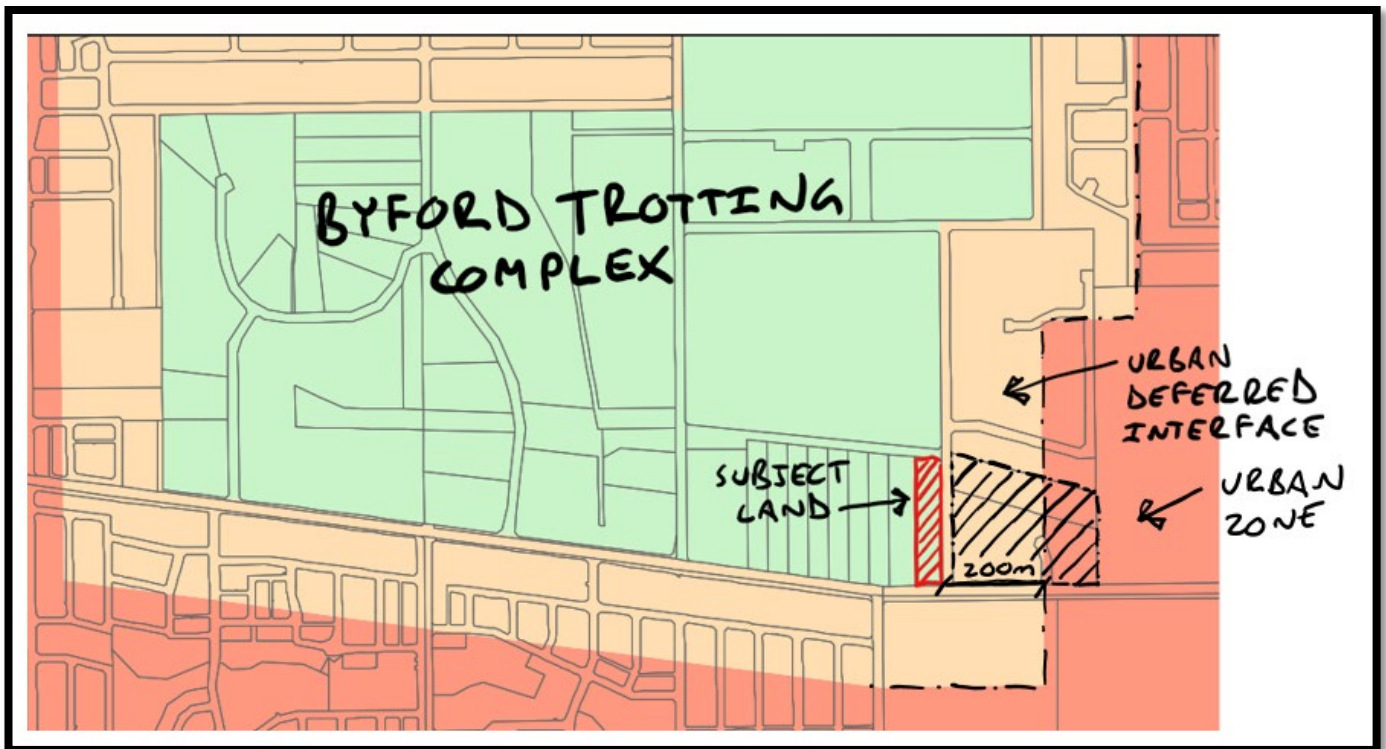
In terms of manure, this can be collected, stockpiled and exported; however, urine is harder to manage and could add a nutrient load to the property. Officers recommend an updated Waste Management Plan be required as a condition of approval to ensure appropriate measures are implemented to control the risk of nutrient export from urine, such as the use and regular replacement of yellow sand in paddock and stable areas (among other measures) as recommended by DPIRD.



Regional Planning Framework

The mid 1990s saw the State Government prepare the South East Corridor Structure Plan, which had a purpose to comprehensively plan for urban expansion within the South East Corridor south of Armadale.

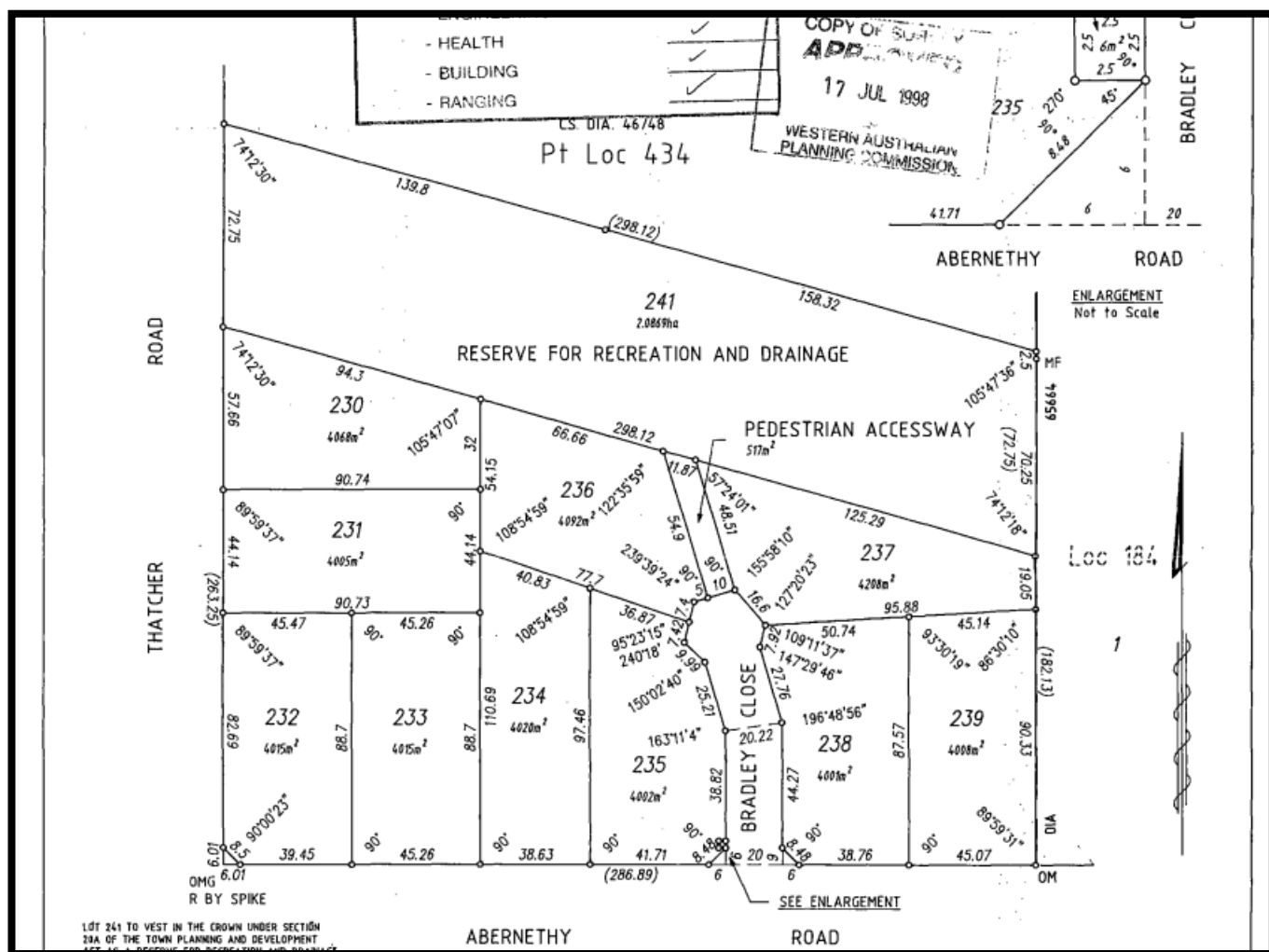
In 1995, a Major Amendment (966/33) to the Metropolitan Region Scheme (MRS), known as South East Corridor - South of Armadale, was initiated to give statutory affect to the proposals under the South East Corridor Structure Plan. The amendment maintained the MRS Rural zone to protect the Byford Trotting Complex, and ribboned this with a 200m wide Urban Deferred zone. This is shown following, including the location of the subject land:



The intent of the Urban Deferred zone recognises that the presence of a stable area and trotting complex within Byford, requires the establishment of appropriate setbacks to prevent conflicts between land uses. In this respect, the EPA recommends a setback of between 100m and 500m between stables and residential areas, depending on the size and management of the stables.

The Urban Deferred zone was established to place a limit on the type of development that could occur in this area. Beyond this area, in the Urban zoned land, no limits would be applied.

Subdivision within the Urban Deferred zone occurred subsequent to this (in 1999), with properties limited to a 4,000sqm size (very low density) commensurate with the need to control the number of properties that were within the setback to the stable area. Following is the Deposited Plan for the area shown in hatching above:



These properties are thus established within the Urban Deferred zone, that corresponds to the planned buffer to the activities of stables within the Byford Trotting Complex.

Options and Implications

Option1

That Council APPROVES the application for the retrospective 'Stable' at Lot 49 Thatcher Road, Byford, subject to the following conditions.

- 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 Specification	Development Plans received at the Shire Offices on 13 September 2021; Noise Impact Assessment prepared by Herring Storer Acoustics dated 20 September 2021 received at the Shire Offices on 19 October 2021; Dust Management Plan dated 18 January 2022 prepared by Emission Assessments Pty Ltd received at the Shire's Offices on 18 January 2022.
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- b. An updated Equine Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Equine Management Plan must demonstrate, to the satisfaction of the Shire, the complete management program of the development in order to protect the environment and maintain acceptable levels of rural residential amenity for the locality at all times. Once approved, the updated Equine Management Plan must be implemented at all times.
- c. A maximum of 35 horses are permitted to be kept on the subject land. In undertaking the development, the applicant is to display and maintain an all hours contact number which surrounding landowners can call to report any amenity issues, so that the applicant can investigate and address such issues. Within seven days of receiving a call, the applicant must also advise the Shire, together with the remedy action taken to address the issue raised in the call to them.
- d. All chemicals associated with the development are to be stored so as to eliminate the possibility of spillage.
- e. An updated Waste Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Waste Management Plan must demonstrate, to the satisfaction of the Shire, how the existing stables are to be fitted with non-permeable flooring, and with frequently turned out floor covering, in order to manage the build-up of horse urine and manure in the floor covering material. The Plan must also demonstrate how washdown and wastewater will be managed, and how the storage of manure will be undertaken to manage the risk of odour and flies.

The Waste Management Plan shall be updated in accordance with the *Department's Water Quality Protection Guideline 13 - Environmental management guidelines for horse facilities and activities (WQPG 13) (DWER, 2002)* which details the best management practices designed to protect the environment.

- f. Flooring of the stables and holding yards to consist of impermeable base only, to prevent nutrients leaching into the soil.
- g. Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 - Part 6, Division 2 - 'Keeping of Large Animals'.
- h. Within 60 days of the date of approval, a Dust Management Plan being prepared by the applicant and submitted to the Shire for approval. This is to demonstrate the appropriate dust management practices that must take place in order to maintain an acceptable amenity level for the area. The Dust Management Plan, once approved, is to be implemented at all times.
- i. Within 60 days of the date of approval, a Landscape Plan being prepared by the applicant and submitted to the Shire for approval. The Plan shall show where screening trees are to be planted. Once approved, the Landscape Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
- j. Clean fill only is permitted to be brought to the site. Prior to the importation of fill, certification of the clean fill nature must be provided to the Shire.

Option 2

That Council REFUSES the application for the retrospective 'Stable' at Lot 49 Thatcher Road, Byford, for the following reasons:

- 1. The development poses an unacceptable risk to the quality of groundwater resources by means of the intensity of development and insufficient waste management measures.



-
2. The development poses impacts on the amenity of the area, particularly in relation to noise and dust.

Option 1 is recommended.

Conclusion

The application seeks retrospective approval for the keeping of up to 35 high-performance racing horses. Officers are satisfied that the environmental and amenity impact of the development are capable of being appropriately management and that the development is consistent with the intended use of the land under the local planning framework. Therefore, Officers recommend that Council approve the application, subject conditions.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Development Plans (IN22/1223)
- **10.1.4 - attachment 2** - Summary of Submissions (E21/12905)
- **10.1.4 - attachment 3** - Clause 67 Checklist (E22/678)
- **10.1.4 - attachment 4** - Noise Impact Assessment (IN22/1184)
- **10.1.4 - attachment 5** - Dust Management Plan (IN22/1222)

Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 2.2	A sustainable natural environment

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council approves the development application subject to conditions	Appropriate conditions are recommended which address the risk issues associated with the development					
2	That Council REFUSES the development application	Planning Framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Ensure robust reasons for refusal

Voting Requirements: Simple Majority

Officer Recommendation

That Council APPROVES the application for the retrospective 'Stable' at Lot 49 Thatcher Road, Byford, 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 Specification	Development Plans received at the Shire Offices on 13 September 2021; Noise Impact Assessment prepared by Herring Storer Acoustics dated 20 September 2021 received at the Shire Offices on 19 October 2021; Dust Management Plan dated 18 January 2022 prepared by Emission Assessments Pty Ltd received at the Shire's Offices on 18 January 2022.
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- b. An updated Equine Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Equine Management Plan must demonstrate, to the satisfaction of the Shire, the complete management program of the development in order to protect the environment and maintain acceptable levels of rural residential amenity for the locality at all times. Once approved, the updated Equine Management Plan must be implemented at all times.
- c. A maximum of 35 horses are permitted to be kept on the subject land. In undertaking the development, the applicant is to display and maintain an all hours contact number which surrounding landowners can call to report any amenity issues, so that the applicant can investigate and address such issues. Within seven days of receiving a call, the applicant must



also advise the Shire, together with the remedy action taken to address the issue raised in the call to them.

- d. All chemicals associated with the development are to be stored so as to eliminate the possibility of spillage.
- e. An updated Waste Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Waste Management Plan must demonstrate, to the satisfaction of the Shire, how the existing stables are to be fitted with non-permeable flooring, and with frequently turned out floor covering, in order to manage the build-up of horse urine and manure in the floor covering material. The Plan must also demonstrate how washdown and wastewater will be managed, and how the storage of manure will be undertaken to manage the risk of odour and flies.

The Waste Management Plan shall be updated in accordance with the *Department's Water Quality Protection Guideline 13 - Environmental management guidelines for horse facilities and activities (WQPG 13) (DWER, 2002)* which details the best management practices designed to protect the environment.

- f. Flooring of the stables and holding yards to consist of impermeable base only, to prevent nutrients leaching into the soil.
- g. Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 - Part 6, Division 2 - 'Keeping of Large Animals'.
- h. Within 60 days of the date of approval, a Dust Management Plan being prepared by the applicant and submitted to the Shire for approval. This is to demonstrate the appropriate dust management practices that must take place in order to maintain an acceptable amenity level for the area. The Dust Management Plan, once approved, is to be implemented at all times.
- i. Within 60 days of the date of approval, a Landscape Plan being prepared by the applicant and submitted to the Shire for approval. The Plan shall show where screening trees are to be planted. Once approved, the Landscape Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
- j. Clean fill only is permitted to be brought to the site. Prior to the importation of fill, certification of the clean fill nature must be provided to the Shire.

MOTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Atwell

That Council APPROVES the application for the retrospective 'Stable' at Lot 49 Thatcher Road, Byford, 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 Specification	Development Plans received at the Shire Offices on 13 September 2021; Noise Impact Assessment prepared by Herring Storer Acoustics dated 20 September 2021 received at the Shire Offices on 19 October 2021;
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	Dust Management Plan dated 18 January 2022 prepared by Emission Assessments Pty Ltd received at the Shire's Offices on 18 January 2022.
b.	An updated Equine Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Equine Management Plan must demonstrate, to the satisfaction of the Shire, the complete management program of the development in order to protect the environment and maintain acceptable levels of rural residential amenity for the locality at all times. Once approved, the updated Equine Management Plan must be implemented at all times.
c.	A maximum of 35 horses are permitted to be kept on the subject land. In undertaking the development, the applicant is to display and maintain an all hours contact number which surrounding landowners can call to report any amenity issues, so that the applicant can investigate and address such issues. Within seven days of receiving a call, the applicant must also advise the Shire, together with the remedy action taken to address the issue raised in the call to them.
d.	All chemicals associated with the development are to be stored so as to eliminate the possibility of spillage.
e.	An updated Waste Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Waste Management Plan must demonstrate, to the satisfaction of the Shire, how the existing stables are to be fitted with non-permeable flooring, and with frequently turned out floor covering, in order to manage the build-up of horse urine and manure in the floor covering material. The Plan must also demonstrate how washdown and wastewater will be managed, and how the storage of manure will be undertaken to manage the risk of odour and flies. The Waste Management Plan shall be updated in accordance with the <i>Department's Water Quality Protection Guideline 13 - Environmental management guidelines for horse facilities and activities (WQPG 13) (DWER, 2002)</i> which details the best management practices designed to protect the environment.
f.	Flooring of the stables and holding yards to consist of impermeable base only, to prevent nutrients leaching into the soil.
g.	Disposal of hard and liquid wastes is to be in accordance with <i>Health Local Law 1999 - Part 6, Division 2 - 'Keeping of Large Animals'</i> .
h.	Within 60 days of the date of approval, a Dust Management Plan being prepared by the applicant and submitted to the Shire for approval. This is to demonstrate the appropriate dust management practices that must take place in order to maintain an acceptable amenity level for the area. The Dust Management Plan, once approved, is to be implemented at all times.
i.	Within 60 days of the date of approval, a Landscape Plan being prepared by the applicant and submitted to the Shire for approval. The Plan shall show where screening trees are to be planted. Once approved, the Landscape Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
j.	Clean fill only is permitted to be brought to the site. Prior to the importation of fill, certification of the clean fill nature must be provided to the Shire.

**OCM009/02/22****MOTION****Moved Cr Duggin, seconded Cr Strange****In condition c replace '35 horses' with '25 horses'.****MOTION LOST 4/4****The Presiding Member used her casting vote and voted AGAINST the motion***Councillor Duggin, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.**Councillors Coales, Dagostino, Duggin, and Strange voted FOR the motion.**Councillors Atwell, Rich, Singh and Strautins voted AGAINST the motion.***OCM010/02/22****COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Strautins, seconded Cr Atwell****That Council APPROVES the application for the retrospective 'Stable' at Lot 49 Thatcher Road, Byford, 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 Specification	Development Plans received at the Shire Offices on 13 September 2021; Noise Impact Assessment prepared by Herring Storer Acoustics dated 20 September 2021 received at the Shire Offices on 19 October 2021; Dust Management Plan dated 18 January 2022 prepared by Emission Assessments Pty Ltd received at the Shire's Offices on 18 January 2022.
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- b. An updated Equine Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Equine Management Plan must demonstrate, to the satisfaction of the Shire, the complete management program of the development in order to protect the environment and maintain acceptable levels of rural residential amenity for the locality at all times. Once approved, the updated Equine Management Plan must be implemented at all times.
- c. A maximum of 35 horses are permitted to be kept on the subject land. In undertaking the development, the applicant is to display and maintain an all hours contact number which surrounding landowners can call to report any amenity issues, so that the applicant can investigate and address such issues. Within seven days of receiving a call, the applicant must also advise the Shire, together with the remedy action taken to address the issue raised in the call to them.
- d. All chemicals associated with the development are to be stored so as to eliminate the possibility of spillage.



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- e. An updated Waste Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Waste Management Plan must demonstrate, to the satisfaction of the Shire, how the existing stables are to be fitted with non-permeable flooring, and with frequently turned out floor covering, in order to manage the build-up of horse urine and manure in the floor covering material. The Plan must also demonstrate how washdown and wastewater will be managed, and how the storage of manure will be undertaken to manage the risk of odour and flies.

The Waste Management Plan shall be updated in accordance with the *Department's Water Quality Protection Guideline 13 - Environmental management guidelines for horse facilities and activities (WQPG 13) (DWER, 2002)* which details the best management practices designed to protect the environment.

- f. Flooring of the stables and holding yards to consist of impermeable base only, to prevent nutrients leaching into the soil.
- g. Disposal of hard and liquid wastes is to be in accordance with *Health Local Law 1999 - Part 6, Division 2 - 'Keeping of Large Animals'*.
- h. Within 60 days of the date of approval, a Dust Management Plan being prepared by the applicant and submitted to the Shire for approval. This is to demonstrate the appropriate dust management practices that must take place in order to maintain an acceptable amenity level for the area. The Dust Management Plan, once approved, is to be implemented at all times.
- i. Within 60 days of the date of approval, a Landscape Plan being prepared by the applicant and submitted to the Shire for approval. The Plan shall show where screening trees are to be planted. Once approved, the Landscape Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
- j. Clean fill only is permitted to be brought to the site. Prior to the importation of fill, certification of the clean fill nature must be provided to the Shire.

CARRIED 4/4

The Presiding Member used her casting vote and voted FOR the motion



10.1.5 – Byford Activity Centre Forum – Outcomes Report (SJ3638)

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

Authority / Discretion

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

The purpose of this report is to present the outcomes and recommendations of the Byford Activity Centre Forum held on 26 October 2021. This Forum had a primary objective to engage with the community, key stakeholders, government departments and infrastructure providers, in order to establish a shared understanding and commitment to partnerships that will create a true activity centre for Byford, and one of the most important centres for the future growth of Perth and Peel.

The level of investment that is coming to the activity centre of Byford represents a unique, but once off, transformational opportunity. That is, the delivery of a Metronet station precinct, and the transformation of adjoining undeveloped land to a range of employment and enterprise primary and secondary uses, that connect and produce Perth and Peel's newest activity centre.

Officers recommend that Council:

- Note the outcomes and recommendations of the Forum; and
- Note that the recommendations specific to place planning are not currently resourced, and would need to be considered as part of future Corporate Business Plan review and subsequent budgetary and resourcing considerations.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 19 April 2021 - OCM085/04/21- COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ENDORSES the initiative of the Byford Activity Centre Forum;*
2. *REQUEST the CEO to engage a suitably qualified consultant, using up to \$15,000 consultancy funds, to organise and facilitate this forum;*
3. *APPROVES the budget variation as per below:*

Account	Type	Description	Debit	Credit
1000-10100-6230-0000	Increase Expenditure	Consultancy	15,000	



5200-17100-6230-0000	Increase Expenditure	Consultancy		15,000
Reason: Reallocation of consultancy budget to fund undertaking of forum.				
4. SEEKS participation of local, state and federal government representatives, state agency representatives, community leaders, school representatives, business stakeholders and city centre landowners;				
5. FOLLOWING the Forum, seeks a report back with a recommendation on options.				

Background

The Shire appointed LK Advisory to facilitate the Forum which was held on 26 October 2021 with 47 representatives from 19 business and other stakeholder groups. The Forum endeavoured to bring together key stakeholders and the community, all of which have a primary and pivotal role to play in delivering the activity centre.

The initiatives that were discussed at the Forum included the response to community values and expectation, the forthcoming Metronet Station Precinct and associated civic space, the adopted Activity Centre Structure Plan, and the range of planned short and medium term infrastructure investments.

The Forum was specifically designed to illustrate why attention to detail and guidance was essential to delivering the best place outcomes focussing on integration and activation, generating a sense of urgency to secure commitment of resources and alignment of plans, actions, and ideas around a common vision and to inform recommendations to define the way forward.

Community / Stakeholder Consultation

A community survey “Byford Together - Help shape the heart of Byford’s Activity Centre” was conducted from 15 September to 15 October 2021. The purpose of the survey was to get feedback from community members to feed into the Forum on the vision for a vibrant and integrated Byford Activity Centre, and through this, to help shape the Shire’s conversations with key State and Commonwealth Government stakeholders and private landowners and developers. More than 150 landowners, residents and Forum participants took part in the survey which helped shape the Forum process.

Statutory Environment

Legislative

- Local Government Act 1995

Policy

- Design WA suite of planning policy documents
- 2020 Byford District Structure Plan
- Byford Activity Centre Structure Plan
- Metronet Station Precincts Gateway document



Comment

The Outcomes Report is split into two sections, with the first being a discussion of the exercises conducted on the day. These included:

1. *“Describing and defining the Byford Activity Centre”* – attendees were asked to share their opinions on the current Activity centre and describe their ideal image for the future activity centre. Attendees and the community had the opportunity to consider the size and extents of the Activity centre area footprint and to denote the key destinations and desire lines throughout the centre.
2. *“Timing collaboration and coordination”* – participants were asked to visualise a scenario where the station has been delivered and discuss what needed to happen “now, soon and later” to achieve the best place outcomes. Following on from this, participants also provided their thoughts on what they wanted to start happening, stop happening and keep happening.
3. *“Making it happen”* – participants were asked to develop a brief implementation plan for one of the nine actions recommended for the station precinct based on the Metronet Station Precincts Gateway document.

The second part is a list of recommendations that resulted from the Forum. The recommendations are clustered under four headings being:

1. Engage and Keep Engaging
2. Analysis and Alignment
3. Define Roles; and
4. Create.

These are defined in table form below, to illustrate that the majority of these recommendations are currently being advanced across the capabilities of the organisation. This reflects also the Corporate Business Plan of the Shire, which identifies as follows:

7.1 Advocacy Projects

Byford Metronet Rail Extension

- *Work alongside METRONET on the delivery of the Byford Rail Extension and development of the Byford Town Centre including a Byford Learning and Innovation Centre*
- *Request the Federal Government to provide additional funding to facilitate the elevated rail option*

Project/Activity

Byford Community Purpose Site Master Plan

Planning for the Byford Town Square to become the civic heart and focal point for the delivery of the Byford Town Centre and METRONET station precinct.

The recommendation pertaining to place planning under theme (4) Create, currently extends beyond what is contemplated in the Corporate Business Plan. The Corporate Business Plan identifies a specific project/activity for a Byford Town Team as follows:

Byford Town Teams

Assist in the establishment of a Byford Town Team and review final outcomes report



The recommended place plan, however, extends beyond this, and it is recommended that this recommendation be considered as part of future review of the Corporate Business Plan of the Shire. Given it would represent a significant program, the Corporate Business Plan provides the optimal mechanism in which to consider it.

Thus, the table of actions and their status (within current capacity OR additional resources required), is set out following:

Recommendation	Status (within current capacity OR additional resources required)
(1) Engage and Keep Engaging	
<ul style="list-style-type: none">a) Re-engage with Forum participants to share, test and validate the observations, outcomes, and recommendations from the Forum.b) Test the Forum outcomes with the community to clarify, confirm, correct, or calibrate those outcomes from a local perspective and identify any gaps to be addressed. For example, this could occur through a follow-up community survey and direct engagement with previous community survey respondents who indicated a willingness to participate in a reference group and contribute further to this project.c) Use the outcomes from a) and b) to establish, test and refine a "Vision" for the Byford Activity Centre, in consultation with key stakeholders and the community, to meet the intent of clause 2.6 of State Planning Policy 7.2: Precinct Design Guidelines (SPP 7.2).d) Engage with key stakeholders and the community to define the precincts and/or sub-precincts of the Activity Centre and document the desired character for each. SPP 7.2 provides a useful guide for identifying a precinct 'core' and 'frame' that may be appropriate considering the Byford Activity Centre's scale and significance.e) Undertake a further stakeholder workshop(s) to examine the desired interface between developments on different landholdings and the public realm.	All within current capacity
(2) Analysis and Alignment	
<ul style="list-style-type: none">a) Produce a compendium of all relevant plans, documents and policies relating to the Byford Activity Centre, assessing their currency, accuracy, compatibility, alignment and contribution towards key projects, priorities, and the shared vision for Byford.b) Using the findings of a), carry out a gap analysis to identify key issues and preferences that are not already provided for in the current suite of material relating to the Byford Activity Centre, and determine how those gaps can best be addressed, including through a further review and refinement of the Byford Activity Centre Structure Plan.	All within current capacity



Recommendation	Status (within current capacity OR additional resources required)
<p>c) Establish a Shire position on the meaning, intent, and weight to be afforded to each of the recommended actions for the Byford Station Precinct in Metronet's Gateway document.</p> <p>d) Undertake a review of the Byford Activity Centre Structure Plan based on the results from Recommendations One and Two, to ascertain if the Structure Plan is fit for purpose to deliver the desired planning and development outcomes for the Activity Centre.</p>	
(3) Define roles	
<p>a) Enter into a collaboration agreement (or similar) with Metronet to define clear roles, responsibilities and expectations throughout the project lifecycle in delivering the Byford Station and the broader Station Precinct.</p> <p>b) Use the results from Recommendation Two c) to facilitate a workshop with Metronet and other stakeholders to develop a detailed project plan(s) for the actions listed in Metronet's Station Precincts Gateway document for Byford, with an emphasis on defining specific tasks, timeframes, responsibilities, resources and leading/supporting agency roles.</p> <p>c) When defining roles and responsibilities, ensure clear measures of success are established so that stakeholders' actions and decisions align with agreed principles, objectives and priorities to deliver optimal place-based outcomes.</p>	All within current capacity
(4) Create	
<p>a) Develop and implement a Place Plan as an extension to the Byford Activity Centre Forum project similar to those of City of Vincent, Perth Neighbourhood and Subiaco . The Place Plan should function as a strategic document to guide the direction of funding and resources in the Activity Centre and the implementation of all major projects and initiatives. Importantly, the Place Plan would inform and be informed by the Shire's Local Planning Framework and components of the Integrated Planning and Reporting Framework, such as the Annual Budget, Long-Term Financial Plan, Strategic Community Plan and Corporate Business Plan.</p>	Additional resources required
<p>b) Take steps to incorporate the following design elements in the future Byford Activity Centre. Among other benefits, these elements are intended to ensure the Byford Station does not become a 'park and ride' station where visitors have little or no interaction with the Activity Centre as part of their transit journey.</p> <ul style="list-style-type: none">• Strategically distribute attractors throughout the Activity Centre to entice visitors to explore and linger. These attractors should	All within current capacity



Recommendation	Status (within current capacity OR additional resources required)
<p>serve as 'stepping stones' connected by attractive and inviting pedestrian links, complemented by clear lines of sight, vantage points, and wayfinding. By way of example, we recommend co-locating the proposed splash park/nature play with the planned Civic precinct, leveraging off the east-west watercourse and linear open space proposed along the south side of Clara Street West.</p> <ul style="list-style-type: none">• Public realm characterised by high-quality landscaping, lighting, street furniture, public art and tree canopy cover reflective of Byford's unique character and identity.• Decentralise and disperse parking areas northeast, northwest, southeast and southwest of the junction of Clara Street West and the railway line to reduce the size of and dependence on a dedicated Transperth 'park and ride' facility and bus interchange abutting the station. This will encourage train passengers to walk through and interact with commercial and other uses in the Activity Centre at the start and end of their train journeys. Successful examples of this can be seen around the Leederville and Subiaco train stations, where passengers arriving or departing via private vehicle or bus walk through, and may shop at, retail and food-based businesses enroute between their parking/bus stop location and the train station.• Careful and considered Transperth bus route planning through the Activity Centre to and from the train station (both east and west of the railway line) to service hop-on/hop-off short trips around the Activity Centre rather than merely transporting passengers to and from the train station and destinations beyond the Activity Centre.• Establish the primacy of north-south pedestrian movements (over vehicles) across Clara Street West to connect the core Train Station quadrant west of the railway line with the Civic quadrant proposed for the south side of Clara Street West. Successful examples of this type of pedestrian-priority design treatment include – the Hay Street Pedestrian Priority Precinct (Kaal Yimniny) in the City of Perth and North Perth Common (View Street) in the City of Vincent.• Improve pedestrian linkages across Abernethy Road (north-south to connect the secondary schools to the Activity Centre core) and across San Simeon Boulevard (east-west) to connect the predominantly urban eastern 'frame' of the Activity Centre with the 'core' located to the west.	



Based on the table above, Officers recommend that Council:

- Note the outcomes and recommendations of the Forum, and
- Note that the recommendations specific to place planning are not currently resourced, and would need to be considered as part of future Corporate Business Plan review and subsequent budgetary and resourcing considerations.

Options and Implications

Option1

That Council:

1. NOTES the outcomes and recommendations contained within the Byford Activity Centre Forum Outcomes Report;
2. NOTES that the recommendations specific to place planning are not currently resourced, and would need to be considered as part of future Corporate Business Plan review and subsequent budgetary and resourcing considerations.

Option 2

That Council DOES NOT NOTE the Byford Activity Centre Forum Outcomes Report.

Option 1 is recommended.

Conclusion

The Shire held a successful Byford Activity Centre Forum on 26 October 2021 which had, as its primary objective, to engage with the community, key stakeholders, government departments and infrastructure providers, in order to establish a shared understanding and commitment to partnerships that will create a true Activity Centre for Byford, and one of the most important centres for the future growth of Perth and Peel. Officers recommend that Council:

- Note the outcomes and recommendations of the Forum, and
- Note that the recommendations specific to place planning are not currently resourced, and would need to be considered as part of future Corporate Business Plan review and subsequent budgetary and resourcing considerations.

Attachments (available under separate cover)

- **10.1.5 – attachment 1** – Byford Activity Centre Outcomes Report – LK Advisory (IN22/252).

Alignment with our Strategic Community Plan

This report's recommendations align with these specific objectives outlined in the Strategic Community Plan:

Outcome 3.1	A commercially diverse and prosperous economy.
Strategy 3.1.1	Actively support new and existing local businesses within the district.



Financial Implications

The Officer recommendation identifies that specific outcome/recommendation which is beyond the capacity of the organisation to deliver. This relates to place planning for Byford and the creation of a full integrated and resourced place plan model. It is recommended that Council note that this recommendation should be considered as part of future Corporate Business Plan review and subsequent budgetary and resourcing considerations.

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.						
2	The risk is that the actions and activities required by the various stakeholders with regard to the development of the Byford Activity Centre will not be coordinated.	The statutory planning framework is in place and development will progress regardless within this framework.	Organisational Performance	Possible	Major	SIGNIFICANT	Accepting the Officer recommendation will help to mitigate against this risk.

Voting Requirements: Simple Majority

OCM011/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Singh

That Council:

- NOTES the outcomes and recommendations contained within the Byford Activity Centre Forum Outcomes Report;**
- NOTES that the recommendations specific to place planning are not currently resourced, and would need to be considered as part of future Corporate Business Plan review and subsequent budgetary and resourcing considerations.**

CARRIED 7/1



OCM012/02/22

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Atwell

In accordance with clause 11.1(c) of the *Standing Orders Local Law 2002 (as Amended)* that the Council now adjourn for a period of 5 mins at 9:18pm.

CARRIED UNANIMOUSLY 8/0

Presiding Member, Councillor Rich reopened the meeting at 9:23pm with the following in attendance:

Councillors: M Rich.....Presiding Member
D Atwell
R Coales
M Dagostino
T Duggin
G Singh
L Strange
D Strautins

Officers: Mr P Martin.....Chief Executive Officer
Ms H Sarcich.....Deputy CEO / Director Community
and Organisational Development
Mr F SullivanDirector Corporate Services
Mr R NajafzadehDirector Infrastructure Services
Dr K ParkerManager Governance and Strategy
Mr D Van der Linde.....Manager Strategic Planning
Mr A Nair.....Manager Statutory Planning and Compliance
Ms M Gibson.....Governance Officer – Council and Committees
(Minute Taker)



10.1.6 – Draft Local Planning Policy 4.23 – Lot 164 Yangedi Road, Hopeland – Serpentine Airfield Development Standards (SJ3524)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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Proponent:	Shire of Serpentine Jarrahdale
Owner:	Shire of Serpentine Jarrahdale
Lot Area:	64.7ha
Town Planning Scheme No 2 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

Report Purpose

The purpose of the report is for Council to consider adopting for community consultation purposes a Draft Local Planning Policy 4.23: Lot 164 Yangedi Road, Hopeland – Serpentine Airfield Development Standards (LPP 4.23).

The Draft LPP 4.23 addresses the need to achieve consistency in respect of development standards for the site, with a focus on the various structures on the site. The Draft LPP addresses the following matters:

- Hangars and their use;
- Sports Aircraft Builders Club Communal Area;
- Future developments;
- Addressing pre-existing development, to address retrospective application requirements for short term habitation.

Draft LPP 4.23 provides a series of provisions to apply to future development on the site. Provisions also address bushfire mitigation issues, as well as ensuring the site meets all planning, building and environmental health regulations. Officers recommend that Council adopts Draft LPP 4.23 for formal advertising, to allow for community consultation on the Draft Policy.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Background

The Serpentine Airfield is located at Lot 164 Yangedi Road, Hopeland. The site is approximately 65 hectares in size. The site is leased to the Sports Aircraft Builders Club (SABC), and this Club provides a site for members and visitors to view, build and use small scale aircrafts. Access to



the Serpentine Airfield is taken from the north eastern corner of the site. The current lease commenced on 27 May 2019 and expires on 27 May 2051.

There are approximately 100 hangars, of various sizes on the site. The hangars are developed and maintained by individual members. The SABC provides a facility for its members to build and fly their aircrafts. In addition, the site includes a member's area which is a common area that allows the Club for to provide shared facilities for its members.









	Bushforever
	Protected area (Includes infrastructure)
	Buffer zone
	Existing hangars
	Runway
	Bowser

Figure 1



Community / Stakeholder Consultation

Officers have been in regular contact with the SABC Committee in order to outline the specific improvements that will need to be implemented at the Yangedi Airfield. Officers and the SABC Committee have worked collaboratively in developing a draft local planning policy, as a way to provide the policy guidance and standards for the site.

With the approval of Council, Draft Local Planning Policy 4.23 will go out for community consultation in accordance with the Scheme.

As per *Planning and Development (Local Planning Schemes) Regulations 2015*, the Local Planning Policy will be advertised if Council decides to proceed with the Local Planning Policy. This is provided under Clause 4 as follows:

4. Procedure for making local planning policy

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows –*
- (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of –*
- (i) the subject and nature of the proposed policy; and (ii) the objectives of the proposed policy; and*
 - (ii) the objectives of the proposed policy; and (iii) where the proposed policy may be inspected; and*
 - (iii) where the proposed policy may be inspected; and*
 - (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
- (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
- (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*

The period for making submissions in relation to a local planning policy is not less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).

Policy Concept Forum

The matter was discussed at the Policy Concept Forum meeting on 7 February 2022.

Meeting Date	7 February 2022
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Duggin, Cr Singh, Cr Strautins

Statutory Environment**Legislation**

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



State Government Policies

- State Planning Policy 2.5 – Rural Planning

Local Planning Framework

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

Shire Policies and Strategies

- Local Planning Policy 2.3 – Development Standards for Development Applications.

Planning Assessment

There is a need for the Shire to ensure that all hangars and any future development of the Yangedi Airfield meets the relevant standards and Draft LPP 4.23 provides a framework for this to be achieved.

The standards outlined in the policy which relate to planning, building and environmental health regulations will be important to ensure that any development on the site is of a high standard. The policy will work towards regularising development, and managing development from a risk based perspective.

LPP 4.23 also seeks to ensure that appropriate construction materials and scales of development take place. The policy provisions also address bushfire risk on the site.

LPP 4.23 also includes provisions which outline how frequently hangars can be used for overnight accommodation. Addressing this issue is important to ensuring that the site does not become a makeshift short term accommodation area park.

The management of the onsite infrastructure standards relating to water, power and effluent disposal are also outlined within the policy. These provisions will play a major role as the site continues to develop in the future. In addition, the policy states that *“Any lessor shall not be permitted to transfer the lease unless they are able to demonstrate their compliance to planning, building and environmental health regulations.”*

Although any future developments on the site will be required to adhere to LPP 4.23, any development of the Yangedi Airfield will be a collaborative approach between the Shire and the SABC in order to achieve the best possible outcomes.

The SABC hired consultants Bushfire Prone Planning to provide work as a consultant and to provide a professional opinion for key issues on the site. The consultants have supported the changes to the Yangedi Airfield site. This will include a small amount of vegetation clearing as indicated in Figure 1. This will ensure that nearby hangars can be managed from a bushfire risk assessment.

In addition, Figure 1 illustrates the bushforever areas on the site that are not to be cleared. It also shows buffer zones and indicates where caravans can be kept on the site.

Local Planning Strategy

The Shire's Local Planning Strategy promotes continued development with an emphasis on the Shire's unique characteristics. It is stated that the strategy will guide the Shire's progress and ensure that the Shire capitalises on the unique location and environment.



The Shire's Local Planning Strategy includes a series of strategic objectives. Two of the objectives highlight the key opportunities that the Shire currently has to:

- Ensure the diversity of natural and cultural landscapes in the Shire to continue to offer an array of unique experiences to visitors and communities, enhancing social cohesion and a shared sense of place;
- Attract people to the Shire's many places and spaces supported by iconic landscapes, unique histories, range of activities and integrated settlement structures.

Local Planning Policy 4.23 is in line with the Shire's Local Planning Strategy and will assist in further consolidating the unique experience that the Shire is able to offer.

Options and Implications

Option1

That Council ADOPTS the Proposed Local Planning Policy 4.23 (Lot 164 Yangedi Road, Hopeland – Serpentine Airfield Development Standards) as contained within **attachment 1** for the purposes of advertising, and proceeds to advertise the Proposed Policy in accordance with Deemed Provision 4(1) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Option 2

That Council resolves NOT TO ADOPT the Proposed Local Planning Policy 4.23 (Lot 164 Yangedi Road, Hopeland – Serpentine Airfield Development Standards) as contained within **attachment 1** for the purposes of advertising.

Option 1 is recommended.

Conclusion

Draft Local Planning Policy 4.23: Lot 164 Yangedi Road, Hopeland – Serpentine Airfield Development Standards will address issues relating to various matters on the site. The policy will ensure that any new development on the site will meet all planning, building and environmental health regulations. The policy will play an important role in regularising the airfield, and will assist in protecting and enhancing the unique opportunities to residents, visitors and the wider community.

Attachments (available under separate cover)

- **10.1.6 – attachment 1** – Local Planning Policy (LPP) 4.23 – Lot 164 Yangedi Road, Hopeland – Serpentine Airfield Development Standards (E21/4014)
- **10.1.6 – attachment 2** – Yangedi Airfield BAL Contour Assessment (E22/1225)



Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 2.3	A productive rural environment
Strategy 2.3.1	Identify and promote rural and agriculture industry opportunities
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district

Financial Implications

There are no financial implications associated with the preparation or implementation of the policy.

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 the strategic risks associated.						
2	By not adopting LPP 4.23 for advertising, there will be an increased risk of ad hoc development taking place.	There are no controls that are currently in place in order to manage this aspect. The lack of policy guidance creates the risk of ad hoc development.	Organisational Performance	Possible	Moderate	MODERATE	Adopt Officer recommendation

Voting Requirements: Simple Majority

OCM013/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Strautins

That Council **ADOPTS** the Proposed Local Planning Policy 4.23 (Lot 164 Yangedi Road, Hopeland – Serpentine Airfield Development Standards) as contained within attachment 1 for the purposes of advertising, and proceeds to advertise the Proposed Policy in accordance with Deemed Provision 4(1) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

CARRIED UNANIMOUSLY 8/0



Councillor Dagostino declared an Impartiality Interest in item 10.1.7.

Councillor Singh declared an Impartiality Interest in item 10.1.7.

Councillor Coales declared a Financial Interest in item 10.1.7 and left the Chambers at 9:24pm prior to this item being discussed.

10.1.7 - Final approval of Shared Use Agreement – Shire of Serpentine Jarrahdale and Court Grammar School (SJ3487)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to present to Council the Shared Use Agreement with Court Grammar School.

This report and the Shared Use Agreement are presented to Council, consistent with the resolution of Council made at its 21 June 2021 meeting which was as follows:

That Council:

1. *RESOLVES that the Chief Executive Officer negotiate in good faith with Court Grammar School Inc to arrive at an agreement for presentation to Council for endorsement, for shared use (community access), focussing primarily on the two multipurpose hardcourts on the school land plus its adjoining car parking, and for such agreement to be reached within 12 months of the date of this resolution.*

The Shared Use Agreement Document is contained as **attachment 1**, and it is recommended that this be adopted by Council. As part of this adoption, it is recommended that Council authorise the Chief Executive Officer and Shire President to sign the document and affix the common seal.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting – 21 June 2021 – OCM140/06/21 - COUNCIL RESOLUTION / Officer Recommendation</i>	
1.	<i>RESOLVES that the Chief Executive Officer negotiate in good faith with Court Grammar School Inc to arrive at an agreement for presentation to Council for endorsement, for shared use (community access), focussing primarily on the two multipurpose hardcourts on the school land plus its adjoining car parking, and for such agreement to be reached within 12 months of the date of this resolution.</i>



2. *In order to give effect to Part 1, RESOLVES, in accordance with Section 31 of the State Administrative Tribunal Act 2003, to reconsider condition 2 of the development approval dated 21 January 2021 to now read as follows:*

The applicant is to abide by the requirements of the Agreement to Progress Negotiations as to provision of Community Access to services and facilities on the subject land. The Agreement to Progress Negotiations being the agreement the terms of which are contained in the correspondence between McLeods Barristers and Solicitors and Lavan Legal dated 26 May and 27 May 2021 and as endorsed by resolution of Council of 21 June 2021.

3. *The Shire consents to Court Grammar School Inc discontinuing its SAT appeal on the basis of the amended condition 2.*

Background

Lot 1 Bishop Road, Mundijong (subject land) is located within the locality of Mundijong, forming a northern extent of future urbanisation which will see Mundijong transition towards a mixed-use city sized development. The subject land has been developed in stages since 2008 for the Court Grammar School, and continues development as part of its educational service provision to the community. Specifically, use of the land has been approved for an 'educational establishment', and physical works have been approved for buildings and other structures that provide for the 'educational establishment.'

Under Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 ("Scheme"), the subject land is zoned 'Urban Development' and forms part of the 2020 Mundijong Whitby District Structure Plan. The DSP, in association with subsequent local structure planning, subdivision and development, will see Mundijong and Whitby transition to become a second urban area for the Shire, reaching an ultimate capacity of between 15,000 to 20,000 dwellings, and approximately 40,000 residents.

The January 2008 decision of Council to grant development approval for Stage 1 of the school recognised the need to appropriately deal with infrastructure issues. While on the main these were local infrastructure issues that did not fall within the remit of shared developer contributions, one such issue did – being the equitable provision of community services and facilities. This was specifically condition 1c) of Council's 2008 resolution which states:

1. *In consideration of approving this development prior to the preparation of a Structure Plan for the Mundijong/Whitby urban cell, a legal agreement being entered into between the landowner and the Shire, to address the following matters:*
- c. *The equitable provision of community services and facilities in the Mundijong/Whitby urban cell.*

This precipitated the entering into of a deed of agreement, whereby the Shire and the school agreed to negotiate and provide for community access to appropriate school facilities outside school hours. The deed was considered by Council at the following February 2008 Council meeting, whereby Council resolved to proceed with the agreement.

Clauses 22 and 23 of the 2008 deed are relevant to this matter, being:

22. *The School and the Shire agree that the requirement to provide Community Access is in satisfaction of the School's obligations to make equitable developer contributions in accordance with any current or future Community Infrastructure Contribution Plan for the Mundijong/Whitby Urban Cell ("**Developer Contributions**").*



23. *If the School:*

- (a) *fails to provide Community Access; or*
- (b) *fails to provide Community Access to a level that the Shire deems, in its absolute discretion, to be sufficient to discharge the School's obligation to make Developer Contributions;*

then the School must make Developer Contributions as determined by the Shire, in its absolute discretion, in accordance with any current or future Community Infrastructure Contribution Plan for the Mundijong/Whitby Urban Cell.

On 20 January 2021, the Shire, acting under delegation from the Council, made a determination on the latest stage of development of the school. This included a specific condition to bring about affecting intended developer contribution outcomes.

This culminated in Council's June 2021 decision, which seeks advancing a shared use (community access) agreement, focussing primarily on the two multipurpose hardcourts on the school land plus its adjoining car parking. This was requested to be reached within 12 months of the date of the June 2021 resolution.

Community / Stakeholder Consultation

The issue of negotiating in good faith, agreeing and ultimately providing for community access to appropriate school facilities outside school hours has been a known position to reach for both the school and the Shire. It is timely for this to now be agreed, reflecting that the land surrounding the school (predominately Whitby) is transitioning towards urban development and growing the local nearby population.

This will also provide certainty to inform the configuration of the facilities agreed to be shared, and will add a further range of community facilities for access by residents.

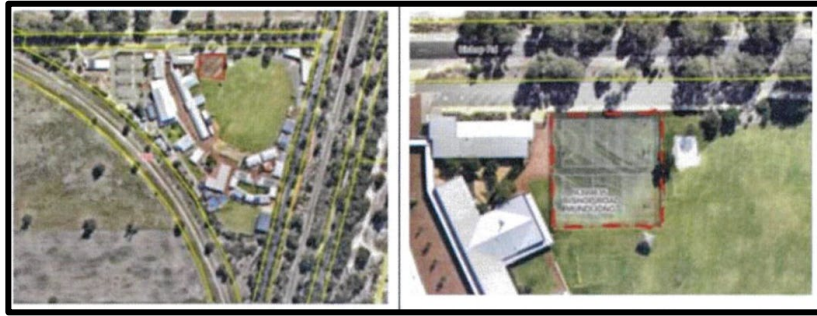
Statutory Environment

- State Planning Policy 3.6 Development contributions for infrastructure.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Comment

The Shared Use Agreement is provided as **attachment 1**. Consistent with Council's previous decision, it has focused on the two multipurpose hardcourts on the school land plus its adjoining car parking, and for such agreement to be reached within 12 months of the date of this resolution. Key aspects of the agreement are set out following:

- The facilities to be shared being the two hardcourts located on the Land and identified in Annexure A and associated parking adjacent to the hardcourts parallel to Bishop Road. These are shown in the image below:



- The permitted uses of sharing being hardcourt sport and recreational use by junior sporting clubs and use by the general public for hardcourt games and general play. This adds a new bookable facility for organised hardcourt sport;
- The shared use period being for a period of 10 years, with two 5 year options available to the Shire bringing the total share period to 20 years (should the options be taken up by the Shire);
- The agreement recognises the School's exclusive use times between the hours of 6:00am and 6:00pm on school days. The Shire and general public can use the Facilities outside of these times, in accordance with the Permitted Use as defined within the agreement;
- An approach to maintenance that recognises that the majority of use of the facilities will be by the School. A formula has been developed under s13 of the agreement to ensure fairness in respect of any maintenance cost that the Shire would meet;
- In respect of permitted use, the development of a summer and winter timetable, that reflects the availability of natural light for the facilities;
- Recognition that the shared use agreement seeks to satisfy clauses 22 and 23 of the 2008 Deed.

It is recommended that Council adopts the agreement. While the School has already signed the agreement, it is still up to Council to determine whether they support and adopt the agreement, with or without modification.

Options and Implications

Option 1

That Council ADOPTS the Shared Use Agreement with Court Grammar School as contained in **attachment 1**, and AUTHORISES the Chief Executive Officer and Shire President to sign the document and affix the common seal.

Option 2

That Council:

1. ADOPTS the Shared Use Agreement as contained within **attachment 1** subject to further amendments as specified;
2. Once amended, AUTHORISES the Chief Executive Officer and Shire President to sign the document and affix the common seal.

Option 3

That Council DOES NOT ADOPT the Shared Use Agreement as contained in **attachment 1**.

Option 1 is recommended.



Conclusion

The 2008 Deed set in place a collaborative approach to develop an agreement, between the Shire and Court Grammar, in respect of planning for future shared use arrangements for community access to facilities located on the school grounds. This has culminated in a Shared Use Agreement being developed and presented to Council for final consideration.

Attachments (available under separate cover)

- **10.1.7 – attachment 1** – Shared Use Agreement (E22/1515)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 2.1	A diverse, well planned built environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
Strategy 2.2.2	Seek to minimise resource usage and continue to maximise reuse opportunities

Financial Implications

The agreement prescribes a formula to calculate maintenance, by computing the expected use of the hardcourts for intermittent junior organised sport only (rather than general public use). Using this proportional formula, annual maintenance would not exceed \$2,000. This cost however could be lower, and in some quarterly periods would be likely zero due to anticipated limited use during winter periods.

Risk Implications

Risk has been assessed on the basis of the Officer's 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	There is no significant risk associated with Option 1.						
2	That Council adopts Shared Use Agreement subject to further amendments.	Planning Framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Clearly state the further amendments that Council seeks and why these should be added.



3	That Council does not adopt the Shared Use Agreement.	Planning Framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Clearly state reasons why adoption does not occur.
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Voting Requirements: Simple Majority

Officer Recommendation

That Council ADOPTS the Shared Use Agreement with Court Grammar School as contained in attachment 1, and AUTHORISES the Chief Executive Officer and Shire President to sign the document and affix the common seal.

OCM014/02/22

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Strange

That Council DEFER the matter for further clarification and advice, in regards to hours of use as referred to on page 82 of the Officer's report.

CARRIED UNANIMOUSLY 7/0

Reason for difference to Officer Recommendation

For further clarification and advice, in regards to hours of use as referred to on page 82 of the Officer's report.

Councillor Coales returned to the Chambers at 9:28pm.

Presiding Member, Councillor Rich advised Councillor Coales of the Council Resolution for item 10.1.7.



10.1.8 – Management Order for Community Purpose Site (SJ3638)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / 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 inform Council that the Management Order has now been secured for the Community Purpose Site within the Byford Activity Centre. This site will accommodate future civic uses, including the Byford Health Hub, Library, Multiagency Spaces and supporting plaza and nature play spaces.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting – 17 August 2020 – OCM252/08/20 - COUNCIL RESOLUTION / Officer Recommendation</i>	
<i>1. NOTES Coles' position that it is not prepared to enter into a draft Heads of Agreement at this time;</i>	
<i>2. AGREES IN-PRINCIPLE to accepting the public open space (community purpose site) in an unimproved form, to provide the maximum flexibility in undertaking the future master planning and community engagement process, to determine the final layout, configuration and delivery of the various uses for the community purpose site;</i>	
<i>3. NOTES that the current subdivision application (WAPC Reference No. 159458) will be presented to the September meeting of Council for consideration;</i>	
<i>4. NOTES Coles' conditional offer to submit a further follower subdivision to create the public open space (community purpose site) from the further subdivision of Proposed Lot 9001;</i>	
<i>5. SUPPORTS IN-PRINCIPLE the conditions specified in Coles' offer as follows:</i>	
<i>a.</i>	<i>Meet all costs associated with the preparation, lodgement and progression to WAPC conditional approval of the further follower subdivision application;</i>
<i>b.</i>	<i>Meet all costs associated with the creation and transfer of the community purpose site, including subdivision works (if any) and all necessary fees and costs.</i>

Background

Council's now adopted Community Infrastructure Development Contribution Plan (CIDCP), identified an Item of community infrastructure to be delivered, which was B01 - Byford Library and Multi-Agency Service Centre Building. This is to be located within the Byford Activity Centre, and is scheduled to be delivered in 2032.



Land, in the form of public open space (community purposes) is required to be identified and ceded to the Crown in order to be able to deliver this facility. This would then be vested with the Shire, by way of Management Order, with a suitable purpose to enable community and associated uses to occur.

Community / Stakeholder Consultation

There has been broad community and stakeholder engagement to arrive to this point. This has been through numerous planning process documents including Scheme amendments, structure plans and community infrastructure planning.

Statutory Environment

- State Planning Policy 3.6 Development contributions for infrastructure.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Comment

The Management Order is provided as **attachment 1**. This completes an important step in securing the future civic needs of the Shire, insofar that the site is will accommodate key civic functions including the Byford Health Hub, Library, Multiagency Services, plaza and nature play spaces.

Reflecting Council's decision in August 2020, the site has been secured in an unimproved state, noting that the Shire is embarking on preparing a Master Plan (for Council's future consideration) that will inform how the site is intended to be arranged. In order to deliver works in the most efficient and sequenced order possible, having the site unimproved helps provide a flexible development approach and staging.

Options and Implications

Option 1

That Council NOTES the Management Order being secured for the community purpose site within the Byford Activity Centre, as contained in **attachment 1**.

Option 2

That Council DOES NOT NOTE the Management Order.

Option 1 is recommended.

Conclusion

The Management Order now provides the certainty going forward, for detailed planning and decision making to occur in respect of the gradual development of the civic purpose site.

Attachments (available under separate cover)

- **10.1.8 – attachment 1** – Management Order (E22/1552)



Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 2.1	A diverse, well planned built environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
Strategy 2.2.2	Seek to minimise resource usage and continue to maximise reuse 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	There is no significant risk associated with Option 1.						
2	That Council DOES NOT NOTE the Management Order.	Planning Framework	Social Community Outcomes /	Possible	Moderate	MODERATE	Accept Option 1.

Voting Requirements: Simple Majority

OCM015/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Duggin

That Council NOTES the Management Order being secured for the community purpose site within the Byford Activity Centre, as contained in attachment 1.

CARRIED UNANIMOUSLY 8/0



10.2 Infrastructure Services reports

10.2.1 - Viability of Supply and Installation of Wild Bird Water Feeders (SJ3760)	
Responsible Officer:	Acting Manager Operations
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to provide Council with an update on the research and investigation to determine the viability of supply and installation of wild bird water feeders at suitable locations within the Shire of Serpentine Jarrahdale. This report includes recommendations and budgetary cost estimates for consideration.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting – 15 November 2021 – OCM296/11/21 - COUNCIL RESOLUTION / Councillor Recommendation</i> <i>That Council:</i> <ol style="list-style-type: none"><i>AUTHORISES the Chief Executive Officer to undertake research and investigation to determine viability of supply and installation of water feeders for wild birds at suitable locations within the Shire of Serpentine Jarrahdale; and</i><i>PRESENT a report to Council with recommendations and budgetary cost estimate for consideration at the February 2022 Ordinary Council Meeting.</i>
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Background

At the 15 November 2021 Ordinary Council Meeting Council resolved to request a report regarding the viability of supply and installation of wild bird water feeders. Officers advised at the time that the Shire did not supply or maintain birdfeeders. Landcare SJ supplies wild bird nesting boxes to residents for a fee.

The Officer Comment to the Notice of Motion advised that an investigation would need to consider appropriate locations, costings and the resourcing implications associated with supplying, installation and maintaining the feeders. It was also advised that potential unintended consequences such as attracting vermin and feral cats and the level of community demand would need to be considered. It should be noted that installation of bird feeders would also require ongoing maintenance.



Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Statutory Environment

Nil.

Comment

As part of the investigations, Shire Officers contacted Officers from the Town of Victoria Park, who are pioneering the experience with supply and installation of wild bird water feeders in the local government industry.

The Town of Victoria Park's Bird Waterer Team have designed and developed the bird waterers over the last 3 years and are now the sole supplier of the product. The Town of Victoria Park's objective from the beginning of the project was to supply a low cost, low maintenance and long-term bird watering structure located at urbanised public places that meets a genuine conservation need to deliver more habitat fresh water back into the urban landscape. This was due to the concerns that there was lack of clean water available for wild birds in their natural habitat that was increasingly being surrounded by urbanisation and developments.

The Town of Victoria Park are now manufacturing the structurally engineered new Bird Waterer II units ready to fit for a cost of \$4,065. There is also additional cost associated with installation and connection to scheme water which is around \$6,000-\$7,000. This cost includes the components for automated filling of water feeder and control as well as a \$5,000 fee for a water meter and non-return isolation valve connection to a nearby scheme water supply. The total cost of supply and installation of each bird waterer would be around \$10,000 to \$11,000.

The Shire of Serpentine Jarrahdale has an abundance of black cockatoos that nest and forage within the Marri trees spread-out across the Shire. These trees are located throughout the suburban developed areas, the Natural Reserves and surrounding bushlands.

It should be noted that the Shire of Serpentine Jarrahdale has a very different make up and diversity of landscape to the Town of Victoria Park or other developed inner metro local governments. In contrast to inner metro councils, the Shire of Serpentine Jarrahdale has a much larger area of undeveloped rural land and natural bush reserves and an abundance of natural water sources available for the wildlife to access.

If the Shire of Serpentine Jarrahdale was to proceed with installation of the bird feeders, the main sites identified by Officers for consideration are:

- Whitby Estate
- Byford on the Scarp
- Darling Downs
- Byford Central
- Cardup Siding

The total cost for installation of 5 water feeders at the above sites would cost approximately \$50,000 to \$55,000 (ex Gst). This cost depends on the availability and access to a scheme water source in the selected location. The costs associated with the works is quite high and in addition,



coordinating the supply and installation works by Shire Officers would also require allocation of considerable time.

It should be noted that the feeder sources themselves may be a target for anti-social behaviours in the public open space areas. In comparison to the other inner metro local governments that are choosing to install these feeders, the Shire of Serpentine Jarrahdale is fortunate to have more natural reserve areas and water sources for the bird wildlife to access.

The Shire could seek cooperation from developers to install water feeders as part of their natural bushland management and improvement plans within their developments. However, this will be on a good will and voluntary basis to promote the retention of the natural environment, wildlife features and water sources. This will encourage and enable the wildlife birds to be more present in the developing areas of the Shire of Serpentine Jarrahdale as they may be encouraged to remain in their natural habitat.

Options and Implications

Option1

That Council DOES NOT PROCEED with the supply and installation of wild bird water feeders.

Option 2

That Council CONSIDERS allocating funds for supply and installation of _____ wild bird water feeder(s) in the 2022/2023 capital works budget at a cost of \$11,000 each.

Option 3

That Council:

1. SUPPORTS the concept of the installation of bird feeders, and
2. AUTHORISES the Chief Executive Officer to apply for any Grant funding that may become available for a staged program of installation across the selected sites.

Option 1 is recommended.

Conclusion

Following investigations and due to the cost of purchase, installation and ongoing maintenance of the wild bird water feeders, Officers recommend that no further action is taken. The Shire of Serpentine Jarrahdale has a different urban landscape to the Town of Victoria Park and other inner metro councils where the wild bird water feeders have been installed. The Shire of Serpentine Jarrahdale also has a higher quality and quantity of natural water sources already available for the wildlife to access. Instead, it is suggested that co-operation be sought from Developers with any future development to where possible, retain the natural environment and existing water sources.

Attachments (available under separate cover)

Nil.

**Alignment with our Strategic Community Plan**

Outcome 2.2	A sustainable natural environment
Strategy 2.2.4	Support community groups (both new and existing), who are preserving and enhancing the natural environment.

Financial Implications

Nil.

If Council resolves Options 2 or 3 the financial impact could be approximately \$50,000, depending on if any Grant Funding was available.

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	Interfering with natural habitat and echo balance		Environment / Heritage	Possible	Minor	MODERATE	
3	Using Grant Funding that could be used for other purposes		Financial	Possible	Minor	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council DOES NOT PROCEED with the supply and installation of wild bird water feeders.



OCM016/02/22

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Duggin

That Council DEFER consideration of the viability of supply and installation of wild bird water feeders, until the April 2022 Ordinary Council Meeting and following the conclusion of further consultation with Landcare SJ.

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer Recommendation

To allow for a thorough assessment of and detailed response to the matters raised to date by Landcare SJ.



Shire President, Councillor Rich declared an Impartiality Interest in item 10.2.2.

Councillor Atwell declared an Impartiality Interest in item 10.2.2.

10.2.2 – Appointment of Community Representatives to the Keirnan Park Stakeholder Reference Group (SJ1364)	
Responsible Officer:	Senior Project Engineer
Senior Officer:	Deputy CEO / Director Community and Organisational Development; Director Infrastructure Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to seek Council's appointment of community representatives to the Keirnan Park Stakeholder Reference Group.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 6 December 2021 – SCM087/12/21 - COUNCIL RESOLUTION / Officer Recommendation.</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>ENDORSES the Keirnan Park Engagement and Communication Plan as contained in attachment 1;</i> <i>ENDORSES the Terms of Reference for the Keirnan Park Stakeholder Reference Group as contained in attachment 2, with amendments as follows:</i> <ul style="list-style-type: none"> <i>Remove 2 x Mundijong Residents Association representatives</i> <i>Remove 2 x Whitby Residents Association representatives</i> <i>Add 4 x Community representatives</i> <i>Add 1 x Serpentine Jarrahdale Community Men's Shed representative</i> <i>REQUESTS the Chief Executive Officer undertake a period of Expressions of Interest from the community to fill the 4 x Community representative positions, with a report to be brought to Council at the February 2022 OCM for Council to consider appointment of persons those positions;</i> <i>APPOINTS external members by invitation to those groups described in the Terms of Reference (excluding 4 x Community representatives);</i> <i>APPOINTS the following Councillors as members of the Keirnan Park Stakeholder Reference Group:</i> <ul style="list-style-type: none"> <i>Cr Strange</i> 	
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- Cr Atwell

6. **APPOINTS** the following Councillors as deputy members of the Keirnan Park Stakeholder Reference Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- Cr Duggin
- Cr Singh

7. **REQUESTS** the Chief Executive Officer continue with the delivery of the project without delay, noting that the first meeting of the Keirnan Park Stakeholder Reference Group will occur in late February / early March 2022.

Ordinary Council Meeting – 11 October 2021 – OCM283/10/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. **AWARDS** Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant to Bollig Design Group Pty Ltd to the value of \$2,099,241.25, excluding GST, for Stage 1A and 1B 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 02/2021 – Keirnan Park – Design Services – Consultant;
3. **APPROVES** funding of Keirnan Park Recreation Precinct planning by reallocation of municipal funding for Briggs Park Drainage, and the BMX Track Capital Expenditure from the Byford BMX Track Reserve

Account	Description	Type	Debit	Credit
6600-80235-6600-0000	Keirnan Park Planning Capital Expenditure	Increase Expenditure	164,426	
6500-80298-6600-0000	Briggs Park Drainage Capital Expenditure	Decrease Expenditure		164,426

Reason: Additional funding required for Keirnan Park Planning Capital Expenditure to be funded by reallocation of municipal funding for Briggs Park Drainage

6600-80354-6600-0000	BMX Track Capital Expenditure	Increase Expenditure	478,296	
6600-80354-5003-0000	Transfer from Byford BMX Track Reserve	Decrease Reserve		159,432
6600-80354-5010-0000	Transfer from Community Infrastructure Reserve	Decrease Reserve		318,864

Reason: Shire's contribution as part of the CIDCP towards the design costs for the BMX track and pump track.

4. **AUTHORISES** the Chief Executive Officer to advise and negotiate the revised timeline of Milestone 3 to 30 June 2022 under the Financial Assistance Agreement.
5. **AUTHORISES** the Chief Executive Officer to negotiate an early works agreement for \$3 million of the remaining \$18 million with the DLGSC (in accordance with the FAA) for the construction for early works portion of the project. The draft early works agreement is to be brought back to Council for endorsement.



6. *REQUESTS the Chief Executive Officer develop a Stakeholder Engagement Plan and Terms of Reference for the stakeholder reference group and submit to Council for endorsement.*

Background

Council considered the formation of the Keirnan Park Recreational and Sporting Precinct - Stakeholder Reference Group and established the group with a Terms of Reference at its Ordinary meeting on 13 December 2021. This is in line with the Shire of Serpentine Jarrahdale's commitment to improving the way it engages with the community and stakeholders.

Under Council Policy 5.3.4 Community Engagement, "The Shire will engage with community and stakeholders using a number of different methods appropriate to the level of engagement, and in accordance with the Shire's Community Engagement Strategy".

The purpose of the Keirnan Park Stakeholder Reference Group (KPSRG) is to establish a group which would provide the Shire with advice in regard to the needs and priorities of the Serpentine Jarrahdale Community in matters relating to the development of the Keirnan Park Recreation Precinct.

The KPSRG supports the Shire to form positive community partnerships and achieve its objectives for the Precinct as stated in the Keirnan Park Recreation Precinct Master Plan.

The KPSRG is not a Committee of Council and does not have delegated authority of Council. The Reference Group has no power to make decisions on behalf of Council.

Functions of the KPSRG

The Keirnan Park Stakeholder Reference Group will:

- a) Support, assist and advise the Shire with matters relating to the planning and design of the Keirnan Park Recreation Precinct;
- b) Ensure that the development of the Keirnan Park Recreation Precinct;
 - i. complements the local built environment;
 - ii. complements and respects the natural environment;
 - iii. reflects the needs of the community and the users of the Precinct;
 - iv. represents best practice in urban design for quality and accessible community sport and recreation facilities;
 - v. complies with the Shire's Strategic Community Plan (SCP), relevant Council decisions and other Council endorsed strategies, plans and documents;
- c) Identify any issues throughout the planning and design phases of the Keirnan Park Recreation Precinct and their possible impacts on the project.

Community / Stakeholder Consultation

The EOI for the Keirnan Park Stakeholder Reference Group (KPSRG) – four (4) x Community Representatives, was advertised from 24 December 2021 – 5pm, 24 January 2022.



Channel	Date/s
Public Notice and news story – Shire website	24 December 2022
Advertisement – Examiner Newspaper	14 and 21 January 2022
Shire Facebook page	3, 12 and 21 January 2022
Your Say SJ eNewsletter	18 January 2022
SJ Matters eNewsletter	20 January 2022
Email community and sporting groups reminder	17 January 2022

A total of seven (7) nominations were received by the due date and are available at **CONFIDENTIAL attachment 3**.

Since the nominations were received, three (3) nominees have withdrawn their nominations as they are now representing their respective clubs on the KPSRG. These nominees are included in **CONFIDENTIAL attachment 3** with advice of their withdrawn status. This leaves only four (4) nominees to be considered as shown on **CONFIDENTIAL attachment 3**.

Statutory Environment

Nil.

Comment

The endorsed Terms of Reference outlines the external membership of the KPSRG consistent with the predominant interest areas of the community groups within the Shire as identified in the Serpentine Jarrahdale Community Engagement Strategy. These are:

14 community members, representing each of the following groups:

- 2 x Aboriginal Community representatives
- 4 x Community representatives – By nomination
- 1 x SJ Landcare representative
- 1 x Mundijong Centrals Football and Sportman's Club representative
- 1 x Mundijong Centrals Junior Football Club representative
- 1 x Serpentine Jarrahdale Cricket Club (SJ Blues) representative
- 1 x Serpentine Jarrahdale Netball Association representative
- 1 x Byford Bushrangers representative
- 1 x Byford BMX Club representative
- 1 x Serpentine Jarrahdale Community Men's Shed representative

The term of membership of the Group will be until the next Local Government Election.

Seven (7) nominations were received for the four (4) available Community Representative positions, which are available at **CONFIDENTIAL attachment 3**. Applicants for the Community Representative positions were asked questions on the nomination form to determine their experience and interest, which included:



- *Please provide a summary of your background within the Shire of Serpentine Jarrahdale community and your interest in being involved in the Keirnan Park Stakeholder Reference Group.*
- *Please provide a summary of your involvement with other professional or community groups and your experience of working within a team environment.*
- *Please provide a summary of any qualifications you have obtained that are relevant to Keirnan Park Stakeholder Reference Group.*
- *Please provide any other information to support your application for the Keirnan Park Stakeholder Reference Group.*
- *I have read the Keirnan Park Stakeholder Reference Group Terms of Reference; Y/N.*

Each respondent and their EOI details are listed in the EOI nominee list available at **CONFIDENTIAL attachment 3**. Councillors are requested to consider the Expressions of Interest and appoint four Community Representatives to the KPSRG.

It is anticipated that the first meeting of the KPSRG will be in March 2022 to ensure members are able to be engaged in the Detailed Design process for the Stage 1A. Therefore, Council is requested to endorse the Community Representatives membership of the KPSRG, recognising that any delay will result in Officers being unable to extend an invitation to the Community Representatives to attend the meeting in March 2022.

Options and Implications

Option 1

That Council SELECTS and APPOINTS four (4) Community Representative members to the Keirnan Park Stakeholder Reference Group from the list at **CONFIDENTIAL attachment 3**, being:

1. _____
2. _____
3. _____
4. _____

Option 2

That Council DOES NOT APPOINT any Community Representative members to the Keirnan Park Stakeholder Reference Group and REQUESTS the Chief Executive Officer readvertise for Expression of Interest for the Community representative positions.

Option 1 is recommended.

Conclusion

The Keirnan Park Engagement and Communication Plan presented for consideration is part of the Shire's commitment to improving the way it engages with the community and stakeholders. The Plan proposes a series of engagement opportunities, including the formation of a Stakeholder Reference Group to increase community awareness and support of the project, inform the overall precinct look and feel, identify any missed mitigations of possible impacts on adjacent residents and confirm proposed fire and emergency planning for the site.



Council is requested to consider appointing four Community Representative members to the KPSRG.

Attachments (available under separate cover)

- **10.2.2 - attachment 1** – Keirnan Park Engagement and Communication Plan (E21/13646)
- **10.2.2 - attachment 2** – Keirnan Park Stakeholder Reference Group - Terms of Reference (E21/13729)
- **10.2.2 – CONFIDENTIAL - attachment 3** – Keirnan Park Stakeholder Reference Group - Appointment of Community Members (EOI) Nominees (E22/1112)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.2.1	Recognise local heritage
Strategy 1.2.2	Encourage and support public art in public areas
Strategy 1.3.2	Support local emergency services
Outcome 2.1	A diverse, well planned built environment
Strategy 2.2.4	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community

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	Dissatisfaction from community members not selected to be community representatives		Reputation	Possible	Moderate	MODERATE	Nil
2	Dissatisfaction from community in regard to delay in involvement in the project.	Officers recommendation	Reputation	Unlikely	Minor	Low	Nil



Voting Requirements: Simple Majority

OCM017/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Atwell

That Council SELECTS and APPOINTS four (4) Community Representative members to the Keirnan Park Stakeholder Reference Group from the list at CONFIDENTIAL attachment 3, being:

- 1. Gary Richards**
- 2. Bill Denholm**
- 3. Nick Clayton**
- 4. Wendy Stanley**

CARRIED UNANIMOUSLY 8/0



10.2.3 – Councillor and community appointments to the Cemeteries Advisory Group (SJ226)	
Responsible Officer:	Manager Operations
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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 to enable Council to consider appointments to the Cemeteries Advisory Group following the 2021 ordinary local government election.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 19 October 2020 – OCM326/10/20 - COUNCIL RESOLUTION That Council:</i></p> <ol style="list-style-type: none"><i>1. AMENDS the Cemeteries Advisory Group Terms of Reference to increase the number of community members to eight (8);</i><i>2. APPOINTS the eight (8) Community Members as per confidential attachment 2 to the Cemeteries Advisory Group for the period ending the 2021 ordinary local government election:</i><ul style="list-style-type: none"><i>Community Member – Applicant Number 1;</i><i>Community Member – Applicant Number 2;</i><i>Community Member – Applicant Number 3;</i><i>Community Member – Applicant Number 4;</i><i>Community Member – Applicant Number 5;</i><i>Community Member – Applicant Number 6;</i><i>Community Member – Applicant Number 7;</i><i>Community Member – Applicant Number 8.</i><i>3. APPOINTS the following Councillors to the Cemeteries Advisory Group - for the period ending the 2021 ordinary local government election:</i><ul style="list-style-type: none"><i>Councillor Strange;</i><i>Councillor Atwell (Deputy);</i><i>Councillor Denholm;</i><i>Councillor Coales (Deputy).</i>



*Special Council Meeting – 23 March 2020 – SCM077/03/20 – **extract** - COUNCIL RESOLUTION That Council:*

21. APPROVES that the Chief Executive Officer write to nominees to the Access and Inclusion Advisory Group, Cemeteries Advisory Group and Equine Advisory Group advising them that Council will be defer appointing members to the groups at this time.

*Ordinary Council Meeting – 16 December 2019 – OCM295/12/19 – **extract** - COUNCIL RESOLUTION*

That Council:

8. REQUESTS that the Chief Executive Officer issue an expression of interest for external members of the following Advisory Groups, with the results of the expressions of interest to be presented as a Confidential Item to Council at the April 2020 Ordinary Council Meeting:

- a) Access and Inclusion Advisory Group; and*
- b) Cemeteries Advisory Group.*

Background

The Cemeteries Advisory Group is a long-standing group that provides advice to the Shire on matters related to the maintenance and historical significance of Cemeteries. The group's membership has historically featured volunteers with an interest in the upkeep and history of the cemeteries in the district. The group has also had two Council representatives on the group since its inception in 2000.

In December 2019, Council adopted a policy to formalise the appointment of Council delegates and representation on external organisations, including community groups.

The policy notes that being a Councillor delegate is consistent with section 2.10 of the *Local Government Act 1995* which provides that the role of a Councillor includes representing the interests of electors, ratepayers and residents of the district; providing leadership and guidance to the community in the district; and facilitating communication between the community and the Council.

The policy also notes that appointees to external bodies and forums are delegates of the Council and as such will take a position on any matter consistent with formally established Council position, or with the Council's known strategic vision or direction.

Community / Stakeholder Consultation

Stakeholders were notified that as of the Council Elections in 2021, that all positions in this group were vacant, and that members had to re-nominate to retain their position. This has resulted in one member stepping down and seven people renominated to be appointed to the committee as positions were not advertised externally.

Statutory Environment

The Advisory Group is not a Committee of Council as defined in section 5.8 of the *Local Government Act 1995* and does not have delegated power or authority.



Comment

Membership of groups expires at each ordinary local government election. With the 2021 election, it is timely for Council to consider making appointments to the Cemeteries Advisory Group.

Options and Implications

Option 1

That Council:

1. AMENDS the terms of reference in **attachment 3** to include seven instead of eight community members.
2. APPOINTS the seven (7) Community Members who renominated as per **CONFIDENTIAL attachment 1** to the Cemeteries Advisory Group for the period ending at the next ordinary local government election:
 - Community Member – Applicant # 1
 - Community Member – Applicant # 2
 - Community Member – Applicant # 3
 - Community Member – Applicant # 4
 - Community Member – Applicant # 5
 - Community Member – Applicant # 6
 - Community Member – Applicant # 7
3. APPOINTS the following Councillors to the Cemeteries Advisory Group for the period ending at the next ordinary local government election:
 - Councillor _____
 - Councillor _____ (Deputy)
 - Councillor _____
 - Councillor _____ (Deputy)

Option 2

That Council DOES NOT APPOINT any Councillors or Community Members and REQUESTS that the eight (8) community member positions for be advertised via an expression of interest.

Option 1 is recommended.

Conclusion

The Cemeteries Advisory Group provides a means of direct engagement between the Shire and community members with a specific interest in the Shire's cemeteries.



Attachments (available under separate cover)

- **10.2.3 - CONFIDENTIAL attachment 1** –Community Member Expressions of Interest. (E22/830)
- **10.2.3 – CONFIDENTIAL attachment 2** – Community Member Information - (E22/831)
- **10.2.3 – attachment 3** – Cemeteries Advisory Group - Terms of Reference (E19/16306)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focussed Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This option involves reappointment of members without an expression of interest process which could result in criticism from members who wished to be involved in the group.		Reputation	Unlikely	Minor	LOW	
2	There is a delay in the group being able to hold any meetings until such time as members appointed		Reputation	Possible	Minor	MODERATE	



Voting Requirements: Simple Majority

OCM018/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Atwell

That Council:

- 1. AMENDS the terms of reference in attachment 3 to include seven instead of eight community members.**
- 2. APPOINTS the seven (7) Community Members who renominated as per CONFIDENTIAL attachment 1 to the Cemeteries Advisory Group for the period ending at the next ordinary local government election:**
 - **Community Member – Applicant # 1**
 - **Community Member – Applicant # 2**
 - **Community Member – Applicant # 3**
 - **Community Member – Applicant # 4**
 - **Community Member – Applicant # 5**
 - **Community Member – Applicant # 6**
 - **Community Member – Applicant # 7**
- 3. APPOINTS the following Councillors to the Cemeteries Advisory Group for the period ending at the next ordinary local government election:**
 - **Councillor Strange**
 - **Councillor Atwell (Deputy)**
 - **Councillor Singh**
 - **Councillor Duggin (Deputy)**

CARRIED UNANIMOUSLY 8/0



10.2.4 - Award Request for Quote – RFQ 22/2021 – Kargotich Road – Engineering Consultant (SJ3743)	
Responsible Officer:	Strategic Projects Lead
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to advise Council of submissions received in relation to RFQ 22/2021 Kargotich Road – Engineering Consultant (SJ3743) and seek Council approval to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

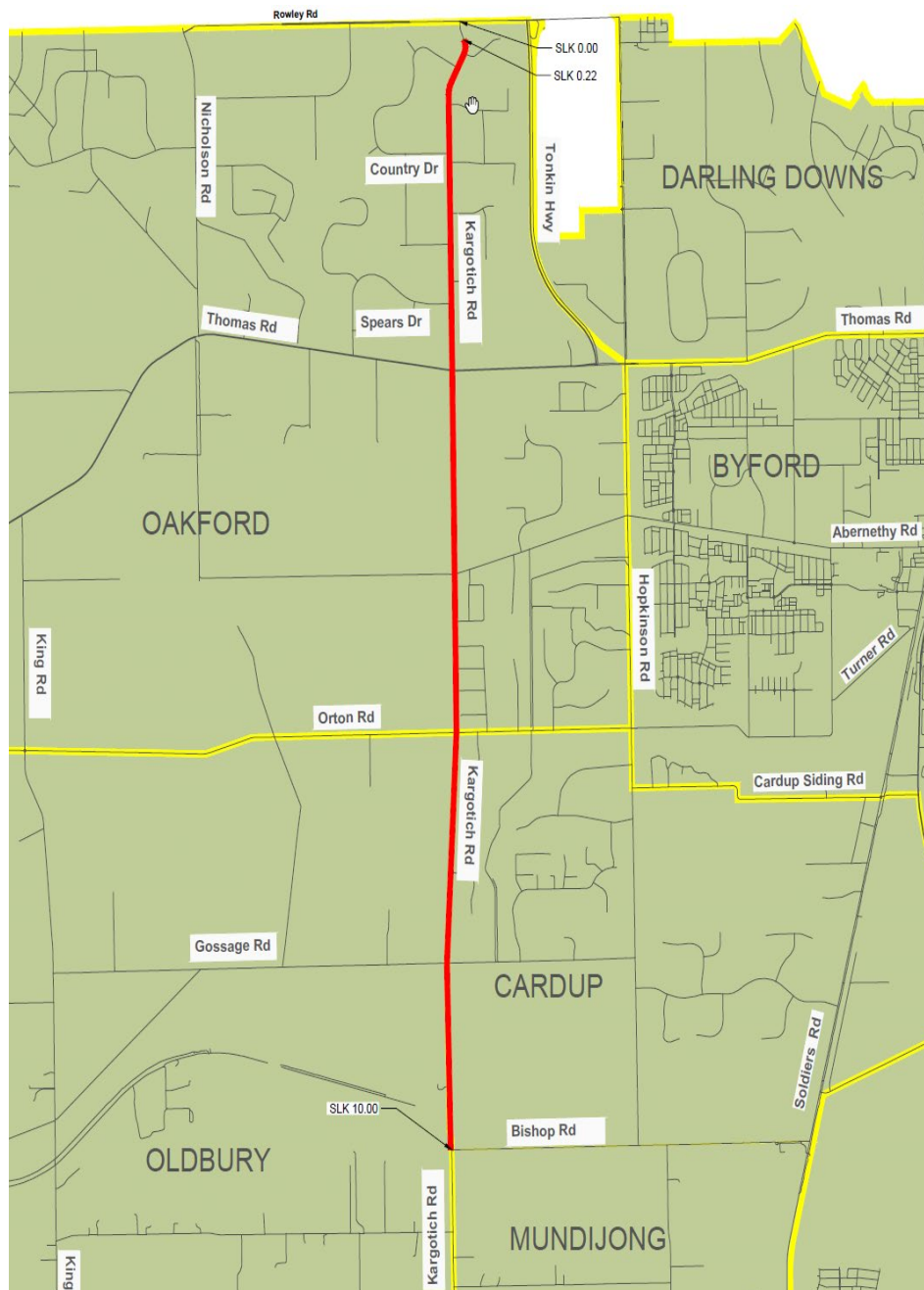
The project was approved by Council as part of the 2021/2022 Annual Budget.

Background

The Shire had secured funding through the State election commitment to rehabilitate three major roads (hypergrowth road upgrades) within the Shire, one of which is Kargotich Road.

The project consists of two sections: section A is located between Rowley Road (SLK 0.00) and Thomas Road (SLK 3.13) and section B is located between Thomas Road (SLK 3.13) and Bishop Road (SLK 10.0). In brief, the Scope of consultancy works include locating of the existing underground utility services, undertake a topographic survey, arboricultural assessment of all mature trees, public consultation, extensive pavement investigation, design and drafting of the proposed road upgrade, assessment of existing drainage infrastructure elements, preparation of engineering report, specifications and drawings, preparation of tender documents for construction.

The total approved project budget included in the 2021-22 capital projects budget is \$650,000. The formal request for quotation through WALGA panel has been completed and based on the submissions received the evaluation panel have selected the appropriate respondent. Council approval to award the contract is required due to the value of contract exceeding tender threshold \$250,000.



Kargotich Road – Section from Rowley Road to Bishop Road

Community / Stakeholder Consultation

All residents with direct access from Kargotich Rd will be consulted during the design process. Design concept plans will be issued to residents seeking their comments and all comments received during the consultation period will be considered as part of design development.

Submissions

The Request for Quote RFQ 22/2021 – Kargotich Road – Engineering Consultant was advertised on Friday 3 December 2021 and closed at 2.00pm on Monday 20 December 2021.

The Request For Quotation (RFQ) was advertised on WALGA's eQuotes platform.



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

All submissions complied with the RFQ guidelines and compliance criteria.

Submissions were received from the following engineering consultancies:

#	Company Name
1	Porter Consulting Engineers
2	Talis Consultants Pty Ltd
3	WML Consultants Pty Ltd

Evaluation Panel

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

- Manager Engineering Services
- Road and Drainage Engineer
- Strategic Projects Lead

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

Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	40%
Relevant experience with: <ul style="list-style-type: none">• Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years	30%
Respondents' Key Personnel, Skills and Resources with: <ul style="list-style-type: none">• Capacity to deliver the services including:• Key personnel / Professional skills;• Describe the key personnel who will be involved in the work, including past work of a similar nature.	20%
Demonstrated Understanding with: <ul style="list-style-type: none">• Project schedule;• Process for delivery of goods/services;• Project Management Plan;• Critical assumptions; and• Any additional information.	10%



Comment

All submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment including price are documented in **CONFIDENTIAL attachment 1**.

Following the assessment of all submissions against the selection criteria, the quote submitted by Talis Consultants Pty Ltd was assessed as being the best value for money that meets the Shire's requirements.

All three respondents have advised that they would be able to complete the works by 30 June 2022 with a degree of hesitancy, subject to an award date of 21 February 2022. Respondents have highlighted the possibility that completion by the end of June may not be achievable due to tight timeframes. Officers believe that achieving 30 June 2022 completion by any of the respondents is quite unlikely considering the scope of works and current shortage of skilled professionals and high demand for engineering consultancy services.

The evaluation panel recommends the quotation submitted by Talis Consultants be accepted.

Statutory Environment

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

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

Tendering

2. Tender Exemption

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

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

Options and Implications

The following options have been identified:

Option 1

That Council AWARDS the contract as recommended in **CONFIDENTIAL attachment 1** – RFQ 22/2021 – Kargotich Road – Engineering Consultant to Talis Consultants Pty Ltd.

Option 2

That Council DOES NOT AWARD the contract and the RFQ be re-advertised.

Option 3

That Council DOES NOT AWARD the contract and NOT readvertise the RFQ i.e. – nil action.

Option 1 is recommended.



Conclusion

Talis Consultants 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 proposing the best value for money.

Therefore, it is recommended that Council support Option 1 and approve the award of the contract to Talis Consultants Pty Ltd.

Attachments (available under separate cover)

- **10.2.4 – CONFIDENTIAL attachment 1** – RFQ 22/2021 – Kargotich Road – Engineering Consultant - Evaluation Report (E22/336)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

Financial Implications

There is \$650,000 allocated for Kargotich Road upgrade design (stages 1 & 2) in the Shire's 2021-22 capital projects budget. The quotation submitted by Talis Consultants is within the approved 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	The consultant not able to complete the scope in timely manner.	Proposed project timeline that has been accepted by consultant.	Reputation	Possible	Moderate	MODERATE	Stablish regular follow up routine and provide necessary support if required.



2	The Shire will not be able to meet the specified milestone for delivering the design and specification. CEO KPI will not be achieved.	Nil	Reputation	Likely	Moderate	SIGNIFICANT	Nil
3	The Shire will not be able to meet the specified milestone for delivering the design and specification. CEO KPI will not be achieved.	Nil	Reputation	Likely	Moderate	SIGNIFICANT	Nil
4	<ul style="list-style-type: none"> - The Shire will not be able to meet the specified milestone for delivering the design and specification. CEO KPI will not be achieved. - Best Value for money not being achieved. 	Nil	Financial	Likely	Moderate	SIGNIFICANT	Nil

Voting Requirements: Simple Majority

OCM019/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Singh

That Council:

- 1. AWARDS Quote - RFQ 22/2021 – Kargotich Road – Engineering Consultant to Talis Consultants Pty Ltd to the value of \$347,695.00 ex GST, as contained within CONFIDENTIAL attachment 1; and**
- 2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Quote - RFQ 22/2021 – Kargotich Road – Engineering Consultant.**

CARRIED UNANIMOUSLY 8/0



10.3 Corporate Services reports

10.3.1 - Confirmation of Payment of Creditors – December 2021 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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 December 2021 to 31 December 2021 is provided in **attachment 1**.

Options and Implications

Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 December 2021 to 31 December 2021, totalling \$3,853,075.14.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 December 2021 to 31 December 2021, totalling \$3,853,075.14.

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 December 2021 (E22/38)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 October 2021 to 28 November 2021 - Redacted (E22/48)

Alignment with our Strategic Community Plan

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

Financial Implications

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

The accounts paid under delegated authority for 1 December 2021 to 31 December 2021 totalled \$3,853,075.14.



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 accepts the payments	Provision of sufficient information and records to support the recommendation	Financial	Likely	Insignificant	LOW	
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

OCM020/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council **RECEIVES** the Schedule of Accounts as paid under delegated authority from 1 December 2021 to 31 December 2021, totalling \$3,853,075.14 as attached.

CARRIED UNANIMOUSLY 8/0



10.3.2 - Confirmation of Payment of Creditors – January 2022 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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 January 2022 to 31 January 2022 is provided in **attachment 1**.

Options and Implications

Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 January 2022 to 31 January 2022, totalling \$3,218,949.92.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 January 2022 to 31 January 2022, totalling \$3,218,949.92.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.2 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 31 January 2022 (E22/1251)
- **10.3.2 - attachment 2** – Westpac Purchasing Card Report – 29 November 2021 to 28 December 2021 - Redacted (E22/1236)

Alignment with our Strategic Community Plan

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

Financial Implications

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

The accounts paid under delegated authority for 1 January 2022 to 31 January 2022 totalled \$3,218,949.92.



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 accepts the payments	Provision of sufficient information and records to support the recommendation	Financial	Likely	Insignificant	LOW	
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

OCM021/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Singh

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 January 2022 to 31 January 2022, totalling \$3,218,949.92 as attached.

CARRIED UNANIMOUSLY 8/0



10.3.3 – Monthly Financial Report – November 2021 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Authority / Discretion

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 November 2021.

Relevant Previous Decisions of Council

<i>Special Council Meeting – 28 July 2021 – SCM051/07/21 - COUNCIL RESOLUTION – extract</i> <i>11. 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 2021/22 for reporting material variances shall be:</i> <i>a) 10% of the amended budget; or</i> <i>b) \$10,000 of the amended budget.</i> <i>Whichever is greater.</i> <i>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.</i>

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 November 2021. Please note the opening position is a preliminary result for the year ended 30 June 2021 as the Financial Statements for 2020-2021 are still being finalised, and as a result may be subject to change.

The municipal surplus as at 30 November is \$28,179,956 which is favourable, compared to a budgeted surplus for the same period of \$17,623,410. The primary causes of this are Opening Surplus brought forward, which is \$2,552,064 more than budgeted, and \$6,200,000 of Non-Operating grants, received, but not budgeted to be spent in the current year.

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 \$182,121 due primarily to budget phasing of Main Roads Direct Grant revenue for road maintenance.

Fees and Charges

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

Interest Earnings

Unfavourable variance of \$38,718 due primarily to underlying low interest rates and timing of maturity of term deposits.

Other Revenue

Favourable variance of \$36,145 due primarily to reimbursement from the Department of Corrective Services for Meat Inspection Services.

Profit on Asset Disposal

Unfavourable variance of \$53,800 due to timing of sale of assets.

Operating Expenses**Employee Costs**

Favourable Variance of \$1,436,336 due to vacant positions primarily in Operations - \$519,063, Financial Services - \$110,267, People and Culture - \$114,796, and Community Development – \$86,311.

**Materials and Contracts**

Favourable variance of \$723,375 due to timing and provision of services across the organisation primarily related to Materials - \$176,793, Refuse Collection - \$194,212, Consultancy - \$123,519, Legal Expenses - \$67,186, and Non-Recurrent Expenditure - \$139,943. Non-Recurrent operational projects that contribute to this variance are; Byford Community Purpose Site Master Plan - \$25,000, Major Review of the Strategic Community Plan - \$41,667, Jarrahdale Trails Town Project - \$27,209, Reconciliation Action Plan - \$18,750, and Rationalisation of Assets - \$20,833.

Utility Charges

Unfavourable variance of \$90,663 due to budget phasing.

Depreciation on Non-Current Assets

Favourable Variance of \$517,995 due to interim calculation based on June 2021 depreciation. Depreciation cannot be processed through the ERP until audit sign off, anticipated to occur in December 2021.

Interest Expenses

Unfavourable variance of \$33,596 due to budget phasing.

Insurance Expenses

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

Other Expenditure

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

Loss on Disposal of Assets

No variance analysis required as net profit/loss variance to budget is less than \$10,000.

Other**Capital Expenditure**

Favourable variance of \$145,709 primarily due to the delay in supply and delivery of plant and fleet items due to impacts of COVID on supply chain.

Refer to Capital Works Expenditure within the Monthly Financial Report attachment for further details.

Non-Operating Grants, Subsidies and Contributions

Favourable variance of \$2,394,478 due to unbudgeted developer contributions received for Byford DCP, CIDCP, and West Mundijong DCP.

Proceeds from Disposal of Assets

Unfavourable variance of \$151,286 due to timing of sale of assets.

Repayment of Loans

Unfavourable variance of \$130,088 due to budget phasing.

Repayment of Leases

Unfavourable variance of \$10,913 due to budget phasing.



Transfers to/ from Cash Backed Reserves (Restricted Assets)

Transfers to cash reserves are ahead of budget by \$1,801,305 largely due to the unbudgeted transfers to the Byford DCP, CIDCP, and West Mundijong DCP reserves specific to unbudgeted contributions received as detailed above.

Transfers from cash reserve are behind budget by \$806,528 due to timing of capital expenditure projects funded from reserves.

Options and ImplicationsOption 1

That Council RECEIVES the Monthly Financial Report for November 2021 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 November 2021, 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.

Attachments (available under separate cover)

- **10.3.3 - attachment 1** – Monthly Financial Report November 2021 (E22/1196)

Alignment with our Strategic Community Plan

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

Financial Implications

As at 30 November 2021 the Shire's respective cash position was as follows:

Municipal Fund:	\$4,423,874
Reserve Fund:	\$2,002,670
Trust Fund:	\$304,222



Risk Implications

Risk has been assessed on the basis of the Officer's 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 November 2021 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

OCM022/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council RECEIVES the Monthly Financial Report for November 2021 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.

CARRIED UNANIMOUSLY 8/0

**10.3.4 – Monthly Financial Report – December 2021 (SJ801)**

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

Authority / Discretion

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

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

This report is about the financial position of the Shire as at 31 December 2021.

Relevant Previous Decisions of Council

Special Council Meeting – 28 July 2021 – SCM051/07/21 - COUNCIL RESOLUTION – extract

11. 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 2021/22 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 December 2021.

The municipal surplus as at 31 December is \$26,043,286 which is favourable, compared to a budgeted surplus for the same period of \$13,349,916. The primary causes of this are Opening Surplus brought forward, which is \$2,495,429 more than budgeted, and \$6,200,000 of Non-Operating grants, received, but not budgeted to be spent in the current year.

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 \$336,284 due primarily to works ahead of schedule for bushfire mitigation resulting in grant revenue of \$144,000 being recognised, and time and budget phasing of Main Roads Direct Grant funds received for road maintenance \$130,000.

Fees and Charges

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

Interest Earnings

Unfavourable variance of \$55,087 due primarily to underlying low interest rates.

Other Revenue

Favourable variance of \$74,836 due primarily to reimbursement from the Department of Corrective Services for Meat Inspection Services unbudgeted, as Department of Health had intended to undertake a public tender process and accordingly there was no certainty around ongoing service provision.

Profit on Asset Disposal

Unfavourable variance of \$51,994 due to timing of sale of assets.

Operating Expenses**Employee Costs**

Favourable Variance of \$1,708,616 due to vacant positions primarily in Operations - \$574,540, Financial Services - \$134,619, People and Culture - \$139,423, Community Development - \$105,486, Project Design - \$85,396, and Governance - \$79,516.

**Materials and Contracts**

Favourable variance of \$522,926 due to timing and provision of services across the organisation primarily related to Materials - \$194,499, Consultancy - \$119,529, and Non-Recurrent Expenditure - \$183,241. Non-Recurrent operational projects that contribute to this variance are; Major Review of the Strategic Community Plan - \$50,000, Jarrahdale Trails Town Project - \$32,651, Reconciliation Action Plan - \$22,500, and Rationalisation of Assets - \$25,000.

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%.

Interest Expenses

Unfavourable variance of \$37,414 due to budget phasing on loan and lease repayments.

Insurance Expenses

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

Other Expenditure

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

Loss on Disposal of Assets

No variance analysis required as net profit/loss variance to budget is less than \$10,000.

Other**Capital Expenditure**

Favourable variance of \$1,821,570 primarily due to the delay in supply and delivery of plant and fleet items due to impacts of COVID on supply chain.

Government stimulus and market capacity is also impacting infrastructure capital projects, however following award of multiple tenders, Officers expect works to commence on a number of projects in the next quarter.

Refer to Capital Works Expenditure within the Monthly Financial Report attachment for further details.

Non-Operating Grants, Subsidies and Contributions

Favourable variance of \$2,653,844 due to unbudgeted developer contributions received for Byford DCP, CIDCP, and West Mundijong DCP.

Proceeds from Disposal of Assets

Unfavourable variance of \$151,286 due to timing of sale of assets.

Repayment of Loans

Unfavourable variance of \$126,410 due to budget phasing.

Repayment of Leases

No variance analysis required as net profit/loss variance to budget is less than \$10,000.



Transfers to/ from Cash Backed Reserves (Restricted Assets)

Transfers to cash reserves are ahead of budget by \$1,793,832 largely due to the unbudgeted transfers to the Byford DCP, CIDCP, and West Mundijong DCP reserves specific to unbudgeted contributions received as detailed above.

Transfers from cash reserve are behind budget by \$862,580 due to timing of capital expenditure projects funded from reserves.

Options and ImplicationsOption 1

That Council RECEIVES the Monthly Financial Report for December 2021 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 December 2021, 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

Attachments (available under separate cover)

- **10.3.4 - attachment 1** – Monthly Financial Report December 2021 (E22/1199)

Alignment with our Strategic Community Plan

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

Financial Implications

As at 31 December 2021 the Shire's respective cash position was as follows:

Municipal Fund:	\$2,887,207
Reserve Fund:	\$2,003,095
Trust Fund:	\$304,222



Risk Implications

Risk has been assessed on the basis of the Officer's 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 December 2021 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

OCM023/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Atwell, seconded Cr Duggin

That Council **RECEIVES** the Monthly Financial Report for December 2021 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.

CARRIED UNANIMOUSLY 8/0

**10.3.5 – Budget Adjustment for Unallocated Surplus (SJ514-11)**

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

Authority / Discretion

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

The purpose of this report is to seek approval from Council to adjust the 2021-2022 Budget.

Relevant Previous Decisions of Council

*Special Council Meeting – 28 July 2021 – SCM051/07/21 – COUNCIL RESOLUTION – **extract***
That Council:

10. *ADOPTS, in accordance with section 6.2 of the Local Government Act 1995, the Municipal Fund Budget as contained in attachment 1, Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2022 incorporating the following amendments:*
- Remove 1 x Library Officer Position and replace with a 0.5 Economic Development Officer.*
 - Allocate \$20,000 to fund purchase of Dress Uniforms for Bushfire Brigades volunteers, to be funded by a reduction of \$20,000 in casual wages line item within Emergency Services.*
 - Reduction in SJ Rec Centre Refurbishment Capital Expenditure - \$446,060;*
 - Remove transfer from Building Reserve to fund Library Reallocation - \$318,164;*
 - Increase Capital Expenditure identified for Other Facilities Renewal in the amount of \$127,896;*
 - Reallocate LRCI funding of \$446,060 which was set aside for the SJ Rec Centre Refurbishment to fund remaining portion of Library Relocation - \$318,164 and additional Other Facilities Renewal - \$127,896.*
 - That in addition to point 10, that the budget be amended by transferring \$375,000 from Plant Reserve to the Plant line item for the purchase of an excavator and truck, subject to a further report being provided to Council and being approved by Council.*

*Special Council Meeting – 6 December 2021 – SCM086/12/21 - COUNCIL RESOLUTION – Officer Recommendation - **extract***

The Council, pursuant to section 6.8 of the Local Government Act 1995, ADOPTS the schedule of variations to the 2021-2022 Budget as per Option 1.

**Background**

At the time the 2021-2022 Budget was adopted by Council on 28 July 2021, the Annual Financial Statements for the 2020-2021 year end had not been completed. Any surplus or deficit resulting from the 2020-2021 financial year was not known.

Community / Stakeholder Consultation

There has been no community / stakeholder consultation regarding this recommendation.

Statutory Environment

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

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

Comment

The 2020-2021 Annual Financial Statements have now been audited and the actual income and expenditure to be carried forward has been finalised. After all adjustments are processed, an additional \$1,713,725 has become available to be allocated in the 2021-2022 Budget.

The surplus funds were derived from a variety of sources across the organisation, the more material components of which are listed below:

Fees and Charges

Fees and Charges income was up compared to budget across the Shire in the amount of \$1,002,985, with primary sources of additional revenue being building permits - \$201,374, footpath/kerb inspection fees - \$104,795, and verge licences - \$88,310. These fees and charges were higher than budgeted primarily due to a significant increase in building activity as a result of the state and federal government stimulus.

Income from subdivision fees was also higher than budgeted in the amount of \$112,221, primarily due to an increase in developer activity, again driven by government stimulus and a buoyant housing market.

Employee Costs

Savings of \$669,273 from budgeted employee costs were achieved across the Shire, primarily as a result of vacant positions across the Parks and Gardens service area totaling \$712,005.

A significant number of vacant positions continue to remain in this service area due to the timing of recruitment of additional positions and resourcing requirements to maintain the increased volume of parks and reserves established within the Shire via development.

This is offset slightly by an overspend of \$71,693 in salaries for Building Services as additional resources were required to facilitate the increased demand to process building applications highlighted above.



Additional Information

As evidenced above, the Shire's surplus was driven primarily by additional service delivery and subsequent income, specifically in response to government stimulus and activity within the building and development areas, along with savings as a result of staff vacancies and resulting reduction in employee costs.

The Shire continues to work towards improving its operating position through management of cash costs and budget initiatives, however the Shire's growth rate and creation and ownership of new asset means significant additional service provision is required to maintain these assets.

Surplus Allocation

Following Council's decision from the Special Council Meeting held 6 December 2021, \$1,139,847 of the surplus has already been allocated. The following budget variations are recommended to allocate the remaining surplus of \$573,878:

Account Number	Account Name	Debit	Credit
5300-17302-5243-0000	Transfer to Oakford Fire Station Reserve	100,000	
	Change in Net Current Assets		100,000
Reason: To allow additional funding for costs associated with the proposed new Oakford Fire Station.			
6100-80019-5244-0000	ICT Reserve	280,000	
	Change in Net Current Assets		280,000
Reason: Additional funding required for the OneComm project due to change in the project timelines and scope.			
5300-17302-5233-0000	Road Asset Management Reserve	193,878	
	Change in Net Current Assets		193,878
Reason: Replenishment of reserve for future projects after transfer from reserve to fund the Karnup Road Culver replacement project.			

Options and Implications

Option1

That Council APPROVES the schedule of variations to the 2021-2022 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*:

Account Number	Account Name	Debit	Credit
5300-17302-5243-0000	Transfer to Oakford Fire Station Reserve	100,000	
	Change in Net Current Assets		100,000
Reason: To allow additional funding for costs associated with the proposed new Oakford Fire Station.			
6100-80019-5244-0000	ICT Reserve	280,000	
	Change in Net Current Assets		280,000



Account Number	Account Name	Debit	Credit
Reason: Additional funding required for the OneComm project due to change in the project timelines and scope.			
5300-17302-5233-0000	Road Asset Management Reserve	193,878	
	Change in Net Current Assets		193,878
Reason: Replenishment of reserve for future projects after transfer from reserve to fund the Karnup Road Culver replacement project.			

Option 2

That Council DOES NOT APPROVE the schedule of variations to the 2021-2022 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*:

Account Number	Account Name	Debit	Credit
5300-17302-5243-0000	Transfer to Oakford Fire Station Reserve	100,000	
	Change in Net Current Assets		100,000
Reason: To allow additional funding for costs associated with the proposed new Oakford Fire Station.			
6100-80019-5244-0000	ICT Reserve	280,000	
	Change in Net Current Assets		280,000
Reason: Additional funding required for the OneComm project due to change in the project timelines and scope.			
5300-17302-5233-0000	Road Asset Management Reserve	193,878	
	Change in Net Current Assets		193,878
Reason: Replenishment of reserve for future projects after transfer from reserve to fund the Karnup Road Culver replacement project.			

Option 3

Council may allocate the budget surplus as it sees fit. If alternative motions in this regard are proposed, it is recommended that Councillors liaise with Officers in the preparation of such a motion prior to the meeting to enable the implications to be contemplated.

Option 1 is recommended.

Conclusion

At the time the 2021-2022 Budget was adopted by Council on 28 July 2021, the Annual Financial Statements for the 2020-2021 year end had not been completed. Any surplus or deficit resulting from the 2020-2021 financial year was not known.

Following finalisation of the 2020-2021 Annual Financial Statements and subsequent adoption by council, the surplus position has now been finalised and surplus funds are recommended to be allocated as per above.



Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

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

Financial Implications

The financial implications are detailed in 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	There is no significant risk associated with Council adopting option 1.						
2	If Council DOES NOT allocate the surplus the proposed funding usage cannot proceed affecting service delivery and organisational capability.	Adopted 2021/2022 budget.	Organisational Performance	Possible	Moderate	MODERATE	Nil



Voting Requirements: Absolute Majority (s6.8 of the *Local Government Act 1995*)

OCM024/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Duggin

That Council APPROVES the schedule of variations to the 2021-2022 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*:

Account Number	Account Name	Debit	Credit
5300-17302-5243-0000	Transfer to Oakford Fire Station Reserve	100,000	
	Change in Net Current Assets		100,000
Reason: To allow additional funding for costs associated with the proposed new Oakford Fire Station.			
6100-80019-5244-0000	ICT Reserve	280,000	
	Change in Net Current Assets		280,000
Reason: Additional funding required for the OneComm project due to change in the project timelines and scope.			
5300-17302-5233-0000	Road Asset Management Reserve	193,878	
	Change in Net Current Assets		193,878
Reason: Replenishment of reserve for future projects after transfer from reserve to fund the Karnup Road Culver replacement project.			

CARRIED UNANIMOUSLY 8/0



10.3.6 - Budget Opening Surplus Adjustment for 2020/21 Carry Forward Items (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to seek approval from Council to adjust the 2021/22 Budget for items required to be carried forward from the 2020/21 Budget.

Relevant Previous Decisions of Council

*Special Council Meeting – 28 July 2021 – SCM051/07/21 – COUNCIL RESOLUTION – **extract***
That Council:

10. *ADOPTS, in accordance with section 6.2 of the Local Government Act 1995, the Municipal Fund Budget as contained in attachment 1, Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2022 incorporating the following amendments:*
- Remove 1 x Library Officer Position and replace with a 0.5 Economic Development Officer.*
 - Allocate \$20,000 to fund purchase of Dress Uniforms for Bushfire Brigades volunteers, to be funded by a reduction of \$20,000 in casual wages line item within Emergency Services.*
 - Reduction in SJ Rec Centre Refurbishment Capital Expenditure - \$446,060;*
 - Remove transfer from Building Reserve to fund Library Reallocation - \$318,164;*
 - Increase Capital Expenditure identified for Other Facilities Renewal in the amount of \$127,896;*
 - Reallocate LRCI funding of \$446,060 which was set aside for the SJ Rec Centre Refurbishment to fund remaining portion of Library Relocation - \$318,164 and additional Other Facilities Renewal - \$127,896.*
 - That in addition to point 10, that the budget be amended by transferring \$375,000 from Plant Reserve to the Plant line item for the purchase of an excavator and truck, subject to a further report being provided to Council and being approved by Council.*



Background

At the time the 2021/22 Budget was adopted by Council on 28 July 2021, the Annual Financial Statements for the 2020/21 year end had not been completed. Any surplus or deficit resulting from the 2020/21 year financial year and amounts available for carry forward on incomplete projects were not known.

Community / Stakeholder Consultation

There has been no community/stakeholder consultation regarding this recommendation.

Statutory Environment

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

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

Comment

The 2020/21 annual financial statements have been audited and the carry forward income and expenditure finalised. The total value carried forward of \$10,846,404 consist of \$3,711,932 municipal funds and \$7,134,472 restricted cash at 30 June 2021.

Account	Type	Description	Debit	Credit
6100-80019-6610-0000	Increase Expenditure	ERP System Implementation - Carryforward Expenditure	10,236	
6100-80190-6610-0000	Increase Expenditure	SharePoint Online Implementation - Carryforward Expenditure	1,070	
6200-80332-6610-0000	Increase Expenditure	Baker Community Hall - Carryforward Expenditure	50,427	
6200-80332-5002-0000	Increase Trf From Reserve	Baker Community Hall - Trf From Reserve - Building Asset Management Reserve		52,597
6600-80234-6610-0000	Increase Expenditure	Civic Centre Redevelopment - Planning - Carryforward Expenditure	5,000	
6600-80234-5000-0000	Increase Trf From Reserve	Civic Centre Redevelopment - Planning - Trf From Reserve - Administration Building Reserve		5,000
6600-80271-6610-0000	Increase Expenditure	Administration Building Redevelopment - Library Relocation - Carryforward Expenditure	85,676	
6400-80145-6610-0000	Increase Expenditure	Kingsbury Drive - Carryforward Expenditure	6,860	
6400-80200-6610-0000	Increase Expenditure	Renewal - Kargotich Rd, Mardella - Carryforward Expenditure	22,853	
6400-80203-6610-0000	Increase Expenditure	Footpath Renewal - Carryforward Expenditure	4,870	



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Account	Type	Description	Debit	Credit
6500-80129-6610-0000	Increase Expenditure	Trails Refurbishment - Carryforward Expenditure	1,640	
6500-80204-6610-0000	Increase Expenditure	Jarrahdale Cemetery Fencing - Carryforward Expenditure	36,000	
6500-80207-6610-0000	Increase Expenditure	Serpentine Sports Reserve - Fencing - Carryforward Expenditure	14,000	
6400-80138-6610-0000	Increase Expenditure	Roundabout - Mundijong Rd/Kargotich Rd - Carryforward Expenditure	29,525	
6400-80169-6610-0000	Increase Expenditure	George Street New Footpath - Carryforward Expenditure	46,584	
6410-80201-6610-0000	Increase Expenditure	Gravel Resheet - Carryforward Expenditure	206	
6400-80216-6610-0000	Increase Expenditure	Shelley St Byford - Carryforward Expenditure	8,423	
6400-80238-6610-0000	Increase Expenditure	Butcher St 2.0m wide path - Carryforward Expenditure	37,329	
6400-80239-6610-0000	Increase Expenditure	Cockram St 2.0m wide path - Carryforward Expenditure	14,072	
6400-80242-6610-0000	Increase Expenditure	Kargotich Rd & Bishop Rd Street Lights - Carryforward Expenditure	19,547	
6400-80243-6610-0000	Increase Expenditure	Mary St - Carryforward Expenditure	1,585	
6400-80244-6610-0000	Increase Expenditure	Masters Rd - Traffic speed signs - Carryforward Expenditure	13,625	
6400-80246-6610-0000	Increase Expenditure	Summerfield Rd & Castle Rd Street Lights - Carryforward Expenditure	15,000	
6400-80247-6610-0000	Increase Expenditure	Tonkin Street - Carryforward Expenditure	40,500	
6400-80248-6610-0000	Increase Expenditure	Wanliss Street 2.0m wide path - Carryforward Expenditure	12,704	
6400-80256-6610-0000	Increase Expenditure	Karnup Road and Wellard Road Shared Path - Carryforward Expenditure	3,908	
6500-80236-6610-0000	Increase Expenditure	Trails Development - Carryforward Expenditure	7,000	
6300-80222-6610-0000	Increase Expenditure	John Deere Tractor - NEW - Carryforward Expenditure	18,182	
6300-80222-5021-0000	Increase Trf From Reserve	John Deere Tractor - NEW - Trf From Reserve - Plant and Fleet Reserve		18,182
6300-80259-6610-0000	Increase Expenditure	Jarrahdale Communications Tower Backup Generator - Carryforward Expenditure	35,000	
6300-80346-6610-0000	Increase Expenditure	Concrete Grinder - Carryforward Expenditure	12,000	



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Account	Type	Description	Debit	Credit
2400-12200-6610-0000	Increase Expenditure	Ranger Services - Animal Cages - Carryforward Expenditure	4,374	
2400-12201-6610-0000	Increase Expenditure	Community Safety Neighbourhood Watch - Carryforward Expenditure	440	
3000-15002-6610-0000	Increase Expenditure	Kiernan Due Diligence - Carryforward Expenditure	3,982	
3130-13001-6610-0000	Increase Expenditure	Administration Building Feasibility - Carryforward Expenditure	15,277	
4300-15303-6610-0000	Increase Expenditure	Disability Access - Inclusion - Carryforward Expenditure	9,000	
4300-15507-6610-0000	Increase Expenditure	Trails Promotion and Activation - Carryforward Expenditure	3,961	
4300-15410-6610-0000	Increase Expenditure	Darling Downs Residents Association Contribution - Carryforward Expenditure	10,000	
4300-15423-6610-0000	Increase Expenditure	Community Infrastructure Grants Program - Carryforward Expenditure	5,810	
4300-15423-5009-0000	Increase Trf From Reserve	Community Infrastructure Grants Program - Trf From Reserve - Community Grants Reserve		5,810
4300-30068-6610-0000	Increase Expenditure	SJ Community Recreation Centre - Operational Contribution - Carryforward Expenditure	18,000	
Reason: Expenditure in 2020/21 less than anticipated in initial carryforward estimate, resulting in a higher carryforward budget required in 2021/22				

Account	Type	Description	Debit	Credit
6100-80188-6610-0000	Decrease Expenditure	WAN and LAN redesign - Carryforward Expenditure		25,922
6400-80141-6610-0000	Decrease Expenditure	Traffic Island - Abernethy Rd/Kargotich Rd - Carryforward Expenditure		62,608
6400-80198-6610-0000	Decrease Expenditure	Soldier Rd Turner Rd - Cardup Siding - Carryforward Expenditure		450,198
6400-80170-6610-0000	Decrease Expenditure	Black Spot -Hopkinson Road - Seal Shoulders Install Edge lines - Carryforward Expenditure		43,400
6400-80182-6610-0000	Decrease Expenditure	Medulla Brook Bridge - Carryforward Expenditure		679,560
6400-80183-6610-0000	Decrease Expenditure	Gooralong Brook Bridge - Carryforward Expenditure		448,000
6400-80213-6610-0000	Decrease Expenditure	Munro St, Jarrahdale Rd to Wanliss St - Carryforward Expenditure		58,456
6400-80214-6610-0000	Decrease Expenditure	Upgrade -Nicholson Rd,Oakford - Carryforward Expenditure		16,000
6400-80237-6610-0000	Decrease Expenditure	Briggs Park Recreation Precinct Car Park - Carryforward Expenditure		438



Account	Type	Description	Debit	Credit
6600-80235-6610-0000	Decrease Expenditure	Keirnan Park Planning - Carryforward Expenditure		145,717
6300-80221-6610-0000	Decrease Expenditure	Pegasus S4 Sports Oval Deck - NEW - Carryforward Expenditure		270,000
6300-80221-5021-0000	Decrease Trf From Reserve	Pegasus S4 Sports Oval Deck - NEW - Trf From Reserve - Plant and Fleet Reserve	270,000	
6300-80253-6610-0000	Decrease Expenditure	Posi Track Loader and Forestry Mulcher - Carryforward Expenditure		120,000
1200-10106-6610-0000	Decrease Expenditure	Byford Tafe - Carryforward Expenditure		10,000
4000-10401-6610-0000	Decrease Expenditure	Trails Planning - Carryforward Expenditure		17,674
2300-12401-6610-0000	Decrease Expenditure	Public Health Plan Implementation - Carryforward Expenditure		1,560
2400-12202-6610-0000	Decrease Expenditure	Metro Community Safety Joint Project - Carryforward Expenditure		660
4300-15420-6610-0000	Decrease Expenditure	General Grants - Carryforward Expenditure		7,000
4300-15501-6610-0000	Decrease Expenditure	Arts and Culture Program - Carryforward Expenditure		417
4300-15508-6610-0000	Decrease Expenditure	Town Teams - Carryforward Expenditure		6,240
4700-10300-6610-0000	Decrease Expenditure	Organisational Development Roadmap - Carryforward Expenditure		4,400
Reason: Expenditure in 2020/21 greater than anticipated in initial carryforward estimate, resulting in lower carryforward budget required in 2021/22				

Account	Type	Description	Debit	Credit
6300-80232-5221-0000	Increase Trf to Reserve	Isuzu Truck White - Replace P2377 - Sale of previous vehicle - Trf To Reserve - Plant and Fleet Reserve	20,000	
6300-80233-5221-0000	Increase Trf to Reserve	John Deere Tractor - Replace P2378 - Sale of previous vehicle - Trf To Reserve - Plant and Fleet Reserve	30,000	
6300-80232-4600-0000	Increase Income	Isuzu Truck White - Replace P2377 - Sale of previous vehicle - Proceeds of Sale of Assets		20,000
6300-80233-4600-0000	Increase Income	John Deere Tractor - Replace P2378 - Sale of previous vehicle - Proceeds of Sale of Assets		30,000
Reason: Recognise revenue and corresponding reserve transfer for replaced vehicles that were not sold prior to 30 June 2021.				



Account	Type	Description	Debit	Credit
6400-80198-4819-0000	Decrease Income	Soldier Rd Turner Rd - Cardup Siding - Capital Grant - MRRG	210,470	
6400-80133-4810-0000	Decrease Income	Soldiers Road Principal Shared Path - Capital Grant - Public Transport Authority	250,000	
6400-80213-4809-0000	Decrease Income	Munro St, Jarrahdale Rd to Wanliss St - Capital Grant - Roads to Recovery	43,500	
6400-80237-4820-0000	Decrease Income	Briggs Park Recreation Precinct Car Park - Capital Grant - Federal Stimulus Funding	438	
6400-80182-4818-0000	Decrease Income	Medulla Brook Bridge - Capital Grant - CRSFP	611,604	
6400-80183-4818-0000	Decrease Income	Gooralong Brook Bridge - Capital Grant - CRSFP	403,200	
Reason: Recognised Grant Revenue in 2020/21 greater than anticipated due to greater than anticipated income, resulting in a lower carryforward income budget required in 2021/22				

Account	Type	Description	Debit	Credit
6600-80271-4822-0000	Increase Income	Administration Building Redevelopment - Library Relocation - Capital Grant - LRCI		85,676
6400-80141-4819-0000	Increase Income	Traffic Island - Abernethy Rd/Kargotich Rd - Capital Grant - MRRG		20,092
6400-80138-4819-0000	Increase Income	Roundabout - Mundijong Rd/Kargotich Rd - Capital Grant - RRG		29,525
6400-80146-4817-0000	Increase Income	Black Spot - Cardup Siding Road - Capital Grant -State Black Spot		44,667
6400-80170-4817-0000	Increase Income	Black Spot -Hopkinson Road - Seal Shoulders Install Edgelines - Capital Grant -State Black Spot		42,000
6400-80214-4817-0000	Increase Income	Upgrade -Nicholson Rd, Oakford - Capital Grant -State Black Spot		81,266
6400-80238-4820-0000	Increase Income	Butcher St 2.0m wide path - Capital Grant -Federal Stimulus Funding		37,329
6400-80239-4820-0000	Increase Income	Cockram St 2.0m wide path - Capital Grant - Federal Stimulus Funding		22,125
6400-80240-4820-0000	Increase Income	Helen Cr 2.0m wide path - Capital Grant -Federal Stimulus Funding		3,375
6400-80241-4820-0000	Increase Income	Jarrahdale Rd 2.0m wide path - Capital Grant - Federal Stimulus Funding		8,930
6400-80242-4820-0000	Increase Income	Kargotich Rd & Bishop Rd Street Lights - Capital Grant - Federal Stimulus Funding		19,547
6400-80243-4820-0000	Increase Income	Mary St - Capital Grant - Federal Stimulus Funding		6,375



Account	Type	Description	Debit	Credit
6400-80244-4820-0000	Increase Income	Masters Rd - Traffic speed signs - Capital Grant - Federal Stimulus Funding		13,625
6400-80245-4820-0000	Increase Income	South Cr 2.0m wide path - Capital Grant -Federal Stimulus Funding		12,150
6400-80246-4820-0000	Increase Income	Summerfield Rd & Castle Rd Street Lights - Capital Grant - Federal Stimulus Funding		15,000
6400-80247-4820-0000	Increase Income	Tonkin Street - Capital Grant - Federal Stimulus Funding		40,500
6400-80248-4820-0000	Increase Income	Wanliss Street 2.0m wide path - Capital Grant -Federal Stimulus Funding		17,625
6400-80249-4820-0000	Increase Income	Bishop Rd & Taylor Rd Street Lights - Capital Grant - Federal Stimulus Funding		7,500
6600-80235-4820-0000	Increase Income	Keirnan Park Planning - Capital Grant - Department of Local Govt, Sport & Cultural Industries		100,000
Reason: Recognised Grant Revenue in 2020/21 less than anticipated due to less than anticipated income, resulting in a higher carryforward income budget required in 2021/22				

Account	Type	Description	Debit	Credit
5300-17300-4100-0000	Decrease Income	Federal Assistance Grants (received in Advance) - Operating Grant -F.A grants	769,591	
5300-17300-4101-0000	Decrease Income	Federal Assistance Grants - Roads (received in Advance) - Operating Grant -F.A grants	621,645	
Reason: 1st Quarter Federal Assistance Grants Received in advance.				

Options and Implications

Option1

That Council ADOPTS the carry forward budget adjustments as contained within this report in accordance with section 6.8 of the *Local Government Act 1995*, resulting in a decrease to the opening municipal surplus (net current assets) of \$747,968 as at 1 July 2021:

Account	Type	Description	Debit	Credit
6100-80019-6610-0000	Increase Expenditure	ERP System Implementation - Carryforward Expenditure	10,236	
6100-80190-6610-0000	Increase Expenditure	SharePoint Online Implementation - Carryforward Expenditure	1,070	
6200-80332-6610-0000	Increase Expenditure	Baker Community Hall - Carryforward Expenditure	50,427	
6200-80332-5002-0000	Increase Trf From Reserve	Baker Community Hall - Trf From Reserve - Building Asset Management Reserve		52,597



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Account	Type	Description	Debit	Credit
6600-80234-6610-0000	Increase Expenditure	Civic Centre Redevelopment - Planning - Carryforward Expenditure	5,000	
6600-80234-5000-0000	Increase Trf From Reserve	Civic Centre Redevelopment - Planning - Trf From Reserve - Administration Building Reserve		5,000
6600-80271-6610-0000	Increase Expenditure	Administration Building Redevelopment - Library Relocation - Carryforward Expenditure	85,676	
6400-80145-6610-0000	Increase Expenditure	Kingsbury Drive - Carryforward Expenditure	6,860	
6400-80200-6610-0000	Increase Expenditure	Renewal - Kargotich Rd, Mardella - Carryforward Expenditure	22,853	
6400-80203-6610-0000	Increase Expenditure	Footpath Renewal - Carryforward Expenditure	4,870	
6500-80129-6610-0000	Increase Expenditure	Trails Refurbishment - Carryforward Expenditure	1,640	
6500-80204-6610-0000	Increase Expenditure	Jarrahdale Cemetery Fencing - Carryforward Expenditure	36,000	
6500-80207-6610-0000	Increase Expenditure	Serpentine Sports Reserve - Fencing - Carryforward Expenditure	14,000	
6400-80138-6610-0000	Increase Expenditure	Roundabout - Mundijong Rd/Kargotich Rd - Carryforward Expenditure	29,525	
6400-80169-6610-0000	Increase Expenditure	George Street New Footpath - Carryforward Expenditure	46,584	
6410-80201-6610-0000	Increase Expenditure	Gravel Resheet - Carryforward Expenditure	206	
6400-80216-6610-0000	Increase Expenditure	Shelley St Byford - Carryforward Expenditure	8,423	
6400-80238-6610-0000	Increase Expenditure	Butcher St 2.0m wide path - Carryforward Expenditure	37,329	
6400-80239-6610-0000	Increase Expenditure	Cockram St 2.0m wide path - Carryforward Expenditure	14,072	
6400-80242-6610-0000	Increase Expenditure	Kargotich Rd & Bishop Rd Street Lights - Carryforward Expenditure	19,547	
6400-80243-6610-0000	Increase Expenditure	Mary St - Carryforward Expenditure	1,585	
6400-80244-6610-0000	Increase Expenditure	Masters Rd - Traffic speed signs - Carryforward Expenditure	13,625	
6400-80246-6610-0000	Increase Expenditure	Summerfield Rd & Castle Rd Street Lights - Carryforward Expenditure	15,000	
6400-80247-6610-0000	Increase Expenditure	Tonkin Street - Carryforward Expenditure	40,500	
6400-80248-6610-0000	Increase Expenditure	Wanliss Street 2.0m wide path - Carryforward Expenditure	12,704	



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Account	Type	Description	Debit	Credit
6400-80256-6610-0000	Increase Expenditure	Karnup Road and Wellard Road Shared Path - Carryforward Expenditure	3,908	
6500-80236-6610-0000	Increase Expenditure	Trails Development - Carryforward Expenditure	7,000	
6300-80222-6610-0000	Increase Expenditure	John Deere Tractor - NEW - Carryforward Expenditure	18,182	
6300-80222-5021-0000	Increase Trf From Reserve	John Deere Tractor - NEW - Trf From Reserve - Plant and Fleet Reserve		18,182
6300-80259-6610-0000	Increase Expenditure	Jarrahdale Communications Tower Backup Generator - Carryforward Expenditure	35,000	
6300-80346-6610-0000	Increase Expenditure	Concrete Grinder - Carryforward Expenditure	12,000	
2400-12200-6610-0000	Increase Expenditure	Ranger Services - Animal Cages - Carryforward Expenditure	4,374	
2400-12201-6610-0000	Increase Expenditure	Community Safety Neighbourhood Watch - Carryforward Expenditure	440	
3000-15002-6610-0000	Increase Expenditure	Kiernan Due Diligence - Carryforward Expenditure	3,982	
3130-13001-6610-0000	Increase Expenditure	Administration Building Feasibility - Carryforward Expenditure	15,277	
4300-15303-6610-0000	Increase Expenditure	Disability Access - Inclusion - Carryforward Expenditure	9,000	
4300-15507-6610-0000	Increase Expenditure	Trails Promotion and Activation - Carryforward Expenditure	3,961	
4300-15410-6610-0000	Increase Expenditure	Darling Downs Residents Association Contribution - Carryforward Expenditure	10,000	
4300-15423-6610-0000	Increase Expenditure	Community Infrastructure Grants Program - Carryforward Expenditure	5,810	
4300-15423-5009-0000	Increase Trf From Reserve	Community Infrastructure Grants Program - Trf From Reserve - Community Grants Reserve		5,810
4300-30068-6610-0000	Increase Expenditure	SJ Community Recreation Centre - Operational Contribution - Carryforward Expenditure	18,000	
6100-80188-6610-0000	Decrease Expenditure	WAN and LAN redesign - Carryforward Expenditure		25,922
6400-80141-6610-0000	Decrease Expenditure	Traffic Island - Abernethy Rd/Kargotich Rd - Carryforward Expenditure		62,608
6400-80198-6610-0000	Decrease Expenditure	Soldier Rd Turner Rd - Cardup Siding - Carryforward Expenditure		450,198



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Account	Type	Description	Debit	Credit
6400-80170-6610-0000	Decrease Expenditure	Black Spot -Hopkinson Road - Seal Shoulders Install Edge lines - Carryforward Expenditure		43,400
6400-80182-6610-0000	Decrease Expenditure	Medulla Brook Bridge - Carryforward Expenditure		679,560
6400-80183-6610-0000	Decrease Expenditure	Gooralong Brook Bridge - Carryforward Expenditure		448,000
6400-80213-6610-0000	Decrease Expenditure	Munro St, Jarrahdale Rd to Wanliss St - Carryforward Expenditure		58,456
6400-80214-6610-0000	Decrease Expenditure	Upgrade -Nicholson Rd, Oakford - Carryforward Expenditure		16,000
6400-80237-6610-0000	Decrease Expenditure	Briggs Park Recreation Precinct Car Park - Carryforward Expenditure		438
6600-80235-6610-0000	Decrease Expenditure	Keirnan Park Planning - Carryforward Expenditure		145,717
6300-80221-6610-0000	Decrease Expenditure	Pegasus S4 Sports Oval Deck - NEW - Carryforward Expenditure		270,000
6300-80221-5021-0000	Decrease Trf From Reserve	Pegasus S4 Sports Oval Deck - NEW - Trf From Reserve - Plant and Fleet Reserve	270,000	
6300-80253-6610-0000	Decrease Expenditure	Posi Track Loader and Forestry Mulcher - Carryforward Expenditure		120,000
1200-10106-6610-0000	Decrease Expenditure	Byford Tafe - Carryforward Expenditure		10,000
4000-10401-6610-0000	Decrease Expenditure	Trails Planning - Carryforward Expenditure		17,674
2300-12401-6610-0000	Decrease Expenditure	Public Health Plan Implementation - Carryforward Expenditure		1,560
2400-12202-6610-0000	Decrease Expenditure	Metro Community Safety Joint Project - Carryforward Expenditure		660
4300-15420-6610-0000	Decrease Expenditure	General Grants - Carryforward Expenditure		7,000
4300-15501-6610-0000	Decrease Expenditure	Arts and Culture Program - Carryforward Expenditure		417
4300-15508-6610-0000	Decrease Expenditure	Town Teams - Carryforward Expenditure		6,240
4700-10300-6610-0000	Decrease Expenditure	Organisational Development Roadmap - Carryforward Expenditure		4,400
6300-80232-5221-0000	Increase Trf to Reserve	Isuzu Truck White - Replace P2377 - Sale of previous vehicle - Trf To Reserve - Plant and Fleet Reserve	20,000	
6300-80233-5221-0000	Increase Trf to Reserve	John Deere Tractor - Replace P2378 - Sale of previous vehicle - Trf To Reserve - Plant and Fleet Reserve	30,000	



Ordinary Council Meeting Minutes

Monday, 21 February 2022

Account	Type	Description	Debit	Credit
6300-80232-4600-0000	Increase Income	Isuzu Truck White - Replace P2377 - Sale of previous vehicle - Proceeds of Sale of Assets		20,000
6300-80233-4600-0000	Increase Income	John Deere Tractor - Replace P2378 - Sale of previous vehicle - Proceeds of Sale of Assets		30,000
6400-80198-4819-0000	Decrease Income	Soldier Rd Turner Rd - Cardup Siding - Capital Grant - MRRG	210,470	
6400-80133-4810-0000	Decrease Income	Soldiers Road Principal Shared Path - Capital Grant - Public Transport Authority	250,000	
6400-80213-4809-0000	Decrease Income	Munro St, Jarrahdale Rd to Wanliss St - Capital Grant - Roads to Recovery	43,500	
6400-80237-4820-0000	Decrease Income	Briggs Park Recreation Precinct Car Park - Capital Grant - Federal Stimulus Funding	438	
6400-80182-4818-0000	Decrease Income	Medulla Brook Bridge - Capital Grant - CRSFP	611,604	
6400-80183-4818-0000	Decrease Income	Gooralong Brook Bridge - Capital Grant - CRSFP	403,200	
6600-80271-4822-0000	Increase Income	Administration Building Redevelopment - Library Relocation - Capital Grant - LRCI		85,676
6400-80141-4819-0000	Increase Income	Traffic Island - Abernethy Rd/Kargotich Rd - Capital Grant - MRRG		20,092
6400-80138-4819-0000	Increase Income	Roundabout - Mundijong Rd/Kargotich Rd - Capital Grant - RRG		29,525
6400-80146-4817-0000	Increase Income	Black Spot - Cardup Siding Road - Capital Grant -State Black Spot		44,667
6400-80170-4817-0000	Increase Income	Black Spot -Hopkinson Road - Seal Shoulders Install Edgelines - Capital Grant -State Black Spot		42,000
6400-80214-4817-0000	Increase Income	Upgrade -Nicholson Rd, Oakford - Capital Grant -State Black Spot		81,266
6400-80238-4820-0000	Increase Income	Butcher St 2.0m wide path - Capital Grant -Federal Stimulus Funding		37,329
6400-80239-4820-0000	Increase Income	Cockram St 2.0m wide path - Capital Grant -Federal Stimulus Funding		22,125
6400-80240-4820-0000	Increase Income	Helen Cr 2.0m wide path - Capital Grant -Federal Stimulus Funding		3,375
6400-80241-4820-0000	Increase Income	Jarrahdale Rd 2.0m wide path - Capital Grant -Federal Stimulus Funding		8,930



Account	Type	Description	Debit	Credit
6400-80242-4820-0000	Increase Income	Kargotich Rd & Bishop Rd Street Lights - Capital Grant -Federal Stimulus Funding		19,547
6400-80243-4820-0000	Increase Income	Mary St - Capital Grant -Federal Stimulus Funding		6,375
6400-80244-4820-0000	Increase Income	Masters Rd - Traffic speed signs - Capital Grant -Federal Stimulus Funding		13,625
6400-80245-4820-0000	Increase Income	South Cr 2.0m wide path - Capital Grant -Federal Stimulus Funding		12,150
6400-80246-4820-0000	Increase Income	Summerfield Rd & Castle Rd Street Lights - Capital Grant - Federal Stimulus Funding		15,000
6400-80247-4820-0000	Increase Income	Tonkin Street - Capital Grant - Federal Stimulus Funding		40,500
6400-80248-4820-0000	Increase Income	Wanliss Street 2.0m wide path - Capital Grant -Federal Stimulus Funding		17,625
6400-80249-4820-0000	Increase Income	Bishop Rd & Taylor Rd Street Lights - Capital Grant -Federal Stimulus Funding		7,500
6600-80235-4820-0000	Increase Income	Keirnan Park Planning - Capital Grant -Department of Local Govt, Sport & Cultural Industries		100,000
5300-17300-4100-0000	Decrease Income	Federal Assistance Grants (received in Advance) - Operating Grant -F.A grants	769,591	
5300-17300-4101-0000	Decrease Income	Federal Assistance Grants - Roads (received in Advance) - Operating Grant -F.A grants	621,645	
10-9000-9000-3900-0	Decrease Equity	Accumulated Surplus - Muni		747,968

Option 2

That Council DOES NOT ADOPT the carry forward budget adjustments as contained within this report, in accordance with section 6.8 of the *Local Government Act 1995*.

Option 1 is recommended.

Conclusion

A review of the carry forwards in the Annual Budget has been completed. A list of budget variations requiring approval has been identified.

Attachments (available under separate cover)

- **10.3.6 - attachment 1 – 2021/22 Capital and Operating Expenditure - Carry Forward (E22/1191)**



Alignment with our Strategic Community Plan

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

Financial Implications

The financial implications are detailed in 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	There are no significant risk associated with Council adopting the budget amendments.						
2	Council DOES NOT ADOPT budget adjustments leading to poor fiscal management resulting in financial risk due to overspending.	<p>The organisation undertakes a review of the adopted carry forwards prior to making council recommendation.</p> <p>Law restricts expenditure when expenditure from municipal fund not included in annual budget unless authorised by resolution.</p>	Financial	Unlikely	Moderate	MODERATE	Accept Officer Recommendation (Option 1)



Voting Requirements: Absolute Majority (s6.8 of the *Local Government Act 1995*)

OCM025/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strautins

That Council **APPROVES** the schedule of variations to the 2021/22 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*, resulting in a decrease to the opening municipal surplus (net current assets) of \$747,968 as at 1 July 2021:

Account	Type	Description	Debit	Credit
6100-80019-6610-0000	Increase Expenditure	ERP System Implementation - Carryforward Expenditure	10,236	
6100-80190-6610-0000	Increase Expenditure	SharePoint Online Implementation - Carryforward Expenditure	1,070	
6200-80332-6610-0000	Increase Expenditure	Baker Community Hall - Carryforward Expenditure	50,427	
6200-80332-5002-0000	Increase Trf From Reserve	Baker Community Hall - Trf From Reserve - Building Asset Management Reserve		52,597
6600-80234-6610-0000	Increase Expenditure	Civic Centre Redevelopment - Planning - Carryforward Expenditure	5,000	
6600-80234-5000-0000	Increase Trf From Reserve	Civic Centre Redevelopment - Planning - Trf From Reserve - Administration Building Reserve		5,000
6600-80271-6610-0000	Increase Expenditure	Administration Building Redevelopment - Library Relocation - Carryforward Expenditure	85,676	
6400-80145-6610-0000	Increase Expenditure	Kingsbury Drive - Carryforward Expenditure	6,860	
6400-80200-6610-0000	Increase Expenditure	Renewal - Kargotich Rd, Mardella - Carryforward Expenditure	22,853	
6400-80203-6610-0000	Increase Expenditure	Footpath Renewal - Carryforward Expenditure	4,870	
6500-80129-6610-0000	Increase Expenditure	Trails Refurbishment - Carryforward Expenditure	1,640	
6500-80204-6610-0000	Increase Expenditure	Jarrahdale Cemetery Fencing - Carryforward Expenditure	36,000	
6500-80207-6610-0000	Increase Expenditure	Serpentine Sports Reserve - Fencing - Carryforward Expenditure	14,000	



Account	Type	Description	Debit	Credit
6400-80138-6610-0000	Increase Expenditure	Roundabout - Mundijong Rd/Kargotich Rd - Carryforward Expenditure	29,525	
6400-80169-6610-0000	Increase Expenditure	George Street New Footpath - Carryforward Expenditure	46,584	
6410-80201-6610-0000	Increase Expenditure	Gravel Resheet - Carryforward Expenditure	206	
6400-80216-6610-0000	Increase Expenditure	Shelley St Byford - Carryforward Expenditure	8,423	
6400-80238-6610-0000	Increase Expenditure	Butcher St 2.0m wide path - Carryforward Expenditure	37,329	
6400-80239-6610-0000	Increase Expenditure	Cockram St 2.0m wide path - Carryforward Expenditure	14,072	
6400-80242-6610-0000	Increase Expenditure	Kargotich Rd & Bishop Rd Street Lights - Carryforward Expenditure	19,547	
6400-80243-6610-0000	Increase Expenditure	Mary St - Carryforward Expenditure	1,585	
6400-80244-6610-0000	Increase Expenditure	Masters Rd - Traffic speed signs - Carryforward Expenditure	13,625	
6400-80246-6610-0000	Increase Expenditure	Summerfield Rd & Castle Rd Street Lights - Carryforward Expenditure	15,000	
6400-80247-6610-0000	Increase Expenditure	Tonkin Street - Carryforward Expenditure	40,500	
6400-80248-6610-0000	Increase Expenditure	Wanliss Street 2.0m wide path - Carryforward Expenditure	12,704	
6400-80256-6610-0000	Increase Expenditure	Karnup Road and Wellard Road Shared Path - Carryforward Expenditure	3,908	
6500-80236-6610-0000	Increase Expenditure	Trails Development - Carryforward Expenditure	7,000	
6300-80222-6610-0000	Increase Expenditure	John Deere Tractor - NEW - Carryforward Expenditure	18,182	
6300-80222-5021-0000	Increase Trf From Reserve	John Deere Tractor - NEW - Trf From Reserve - Plant and Fleet Reserve		18,182
6300-80259-6610-0000	Increase Expenditure	Jarrahdale Communications Tower Backup Generator - Carryforward Expenditure	35,000	
6300-80346-6610-0000	Increase Expenditure	Concrete Grinder - Carryforward Expenditure	12,000	
2400-12200-6610-0000	Increase Expenditure	Ranger Services - Animal Cages - Carryforward Expenditure	4,374	
2400-12201-6610-0000	Increase Expenditure	Community Safety Neighbourhood Watch - Carryforward Expenditure	440	



Account	Type	Description	Debit	Credit
3000-15002-6610-0000	Increase Expenditure	Kiernan Due Diligence - Carryforward Expenditure	3,982	
3130-13001-6610-0000	Increase Expenditure	Administration Building Feasibility - Carryforward Expenditure	15,277	
4300-15303-6610-0000	Increase Expenditure	Disability Access - Inclusion - Carryforward Expenditure	9,000	
4300-15507-6610-0000	Increase Expenditure	Trails Promotion and Activation - Carryforward Expenditure	3,961	
4300-15410-6610-0000	Increase Expenditure	Darling Downs Residents Association Contribution - Carryforward Expenditure	10,000	
4300-15423-6610-0000	Increase Expenditure	Community Infrastructure Grants Program - Carryforward Expenditure	5,810	
4300-15423-5009-0000	Increase Trf From Reserve	Community Infrastructure Grants Program - Trf From Reserve - Community Grants Reserve		5,810
4300-30068-6610-0000	Increase Expenditure	SJ Community Recreation Centre - Operational Contribution - Carryforward Expenditure	18,000	
6100-80188-6610-0000	Decrease Expenditure	WAN and LAN redesign - Carryforward Expenditure		25,922
6400-80141-6610-0000	Decrease Expenditure	Traffic Island - Abernethy Rd/Kargotich Rd - Carryforward Expenditure		62,608
6400-80198-6610-0000	Decrease Expenditure	Soldier Rd Turner Rd - Cardup Siding - Carryforward Expenditure		450,198
6400-80170-6610-0000	Decrease Expenditure	Black Spot -Hopkinson Road - Seal Shoulders Install Edge lines - Carryforward Expenditure		43,400
6400-80182-6610-0000	Decrease Expenditure	Medulla Brook Bridge - Carryforward Expenditure		679,560
6400-80183-6610-0000	Decrease Expenditure	Gooralong Brook Bridge - Carryforward Expenditure		448,000
6400-80213-6610-0000	Decrease Expenditure	Munro St, Jarrahdale Rd to Wanliss St - Carryforward Expenditure		58,456
6400-80214-6610-0000	Decrease Expenditure	Upgrade -Nicholson Rd, Oakford - Carryforward Expenditure		16,000
6400-80237-6610-0000	Decrease Expenditure	Briggs Park Recreation Precinct Car Park - Carryforward Expenditure		438



Account	Type	Description	Debit	Credit
6600-80235-6610-0000	Decrease Expenditure	Keirnan Park Planning - Carryforward Expenditure		145,717
6300-80221-6610-0000	Decrease Expenditure	Pegasus S4 Sports Oval Deck - NEW - Carryforward Expenditure		270,000
6300-80221-5021-0000	Decrease Trf From Reserve	Pegasus S4 Sports Oval Deck - NEW - Trf From Reserve - Plant and Fleet Reserve	270,000	
6300-80253-6610-0000	Decrease Expenditure	Posi Track Loader and Forestry Mulcher - Carryforward Expenditure		120,000
1200-10106-6610-0000	Decrease Expenditure	Byford Tafe - Carryforward Expenditure		10,000
4000-10401-6610-0000	Decrease Expenditure	Trails Planning - Carryforward Expenditure		17,674
2300-12401-6610-0000	Decrease Expenditure	Public Health Plan Implementation - Carryforward Expenditure		1,560
2400-12202-6610-0000	Decrease Expenditure	Metro Community Safety Joint Project - Carryforward Expenditure		660
4300-15420-6610-0000	Decrease Expenditure	General Grants - Carryforward Expenditure		7,000
4300-15501-6610-0000	Decrease Expenditure	Arts and Culture Program - Carryforward Expenditure		417
4300-15508-6610-0000	Decrease Expenditure	Town Teams - Carryforward Expenditure		6,240
4700-10300-6610-0000	Decrease Expenditure	Organisational Development Roadmap - Carryforward Expenditure		4,400
6300-80232-5221-0000	Increase Trf to Reserve	Isuzu Truck White - Replace P2377 - Sale of previous vehicle - Trf To Reserve - Plant and Fleet Reserve	20,000	
6300-80233-5221-0000	Increase Trf to Reserve	John Deere Tractor - Replace P2378 - Sale of previous vehicle - Trf To Reserve - Plant and Fleet Reserve	30,000	
6300-80232-4600-0000	Increase Income	Isuzu Truck White - Replace P2377 - Sale of previous vehicle - Proceeds of Sale of Assets		20,000
6300-80233-4600-0000	Increase Income	John Deere Tractor - Replace P2378 - Sale of previous vehicle - Proceeds of Sale of Assets		30,000
6400-80198-4819-0000	Decrease Income	Soldier Rd Turner Rd - Cardup Siding - Capital Grant - MRRG	210,470	



Account	Type	Description	Debit	Credit
6400-80133-4810-0000	Decrease Income	Soldiers Road Principal Shared Path - Capital Grant - Public Transport Authority	250,000	
6400-80213-4809-0000	Decrease Income	Munro St, Jarrahdale Rd to Wanliss St - Capital Grant - Roads to Recovery	43,500	
6400-80237-4820-0000	Decrease Income	Briggs Park Recreation Precinct Car Park - Capital Grant - Federal Stimulus Funding	438	
6400-80182-4818-0000	Decrease Income	Medulla Brook Bridge - Capital Grant - CRSFP	611,604	
6400-80183-4818-0000	Decrease Income	Gooralong Brook Bridge - Capital Grant - CRSFP	403,200	
6600-80271-4822-0000	Increase Income	Administration Building Redevelopment - Library Relocation - Capital Grant - LRCI		85,676
6400-80141-4819-0000	Increase Income	Traffic Island - Abernethy Rd/Kargotich Rd - Capital Grant - MRRG		20,092
6400-80138-4819-0000	Increase Income	Roundabout - Mundijong Rd/Kargotich Rd - Capital Grant - RRG		29,525
6400-80146-4817-0000	Increase Income	Black Spot - Cardup Siding Road - Capital Grant -State Black Spot		44,667
6400-80170-4817-0000	Increase Income	Black Spot -Hopkinson Road - Seal Shoulders Install Edglines - Capital Grant -State Black Spot		42,000
6400-80214-4817-0000	Increase Income	Upgrade -Nicholson Rd, Oakford - Capital Grant -State Black Spot		81,266
6400-80238-4820-0000	Increase Income	Butcher St 2.0m wide path - Capital Grant -Federal Stimulus Funding		37,329
6400-80239-4820-0000	Increase Income	Cockram St 2.0m wide path - Capital Grant -Federal Stimulus Funding		22,125
6400-80240-4820-0000	Increase Income	Helen Cr 2.0m wide path - Capital Grant -Federal Stimulus Funding		3,375
6400-80241-4820-0000	Increase Income	Jarrahdale Rd 2.0m wide path - Capital Grant -Federal Stimulus Funding		8,930
6400-80242-4820-0000	Increase Income	Kargotich Rd & Bishop Rd Street Lights - Capital Grant - Federal Stimulus Funding		19,547
6400-80243-4820-0000	Increase Income	Mary St - Capital Grant -Federal Stimulus Funding		6,375



Account	Type	Description	Debit	Credit
6400-80244-4820-0000	Increase Income	Masters Rd - Traffic speed signs - Capital Grant -Federal Stimulus Funding		13,625
6400-80245-4820-0000	Increase Income	South Cr 2.0m wide path - Capital Grant -Federal Stimulus Funding		12,150
6400-80246-4820-0000	Increase Income	Summerfield Rd & Castle Rd Street Lights - Capital Grant - Federal Stimulus Funding		15,000
6400-80247-4820-0000	Increase Income	Tonkin Street - Capital Grant - Federal Stimulus Funding		40,500
6400-80248-4820-0000	Increase Income	Wanliss Street 2.0m wide path - Capital Grant -Federal Stimulus Funding		17,625
6400-80249-4820-0000	Increase Income	Bishop Rd & Taylor Rd Street Lights - Capital Grant -Federal Stimulus Funding		7,500
6600-80235-4820-0000	Increase Income	Keirnan Park Planning - Capital Grant -Department of Local Govt, Sport & Cultural Industries		100,000
5300-17300-4100-0000	Decrease Income	Federal Assistance Grants (received in Advance) - Operating Grant -F.A grants	769,591	
5300-17300-4101-0000	Decrease Income	Federal Assistance Grants - Roads (received in Advance) - Operating Grant -F.A grants	621,645	
10-9000-9000-3900-0	Decrease Equity	Accumulated Surplus - Muni		747,968
CARRIED UNANIMOUSLY 8/0				



10.3.7 – Communication Protocol (SJ2762)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to enable Council to consider adopting a communication Protocol to provide a framework for interactions between Council and the Administration.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 13 December 2021 OCM358/12/21 – COUNCIL RESOLUTION
That the Council DEFER the matter to the February 2022 Ordinary Council Meeting and NOTES that change to the CEO KPI timeframes will be considered by the CEO Employment Committee at the meeting to be held in February 2022.*

Background

The *Local Government Act 1995* (the Act) sets out the different roles and functions of the Council, the Mayor and President, Councillors and the Administration of the local government overseen by the Chief Executive Officer (CEO).

This legislation, which is consistent with Westminster principles of democracy, provide for a separation of powers between the legislature, the executive, and the judiciary.

Under the Act, a local government is made up of two distinct parts, the Council and Administration. Each part has a specific role and requires the other to succeed in the overall objective of the local government to provide for the good governance of a district.

This scenario is not unique. In both State and Federal Government, under the Westminster system, an elected legislature is supported by a public sector.

In both State and Federal Governments, communication protocols are used to ensure the effective relationship between legislature and administration and to ensure separation of powers.

In December 2021, a draft communication protocol was presented to Council for consideration. At the meeting Council resolved to defer the matter to enable further consideration of the Communication Protocol.



Community / Stakeholder Consultation**Policy Concept Forum**

This item was discussed at the Policy Concept Forum held on 22 November 2021. In addition, a draft version of the protocol was distributed to Councillors on Friday 26 November 2021.

Meeting Date	22 November 2021
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Rich, Cr Singh, Cr Strange, Cr Strautins

Statutory Environment

The Act provides a framework for the distinct roles and responsibilities for Council and the Administration. The *Local Government Model Code of Conduct Regulations 2021* sets out rules for interactions between Councillors and the Administration. Legislation also provides strict rules regarding the influence and conflict of interest.

Comment

A communication protocol for Councillors and employees was prepared in 2016. The document was not formally presented to Council but many of the conventions contained have guided interactions between Council and the Administration in the intervening period. This simple communication protocol enshrined that the primary communication points for Councillors is to be the CEO and Council Support Officer.

The impetus for presenting a revised communication protocol to Council occurred as part of the CEO Key Performance Indicator (KPI) setting where it was identified as a priority action.

Separately, a communication protocol has been identified as a future legislative requirement as part of the Minister for Local Government's latest tranche of proposed legislative reforms announced on 10 November 2021.

In the Department of Local Government's material that accompanied the Minister's announcement, the following rationale was provided:

"In State Government, there are written Communication Protocols between Ministers and agencies that set standards for how information and advice will be provided.

It is proposed that local governments will need to have Council Communications Protocols between the council and the CEO.

These Council Communication Protocols would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided."

Officers have prepared a draft communication protocol for Council's consideration (**attachment 1**).

In preparing the draft Communication Protocol, Officers have examined communication protocols from twelve local governments being Bayswater; Belmont; Cockburn; Gosnells; Kalamunda; Kwinana; Nedlands; Rockingham; Stirling; Subiaco; Victoria Park; and Waroona.

A common theme in these communication protocols is a separation of powers to protect Councillors from explicitly or inadvertently directing Officers to a course of action that would contravene regulations 19 and 20 of the *Local Government (Model Code of Conduct)*



Regulations 2021 which prohibit a Councillor from involving themselves in the Administration and directing an Officer in the course of their duties.

Another a common theme in communication protocols is a framework for how information requests under section 5.92 are to be received and who in the Administration is permitted to communicate with Councillors. This is most commonly through a combination of Chief Executive Officer, senior Officers and named positions that perform specific functions related to Council business.

As noted above communication protocols are also a normal practice to provide a framework between State and Federal Government Ministers and their office and public sector departments. While State Government protocols are not generally published which has limited the capacity for Officers to conduct a current comparison, Officer's past familiarity with these types of documents across government has identified the core elements of these protocols within the draft protocol.

Contents of the draft protocol

The draft protocol commences with an acknowledgement of the need for a partnership between Council and the Administration to deliver on the objectives of the local government and provide for good governance of the district and a commitment to abide by the protocol and to recognise the unique and essential contribution that each part of the local government makes.

The protocol then moves on to the unique roles of the parts of the local government as set out in the legislation being the Council; Councillors; President and Chief Executive Officer and Officers.

The Communication Protocol establishes the following overarching principles:

- Excluding matters such as integrity matters, development of Alternative Motions, development of Notices of Motions, personally sensitive information and individual training, communication that goes to one Councillor is sent to all Councillors.
- Notwithstanding, in accordance with section 2.8 of the Act, the role of the President includes liaising with the CEO on the local government's affairs and the performance of its functions which requires heightened communication to achieve.
- Councillors are leaders in the community and their conduct can impact positively and negatively the reputation of the Shire.
- The Administration has respect for the Office of Councillor and values the contribution that Councillors make.
- Both Administration and Councillors acknowledge the separation of powers enshrined in legislation.
- Both Administration and Councillors recognise the importance of timely communication and that the provision of accurate information takes time.
- Both Administration and Councillors recognise the importance of professionalism in communication.

To give effect to these principles the protocol specifies processes for customer requests made on behalf of Councillors, information requests made under s5.92 of the Act and documents conventions related to communication, Friday Facts, diaries, maintaining confidentiality and meetings.



For the most part, the draft Communication Protocol documents practices that have been convention in the Shire for many years. The most significant change from current conventions is changes to the way customer requests made by Councillors on behalf of members of the public.

Currently, requests for service made by Councillors on behalf of members of the public are received and assigned by the Council Support Officer.

This scenario puts Councillors in jeopardy of inadvertently breaching three sections of the *Local Government (Model Code of Conduct) Regulations 2021* being:

- Regulation 18 states that a Council Member must not make improper use of their office to gain directly or indirectly an advantage for the council member or any other person.
- Regulation 19 states a Council Member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- Regulation 20 states that a Councillor must not direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee or attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee.

With the implementation of the Shire's new Customer Request Management (CRM) system, when receiving a request for service from a constituent, the draft Communication Protocol provides that Councillors should direct the member of the public to the CRM. Any Customer Requests received from Councillors will be treated like any other request for service.

This approach is more in keeping with communication protocols across the sector and with practices enshrined in Federal and State Government communication protocols. Overall, this initiative is considered to be an important step in the journey of continuous improvement from a governance and integrity perspective in ensuring that every community member in the Shire has equal access to services.

Revisions to the draft following Council deferment of the matter

Following Council's decision to defer consideration of the protocol, Officers have made revisions to the draft protocol originally presented to Council. The changes shown in mark-up mode in **attachment 1**. These amendments reinforce the alignment between the Customer Service Charter and Council Policy 3.3.1 – Customer Service as well as Council Policy 5.3.5 – Complaints Resolution. The Communication Protocol supports delivery of the Shire's commitment to Customer Service by directing Customer Requests through the Shire's dedicated Customer Records Management system.

Reflecting the importance of Customer Service and the implementation of the Customer Records Management system it is proposed that Council receive quarterly updates on Customer Service statistics in line with the timetable of Corporate Business Reporting. It is proposed to commence this with the next quarterly report of the Corporate Business Plan.

In addition, the elements of the Communication Protocol that support the rationale for the communication in light of the contents of the *Local Government (Model Code of Conduct) Regulations 2021* have been re-worked. Officers are of the view that the Communication Protocol aids in compliance of the Regulations but that the text proposed to be now deleted was superfluous.

Officers have not procured independent legal advice on the content of the Communication Protocol but have discussed the Protocol with Officers from the Department of Local Government,



Sport and Cultural Industries prior and following Council's consideration. These general advice from the Department is that in line with the Minister's proposed legislative reforms, a Communication Protocol that clearly separates the roles of Council and Administration is important to a high functioning local government. In the discussions with the Department it was noted that a clear separation reinforced by a Communication protocol is a useful tool to help assist Councillors meet their obligations under the Regulations and Officers perform their duties under legislation.

Options and Implications

Option1

That Council:

1. ADOPTS the Communication Protocol as contained in **attachment 1**.
2. NOTES that Council will receive quarterly reporting on Customer Resource Management in line with the timetable of Corporate Business Reporting commencing in May 2022.

Option 2

That Council NOTES the draft Communication Protocol presented for Council's consideration and REQUESTS that the Chief Executive Officer present a revised draft to a future Council meeting following further consultation.

Option 1 is recommended.

Conclusion

As recognised in the Minister's proposed reforms, a communication protocol between Council and Administration that describes how the separation of powers between legislature and executive is enacted is recommended.

Attachments (available under separate cover)

- **10.3.7 - attachment 1** – Draft - Communication Protocol February 2022 (E22/1255)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option						
2	In the absence of a protocol, the roles between Administration and Council are not clearly articulated and Councillors may continue to be at risk of inadvertently breaching the Rules of Conduct Regulations		Organisational Performance	Possible	Minor	MODERATE	

Voting Requirements: Simple Majority

OCM026/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Atwell

That Council:

1. **ADOPTS** the Communication Protocol as contained in attachment 1.
2. **NOTES** that Council will receive quarterly reporting on Customer Resource Management in line with the timetable of Corporate Business Reporting commencing in May 2022.

CARRIED UNANIMOUSLY 8/0

**10.3.8 – Conduct of meetings via electronic means and consideration of draft policy regarding Electronic Meetings (SJ526-02)**

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to enable Council to consider adopting a policy related to the conduct of meetings under Regulation 14C and 14D of the *Local Government (Administration) Regulations 1996* and consider whether Council business should be conducted electronically for a period.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The response to the COVID-19 pandemic has necessitated new ways of working and has required community, business and government to adjust to rapidly evolving health directives and circumstances.

Except for a period in 2020, Council has been able to continue to conduct meetings in-person with a public gallery. This has meant that for the most part Council has not needed to utilise the provisions of Regulation 14C and 14D of the *Local Government (Administration) Regulations 1996* that relate to the conduct of meetings electronically.

Community / Stakeholder ConsultationPolicy Concept Forum

Meeting Date	7 February 2022
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Duggin, Cr Singh, Cr Strautins



Statutory Environment

Amendments to *Local Government (Administration) Regulations 1996* were made in 2020 that permit attendance under specific circumstances by electronic means in public health emergency or state of emergency (Regulation 14C) and for Council to hold meetings via electronic means (Regulation 14D).

The amendments also modify requirements for meetings to be open to the public.

Comment

While circumstances are constantly evolving, it is increasingly likely and foreseeable that Councillors and Officers that provide advice at Council Meetings could be unable to attend physical Council meetings due to being required to self-isolate by health directives as either a close contact or positive COVID-19 case.

The Shire is not alone in this possibility. The Shire is aware that Councils across Western Australia are exploring options for managing the increasing possibility that multiple Councillors and critical staff may be unable to attend physical Council meetings.

For this reason, it is proposed that Council resolve to hold Council business being Council Meetings, Committee Meetings, Q&A sessions and Policy Concept Forums electronically in accordance with Regulation 14D of the *Local Government (Administration) Regulations 1996* for an initial period until 1 June 2022 supported by a Council Policy (**attachment 1**) that provides a framework for the conduct of Council Meetings.

An alternative approach for Council is to continue to hold Council business within Chambers and have applications for electronic participation at physical meetings considered in accordance with Regulation 14C of the *Local Government (Administration) Regulations 1996*.

In making a determination, Council is being asked to consider whether meetings should be conducted with:

- all participants participating electronically, or
- some participating physically and some electronically (a hybrid model).

Each has advantages and disadvantages.

A hybrid-model brings with it the challenges associated within conducting meetings in Council Chambers. Within the current technological constraints, the electronic participation in physical meetings can only occur through telephone connected to the Chamber's microphone array. This means that in a hybrid model, only audio participation would be possible. As noted in previous reports, acoustically Chambers is not optimal and experiences using the existing technology have not performed well with the experience being echoey. Any person participating remotely in a physical meeting would also not have the benefit of being able to view the recording of the minutes, including the drafting of any alternative motion wording on the Chamber screens.

A full electronic model would be conducted using the Microsoft Teams platform. This would mean that a public gallery could not view Council and Committee meetings live.

Instead, it is proposed that the electronic meeting Council and Committee be recorded using the Microsoft Team's in-built software with the recording being published and made available to the public on the Shire's website with the publication of the unconfirmed minutes. This would be the first occasion where Council and Committee meetings were recorded in the Shire and would be consistent with requests and suggestions made from time-to-time which have not been recommended because of the limitations of Chambers.



Due to technological considerations live broadcast of Council and Committee Meetings is not recommended at this stage. Live broadcast increases the chance of technical failure.

Under an electronic approach, public participation at the meeting in the form of public questions, statements and deputations would continue albeit constrained by the inability of the public to attend the meeting. The policy proposes that in a full electronic meeting that public questions and statements submitted by 2:00pm of the meeting day would be read into the minutes as if the person was present and that approved deputations where the text was received prior to 2:00pm would similarly be distributed to Councillors and recorded in the minutes. This approach would allow greater access to public question and statement time than that currently afforded to the public.

Holding meetings electronically is not without challenge for participants. As the world has moved to conduct meetings electronically there have been plenty of examples where high performing organisations have had unfortunate breakdowns in effective meeting conduct due to technical problems and participant error. The draft policy in **attachment 1**, is consistent with the guidance material prepared by the Western Australian Local Government Association (WALGA) which notes the inherent complexity and difficulty in the effective conduct of Council business electronically.

In addition to changes to Standing Orders required to support meetings such as the requirement to occupy own seats, the draft policy provides for how matters such as conflict of interest and items heard by closed doors can occur.

To support meetings, Councillors and Officers will be required to use the Information Technology equipment supplied by the Shire which is supported by the Shire's Information Management team. Likewise, the policy provides provisions consistent with WALGA's guidance material, that Councillors and Officers should be in an appropriate location for the effective conduct of the meeting. This means that Councillors and Officers are able to remove themselves from the meeting in the event of a conflict of interest, be able to participate in confidential matters heard behind closed doors in accordance with the Act and be able to observe due attention to the meeting.

In the event that Councillors and Officers are unable to be in an appropriate location, if they are otherwise permitted by public health directives, the Policy notes that appropriate locations can be sourced at the Shire's administration building.

In preparing the policy, Officers have given consideration to whether the use of 'en bloc' might assist proceedings of electronic meetings. This practice involves bundling those items where there are no questions, alternative or amended motions or conflicts of interest into a single motion. The use of 'en bloc' motions is discussed in the Department's guidance material which highlights that while the practice can result in greater efficiency care must be exercised in its application. The primary risk in moving an item 'en bloc' is that bundling several items into one motion can create confusion and lead to a situation where an item is resolved without debate where debate was required or where an interest was required to be declared but no declaration was made.

At this time, the use of 'en bloc' motions is not recommended, however, this can be revisited at a later stage.

In lieu of using 'en bloc' motions, the draft policy states that the Presiding Member should continue to ask if there are anyone opposed to the motion and if no-one is opposed, that the motion be passed unanimously.



Development Assessment Panel Meetings

Development Assessment Panel (DAP) meetings are hosted by the Department of Planning, Lands and Heritage and occasionally use local government facilities to conduct their sessions which include local government members.

Discussions with the DPLH indicate that their preference is to follow the practices of relevant local governments and that they are seeking direction on this matter. In that sense, if the Council wishes to move to electronic meetings to conduct Council business it would be appropriate to consider resolving that the Shire's preference is for DAP meetings to also be held electronically. The Shire has been advised that DPLH uses the zoom platform to conduct DAP meetings.

Options and Implications

Option1

That Council:

1. ADOPTS Council Policy 3.3.7 Electronic Meetings contained in **attachment 1**.
2. RESOLVES in accordance with Regulation 14D of the *Local Government (Administration) 1996* that Council and Committee meetings held up to 1 June 2022 will be conducted electronically in accordance with Council's Policy contained in **attachment 1**.
3. RESOLVES that the proceedings of Council and Committee Meetings held electronically during this time will be recorded in accordance with the policy contained in **attachment 1** with the recordings published on the Shire's website with the unconfirmed minutes of the meeting.
4. RESOLVES that Q&A and Policy Concept Forums held up to 1 June 2022 will be conducted electronically.
5. REQUESTS that future Development Assessment Panel meetings to be held up to 1 June 2022 in the Shire are conducted via a suitable electronic platform.

Option 2

That Council:

1. ADOPTS Council Policy 3.3.7 Electronic Meetings contained in **attachment 1**.
2. RESOLVES to continue to hold meetings in-person at the Civic Centre.

Option 1 is recommended.

Conclusion

The delivery of the Shire's services is contingent on the capacity of Council to meet and make decisions collectively in accordance with legislation. As it is foreseeable that Councillors and Officers who provide advice at meetings could be prevented for participating at physical meetings as a result of public health directives, it is recommended that Council resolve to hold Council meetings electronically for a period of three months initially in accordance with Regulation 14D of the *Local Government (Administration) Regulations 1996* within the framework provided by the policy contained in **attachment 1**.



Attachments (available under separate cover)

- **10.3.8 - attachment 1** – Draft Council Policy 3.3.7 – Electronic Meetings (E22/1283)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

There are limited financial implications associated with this paper. A decision by Council to hold meetings electronically would result in savings of catering of approximately \$3,000.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	The public will not be able to attend meetings in person which may result in community concern	Meeting proceedings will be recorded and published. Public participation in the form of public questions, statements and deputations will continue.	Reputation	Possible	Minor	LOW	
2	The effective conduct of meetings could be impacted if Councillors and critical staff are unable to attend		Organisational Performance	Possible	Minor	MODERATE	



Voting Requirements: Simple Majority

OCM027/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Duggin

That Council:

- 1. ADOPTS Council Policy 3.3.7 Electronic Meetings contained in attachment 1.**
- 2. RESOLVES in accordance with Regulation 14D of the *Local Government (Administration) Regulations 1996* that Council and Committee meetings held up to 1 June 2022 will be conducted electronically in accordance with Council's Policy contained in attachment 1.**
- 3. RESOLVES that the proceedings of Council and Committee Meetings held electronically during this time will be recorded in accordance with the policy contained in attachment 1 with the recordings published on the Shire's website with the unconfirmed minutes of the meeting.**
- 4. RESOLVES that Q & A and Policy Concept Forums held up to 1 June 2022 will be conducted electronically.**
- 5. REQUESTS that future Development Assessment Panel meetings to be held up to 1 June 2022 in the Shire are conducted via a suitable electronic platform.**

CARRIED 5/3



10.4 Community and Organisational Development reports

10.4.1 – Senior’s Bus Excursion Consultation (SJ2514-2)	
Responsible Officer:	Manager Community Activation
Senior Officer:	Deputy CEO / Director Community and Organisational Development
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to receive outcomes of the consultation undertaken, to gauge community interest in the reintroduction of the Senior’s bus excursion program for the 2021/2022 Financial Year.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting – 20 September 2021 - OCM240/09/21 – COUNCIL RESOLUTION That Council requests the Chief Executive Officer:</i>	
1.	<i>UNDERTAKE a period of community consultation to ascertain interest from the community in regard to the reintroduction of Senior’s bus excursion program in the 2021/2022 Financial Year; and</i>
2.	<i>PROVIDE a report as soon as practicable on completion of this consultation outlining the results of the consultation and any costs and resourcing requirements to reintroduce the program, including possible sources of funding for the program.</i>
3.	<i>SUPPORTS existing community groups to apply for Shire grant funding, to support the expansion of their activities should they experience a need from community and desire to expand their activities and program offerings.</i>

Background

The Shire previously delivered a Senior’s program in 2018/19 that included low cost outings and excursions for senior-aged residents. This program was funded via a grant from the Department of Communities, with local Senior’s groups continuing the initiative as part of their own organisational activities following this time.

At the September Ordinary Council Meeting, a Notice of Motion was considered and ultimately supported by Council, for community consultation to be delivered to ascertain interest from the community in regard to the reintroduction of Senior’s bus excursion program in the 2021/2022 Financial Year.



Community / Stakeholder Consultation

The Senior's Bus Excursion consultation opened on 29 November 2021 and closed 20 December 2021.

The survey was available via the following methods:

- Online via Your Say SJ.
- Hard copy survey available at the Senior's Week Garden Party and at the Shire of Serpentine Jarrahdale Administration Centre, Mundijong Public Library, Serpentine Jarrahdale Community Recreation Centre, Serpentine Jarrahdale Community Resource Centre.
- Hard copy survey delivered to all residents at Graceford Independent Living Units and Serpentine Falls Park Home and Tourist Village.
- Direct email to members of local Seniors groups and associations.

The Engagement Outcomes of the survey is included as **attachment 1** to this report.

A summary of the results is provided below:

Topic	Outcome/theme	
Responses	<ul style="list-style-type: none"> • 104 people completed the survey 	
Previous participation in program	<ul style="list-style-type: none"> • 24% of respondents had previously attended the Shire's Bus Excursion program 	
Reasons for not previously participating in program	<ul style="list-style-type: none"> • not aware of the program • not interested in participating • did not reside in the Shire at the time • wasn't a senior at that time 	
Access to other bus excursions/outings	<ul style="list-style-type: none"> • 28% of respondents currently attend bus excursions or other outings provided or organised by other existing groups or agencies 	
Likelihood of participation	<ul style="list-style-type: none"> • 57% indicated they would be highly likely to attend if the Shire reintroduced a Senior's Bus Excursion program • 30% indicated they may attend and • 13% indicated they were not at all likely to attend 	
Maximum amount willing to pay for a bus excursion/outing (<i>noting that the cost of entry and any refreshments etc purchased on the day would be additional</i>)	Amount	% of respondents
	Not willing to pay anything	15 %
	\$5	7%
	\$10	33%
	\$15	15%
	\$20	30%
Assistance required to participate	<p>Some people would require assistance to participate in the program including:</p> <ul style="list-style-type: none"> • pick up and drop off from home address • storage of a wheelchair/walker • assistance to board the bus • ability to book over the phone and • pay by cash • not interested in participating (10 respondents) 	



Preferred Day and Time	No obvious preference for a day/time was forthcoming in the responses, although generally morning or mid-morning to early afternoon seemed most favourable. Wednesdays and Fridays received highest response. All responses are collated on attachment 2 .
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Statutory Environment

Nil.

Comment

Given the outcomes of the consultation, key requirements for the successful re-implementation of the Senior's bus excursions/outings are as follows:

- Targeted communication and marketing collateral that provides substantial advance notice of excursions, widely distributed through the community. This is in response to the fact that nearly 55% of respondents that previously did not engage in the excursions, were not aware of them. Feedback from the survey included that communication should be to the wider community, to reach family or carers, as well as directly to Seniors.
- Well planned activities, providing opportunities to explore new experiences both in and out of the Shire. This is in response to the comments received about what previous attendees found most enjoyable.
- Adequate administration and staffing support to sustain any program – including manual acceptance and confirmation of registration, pre and post event communication via phone and administering payments as required. This is in response to feedback received on factors that might impact on Senior's ability to participate in the program.
- Appropriate transport provisions to meet the requirements of the attendees (storage for walking aids, pick up and drop off options etc). This is in response to feedback received on factors that might impact on Senior's ability to participate in the program.
- Development of procedural documents to maintain appropriate Health and Safety requirements for staff, contractors and attendees.
- Ability for carers or other family members or friends to attend for support where required. This is in response to a number of comments received indicating a desire to also involve key friends/family/carers in the outings. It is expected this would also increase the likelihood of Senior's attending, particularly those who may require assistance.
- Recommendation to launch the program no earlier than Senior's Week 2022, scheduled for November, to allow for program development and promotion. A later start date may be required depending on the COVID-19 situation in WA and the community's confidence in attending public events and activities.

77.9% of respondents indicated that they would be willing to pay between \$10 and \$20 to attend Senior specific bus excursions/outings. Affordability remains essential to the objectives of social inclusion and connectedness for Seniors, on the basis that those who cannot afford to attend may be at greater risk of loneliness and isolation.



Similarly to the previous program, should Council determine to reinstate the Senior's Bus Excursions, Officers would recommend a cost of \$10 or \$15 per person to participate (subject to the bus size required) for those that hold a Senior's card. The program could further consider becoming an Affiliate to the Companion Card Program (which supports Western Australians with a significant and permanent disability who require attendant care support to participate at community venues and events at no charge to their companion) and financial hardship discounts.

Officers anticipate the program would cost approximately \$60,000 per annum for up to 12 excursions per year. This includes additional FTE (the program could not be implemented with the current staffing levels), noting the net annual cost may fluctuate based on final attendance numbers.

As such, Officers do not recommend reinstating the program in the current 2021/22 financial year as the level of service and forward planning/communication/promotional requirements to Seniors for a successful program cannot be delivered within current budget and staffing allocations.

However, Officers recommend listing the program for consideration in the 2022/23 budget process that would allow Council to consider the full breadth of resourcing requirements and outline of expected costs.

Support to existing groups to apply for Shire Grant Funding

Officers have had conversations with several Senior's groups in the Shire to provide information on the Shire's Grant Funding Policy and offer support should there be interest in making an application under this scheme to support the expansion of their own outings. To date, no existing group has expressed a need or interest in applying for funding to open their excursions to the wider community.

Current Program and Budget Considerations

The current budget allocation for Senior's programming provides for the Senior's Garden Party during Senior's week (hosted November 2021) and small workshop style activities at an average of one per quarter.

There is approximately \$3,500 remaining for the current financial year which would be insufficient to reinstate a Senior's Bus Excursion program, however a one-off excursion could be provided in Quarter 4 if determined by Council. This is not recommended as Officers are currently engaging Senior's in demonstrations on how to access and utilise the Service WA apps, which has proven to be popular amongst the cohort. These would need to be discontinued to allow staffing resources for the bus excursion, and the cost of advertising one excursion with no certainty of program continuation would not provide substantial value.

Additionally, having multiple numbers of seniors on a bus for period of times in the current and emerging COVID-19 pandemic environment is considered to be a high-risk activity.

As such, Officers recommend that the Senior's Bus Excursion program is not reinstated in the 2021/22 financial year, but that Council list the program for consideration in the 2022/23 budget setting process.

Grant Funding Opportunities

- There are two specific grant opportunities available via the Department of Communities, the Age-friendly and Dementia-friendly Communities Grants Program and the Age-friendly Communities Social Connectivity Grants program.



- Both schemes provide up to \$15,000 for local governments and incorporated not-for-profit community organisations to implement age-friendly, active/positive ageing, other seniors-related strategies. However, as these schemes are both currently closed, eligibility would need to be considered following the release of guidelines and in consideration to the format of the program still to be determined as well as timing for delivery.

Other opportunities for funding could be explored, subject to outcomes of this report. In general, a financial contribution is required to strengthen an application as well as demonstrate an ongoing commitment to the continuation and sustainability of the program.

Options and Implications

Option 1

That Council:

1. NOTES the outcomes of the Senior's Bus Excursion consultation;
2. AGREES to not deliver the Senior's Bus Excursion program in the 2021/22 financial year; and
3. LISTS the Senior's Bus Excursion program for consideration in the 2022/23 budget setting process.

Option 2

That Council:

1. NOTES outcomes of the Senior's Bus Excursion consultation;
2. REQUESTS the Chief Executive Officer provide one Senior's Bus Excursion in the 2021/22 financial year within the remaining budget allocations, ceasing all other Senior initiatives in the current financial year; and
3. LISTS the Senior's Bus Excursion program for consideration in the 2022/23 budget process.

Option 3

That Council:

1. NOTES outcomes of the Senior's Bus Excursion consultation;
2. DOES NOT PROCEED with reinstating the Senior's Bus Excursion program; and
3. REQUESTS the Chief Executive Officer to work with existing community groups providing Bus Excursions to apply for Shire grant funding where eligible, to support the expansion of their activities should they experience a need from community and desire to expand their activities and program offerings.

Option 1 is recommended.

Conclusion

Officers have undertaken a period of community consultation to ascertain the community interest in reinstating the Senior's Bus Excursion program, which demonstrates community support for the re-introduction of the program.



Current budget allocations do not allow for the program to be reinstated with the required level of service and promotional material expected for a successful program, in line with the feedback received through the consultation process.

Officers recommend that Council list the program for consideration in the 2022/23 budget process.

Attachments (available under separate cover)

- **10.4.1 – attachment 1** – Senior's Bus Survey – Redacted Survey Responses Report (E22/1265).
- **10.4.1 – attachment 2** – Preferred day and time responses – Consolidated table (E22/902).

Alignment with our Strategic Community Plan

Outcome 1.1	A connected, thriving, active and safe community
Strategy 1.1.2	Provide a healthy community environment

Financial Implications

There are no implications to the 2021/2022 budget to implement the Officer's recommendation.

Should Council endorse the Officer's recommendation, a full program business case will be developed and submitted as part of the 2022/23 Budget setting process for Council's consideration.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with option one.						
2	Limited time and resources to develop, promote and deliver one excursion by 30 June 2022.	Accept Officers recommendation	Organisational Performance	Possible	Minor	MODERATE	
2	Dissatisfaction from stakeholders that the Senior’s Bus Excursion program does not continue after one excursion.	Accept Officers recommendation	Reputation	Possible	Minor	MODERATE	



3	Multiple Senior's on a bus for periods of time and risk of COVID infection to vulnerable cohort.	Accept Officers recommendation	Reputation	Possible	Major	SIGNIFICANT	
3	Dissatisfaction from stakeholders that the Senior's Bus Excursion program is not reinstated.	Accept Officers recommendation	Reputation	Unlikely	Minor	LOW	

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. NOTES the outcomes of the Senior's Bus Excursion consultation;
2. AGREES to not deliver the Senior's Bus Excursion program in the 2021/22 financial year; and
3. LISTS the Senior's Bus Excursion program for consideration in the 2022/23 budget process.

OCM028/02/22

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Dagostino

That the Council DEFER the matter to the March Ordinary Council Meeting.

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer Recommendation

To enable questions to be answered.



10.4.2 – 2020/2021 Annual Report (SJ800)	
Responsible Officer:	Manager Communications and Customer Engagement
Senior Officer:	Deputy CEO/Director Community and Organisational Development
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider:

- Accepting the 2020/2021 Annual Report in accordance with section 5.54 of the *Local Government Act 1995* (the Act); and
- Setting a date for the General Meeting of Electors.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting – 16 August 2021 – OCM204/08/21 - COUNCIL RESOLUTION That Council REQUESTS that the Chief Executive Officer include in the 2020-21 Annual Report and the years thereafter the following information:</i>	
1.	<i>The report on training required by section 5.127 of the Local Government Act 1995 on the training completed by Council Members in the financial year; and</i>
2.	<i>The type, and the amount or value, of any fees, expenses or allowances paid to each Council Member during the financial year required to be published on the Shire's website by Regulation 29C of the Local Government (Administration) Regulations 1996.</i>

Background

In accordance with section 5.54 of the *Local Government Act 1995*, the Annual Report is to be accepted by Council no later than 31 December after that financial year, or no later than two months after the auditor's report becomes available.

Community / Stakeholder Consultation

The process undertaken for the preparation of the 2020/2021 Annual Report has included:

July 2021	Shire Officers were requested to undertake an analysis of the activities undertaken in their respective areas and align these to the Strategic Community Plan and Corporate Business Plan.
August 2021	Management Team reviewed the draft Annual Report.
September 2021	The External Auditor commenced audit procedures.



October 2021	The Executive Management Team reviewed the second draft of the Annual Report.
November 2021	A final draft of the annual report was collated.
December 2021	The External Auditor completed their audit requirements.

Statutory Environment

The minimum contents of an annual report and the process to be followed following acceptance of the annual report are defined in the *Local Government Act 1995*.

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
 - (a) *a report from the mayor or president; and*
 - (b) *a report from the CEO; and*
 - [(c), (d) deleted]*
 - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - (f) *the financial report for the financial year; and*
 - (g) *such information as may be prescribed in relation to the payments made to employees; and*
 - (h) *the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year;*
and
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) *the number of complaints recorded in the register of complaints; and*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require; and*
 - (iv) *such other information as may be prescribed.*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*



5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.*
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.*

Comment

Annual Report

The draft 2020/2021 annual report presented for Council's consideration at **attachment 1** meets the requirements of the Act through the inclusion of:

1. Shire President's Report;
2. Chief Executive Officer's Report;
3. Overview of Planning for the Future of the District in accordance with Section 5.56 of the *Local Government Act 1995* and achievements made against the Strategic Community Plan 2017-2027;
4. A report on entries made under section 5.121 of the Act that relate to complaints of minor breaches of the Act Report in relation to the Complaints Register subject to Section 5.121 of the Act;
5. Report required under Section 29(2) of the Disability Services Act 1993;
6. Auditor's Report and Audited Financial Statements;
7. Information about certain employees required under regulation 19B of the *Local Government (Administration) Regulations 1996*; and
8. A report on compliance with the organisation's recordkeeping plan.

The Annual Report will be available for public access via the Shire's website, Administration Centre and Mundijong Public Library.

A copy of the 2020/2021 Annual Report will also be provided to the Director General of the Department of Local Government, Sport and Cultural Industries.

General Meeting of Electors

In accordance with section 5.27 of the *Local Government Act 1995*, a General Meeting of Electors of a district is to be held once every financial year. The meeting is to be held not more than 56 days after the local government accepts the annual report for the previous financial year.

Advertising of the General Meeting of Electors is required to the community through the local newspaper as well as through community notice boards.



The recommended date for the General Meeting of Electors is Wednesday, 16 March 2022, at 6.30pm.

Section 5.33 of the Act states that all decisions made at an Electors' meeting are to be considered at the next Ordinary Council Meeting or, if that is not practicable, at the first Ordinary Council Meeting after that meeting; or at a Special Council Meeting called for that purpose, whichever happens first.

COVID-19

At the writing of this report, it is unknown what restrictions or public health directions may be imposed regarding COVID-19. This is a rapidly changing environment.

A separate paper to Council proposes moving Council and Committee business online and the other precautions that the Shire is undertaking to ensure business continuity and public safety.

The sudden introduction of public health directives or COVID-19 cases could result in a delay or change to the proposed date of the Electors' meeting, outside the control of the Shire.

Previous Electors' meetings have been held at the Civic Centre in Mundijong. This is understood in the community to be the normal place where Council business is conducted. Given the current fluid situation with COVID it may not be an appropriate location.

Various alternative locations for the Electors' meeting are being considered based on different scenarios. For a range of reasons conduct of an Electors' meeting online is not considered feasible at this time. The legislation is silent on the conduct of Electors' meetings online and the relevant sections that apply to Council and Committee meetings do not apply to Electors' meetings.

At this time and given the fluid situation it is recommended that Council set the date for the meeting with the venue being the Civic Centre but with the option for an alternative site to be selected by the Chief Executive Officer, in liaison with the Shire President.

Annual Financial Statements and Audit Report 2020/2021

The Annual Financial Statements and Audit Report 2020/2021 will be considered by the Audit, Risk and Governance Committee at a Special Meeting on Monday, 14 February 2022.

Options and Implications

Option1 - Adopt the 2020/2021 Annual Report

That Council:

1. **ADOPTS** the Shire of Serpentine Jarrahdale 2020/2021 Annual Report provided at **attachment 1**, in accordance with section 5.54 of the *Local Government Act 1995*;
2. **RESOLVES** that the General Meeting of Electors be held on Wednesday, 16 March 2022, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2020/2021 Annual Report;
3. **AUTHORISES** the Chief Executive Officer, in liaison with the Shire President, to make arrangements to hold the Electors' meeting at an alternative location;
4. **REQUESTS** the Chief Executive Officer give local public notice of the General Meeting of Electors; and



5. AUTHORISES the Shire President and Chief Executive Officer to set an alternative date and time for the General Meeting of Electors in the event that Public Health Directives do not permit the meeting to be held on the date and time set out in point 2 above.

Option 2 – Adopt 2020/2021 Annual Report with minor amendments

That Council:

1. ADOPTS the Shire of Serpentine Jarrahdale 2020/2021 Annual Report in accordance with section 5.54 of the *Local Government Act 1995* with amendments;
2. RESOLVES that the General Meeting of Electors be held on Wednesday, 16 March 2022, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2020/2021 Annual Report;
3. AUTHORISES the Chief Executive Officer, in liaison with the Shire President, to make arrangements to hold the Electors' meeting at an alternative location;
4. REQUESTS the Chief Executive Officer give local public notice of the General Meeting of Electors; and
5. AUTHORISES the Shire President and Chief Executive Officer to set an alternative date and time for the General Meeting of Electors in the event that Public Health Directives do not permit the meeting to be held on the date and time set out in point 2 above.

Option 3 – Not adopt the 2020/2021 Annual Report

That Council DOES NOT ADOPT the 2020/2021 Annual Report.

Council would need to reconsider the 2020/2021 Annual Report at a Special Council Meeting to ensure compliance with the Act.

Option 1 is recommended.

Conclusion

Council is requested to adopt the 2020/2021 Annual Report as required by section 5.54 of the Act and resolve to hold the General Meeting of Electors on Wednesday, 16 March 2022, to be held in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong commencing at 6.30pm.

Attachments (available under separate cover)

- 10.4.2 - attachment 1 – 2020/2021 Annual Report (E22/1326)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions



Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council is unable to hold its General Meeting of Electors because of changes to COVID-19 requirements for public meetings and physical distancing.	Follow State Government guidelines for public gatherings and physical distancing.	Organisational Performance	Possible	Minor	MODERATE	Continue to follow State Government guidelines for public gatherings and physical distancing.
2	Major changes to the Annual Report would delay the availability of the Annual Report and may compromise compliance with the legislation requirements to hold a General Meeting of Electors following the acceptance of the Annual Report.	Engagement with all service teams to ensure all information and achievements are captured in the Annual Report.	Organisational Performance	Possible	Minor	MODERATE	N/A
3	That Council does not accept the Officer recommendation and does not meet its obligations under Section 5.53 of the <i>Local Government Act 1995</i> .	2020/2021 Annual Report prepared and presented to Council for their consideration.	Organisational Performance	Possible	Minor	MODERATE	N/A



Voting Requirements: Absolute Majority (section 5.54, *Local Government Act 1995*)

OCM029/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Duggin

That Council:

- 1. ADOPTS the Shire of Serpentine Jarrahdale 2020/2021 Annual Report provided at attachment 1, in accordance with section 5.54 of the *Local Government Act 1995*;**
- 2. RESOLVES that the General Meeting of Electors be held on Wednesday, 16 March 2022, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6:30pm, to present the Shire of Serpentine Jarrahdale 2020/2021 Annual Report;**
- 3. AUTHORISES the Chief Executive Officer, in liaison with the Shire President, to make arrangements to hold the Electors' meeting at an alternative location;**
- 4. REQUESTS the Chief Executive Officer give local public notice of the General Meeting of Electors; and**
- 5. AUTHORISES the Shire President and Chief Executive Officer to set an alternative date and time for the General Meeting of Electors in the event that Public Health Directives do not permit the meeting to be held on the date and time set out in point 2 above.**

CARRIED UNANIMOUSLY 8/0



In addition to the Officers who declared a Financial Interest in the preparation of the report, the following Officers declared a Financial Interest prior to item 10.4.3 being discussed:

- Manager Strategic Planning, Mr Deon van der Linde
- Manager Statutory Planning and Compliance, Mr Ashwin Nair
- Governance Officer – Council and Committees, Ms Mandie Gibson

10.4.3 – COVID-19 Update – Organisational Preparedness and Response (SJ3814)	
Responsible Officer:	Deputy CEO/ Director Community and Organisational Development
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	<p>As this matter contains advice related to terms or conditions of all employees, the following Officers involved in the preparation of this report have declared a financial interest in the matter:</p> <ul style="list-style-type: none"> • Chief Executive Officer • Deputy CEO / Director Community and Organisational Development • Director Development Services • Director Corporate Services • Director Infrastructure Services • People, Development and Wellbeing Manager • Manager Governance and Strategy • Manager Communications and Customer Engagement <p>As the matter in the report deals with all aspects of the Shire's business, it is not appropriate for the employees declaring a financial interest to leave the room, as has been customary.</p> <p>Per the Department of Local Government, Sport and Cultural Industries Operational Guidelines, there is no legislative requirement for employees to leave the meeting when a disclosure has been made. Disclosures of interest will be recorded in accordance with the legislative requirements of section 5.70 of the Act.</p>

Authority / Discretion

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

The purpose of this report is for Council to consider the proposed preparation and response by the Shire of Serpentine Jarrahdale to managing business continuity in response to the impact of the spread of COVID-19 in the Western Australian community.

Officers have attempted to achieve a balance between continuing to operate and provide good governance to the district, while protecting the welfare of Councillors, staff, volunteers and the community.



Relevant Previous Decisions of Council

Special Council Meeting – 23 March 2020 – SCM077/03/20 - COUNCIL RESOLUTION

That Council:

- 1. ADOPTS the revised Business Continuity Plan – COVID-19 Response as contained within attachment 1.*
- 2. ADOPTS the updated communications plan attached at attachment 4.*
- 3. REQUESTS the Chief Executive Officer to commence preparing an organisational recovery plan for Councils consideration.*
- 4. REQUESTS the Chief Executive Officer to draft a policy for COVID-19 including approving an additional 10 days sick leave for those staff confirmed as having the virus for Council's consideration.*
- 5. ENDORSES the cancellation and future rescheduling of the annual bushfire brigade volunteers award and recognition evening event.*
- 6. ENDORSES the decision by the Chief Bushfire Control Officer to extend the Shire of Serpentine Jarrahdale's prohibited burning period for a period of 14 days to end on 14 April 2020.*
- 7. NOTES that extension of the prohibited burning period does not apply to prescribed burn activities undertaken by the Shire's bushfire brigades commensurate with the mitigation activity funding awarded under DFES's Mitigation Activity Funding Program.*
- 8. APPROVES the closure of the Youth Space and Youth Drop-in program until such a time as the Chief Executive Officer deems it safe to reopen.*
- 9. APPROVES the cancellation of the Youth Fest 2020 event.*
- 10. NOTES that the Serpentine Jarrahdale Community Recreation Centre has closed in line with Government direction, however, continues to offer Before and Afterschool care programs in line with Government direction.*
- 11. ENDORSES the cancellation of the ANZAC Day Processional March and Commemorative Service 2020, and supports the alternative arrangements as outlined in this report.*
- 12. AUTHORISES the Chief Executive Officer, in consultation with the Shire President, to cancel any Shire delivered events, programs and activities deemed necessary, up until 30 June.*
- 13. RESOLVES that Council Policy 5.1.4 Facility Hire- Cancellation Fees is not applied to any bookings where the cancellation is made in the period 16 March to 30 June 2020.*
- 14. ENDORSES that the May 2020 round of the General Grants not be run and REQUESTS the Chief Executive Officer bring a report to Council as soon as practicable with a review of the community grants program.*
- 15. NOTES that the Mundijong Public Library has closed in line with Government Direction, and that home delivery services, on-line services and 'click and collect' type services will be offered where possible, during the closure period.*
- 16. APPROVES limiting seating in the public gallery at Council and Committee meetings in line with Government requirements.*
- 17. APPROVES changes to the seating arrangements for Councillors to achieve Government requirements.*



18. *REQUESTS the Chief Executive Officer investigates the opportunity to broadcast audio from Council and Committee meetings via internet streaming with options presented to Council for consideration.*
19. *REQUESTS that the Chief Executive Officer write to the Department of Home Affairs to limit the number of conferees for future citizenship ceremonies in accordance with Government requirements and NOTES that future ceremonies will be conducted based on the abridged format recommended by the Department of Home Affairs, subject to future Commonwealth or State Government advice.*
20. *APPROVES that the Chief Executive Officer to cancel future PCF and Q&A meetings in consultation with the Shire President, in line with Government requirements, when deemed necessary.*
21. *APPROVES that the Chief Executive Officer write to nominees to the Access and Inclusion Advisory Group, Cemeteries Advisory Group and Equine Advisory Group advising them that Council will be defer appointing members to the groups at this time.*
22. *AUTHORISES the Chief Executive Officer, in consultation with the Shire President, to close of the Shire of Serpentine Jarrahdale Administration Customer Service Centre (limiting all customer contact to occur by phone, email and/or correspondence) when deemed necessary, or directed.*
23. *CLOSES all Shire of Serpentine Jarrahdale Community Halls and Pavilions and APPROVES that any bookings for Community Halls, Pavilions and Reserves will not be confirmed until such a time as the Chief Executive Officer determines.*
24. *APPROVES that the Shire of Serpentine Jarrahdale Community Bus not be made available for use until such a time as the Chief Executive Officer determines, in consultation with the Shire President, until 30 June 2020.*
25. *REQUESTS the Chief Executive Officer write to WALGA, seeking WALGA's support in contacting the State and Federal Governments for extensions of deadlines for Grant funding, if the works cannot be undertaken as a result of COVID-19.*

Background

Public health measures were introduced by the State Government on 23 December 2021 in response to community transmission of COVID-19, including mandatory mask wearing at public indoor venues as well as mandatory COVID-19 vaccination for entry to prescribed venues.

The State Government had planned to re-open Western Australia's border on Saturday, 5 February. This date has now been postponed, with no date set for the re-opening of the border.

As the number of community cases of COVID-19 continue to increase, the following activities have been undertaken as part of the Shire's planning and response to protect the health and wellbeing of staff, Councillors, volunteers and our community while ensuring we continue to deliver our programs, services and events in a safe environment:

- Implemented relevant WA Government Health Directions within the workplace and at Shire programs, events and activities.
- Weekly meeting of the internal COVID-19 Working Group.
- Communicated regularly with Staff and Councillors on the situation and preparation work being undertaken.



- Communicated and advised users of facilities where updated public health measures are applicable.
- Communicated and implemented a plan with its six bushfire brigades to protect operational response capacity.
- Communicated updated public health measures to the community across the Shire's digital channels

Community / Stakeholder ConsultationPolicy Concept Forum

Meeting Date	7 February 2022
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Duggin, Cr Singh, Cr Strautins

Internal consultation undertaken

- COVID-19 Working Group
- Executive Management Group
- Staff engagement sessions x 3 and Staff survey

External consultation undertaken

- WALGA
- WA Health
- Other local governments

Statutory Environment

Per the Western Australian Government's Pandemic Plan, key legislation supporting emergency management of a human epidemic occurring in Western Australia includes the *Public Health Act 2016 (WA)*, the *Emergency Management Act 2005 (WA)*, the *National Health Security Act 2007* and the *Quarantine Act 1908*.

The *Local Government Act 1995* continues to provide the legislative framework in which Council operates as a quasi-judicial body during a declared emergency, albeit within the constraints provided by other legislation.

Comment

In preparation for the spread of COVID-19, Shire Officers have carried out a review of the following documents:

- COVID-19 Health and Safety Risk Assessment.
- Business Continuity Plan – COVID-19 Pandemic Response.
- COVID-19 Communications Plan.
- Council Policy 1.1.12 - COVID-19 Leave.

Further information on the above documents is provided below.



COVID-19 Health and Safety Risk Assessment

A review of the Shire's COVID-19 Health and Safety Risk Assessment has been carried out.

A copy of the assessment is provided at **attachment 1** for Council's consideration.

The assessment identifies COVID-19 related hazards and risks for the Shire's Administration Centre, Mundijong Public Library, Watkins Road Recycling and Waste Transfer Station and Operations Depot and actions to help reduce the identified hazards and risks.

Business Continuity Plan – COVID-19 Pandemic Response

A review of the Shire's Business Continuity Plan – COVID-19 Pandemic Response has been carried out.

A copy of the plan is provided at **attachment 2** for Council's consideration.

The recommended actions within the Plan have been developed around the following goals:

- Following the State Government's WA Pandemic Plan.
- Minimising exposure of staff and volunteers to the virus particularly those who are vulnerable as defined by the Health Department of WA.
- Maintaining wellbeing (physical and mental) of staff and volunteers.
- Ensure continuity of as many functions of the Shire as possible whilst providing flexibility for us to respond to changing situations.
- Ensuring honest and regular communication is occurring with staff and the community.
- Preparing for the recovery of the Shire after the pandemic.

The overall approach is to keep business continuity as much as possible whilst maintaining a safe working environment for Councillors, Staff and Volunteers.

Section 4 of the Plan, Critical Business Functions, details current critical business functions and status of key activities, events and major projects for the Shire. This section provides the current status for events, working groups and major projects and are subject to change as further information around COVID-19 becomes available.

COVID-19 Communications Plan

A review of the Shire's COVID-19 Communications Plan has been carried out.

A copy of the plan is provided at **attachment 3** for Council's consideration.

The objectives of the Plan are to:

- Ensure honest and regular communication is occurring with Councillors, Staff and Volunteers.
- Ensure the Shire communicates accurate and timely information to the community
- Maintain the wellbeing (physical and mental) of Councillors, Staff, volunteers and the community.

Council Policy 1.1.12 - COVID-19 Leave

Council Policy 1.1.12 – COVID-19 Leave was adopted by Council on 20 April 2020 and is at **attachment 4**.

A review of the Policy has been undertaken with the proposed amendments as tracked changes at **attachment 5**.



The review of the Policy has been informed following engagement with all staff via a staff survey and referral to Management Team and the Executive Management Group for feedback.

A summary of the proposed amendments to the Policy are summarised below:

- Changes to reflect the new name of the People and Development Team.
- Further clarification for the Policy objective.
- Further clarification for how Shire employees can access COVID-19 leave.
- Minor grammatical changes.
- A reduction from 10 days to 5 days leave in line with changes to the WA Government Directions on quarantine requirements.

The revised Council Policy 1.1.12 - COVID-19 Leave, is provided at **attachment 6**, for Council's consideration.

Operational matters in response to COVID-19

Following the postponement of the border re-opening, and the ongoing community spread of COVID-19 in WA, further operational changes and processes have been implemented to manage COVID-19 in the workplace.

The arrangements are in line with WA Government Health Directions, as well as additional measures to protect the welfare of Councillors, staff, volunteers and the community.

These include:

- Mandatory mask wearing is required at all times inside work buildings and in work vehicles (with more than one person), except when eating and drinking.
- Staff to avoid hand shaking.
- Staff required to check-in when entering the workplace using the SafeWA / Service WA app or physical register.
- Process for informing staff if there is a recorded case of COVID-19 in the workplace.
- Submitted an order of Rapid Antigen Tests (RAT) through WALGA's bulk consignment order, which they are coordinating on behalf of all WA local governments.
- Team Rosters developed, in line with the Shire's Flexible Work Policy, that identifies which staff can WFH and split teams to reduce the number of people in the workplace at any one time.
- Where possible, the Shire encourages online meetings.
- Employing a casual cleaner to clean high traffic and communal work areas at the administration building and depot.
- Hand sanitiser provided in all meeting rooms and communal work areas.

The above working arrangements and processes will be reviewed regularly as the COVID-19 situation evolves.

Serpentine Jarrahdale Community Recreation Centre (SJCRC)

The YMCA, who manages the Serpentine Jarrahdale Community Recreation Centre, continue to actively implement and communicate operational changes in accordance with WA Government Health Directions.

Council meetings, Policy Concept Forums and Q&A Meetings

A separate report is provided to Council to consider arrangements for Council meetings, Policy Concept Forums and Q&A meetings.

Community Events, Activities and Programs

The events, activities and programs that are programmed to be delivered until the end of the 2021/2022 financial year are listed in the Business Continuity Plan – COVID-19 Pandemic Response.

It is largely unknown what impact the future pandemic environment will have on these events, activities and programs and Officers anticipate that there will be a requirement for quick decision making and flexibility in relation to these, as has been experienced at other times throughout the pandemic.

Officers recommend that Council resolve to authorise the Chief Executive Officer in consultation with the Shire President to cancel Shire delivered events, programs and activities deemed necessary, up until 30 June 2022.

Officers are recommending Council endorse immediate changes to the following events and activities as shown in Table 1 below:

Event or activity	Reason
30 th March: Be Bushfire Ready Community Day	High risk event. To be cancelled as event involves critical workers. Investigate delivery of bushfire awareness messages and resources in an online/electronic format.
June: Emergency Services Awards Night	High risk event. To be cancelled as event involves critical workers. Investigate alternate recognition and acknowledgement option.
8 th April: Youth Fest	High caseload directions activated by Department of Education impacts the delivery/attendance of young people of the event. Recommend postpone.

Table 1: Event / activities to be cancelled/postponed

Citizenship Ceremonies

From March 2022, it is proposed that the following changes will be made to Citizenship Ceremonies conducted indoors to ensure that the risk of COVID infection is minimised in line with the actions outlined in the documents attached to this report:

- The number of conferees and dependents is to be limited to 45 people in total per ceremony.
- Conferees will be unable to bring a guest to the Citizenship Ceremony (allowances will be made for carers, etc as required).
- A photographer will be provided by the Shire to ensure that conferees are able to obtain a photograph of the event, should they so wish.
- Shire staff, Councillors and special guests will continue to be invited.



- Tea, coffee and a light supper will no longer be provided. Bottled water will be provided.
- Masks will be required to be worn in line with government directions.
- Hand sanitiser will be provided, and equipment will be cleaned before and after use.

Officers will assess if there is a possibility of holding ceremonies outdoors to allow conferees to bring guests along, however this will be dependent on cost, facility availability and weather. Officers believe that these changes are manageable and that the limit on numbers of conferees will allow the Shire to meet its obligations.

Any of the above is subject to change dependent on advice from the Department of Home Affairs and will be reviewed in June.

The Shire President, Deputy Shire President and Chief Executive Officer are delegated to conduct citizenship ceremonies, providing sufficient alternatives should the Shire President be unavailable at any point.

Community Recovery Preparedness

The Deputy Chief Executive Officer/ Director Community and Organisational Development as Local Recovery Coordinator has, in accordance with the Shire's Local Recovery Plan, advised the Shire President and Chief Executive Officer that the Local Recovery Group and Sub-Committee members have been advised that there may be a need to activate the groups once again in the future. The Local Recovery Coordinator will monitor the situation and make recommendation to the Shire President and Chief Executive Officer as required.

Options and Implications

Option1

That Council:

1. NOTES the COVID-19 Health and Safety Risk Assessment as contained within **attachment 1**;
2. ADOPTS the revised Business Continuity Plan – COVID-19 Pandemic Response as contained within **attachment 2**;
3. NOTES the revised COVID-19 Communications Plan as contained within **attachment 3**.
4. ADOPTS the revised Council Policy 1.1.12 - COVID-19 Leave as contained within **attachment 6**;
5. AUTHORISES the cancellation of the Be Bushfire Ready Community Day due to be held 30 March 2022, the Emergency Services Awards Night due to be held June 2022 and the postponement of the Youth Fest due to be held 8 April 2022 to an alternative date and time to be determined in the future;
6. AUTHORISES the Chief Executive Officer, in consultation with the Shire President, to cancel any Shire delivered events, programs and activities deemed necessary, up until 30 June 2022; and
7. AUTHORISES changes to the delivery of Citizenship Ceremonies from 1 March 2022 to 30 June 2022 as follows:
 - a) The number of conferees and dependents is to be limited to 45 people in total per ceremony.



- b) Conferees will be unable to bring a guest to the Citizenship Ceremony (allowances will be made for carers, etc as required).
- c) A photographer will be provided by the Shire to ensure that conferees are able to obtain a photograph of the event, should they so wish.
- d) Shire staff, Councillors and special guests will continue to be invited.
- e) Tea, coffee and a light supper will no longer be provided. Bottled water will be provided.

Option 2

That Council:

1. NOTES the COVID-19 Health and Safety Risk Assessment as contained within **attachment 1**;
2. ADOPTS the revised Business Continuity Plan – COVID-19 Pandemic Response as contained within **attachment 2**, with amendments;
3. NOTES the revised COVID-19 Communications Plan as contained within **attachment 3**;
4. ADOPTS the revised Council Policy 1.1.12 - COVID-19 Leave as contained within **attachment 6**, with amendments;
5. DOES NOT authorise the cancellation of the Be Bushfire Ready Community Day 30 March 2022, the Emergency Services Awards Night June 2022 and the postponement of the Youth Fest 8 April 2022;
6. DOES NOT AUTHORISE the Chief Executive Officer, in consultation with the Shire President, to cancel any Shire delivered events, programs and activities deemed necessary, up until 30 June 2022; and
7. DOES NOT AUTHORISE changes to the delivery of Citizenship Ceremonies from 1 March 2022 to 30 June 2022 as follows:
 - a) The number of conferees and dependents is to be limited to 45 people in total per ceremony.
 - b) Conferees will be unable to bring a guest to the Citizenship ceremony (allowances will be made for carers, etc as required).
 - c) A photographer will be provided by the Shire to ensure that conferees are able to obtain a photograph of the event, should they so wish.
 - d) Shire staff, Councillors and special guests will continue to be invited.
 - e) Tea, coffee and a light supper will no longer be provided. Bottled water will be provided.

Option 1 is recommended.

Conclusion

As the COVID-19 pandemic continues to evolve, the Shire will need to continue to respond to changing situations and new and updated WA Government Health Directions.

The measures outlined within the report are designed to ensure the organisation is as well prepared as possible and Councillors, staff, volunteers and the community are supported.



It should be noted that at the time of writing this report, current public health measures could have changed.

Further reports will be presented to Council regarding this matter as required. However, the recommendations contained in this report are designed to be the best for the organisation and our community at this time.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** – COVID-19 Health and Safety Risk Assessment (E22/1148)
- **10.4.3 - attachment 2** - Business Continuity Plan – COVID-19 Pandemic Response (E22/1146)
- **10.4.3 - attachment 3** - COVID-19 Communications Plan (E20/3474)
- **10.4.3 – attachment 4** - Council Policy 1.1.12 - COVID-19 Leave (E20/4178)
- **10.4.3 – attachment 5** - Council Policy 1.1.12 - COVID-19 Leave tracked changes (E22/1356)
- **10.4.3 – attachment 6** – Revised Council Policy 1.1.12 - COVID-19 Leave (E22/1358)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment
Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

1000 RAT tests have been ordered to a total value of \$7,300 the cost of which is being met through the current financial year budget.

Costs associated with the application of the Council Policy and the application of the attached documentation will be met through the current financial year budget. These costs will be monitored and Council may be requested to consider any additional costs should they arise.



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	<p>Council does not adopt the revised Business Continuity Plan – COVID-19 Pandemic Response and related recommendations contained in this report resulting in:</p> <ul style="list-style-type: none"> • Organisation non-compliance with Public Health and Workplace Health and Safety law. • Non-compliance with other legislative requirements. • Possible threat to public health, including Staff, Councillors and Volunteers as well the general community. 	<p>The review of the Business Continuity Plan – COVID-19 Pandemic Response has been developed with input from the Shire's COVID-19 Working Group, EMG as well as following WA Government Health Directions.</p>	Organisational Performance	Possible	Minor	MODERATE	
2	<p>Council makes amendments to the Business Continuity Plan – COVID-19 Pandemic Response and/or the Council Policy 1.1.12 - COVID-19 Leave which the Shire does not have resources to implement.</p>	Officer's recommendation	Financial	Possible	Minor	MODERATE	



2	The events and activities are delivered placing critical workers at risk of COVID-19 infection.	Officers recommendation	Organisational Performance	Possible	Major	SIGNIFICANT	
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Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. NOTES the COVID-19 Health and Safety Risk Assessment as contained within **attachment 1**;
 2. ADOPTS the revised Business Continuity Plan – COVID-19 Pandemic Response as contained within **attachment 2**;
 3. NOTES the revised COVID-19 Communications Plan as contained within **attachment 3**.
 4. ADOPTS the revised Council Policy 1.1.12 - COVID-19 Leave as contained within **attachment 6**;
 5. AUTHORISES the cancellation of the Be Bushfire Ready Community Day due to be held 30 March 2022, the Emergency Services Awards Night due to be held June 2022 and the postponement of the Youth Fest due to be held 8 April 2022 to an alternative date and time to be determined in the future;
 6. AUTHORISES the Chief Executive Officer, in consultation with the Shire President, to cancel any Shire delivered events, programs and activities deemed necessary, up until 30 June 2022; and
 7. AUTHORISES changes to the delivery of Citizenship Ceremonies from 1 March 2022 to 30 June 2022 as follows:
 - a) The number of conferees and dependents is to be limited to 45 people in total per ceremony.
 - b) Conferees will be unable to bring a guest to the Citizenship Ceremony (allowances will be made for carers, etc as required).
 - c) A photographer will be provided by the Shire to ensure that conferees are able to obtain a photograph of the event, should they so wish.
 - d) Shire staff, Councillors and special guests will continue to be invited.
 - e) Tea, coffee and a light supper will no longer be provided. Bottled water will be provided.
- **10.4.3 - attachment 7** - revised Business Continuity Plan – COVID-19 Pandemic Response (E22/1146)

On Wednesday, 16 February 2022, Officers circulated to Councillors and published on the Shire's website an additional attachment, being a revised Business Continuity Plan. This was named as attachment 7 to the report. As a result, the Presiding Member advised that the Officer's Recommendation had been amended to adopt the revised Business Continuity Plan – COVID-19 Pandemic Response as contained within attachment 7.



OCM030/02/22

COUNCIL RESOLUTION / Alternative Officer Recommendation

Moved Cr Duggin, seconded Cr Singh

That Council:

- 1. NOTES the COVID-19 Health and Safety Risk Assessment as contained within attachment 1;**
- 2. ADOPTS the revised Business Continuity Plan – COVID-19 Pandemic Response as contained within attachment 7;**
- 3. NOTES the revised COVID-19 Communications Plan as contained within attachment 3.**
- 4. ADOPTS the revised Council Policy 1.1.12 - COVID-19 Leave as contained within attachment 6;**
- 5. AUTHORISES the cancellation of the Be Bushfire Ready Community Day due to be held 30 March 2022, the Emergency Services Awards Night due to be held June 2022 and the postponement of the Youth Fest due to be held 8 April 2022 to an alternative date and time to be determined in the future;**
- 6. AUTHORISES the Chief Executive Officer, in consultation with the Shire President, to cancel any Shire delivered events, programs and activities deemed necessary, up until 30 June 2022; and**
- 7. AUTHORISES changes to the delivery of Citizenship Ceremonies from 1 March 2022 to 30 June 2022 as follows:**
 - a) The number of conferees and dependents is to be limited to 45 people in total per ceremony.**
 - b) Conferees will be unable to bring a guest to the Citizenship Ceremony (allowances will be made for carers, etc as required).**
 - c) A photographer will be provided by the Shire to ensure that conferees are able to obtain a photograph of the event, should they so wish.**
 - d) Shire staff, Councillors and special guests will continue to be invited.**
 - e) Tea, coffee and a light supper will no longer be provided. Bottled water will be provided.**

CARRIED UNANIMOUSLY 8/0



10.4.4 – Draft Council Policy 5.1.16 - Child Safety and Wellbeing (SJ3280)	
Responsible Officer:	Manager Community Activation
Senior Officer:	Deputy CEO / Director Community and Organisational Development
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider the adoption of a Child Safety and Wellbeing Policy.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 19 April 2021 - OCM095/04/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the information contained within this report regarding Child Safe Reforms; and*
- 2. ENDORSES the Shire of Serpentine Jarrahdale submission to the Child Safety Officer consultation as contained in attachment 3.*

Ordinary Council Meeting – 18 May 2020 – OCM125/05/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;*
- 2. AGREES to participate in the National Redress Scheme as a State Government institution and is included as part of the State Government's declaration;*
- 3. AUTHORISES the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;*
- 4. NOTES that a confidential report will be provided if a Redress application is received by the Shire of Serpentine Jarrahdale; and*
- 5. REQUESTS the Chief Executive Officer prepare a Shire of Serpentine Jarrahdale Child Safe Policy for the consideration of Council as soon as practicable.*



Background

At the May 2020 Ordinary Council Meeting, Council considered information as relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) and its significance to West Australian Local Government Authorities. At that time, Council agreed to participate in the National Redress Scheme as a State Government institution, therefore being included as part of the State Government's declaration. As part of the resolution, Council requested that Shire Officers prepare a Shire of Serpentine Jarrahdale Child Safe Policy for the consideration of Council as soon as practicable.

Shire Officers have been developing a draft policy for consideration by Council since this time, however had not previously presented the policy for deliberation as a result of changing situational factors relevant to this matter:

- At the April 2021 Ordinary Council Meeting, Council was presented with information on a consultative process being undertaken by the Department of Local Government, Sport and Cultural Industries regarding proposed Child Safety Officer functions within Local Government. Council received information on the status of Child Safe Reforms in Western Australia as a result of the Royal Commission, the outcomes of which could have some bearing on the detail within a Child Safety Policy.

UPDATE: 48 individual responses and two collective responses were received by Department Local Government, Sport and Cultural Industries pertaining to recommendation 6.12 of the Royal Commission. The consultation report has been to Cabinet and deferred.

- Through the above consultative process, a Community of Practice Network was established by WALGA to facilitate discussions across local governments about a range of considerations on Child Safe Practices. Shire Officers have been heavily involved in these meetings, aiming to ensure a responsive and meaningful policy is presented having due regard to potential impacts.
- Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020 – The West Australian Government proposes to introduce into Parliament a Bill to amend the *Parliamentary Commissioner Act 1971* and the *Working with Children (Criminal Record Checking) Act 2004*. Public comment on the draft bill was open until 31 January 2021 with outcomes currently unknown. This may have some impact on the operational processes of the Shire and/or a Child Safe Policy.

A draft policy is now presented to Council as provided in **attachment 1**.

Community / Stakeholder Consultation

Internal

Internal comment from Managers of affected business units has been sought on the Policy prior to presentation to Council as it is expected select procedures and operational practices will require review and amendment to ensure compliance, should Council choose to adopt the draft Policy. Implications/actions required once the policy is adopted includes, but is not limited to:

- Working with Children Check Procedures (already in development);
- Minor operational procedure and form updates relevant to child related work practices;
- Staff recruitment where relevant to child related work;
- Supplier and contractor engagement; and



- Communication to staff, volunteers and contractors on the Policy via relevant inductions.

External

There is no requirement for broad community consultation, however Shire Officers received feedback on the proposed draft Policy from the Senior Policy and Project Delivery Officer at the Department of Local Government, Sport and Cultural Industries (DLGSC). This feedback has been incorporated in the draft Policy.

Statutory Environment

There is a range of legislation to protect the safety of young people, which this Policy aims to complement. It does not remove responsibilities of individuals, as contained within the following and/or other applicable Acts:

- *Children and Community Services Act 2004 (WA)*
- *Public Sector Management Act 1994 (WA)*
- *Public Interest Disclosure Act 2003 (WA)*
- *Restraining Orders Act 1997 (WA)*
- *Working with Children (Criminal Record Checking) Act 2004 (WA)*
- *Working with Children (Criminal Record Checking) Regulations 2005 (WA)*

Comment

The Royal Commission highlighted the important roles local governments play in communities that impact on the safety of children including:

- providing services to children, for example libraries, swimming pools and childcare;
- providing spaces for community activities, for example halls, theatres and sports grounds;
- funding or contracting services;
- facilitating community education or outreach programs;
- regulating planning and development approvals, infrastructure and property services; and
- water and food inspection.

The Royal Commission found that many organisations in Australia failed to protect children from abuse, failed to listen to children who tried to disclose abuse, and failed to respond appropriately when abuse came to light. To help ensure that this does not happen again, National Principles were developed via the Australian Government, that aim to provide a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing across all sectors. These help to keep children and young people safe and reduce future harm in organisational settings.

Shire Officers could not identify any policies within WA Local Governments that could be used as a comparative example for a Child Safe Policy. The draft policy is recommended by Officers as a leading initiative and to set a clear message of the importance of creating and maintaining child safe practices within all levels of government.

Since the May 2020 resolution of Council, a range of local governments have met via the Community of Practice Network coordinated by WALGA with common challenges being identified:



- Clarity surrounding desirable practices for Local Governments to become Child Safe Organisations, versus mandated requirements for current and/or future implementation.
- Ascertaining appropriate and reasonable timeframes to work towards child safe practices, particularly given the number of changes that may be proposed/mandated as a result of processes currently underway (such as a Reportable Conduct Scheme).
- Resourcing implications, particularly for smaller LG's.
- Top down implementation approach versus bottom up approach.

Key government departments and agencies such as DLGSC and WALGA recommend taking reasonable steps and implementing appropriate practices for your organisation as early as possible, regardless of any impending changes to legislation. DLGSC have released an information sheet to help guide organisational responses to Child Safety, included as **attachment 2**.

Shire of Serpentine Jarrahdale Draft Child Safety and Wellbeing Policy

In the development of the draft Policy, Officers identified a number of external resources and documentation that consider child safety reforms to be about both the physical safety and overall wellbeing of children and young people in the community. For this reason, Officers are proposing that the Policy be titled the Child Safety and Wellbeing Policy.

The proposed draft Policy is broadly based around the National Principles for Child Safe Organisations and aims to set a clear position both within the organisation and broader community as to Council's stance on the imperative protection of children and young people. Officers have also considered the three areas of organisational response communicated in **attachment 2** by DLGSC, incorporating this into the draft Policy where appropriate.

In incorporating detail pertaining to Working with Children Checks (WWCC) within this Policy, Officers are recommending Council rescind *Council Policy 5.2.1 – Police Clearance and Working With Children Certificates for Volunteers* included as **attachment 3** to this report. It was identified throughout the development of the new draft Policy that this will supersede Council Policy 5.2.1 which applies only to Volunteers (excluding Bush Fire Volunteers).

It is the Officers recommendation that any new employee or volunteer that is required in their position to hold a WWC Card, it is their responsibility for obtaining this upon recruitment. However, where renewal is required (currently every 3 years) and the Officer remains in a role requiring the Card, the cost of renewal will be reimbursed. The cost of this is estimated at less than \$1,000/year, to be absorbed within current operational budget allocations.

Options and Implications

Option1

That Council:

1. RESCINDS Council Policy 5.2.1 – Police Clearance and Working With Children Certificates for Volunteers as contained in **attachment 3**; and
2. ADOPTS draft Council Policy 5.1.16 – Child Safety and Wellbeing as contained in **attachment 1**;

Option 2

That Council:

1. RESCINDS Council Policy 5.2.1 – Police Clearance and Working With Children Certificates for Volunteers as contained in **attachment 3**;
2. REQUESTS changes to draft Council Policy 5.1.16 – Child Safety and Wellbeing contained in **attachment 1** as outlined.

Option 3

That Council POSTPONES consideration towards a Child Safety and Wellbeing Policy, subject to outcomes of processes relevant to Child Safe Reforms in Western Australia.

Option 1 is recommended.

Conclusion

At the May 2020 Ordinary Council Meeting, Council requested that a Child Safe Policy be presented for the consideration of Council as soon as practicable. Further information was considered by Council at the April 2021 Ordinary Council Meeting, as relevant to the ongoing child safety reform processes being led by Federal and State Departments and a Community of Practice Network coordinated by WALGA has identified a range of ongoing consideration relevant to the implementation of child safe practices within Local Government organisations. In considering the breadth of information, a draft Child Safety and Wellbeing Policy is presented to Council for their consideration in **attachment 1**.

Should Council adopt this draft policy, Officers recommend that *Council Policy 5.2.1 – Police Clearance and Working With Children Certificates for Volunteers* be rescinded to avoid duplicated or inconsistent information.

Attachments (available under separate cover)

- **10.4.4 – attachment 1** - Draft Council Policy 5.1.16 – Child Safety and Wellbeing (E21/1761)
- **10.4.4 – attachment 2** - DLGSC Information Sheet – Creating a Safer WA for Children and Young People (IN22/282)
- **10.4.4 – attachment 3** - Council Policy 5.2.1 – Police Clearance and Working With Children Certificates for Volunteers (E17/11159)

Alignment with our Strategic Community Plan

Outcome 1.1	A connected, thriving, active and safe community
Strategy 1.1.2	Provide a healthy community environment
Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.3	Enhance community safety
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community



Financial Implications

The draft Policy proposes the Shire will meet renewal costs for Staff and Volunteers whom are required by law to have a Working with Children Check when fulfilling their official duties.

Total annual renewal costs are anticipated to be less than \$1,000 per year and can be absorbed in current operational budget allocations.

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	Impact on Officer capacity to undertake required procedural reviews following Policy adoption.	An introductory self-assessment tool for organisations developed in partnership with the Australian Government is available, in order to assist in the identification and development of actions to be a Child Safe Organisation if required.	Organisational Performance	Likely	Minor	MODERATE	
2	Individual risks as relevant to proposed amendments to be considered.	TBD					
3	Dissatisfaction from stakeholders on Shire's delayed response to implementing Child Safe practices.	Accept Officers Recommendation	Reputation	Unlikely	Moderate	MODERATE	Nil



Voting Requirements: Simple Majority

OCM031/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Atwell

That Council:

- 1. RESCINDS Council Policy 5.2.1 – Police Clearance and Working With Children Certificates for Volunteers as contained in attachment 3; and**
- 2. ADOPTS Council Policy 5.1.16 – Child Safety and Wellbeing as contained in attachment 1.**

CARRIED UNANIMOUSLY 8/0

**10.4.5 – Equine Crossing Thomas Road and Tonkin Highway - Update (SJ3404)**

Responsible Officer:	Deputy CEO/Director Community and Organisational Development
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to request Council endorse the proposed equine trail connectivity in response to the future Tonkin Highway extension and Thomas Road over rail projects.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 19 July 2021 - OCM182/07/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. APPROVES the Proposed Thomas Road Bridge over rail project design as contain in attachment 1;*
- 2. AUTHORISES the Chief Executive Officer to sign the Construction Access Deed as provided in attachment 2;*
- 3. SUPPORTS the Metropolitan Region Scheme (MRS) development application as contained in attachment 3 for portion of works associated with the Thomas Road bridge project extending southwards outside the MRS over lots 8004 to 8006 and 8009 Thomas Road;*
- 4. REQUESTS the Chief Executive Officer to negotiate with Main Roads WA to locate a nearby equine trail that can be upgraded to compensate the 450m section of equine trail being impacted by the project, consistent with the adopted Subdivision Guide Plans on advice from the Equine Advisory Group.*
- 5. REQUESTS the Chief Executive Officer to negotiate with Main Roads to locate a nearby area to have replacement mature trees planted to offset the loss associated with the project.*

Background

At the July Ordinary Meeting of Council, Council considered the proposed Thomas Road bridge design. It was identified that there continues to be a need for equine trail connectivity that takes broader account of this project, as well as the future Tonkin Highway extension. These projects interface with Main Roads WA, the Public Transport Authority, Metronet and of course the Shire's equine community.

Officers have coordinated meetings in a collaborative manner between Main Roads WA, Metronet, Armadale Access Alliance and the Shire's Equine Advisory Working Group, to discuss the possible locations of equine trail connectivity (including key crossings).



Through these meetings the Equine Advisory Group was also able to discuss the various options for road crossings, including bridges, assisted crossings and underpasses and provide input and advice on aspects such as appropriate surface, height, distance from other users, sound and light.

Community / Stakeholder Consultation

Equine Advisory Group

The Equine Advisory Group met with teams from Armadale Access Alliance, Main Roads and Metronet on 8 July and 9 September 2021 to discuss options for a north/south crossing of Thomas Road, within a broader context of equine trail connectivity.

The Equine Advisory Group also met with the Tonkin Highway Extension Planning and Development Team (Main Roads) on 6 May 2021.

Statutory Environment

Nil.

Comment

Thomas Road, road over rail project

Initial meeting

At the initial meeting held on 8 July 2021 there was discussion regarding the need to consider the continued provision of north / south equine trail links across Thomas Road. There was also discussion with Main Roads about the possibility of provision of an equine crossing further to the west on Thomas Road, and the possibility of integrating with the Tonkin Highway PSP, as opposed to the Thomas Road bridge location.

There was also consideration of the possible options for trail pathways from the west and the Byford Trotting Complex to provide access to the Thomas Road bridge location. Initially two options were considered as shown in image 1 below.



Image 1: Options for trail linkages to Thomas Road bridge.

Option 1 shown in **red** proposed linking to EXISTING trails, and taking this link:

- north to Thomas Road,
- east along Thomas Road,
- underpassing the Thomas Road over rail bridge,
- connecting back to the EXISTING trails on the north side of Thomas Road.

Option 2 shown in **blue** proposed linking to EXISTING trails, and taking this link:

- east along Larsen Road,
- north along Alexander Road,
- underpassing the Thomas Road over rail bridge,
- connecting back to the EXISTING trails on the north side of Thomas Road.

Option 1 was deemed to be not feasible due to space considerations associated with the future duplication of Thomas Road.

Option 2 was considered feasible.

Second Meeting

At the follow up meeting held 9 September 2021 Main Roads advised that until planning began for any future works to be undertaken on Thomas Road, it was unknown if an equine crossing



could be provided at Thomas Road further to the west. It was also discussed that a north/south equine crossing along the Tonkin Highway could not be provided.

Main Roads and Armadale Access Alliance have proposed an underpass crossing to be included in the Thomas Road project, that will sit alongside the principle shared path as a part of the underpass of the bridge. This would continue to allow for the north/south equine trail connections.

Based on feedback from the Equine Advisory Group on design elements the draft particulars of the equine underpass were:

- Width – Total 8 metres with 3 metres for the equine section.
- Length – 26 metres.
- Height – 5 metres high at the dividing screen, 3.7m high at the lowest point adjacent to the wall.

Images of the proposed design are included as **CONFIDENTIAL attachment 1** and is confidential on request from Main Roads who are yet to finalise the design.

The equestrian portion of the underpass will link with the bridle trail on Alexander Road, Byford and to the northern side of Thomas Road. A trail will continue to be provided from the underpass heading west on Thomas Road linking into Wungong South Road, Darling Downs. This then interfaces existing trails, albeit previously established and needing to be re-established through resourcing considerations in the future.

Main Roads and Armadale Access Alliance representatives advised that whilst the underpass would be built as part of the Thomas Road over rail project, it would then be passed over to the Metronet team for finalisation as part of the Byford Metronet project. Therefore, it would unavailable for use by the community until the Metronet project was completed.

Equine Advisory Group consideration of project

There was significant discussion amongst the group regarding the provision of the equine trail underpass at the Thomas Road bridge location, as opposed to further west of Thomas Road.

Some were concerned that the provision of the underpass in that location would result in Main Roads not being prepared to consider an underpass further west on Thomas Road in future; other members were concerned that if it was not at the bridge location one would not be provided at all. There was robust discussion about whether or not the trails and underpass would get used; some members of the group expressed they would use it, whereas others expressed that they would not.

Overall, the Equine Advisory Group supported the proposal to include an equine underpass in the Thomas Road bridge project, linking based on the Option 2 **blue** route.

Considerations for Council

The location of the underpass at the Thomas bridge will require that Council gives consideration to the trail pathways to the underpass. As discussed above, the pathways will require that horses be ridden along Larsen Road and Alexander Road, Byford. It may be possible to accommodate the Larsen Road portion of the trail in the northern end of the Byford Town Centre open space, as opposed to riding along footpath and streets. This would be beneficial as it would provide an enjoyable trail experience and minimise horse and rider time on streets and footpaths.

Any required development of these trails and associated signage would come at a cost to the Shire who has and will continue to have responsibility for these trails. Given this impact Council is requested to consider if the location of the equine underpass at the Thomas Road Bridge is



supported, so that this information can be provided back to Main Roads and the Armadale Access Alliance in a timely fashion before the project progresses further.

Should Council not support the underpass at this location, connectivity across Thomas Road will likely be lost.

Tonkin Highway Extension

At the initial meeting between Main Roads and the Equine Advisory Group held on 6 May 2021, possible locations for an equine trail crossing and reasons for these locations were discussed, along with discussion on design considerations such as ground materials, size, light and noise considerations. General feedback was also provided on the size of the rest areas and inspection bays for parking alongside Tonkin Highway to allow for access to trails.

At the second meeting held on 8 July 2021 Main Roads advised that consideration had been given to the feedback provided by the Equine Advisory Group and that an east/west equine crossing underpass was to be provided at the Abernethy Road underpass of Tonkin Highway intersection. Main Roads also advised that consideration would be given to a second east/west underpass crossing in the area of Orton and Gossage Roads, in Cardup.

Separate to this, Council as part of considering issues associated with access and connectivity impacts associated with the Tonkin Highway project, have identified the need to consider a Cardup Siding Road underpass of Tonkin Highway, which would include pedestrian and equine connectivity.

Equine Advisory Group consideration of project

The Equine Advisory Group members discussed the locations proposed and agreed with the crossing location at the Abernethy Road underpass of Tonkin Highway intersection, and reinforced the priority for a second crossing location in the area of Orton and Gossage Roads to allow easy east/west connection for the existing equine crossings which are well used in the area.

Considerations for Council

Any required development of these trails and associated signage would come at a cost to the Shire who has and will continue to have responsibility for these trails. Given this impact, Council is requested to consider if the location of the equine underpass at the Abernethy Road underpass of Tonkin Highway intersection is supported.

Community consultation

To date consultation with the community in relation to the location of the proposed equine crossings has focussed on engagement with the Shire's Equine Advisory Group.

In recent community consultation undertaken for the development of the Draft Shire of Serpentine Jarrahdale Equine Trails Master Plan, the community identified that one of the strengths of the Byford Trotting Estate Bridle Trails was that the potential connection to the bridle trail in Darling Downs and that a weaknesses of the Darling Downs Bridle Trail was that it was disconnected to the south of Thomas Road.

The community consultation gave some overview of the use of the key bridle trails that would be impacted by these proposed crossing locations:

- Byford Trotting Estate Bridle Trails, 151 out of the 174 people surveyed had not utilised these trails in the past 12 months and only 23 had used this trail. For those who do access this trail the majority do so on horseback.



- Cardup Bridle Trail, 34 of the 174 survey respondents had used this trail within the past 12 months (140 had not used the trail within the past 12 months). This trail is most commonly accessed via horseback (18) compared to car and float (16).
- Darling Downs Bridle Trails, during the past 12 months, 149 of the 174 survey respondents had used the Darling Downs Bridle Trails. The most common mode of transport used to access this trail is car and float (104) followed by horseback (45).

This consultation also recognised that potential future bridle trail linkages included the potential for an underpass/tunnel to be constructed under Thomas Road to provide north/south links, and the potential for an underpass at Cardup Siding road to ensure safe road crossing.

Council may choose to give consideration to requesting that Main Roads undertake wider community consultation in regard to the equine crossing point locations for the Tonkin Highway Extension and Thomas Road project.

It is unknown if Main Roads will be in a position to support such a request and as detailed in this report, an alternative location for the Thomas Road equine crossing point is currently not been offered.

Options and Implications

Option1

That Council:

1. SUPPORTS the location of an equine underpass in the Thomas Road over rail bridge project, with connectivity to the existing trail network to be prioritised by a Larsen Road / Alexander Road trail connection;
2. SUPPORTS the location of an equine trail crossing at the Abernethy Road underpass of Tonkin Highway, with connectivity to the existing trail network to be prioritised by a link on the north side of the Abernethy Road multi use corridor; and
3. SUPPORTS additional east/west equine trail crossings under the Tonkin Highway in the vicinity of Gossage Road, Cardup Siding Road and Orton Road, Cardup.

Option 2

That Council DOES NOT SUPPORT the proposed equine crossings as detailed in this report.

Option 3

That Council REQUESTS that Main Roads undertake a period of community consultation to ascertain the level of community support for:

1. The proposed location of an equine underpass in the Thomas Road over rail bridge project;
2. The proposed location of an equine trail crossing at the Abernethy Road underpass of Tonkin Highway; and
3. Additional east/west equine trail crossings under the Tonkin Highway in the vicinity of Gossage Road, Cardup Siding Road and Orton Road, Cardup.

Option 1 is recommended.



Conclusion

Options are now available to consider in relation to the equine crossings at the Thomas Road, Road over rail project and the Tonkin Highway extension project.

Attachments (available under separate cover)

- **10.4.5 – CONFIDENTIAL attachment 1** – Thomas Road Bridge over Rail Equine Underpass (E22/593)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment

Financial Implications

Financial implications are anticipated in relation to connecting and upgrading of the Shire's existing trail network, in order to provide a fulsome equine trail experience connecting with underpasses at Thomas Road over rail, Abernethy Road, Orton Road, Cardup Siding Road and Gossage Road. These costs are not able to be determined without further detailed trail planning.

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 incurs some financial costs through provision of trail linkages to the crossing locations.		Financial	Rare	Insignificant	LOW	
2	There will continue to be no safe equine crossing across Thomas road and there is no guarantee of provision of a crossing at a future location.	Support the location proposed	Social / Community Outcomes	Rare	Moderate	MODERATE	



3	Main Roads may not support undertaking such consultation and/or the projects may have progressed beyond the ability for the community to influence the location		Social / Community Outcomes	Unlikely	Moderate	MODERATE	
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Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. SUPPORTS the location of an equine underpass in the Thomas Road over rail bridge project, with connectivity to the existing trail network to be prioritised by a Larsen Road / Alexander Road trail connection;
2. SUPPORTS the location of an equine trail crossing at the Abernethy Road underpass of Tonkin Highway, with connectivity to the existing trail network to be prioritised by a link on the north side of the Abernethy Road multi use corridor; and
3. SUPPORTS additional east/west equine trail crossings under the Tonkin Highway in the vicinity of Gossage Road, Cardup Siding Road and Orton Road, Cardup.

OCM032/02/22

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Singh

That Council REQUESTS that Main Roads undertake a period of community consultation to ascertain the level of community support for:

1. The proposed location of an equine underpass in the Thomas Road over rail bridge project;
2. The proposed location of an equine trail crossing at the Abernethy Road underpass of Tonkin Highway; and
3. Additional east/west equine trail crossings under the Tonkin Highway in the vicinity of Gossage Road, Cardup Siding Road and Orton Road, Cardup.

CARRIED 4/4

The Presiding Member used her casting vote and voted FOR the motion

Reason for difference To Officer Recommendation

To allow for community consultation.



10.5 Executive Services reports

10.5.1 - Financial Assistance Agreement (SJ) – Byford Skate Park (SJ3611)	
Responsible Officer:	Strategic Project Specialist
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to provide authority to the Chief Executive Officer to execute the Financial Assistance Agreement from WA Department of Local Government, Sport and Cultural Industries. The agreement involves the following grant to enable the Shire to undertake the upgrading of the following project:

- \$800,000 - Stage 2 upgrades of the existing Byford Skate Park.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 22 May 2017 - OCM061/05/17 - COUNCIL DECISION / Officer Recommendation

That Council:

- Awards contract RFT 06/2017, for the Byford Skate Park – Construction Stage 1 project to Carving Concrete Construction Pty Ltd trading as Carving Concrete Skateparks for the value of \$315,043.00 excluding GST, in accordance with the tender submitted and attached at Confidential Attachment OCM061.1/05/17;*
- Adjusts the 2016/17 annual budget to include an additional allocation of \$35,000 to the Briggs Park Youth Precinct Facilities – Skate Park budget, as follows:*

GL Account	Description	Current Budget	Proposed Adjusted Budget	Variation
BYP900	Briggs Park Youth Precinct Facilities – Skate Park	\$330,700	\$365,700	\$35,000
ENV500	Salaries – Municipal Fund	\$295,552	275,552	(\$20,000)
BUI502	Building Services - Consultants	\$20,000	\$12,500	(\$7,500)
BUI508	Building Services - Staff Training	\$31,500	\$24,000	(\$7,500)

and

- Considers 'carrying-forward' unspent funds in the 2016/17 financial year budget, from account BYP900, into the 2017/18 financial year budget.*



Background

In the 2021 State Election a commitment of \$800,000 was made towards the Stage two upgrades of the existing Byford Skate Park. Following this commitment, Officers have worked with the Department of Local Government, Sport and Cultural Industries to determine the requirements to receive the grant funding.

The existing skate park forms part of the Byford Youth Precinct which is located at Briggs Park which is located in close proximity to two educational establishments and the Byford Town Centre.

The stage two development will include the following features:

- Additional Skateable features;
- New parkour elements;
- Public art and signage features;
- Shade canopies;
- Skateable street furniture;
- Drinking fountain;
- Lighting; and
- Other facilities/elements that support participation and engagement of young people at the site.

Stage 2 Concept Plan – Potential Closure of Vehicle Access Point

The current stage 2 concept plan (see **attachment 2**) will result in closure of vehicle access to the car park from Mead Street. The Briggs Park Pavilion car park is currently serviced by two access points, from Mead Street to the North and a second vehicle access from Gordin Way to the east. These are local roads and perform the function of access to the park and residential properties.

Officers will determine the impact of closing Mead Street Access through the future (consultation and design process) as per the listed main activities under the comment section of this report.

The original plan for stage 2 needs to be reviewed as the cricket nets have been constructed at the proposed location.



**Figure 1 – Mead Street Vehicle Access
Briggs Park Pavilion Carpark – Byford**

Community / Stakeholder Consultation

An extensive consultation is scheduled this year to allow for effective delivery of the project. This process will include engagement with the intended user groups (youth).

Statutory Environment

No statutory implications are applicable.

Comment

The following reportable milestones have been recommended as a suitable timeframe for the project. These milestones are considered achievable within allocated resources and have been agreed upon by the State Government.

	Main Activities and milestones	Milestone date
1	Execution of this agreement	21 February 2022
2	Consultation and design process to commence	4 April 2022
3	Design Completed	30 June 2023
4	Tender process completed	31 October 2023
5	Construction	30 April 2024
	Project completion date	31 May 2024



The following payment instalments have been endorsed by WA Department of Local Government, Sport and Cultural Industries. Officers consider this to be fair and reasonable:

	Description	Instalment amount
1	On execution of this Agreement	\$100,000
2	On confirmation and approval of the final design by DLGSC	\$650,000
3	Practical completion and acquittal of project	\$50,000

Council is therefore requested to authorise the Chief Executive Officer to execute the Financial Assistance Agreement.

Impacts on Corporate Business Plan

The Corporate Business Plan will need updating to reflect the milestones and proposed commencement and finish dates. Officers will make these amendments at the quarter 2 budget review and Corporate Business Plan Performance Reporting process.

Options and Implications

Option 1

That Council:

1. AUTHORISES the Chief Executive Officer to execute the Financial Assistance Agreement between the Department of Local Government, Sport and Cultural Industries and the Shire of Serpentine Jarrahdale for the upgrading of Byford Skate Park as contained in **attachment 1**.
2. That Council NOTES that the Byford Skatepark (Construction of Stage 2) Major Capital Project in the 2021-25 Corporate Business Plan will be updated to align with Schedule 4 of the Financial Assistance Agreement through the 2021-22 Quarter 2 Corporate Business Plan Performance Report.

Option 2

That Council DOES NOT AUTHORISE the Chief Executive Officer to execute the Financial Assistance Agreement between the Department of Local Government, Sport and Cultural Industries and the Shire of Serpentine Jarrahdale for the upgrading of Byford Skate Park as contained in **attachment 1**.

Option 1 is recommended.

Conclusion

The Shire has received the signed Financial Assistance Agreement from the Department of Local Government, Sport, and Cultural Industries. The agreement will fund \$800,000 to undertake stage 2 upgrades of the Byford Skate Park. Council are requested to authorise the Chief Executive Officer to finalise this agreement.

Attachments (available under separate cover)

- **10.5.1 - attachment 1** – Byford Skate Park – Department of Local Government Sport and Cultural Industries – Signed Financial Assistance Agreement – Byford Skate Park (IN22/1049)
- **10.5.1 - attachment 2** – Byford Skate Park – Stage 2 Concept Plan (E21/14024)



Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

Execution of the Financial Assistance Agreement will result in the Shire receiving \$800,000 from the Department. These funds are already contemplated within the Shire's Long Term Financial Plan for the 2022-23 Financial Year.

Risk Implications

Risk has been assessed on the basis of the Officer's 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	No risk						
2	If Council does not support the Financial Assistance Agreement then there is a risk that the Shire will lose funding for this project.	Nil	Social / Community Outcomes	Possible	Moderate	MODERATE	Work with Council to provide financial assistance agreement to their satisfaction.



Voting Requirements: Simple Majority

OCM033/02/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Coales

That Council:

- 1. AUTHORISES the Chief Executive Officer to execute the Financial Assistance Agreement between the Department of Local Government, Sport and Cultural Industries and the Shire of Serpentine Jarrahdale for the upgrading of Byford Skate Park as contained in attachment 1.**
- 2. NOTES the Byford Skatepark (Construction of Stage 2) Major Capital Project in the 2021-25 Corporate Business Plan will be updated to align with Schedule 4 of the Financial Assistance Agreement through the 2021-22 Quarter 2 Corporate Business Plan Performance Report.**

CARRIED UNANIMOUSLY 8/0



10.5.2 – Lot 814 Millars Road, Jarrahdale – Commercial Feasibility and Business Case - (SJ2201)	
Responsible Officer:	Strategic Project Specialist
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.

Report Purpose

This report documents the progress made in developing Lot 814 Millars Road, Jarrahdale since Council's March 2018 resolution. It reports on the process to develop Lot 814 Millars Road, Jarrahdale to achieve the outcomes identified as part of the Jarrahdale Trails Town Business Case.

The report recommends that the process previously commenced be concluded and a new process of Commercial feasibility and Business Case development commence. Officers have secured \$40,000 in funding from the Peel Development Commission to assist with this process should Council determine to proceed with this course of action.

Relevant Previous Decisions of Council

In 2018 the Shire initiated a process to call for expressions of interest for the private sector to develop Lot 814 Millars Road, Jarrahdale when it resolved the following:

Ordinary Council Meeting – 17 December 2018 – OCM8.2/12/18 COUNCIL DECISION

That the minutes and resolutions contained therein of the Economic Development Advisory Committee Meeting held on 4 December 2018 be endorsed (E18/14132) with the addition of point 5. in EDAC009/12/18 being:

"5. As part of the continued negotiations for a tourism development, the character of Jarrahdale is protected through the development of a style guide for Lot 814 to ensure the character of Jarrahdale is retained as a Heritage Town in keeping with the milling industry of the area."

Economic Development Advisory Committee – 4 December 2018 - EDAC009/12/18 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE RESOLUTION / Officer Recommendation:

That the Economic Development Advisory Committee recommends that Council:

1. Receives the submissions made in response to the Expression of Interest EOI 01/2018.



2. Recommends that the joint submission by Axito Pty Ltd, Estilo Group Pty Ltd and Metropolis Projects Group Pty Ltd be selected as the preferred proponent.
3. Delegates authority to the Chief Executive Officer to continue negotiations on behalf of Council with the proponents to develop a tourism development on Lot 814 Jarrahdale Road, Jarrahdale.
4. Authorises the Chief Executive Officer to spend up to \$50,000.00 from account ECD530 on a joint share arrangement to produce a detailed Business Plan suitable for a commercial undertaking in Jarrahdale.

Ordinary Council Meeting – 26 March 2018 - OCM027/03/18 COUNCIL DECISION / Officer Recommendation

That Council:

1. Calls for Expressions of Interest to develop its land interests on Lot 814, Jarrahdale Road, Jarrahdale for the purpose of developing a Tourism Development with the key objectives of short-term accommodation, adventure tourism, activated tourism spaces, and
2. Requires Expressions of Interest to be submitted to the Economic Development Advisory Committee in the first instance, with a recommendation being presented by the Economic Development Advisory Committee, to Council to partner, lease or otherwise consider economic development opportunities at Lot 814 Jarrahdale Road, Jarrahdale.

Background

Lot 814 Millars Road, Jarrahdale is 22 ha in land area and is located near the center of the historic Jarrahdale townsite. Figure 1 below indicates the area and location of the site:



Figure 1: Subject Site (Intramaps, 2021)



This land parcel has been owned freehold by the Shire of Serpentine Jarrahdale since 2000. Since the time of purchase by the Shire, much has been promised but little has been delivered for this site. The community would like to see a significant multi-use tourism and accommodation activation and development project bringing this unique parcel of Shire land to life for the benefit of the community and its economy and society. The Shire wants to promote Jarrahdale through its major trails to boost tourism and development which will appeal to intrastate, interstate and international travellers.

This site was historically used for timber milling, storage and distribution since the late 1880's and it played a key role in the expansion of the Western Australian economy by exporting quality timber around the world and was a big local employer and economic contributor. The site retains several production buildings from an earlier era as well as several small cottages used by mill workers. All buildings are in significant need of repair and restoration.

The western part of the site is currently being used as a Recreation Vehicle (RV) stopover area and it has a chemical toilet drop point and a freshwater standpipe which is connected to a potable water supply. Adjacent to this on the sites western boundary is land owned by the National Trust of Western Australia that contains the historic Jarrahdale Mill and Mill Managers House.

Community / Stakeholder Consultation

Jarrahdale Trails Town Business Case Councillor Workshop

Meeting Date	30 March 2021
Councillors in Attendance	Cr Rich, Cr Denholm, Cr Strange

The development of this site was explored in conjunction with the Trails Town Business Case which the Council supported at its Ordinary Meeting held on 11 October 2021. The following key actions will be undertaken in the next 24 months:

- Complete the development of the Mounts Loop Trail Feasibility and Implementation plan, detailing a trail development that links Jarrahdale to the Mounts and the Bibbulmun Track.
- Work with DBCA to develop a concept plan for new Jarrahdale Equine networks.
- Investigate the commercial feasibility of developing LOT 814 Jarrahdale to support the Jarrahdale Trail Town Initiative, including a land feasibility study for the development of residential lots at LOT 814 Jarrahdale by the Shire or by a State Government Agency.
- Provide support to the Jarrahdale Heritage Society to enable the ongoing production of the Jarrahdale Trail Booklet and Trail Maps.
- Develop a Signage design suite for each trail type integrating the Jarrahdale Trail branding and relevant information to meet industry and Australian standards for signage
- Upgrade the Jarrahdale Town Walk Signage.
- Allocate Shire resources including persons and equipment to undertake trail maintenance. Ongoing
- Upgrade the Kitty's Gorge trail head car parking and provide additional carparking bays in the road reserve located north of Atkins Street (locally known as Myrtle Way).
- Redevelop Jarrahdale Oval in response to community use and to support Trail Town activities
- Provide a range of trails activation activities and events throughout the year. Ongoing



- Establish a Trail Town reference group to assist the Shire in the development of Jarrahdale as a Trail Town. Ongoing
- Continue to develop the Jarrahdale Trails brand identity project.

Statutory Environment

3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition — (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

(5) *This section does not apply to — (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

(b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

(c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

(d) *any other disposition that is excluded by regulations from the application of this section.*
[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]



3.59 .Commercial enterprises by local governments

(1) In this section —

acquire has a meaning that accords with the meaning of **dispose** ;**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

major land transaction means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction** .

(2) Before it —

- (a) commences a major trading undertaking; or
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government; and
- (b) its expected effect on other persons providing facilities and services in the district; and
- (c) its expected financial effect on the local government; and
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection.



(4) *The local government is to —*

(a) *give Statewide public notice stating that —*

- (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
- (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
- (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*

(b) *make a copy of the business plan available for public inspection in accordance with the notice; and*

(c) *publish a copy of the business plan on the local government's official website.*

(5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

[(5a) deleted]

(6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*

(7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*

(8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*

(9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*

(10) *For the purposes of this section, regulations may —*

(a) *prescribe any land transaction to be an exempt land transaction;*

(b) *prescribe any trading undertaking to be an exempt trading undertaking.*

[Section 3.59 amended: No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2); No. 16 of 2019, s. 11.]



Comment**Trails Town Business Case and Trails Centre**

Lot 814 has significant strategic links to trails and tourism activation project occurring now. The Business Case focuses upon the opportunity to establish a Trail Centre in the Jarrahdale township which can be the centre for trail activity and services such as equipment hire and servicing, food and beverage offerings, accommodation and other trail and visitor services on Lot 814.

In accordance with Draft Local Planning Scheme No. 3 and as discussed in the Trails Town Business Case a variety of land uses can be contemplated on the site, as follows:

Discretionary 'D'	Special Advertising 'A'
<ul style="list-style-type: none">• Ancillary dwelling• Art gallery• Civic use• Community purpose• Convenience store• Educational establishment• Family day care• Home business• Home occupation• Home office• Shop• Single house	<ul style="list-style-type: none">• Aged care facility• Bed and breakfast• Brewery• Caravan park• Childcare premises• Cinema/theatre• Exhibition centre• Holiday accommodation• Holiday house• Market• Motel• Place of worship• Reception centre• Recreation – private• Restaurant/café• Road house• Small bar• Tavern• Telecommunications infrastructure• Tourist development

Trail Town assessment criteria for provision at Trail Centres includes basic amenities supplied at the trail centre for trails users such as secure parking, toilets, showers, shade and shelter, picnic table and bike racks.

A Trail Centre is a single site with dedicated visitor services and trail facilities, provided by a single trail provider. It includes multiple signed and mapped trails of varying type and classification. A trail centre can be part of a Trail Town and incorporates a trail network. They are typically located close to major population centres or iconic locations.



It is proposed that a trail centre is established on Lot 814 Jarrahdale Road. This parcel of land is owned in freehold by the Shire and is the location of the Timber Mill Rotunda and Single Men's Quarters. A Trail Centre at this location will complement the Jarrahdale Oval trail head development and the proposed Byford (Wungong) Trail Centre that has already had a business case prepared for it. The two trail centres can be linked through the Langford Park trail networks. Although visitors often access the internet to plan their trips, it is important that visitors intending to use the trails have a central information and services point in town. A trail centre provides a space where trail and visitor-related information, services and facilities come together to create a one [1] stop shop. Because trails are free to use, a Trail Centre can provide an opportunity to generate income, which can then be invested back into trails to enhance the experience and safely maintain the trails.

Trail Centres generally include end of trip facilities such as hot showers and toilets, retail spaces for local products, hireable spaces for commercial operations (guided tours etc.) and hireable lockers. In Jarrahdale, a Trail Centre would benefit from a secure 24-hour car park to alleviate the current parking issues across Jarrahdale. A Trail Centre is a requirement for Trail Town accreditation. A trail head for all trails that start/finish in Jarrahdale should also be incorporated into the Trail Centre.

The Trails Town Business Case refers to the following recommendations relating to a Trail Centre on Lot 814:

Recommendation 3.2

Develop a master plan including costings for the establishment of the Jarrahdale Trail Centre at Lot 814, Jarrahdale. This Trail Centre should comprise of accommodation in the form of caravanning and camping, a café that also provides visitor information particularly focusing on trails and associated services, retail services, equipment hire, public ablutions and amenities including showers, hireable lockers, parking including for horse floats and trails, secure bike storage, shelter, wash bays for bikes and horses, rest areas and maintenance services/tools. This Trail Centre should also integrate a trails head for the trails that start/finish in Jarrahdale.

Recommendation 12.3

Incorporate a BMX/pump track and mountain biking skills park within the design for the proposed Trail Centre in Jarrahdale (Lot 814) to educate and develop the skills of mountain bike riders and provide for recreational activities.

Recommendation 16.4

Encourage pop-up locations for mobile vendors e.g. food trucks at key sites such as Jarrahdale Oval and the proposed Trail Centre at Lot 814 and potentially the upgraded parking area at the Kitty's Gorge Trail Head.

Recommendation 19.1

Include the provision of a RV Park that provides horse float parking, stables and water troughs as a component of the planning for the Trail Centre proposal at Lot 814.

Recommendation 19.4

Include budget accommodation options (bunk house, camp sites) as a component of the planning for the trail centre proposed at Lot 814.



Local Government Act 1995

Under section 3.58 of the *Local Government Act 1995* a local government may dispose of land in one of three ways:

- Public Tender
- Public Auction
- Private Treaty following a statutory period

The Shire undertook a preliminary expression of interest in the private sector in developing this site as the first step in a potential disposal using the third method.

The process to date is neither a Tender nor subject to an Auction. As can be seen from the above section of the Local Govt Act, an Expressions of Interest Process does not feature in the legislation as an option to legally dispose of any property.

The course this process is based upon entering a "Private Treaty" in accordance with part 3 of Section 3.58 of the Local Government Act above with this proponent for development of the site.

With respect to the EOI the Council at the time resolved: *"Delegates authority to the Chief Executive Officer to continue negotiations on behalf of Council with the proponents to develop a tourism development on Lot 814 Jarrahdale Road, Jarrahdale"*.

As there is no one else to compare the final negotiated outcome against, the Council would be put into a position to determine that the negotiated outcome was the best that could possibly be obtained for the site.

While Officers acknowledge that the proponents have negotiated in full faith to date, unfortunately Officers are unable to continue to negotiate on the proposal at this time because of the need to ensure the Shire fully complies with its legislative responsibilities. Under section 3.58 of the *Local Government Act 1995*, for the Shire to proceed in disposing of the land via public treaty following expression of interest the Officers are required to give local public notice, invite submissions and consider submissions at a further Council meeting through a business plan process.

Expression of Interest

At the Ordinary Council Meeting on 26 March 2018, Council called for Expressions of Interest (EOI) for the purpose of developing a tourism development with the key objectives of short-term activation by providing accommodation, adventure tourism.

A copy of the Expressions of Interest Document is attached for reference at **attachment 4**.

The EOI was open for four weeks, closing on the 8 October 2018. Two submissions were received and evaluated. The Economic Advisory Committee selected the joint submission by Axito Pty Ltd, Estilo Group Pty Ltd and Metropolis Projects Group Pty Ltd ('the Consortium'). As the preferred proponent.

Council at its meeting on 4 December 2018 resolved, in regards to Axito Pty Ltd.

that the Economic Development Advisory Committee recommends that Council:

1. *Receives the submissions made in response to the Expression of Interest EOI 01/2018.*
2. *Recommends that the joint submission by Axito Pty Ltd, Estilo Group Pty Ltd and Metropolis Projects Group Pty Ltd be selected as the preferred proponent.*



3. *Delegates authority to the Chief Executive Officer to continue negotiations on behalf of Council with the proponents to develop a tourism development on Lot 814 Jarrahdale Road, Jarrahdale.*
4. *Authorises the Chief Executive Officer to spend up to \$50,000.00 from account ECD530 on a joint share arrangement to produce a detailed Business Plan suitable for a commercial undertaking in Jarrahdale.*

Since this time Officers have attempted to negotiate an outcome in good faith with Axito. However this has not been possible due largely to the following reasons:

- With the site valuation analysis alone, it is not feasible to recommend that this project progress with the Consortium's requested terms. Officers note that that market conditions have changed, and a higher commercial rent and sale could be demanded due to low stock levels of development sites.
- Notwithstanding the significant costs to develop the land, Officers are expecting the Council and the community would like to see some return from the site. Officers obtained a valuation for the site in February 2020 which is attached at **CONFIDENTIAL attachment 5** for Councillors reference.
- The proponents were seeking to use a large portion of the site for aged person accommodation. Whilst Officers were not opposed to this use this use was not originally identified in the EOI documentation.

However, the main challenge experienced was the inability for the Officers to provide feedback on the development and negotiate an outcome without the following:

- Clear objectives in terms of outcomes required of the site that were reflective of the community's views and vision of the site and aligned with Councils priorities and aspirations.
- Independent financial feasibility to measure and test the claims of the proponent against to ensure the Council was obtaining the best return possible in the absence of being able to compare the proposal to what else the market may consider.

Officers sought to enter into a draft Heads of Agreement with the Consortium, though the Shire did not proceed as this could not be progressed prior to a business planning process being undertaken by the Shire in accordance with the Local Government Act. Therefore the draft Heads of Agreement was not progressed any further on this basis.

Therefore it was decided to wait until the Trails Town Business Case was finalised to be able to provide some feedback to the proponents on their proposal in a way that reflected not only what the Council and community wanted to see but also outcomes this site needed to achieve in order for Jarrahdale to become a trails town.

With the Trails Town Business Case now adopted Council could ask the proponents to revise their proposal based upon the recommendations associated with the site in the Trails Town Business Case as outlined in the report.

Furthermore, the Council could indicate to the proponents that it is wanting to see a financial return to the Shire commensurate with the valuation obtained rather than providing the site at a long-term peppercorn rental.

It is important to note however that even if this occurred and the proponent responded the Council would not have any other proposals to compare their revised proposal against to ensure it was obtaining the best outcome for the site. To address this aspect Council could separately



undertake the commercial feasibility of the site as outlined below. This would provide independent analysis of the commercial aspects and potential returns on the site and could be used as a basis to assess any revised proposal received.

Notwithstanding this the Council should only commence the next phase with Axito if it is comfortable that there will be no other submissions to compare their revised proposal against. The community would have a change to comment on the submission and financial arrangements as part of a Business Plan process.

Inviting Axito to submit a revised proposal whilst it does not commit to Council following this approach it will require Axito to undertake further work than already undertaken and invest resources.

Officers note that as Council had selected the Axito Pty Ltd / Form Construction as the preferred proponent through the Expression of Interest Process. Financial implications may arise should Council not proceed with this recommendation. Legal advice pertaining to the Expression of Interest process is contained within **CONFIDENTIAL attachment 6**.

Commercial Feasibility and Funding Models

In line with the Master Planning of the Trails Centre to consider the many commercial and community uses on the site, if the process was starting again Officers would recommend a two phase process be undertaken in regards to development of this site.

Firstly consultants be engaged to develop a high level feasibility and options paper for the development of the site. This would include the following:

- Assess the commercial viability of the commercial options available on the site.
- Make recommendations on which commercial activities should be included in the overall master plan and their associated special requirements.
- Identify interrelationships between community and commercial uses to help inform the master planning process.
- Assess the impediments and risks associated with development of the site and make recommendations which de-risk the project.
- Make recommendations on how to attract interest from the commercial sector into the commercial development opportunities.
- Provide recommendation on the tenure arrangements for the commercial opportunities on the site.

Once completed this high-level feasibility and options paper would be presented to Council for consideration. This would then be used to inform the development of a Master Plan and costings for the site, which can be undertaken the following financial year subject to Council approval. The Master Plan would need to be developed in consultation with the community and stakeholders:

- Provide a plan for the overall development of the site.
- Indicate a staging plan for development of the site recognising the outcomes of the high level feasibility and options paper.
- Provide order of magnitude costings for the development of the community uses and supporting infrastructure the Shire needs to provide to facilitate the development of the site.



- Identify quick wins associated with the development of the site which can be implemented in the coming years.
- Provide a costing for the development of the site.

Development WA

Further, part of the site can be developed into a residential subdivision. This has the ability to provide additional residential options into the Town. It is also likely to generate a revenue for the Shire to invest into the development of the remainder of the site.

Officers met with Development WA to explore funding possibilities to undertake residential and tourism development on a portion of Lot 814. Development WA advised on a funding model which is the Local Regional Development Assistance Program.

Representatives advised that given the costs to develop the site if the Shire partnered with Development WA to develop the site via the application process it should enter the process appreciating that it is unlikely to receive a return from the development of the site, other than a service lot suitable for development of a caravan park and visitors centre. This will, however, expand if Council submits an application.

This funding program aims to develop land to support projects that expand the social and economic vitality of regional communities. Officers note there are requirements that apply in submission of an application to WA, the application form has been included in report as **attachment 2 - Development WA – Regional Development Assistance Program**.

There are some benefits of partnering with Development WA (should the application be successful) to develop this site, namely:

Development WA's successful track record and strong branding/presence in the development sector will contribute significantly in creating long term economic and community benefits to the Jarrahdale site and surrounding Shire area.

- This approach will reduce the financial risk and burden on the Shire's already limited resources.
- Development WA have experience in developing complex sites such as this location.
- Given the challenges of services in Jarrahdale it is more likely that Development WA could assist in advocating for State Govt investment in the upgrade of services benefiting not only this site but potentially the town.
- Development WA's involvement and interest in the site may assist in attracting funding for other Jarrahdale Trails Town initiatives.

On balance Officers believe it is worth submitting an application to Development WA to formally determine their interest in partnering with the Shire to develop the site.

If the Council also undertakes its own financial feasibility for the site it will enable comparison to be made following Development WA assessment on the best approach to be followed.

It is important to note that Council at this point is only considering submitting an application to Development WA. If Council submits the application Development WA undertakes an assessment and financial review of the proposed development and will come back to the Shire to determine next steps.



Options and Implications**Option 1**

That Council:

1. RESOLVES NOT TO PROCEED with the Expression of Interest undertaken by Axito Pty Ltd and Form Construction Pty Ltd.
2. APPROVES the below budget adjustment to reflect the additional funding from PDC:

Account Number	Type	Account Description	Debit \$	Credit \$
1200-10108-6230-0000	Increase Expenditure	Jarrahdale Heritage Site Redevelopment - Consultancy	40,000	
1200-10108-4131-0000	Increase Income	Jarrahdale Heritage Site Redevelopment – Grant – Operating – Peel Development Commission		40,000

3. REQUESTS the Chief Executive Officer to submit an application to Development WA for the development of Lot 814 Jarrahdale in line with the objectives for the site outlined in the Trails Town Business Case.
4. REQUESTS the Chief Executive Officer to undertake the 'Commercial Feasibility of developing Lot 814' Strategic Operating Project from the 2021-25 Corporate Business Plan comprising:
 - a. Investigate the commercial feasibility and funding models for the development of the land to support the Jarrahdale Trail Town Initiative; and
 - b. Prepare a needs analysis, opportunity study, feasibility and business case for development options for the land.

Option 2

That Council:

1. RESOLVES to continue with the Expression of Interest undertaken by Axito Pty Ltd and Form Construction Pty Ltd.
2. Invite Axito to submit a revised proposal that addresses the following points:
 - a. The uses on the site to mainly consistent with the uses and recommendations relating the site in the trails town business case.
 - b. Providing a financial return to the Shire commensurate with the valuation obtained.
3. APPROVES the expenditure of up to \$44,973 from account 1200-10108-6610 and \$40,000 received from the Peel Development Commission.
4. REQUESTS the Chief Executive Officer to undertake the 'Commercial Feasibility of developing Lot 814' Strategic Operating Project from the 2021-25 Corporate Business Plan comprising:
 - a. Investigate the commercial feasibility and funding models for the development of the land to support the Jarrahdale Trail Town Initiative; and



- b. Prepare a needs analysis, opportunity study, feasibility and business case for development options for the land.
5. REQUESTS the Chief Executive Officer present a report to Council with the revised proposal from Axito together with the Commercial Feasibility for consideration and a recommendation on how to proceed.
6. Notes the Master Planning would not commence until Council has considered the outcomes of the Commercial Feasibility and the revised proposal from Axito Pty Ltd.
7. APPROVES the below budget adjustment to reflect the additional funding from PDC:

Account Number	Type	Account Description	Debit \$	Credit \$
1200-10108-6230-0000	Increase Expenditure	Jarrahdale Heritage Site Redevelopment - Consultancy	40,000	
1200-10108-4131-0000	Increase Income	Jarrahdale Heritage Site Redevelopment – Grant – Operating – Peel Development Commission		40,000

Option 3

That Council:

1. RESOLVES to not proceed with the Expression of Interest or the two-stage planning process.
2. DOES NOT APPROVE the expenditure of up to \$44,973 from account 1200-10108-6610 and \$40,000 received from the Peel Development Commission.
3. AGREES to REMOVE the 'Commercial Feasibility of developing Lot 814' Strategic Operating Project from the 2021-25 Corporate Business Plan.
4. NOTES the 2021-25 Corporate Business plan will be updated to reflect this amendment through the 2021-22 Quarter 2 Corporate Business Plan Performance Report

Option 4

That Council:

1. RESOLVES NOT TO PROCEED with the Expression of Interest undertaken by Axito Pty Ltd and Form Construction Pty Ltd.
2. APPROVES the below budget adjustment to reflect the additional funding from PDC:

Account Number	Type	Account Description	Debit \$	Credit \$
1200-10108-6230-0000	Increase Expenditure	Jarrahdale Heritage Site Redevelopment - Consultancy	40,000	
1200-10108-4131-0000	Increase Income	Jarrahdale Heritage Site Redevelopment – Grant – Operating – Peel Development Commission		40,000



3. RECEIVES the update to continue with a two-stage planning process as outlined in the 2021-25 Corporate Business Plan as the 'Commercial Feasibility of development Lot 814' Strategic Operating Project comprising:
 - a. Investigate the commercial feasibility and funding models for the development of the land to support the Jarrahdale Trail Town Initiative; and
 - b. Prepare a needs analysis, opportunity study, feasibility and business case for development options for the land.

Option 1 is recommended.

Conclusion

The development of Lot 814 in Jarrahdale has been a priority for the Shire of Serpentine Jarrahdale for over 20 years. Despite a strong desire no attempts to develop the land have come to fruition.

The Jarrahdale Trails Town Business case identifies the uses required to be accommodated on the site to meet the overall trails town objectives.

Submitting an application to Development WA is appealing as it removes the risk from the site from the Shire. The benefits of working with Development WA would include the ability to attempt to leverage support from the State Government to develop the site and remainder of Jarrahdale townsite. However this also reduces the ability for the Shire to obtain a return from the site.

Progressing with the Commercial Feasibility will enable the Council to make an informed decision on the likely development costs and returns possible for the site.

Although an Expressions of Interest was conducted and negotiations have been undertaken in good faith Officers believe that continuing along with the Axito Pty Ltd EOI may only create greater issues and challenges at the end of the process as the Council will be forced to determine if this is the best return which can be achieved from the site.

Council could resolve to undertake the financial feasibility first, then master plan the site and then call for EOI's for specific sites with clear outcomes required. This will provide a more orderly development of the site and provide certainty that the outcomes achieved on the site would align to community and Jarrahdale Trails Town objectives. However this option will put more financial risk and responsibility on the Shires already limited resources.

Upon balance Officers believe that the best approach is to undertake the commercial feasibility of the site and also submit an application to Development WA for them to consider partnering with the Shire to develop the site. The Council will then be able to compare the outcomes of the commercial feasibility together with any feedback or proposal received from Development WA and decide how to proceed.

Attachments (available under separate cover)

- **10.5.2 - attachment 1** – Funding Agreement from the Peel Development Commission (E21/11184)
- **10.5.2 – attachment 2** – Development WA – Regional Development Assistance Program (E21/2947)



- **10.5.2 – CONFIDENTIAL attachment 3** – Expression of Interest EOI 01/18 – Tourism Development – Submission – Axito (IN18/24430)
- **10.5.2 – attachment 4** – Expression of Interest EOI 01/18 – Tourism Development – Invitation (E18/11817)
- **10.5.2 – CONFIDENTIAL attachment 5** – Valuation Report – Lot 814 Jarrahdale Road, Jarrahdale (E22/1610)
- **10.5.2 – CONFIDENTIAL attachment 6** – Legal Advice (to be provided at a later date under separate cover)

Alignment with our Strategic Community Plan

Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
Strategy 1.2.2	Encourage and support public art in public areas
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district

Financial Implications

An amount of \$44,973 in account 1200-10108-6610 is included in the 2021/22 FY budget to progress with the business case for the development of Lot 814.

Officers have secured \$40,000 in funding from the Peel Development Commission to assist with this process should Council determine to proceed with this course of action. A draft funding agreement with the PCD for this amount is attached at Appendix 1 for Councils consideration. If Council agrees to accept this funding agreement to facilitate this process the below budget adjustment will be required:

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Reason: Adjustment to recognise contribution from Peel Development commission and associated increase in expenditure to enable a full Feasibility and Business Case to be produced by an appropriate consultant within the required timeframe.



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 and 4	The risks associated with options 1 and 4 are outlined in the legal advice within CONFIDENTIAL attachment 6.						
1 and 4	Reputational loss with potential investors due to alternative project option.	Current relationship with proponent	Reputation	Likely	Minor	MODERATE	Nil
2	If Council proceed with both the EOI and Commercial Feasibility there is a risk that agreement is not reached and the development of Lot 814 isn't progressed or continues to be prolonged.	Current relationship with proponent	Organisational Performance	Possible	Moderate	MODERATE	Nil
3	If Council do not proceed with either the EOI or the feasibility the development of Lot 814 isn't progressed resulting in a loss of opportunity to activate a community space	Nil	Social / Community Outcomes	Likely	Moderate	SIGNIFICANT	Nil



Voting Requirements: Absolute Majority (s. 6.8, *Local Government Act 1995*)

Officer Recommendation

That Council:

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OCM034/02/22

COUNCIL RESOLUTION

Moved Cr Singh, seconded Cr Dagostino

That Council DEFER this item to allow the matter to be discussed at Policy Concept Forum prior to presentation to Council.

CARRIED 6/2

Reason for difference to Officer Recommendation

History from last OCMs, 17/12/18 and 26/03/18 and EDAC 04/12/18 and legal advice received this afternoon.



10.6 Confidential reports

Nil Reports.



Continued

Ordinary Council Meeting Minutes Monday, 21 February 2022

11. Urgent business:

Nil.

12. Councillor questions of which notice has been given:

Nil.

13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 10:24pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on the 21 March 2022

..... Presiding Member – Councillor Rich

..... 28/03/2022 Date