



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 21 November 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 the 11 April 2022 Ordinary Council Meeting, Council Resolution OCM067/04/22, clause 1 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings, Q & A briefings for Ordinary Council Meetings, Q & A briefings for Special Council Meetings, Councillor Workshops held for Project Briefings, Councillor Workshops held for Budget Preparations and Policy Concept Forums.”

Council 24 October 2022 –

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
21/11/22	Q & A cont. (OCM)	✓	A	✓	✓	✓	✓	✓	✓	✓
14/11/22	Q & A (OCM)	✓	✓	✓	✓	A	✓	✓	✓	✓
07/11/22	SCM	✓	✓	A	✓	✓	✓	✓	✓	✓
24/10/22	SCM	✓	✓	A	✓	✓	✓	✓	✓	✓
24/10/22	Q & A (SCM)	✓	✓	A	✓	✓	✓	✓	✓	✓

Council 1 July 2022 – 22 October 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Vacant	Cr Dagostino	Cr Duggin	Vacant	Cr Strange	Cr Strautins
17/10/22	OCM	✓	✓	✓		✓	✓		A	✓
10/10/22	Q & A (OCM)	✓	✓	✓		A	✓		✓	✓
03/10/22	PCF	A	✓	✓		✓	✓		✓	✓
19/09/22	Q & A cont. (OCM)	✓	✓	✓		✓	✓		✓	✓
12/09/22	Q & A (OCM)	✓	✓	✓		✓	✓		✓	A
05/09/22	PCF	A	✓	✓		✓	✓		✓	A
22/08/22	PCF	✓	✓	A		A	✓		A	✓
15/08/22	OCM	✓	✓	✓		✓	✓		✓	✓
15/08/22	Q & A cont. (OCM)	✓	✓	✓		✓	✓		✓	A
08/08/22	Q & A (OCM)	✓	✓	A		A	✓		✓	✓
01/08/22	PCF	✓	✓	✓		A	✓		✓	✓



Continued

Ordinary Council Meeting Minutes Monday, 21 November 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Vacant	Cr Dagostino	Cr Duggin	Vacant	Cr Strange	Cr Strautins
25/07/22	SCM	✓	✓	✓		✓	✓		✓	LoA
25/07/22	Q & A (SCM)	✓	✓	✓		✓	✓		✓	LoA
18/07/22	OCM	✓	✓	✓		✓	✓		✓	LoA
18/07/22	Q & A cont. (OCM)	✓	✓	✓		✓	✓		✓	LoA
13/07/22	WORKSHOP (CEO KPI Presentation)	✓	✓	✓		A	✓		✓	LoA
11/07/22	Q & A (OCM)	✓	✓	✓		✓	A		✓	LoA
11/07/22	SCM	✓	✓	✓		✓	✓		✓	LoA
04/07/22	PCF	✓	✓	✓		A	✓		✓	A

Council October 2021 – 30 June 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
27/06/22	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
20/06/22	OCM	✓	✓	A	✓	✓	✓	✓	✓	✓
15/06/22	SCM	✓	✓	✓	✓	✓	✓	EPNG	✓	✓
13/06/22	Q & A (OCM)	A	✓	✓	✓	✓	✓	A	✓	✓
08/06/22	WORKSHOP (CBP)	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/05/22	WORKSHOP (Budget)	✓	✓	✓	A	✓	✓	✓	✓	✓
23/05/22	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
16/05/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
11/05/22	Q & A cont. (OCM)	✓	✓	✓	A	A	✓	A	✓	A
09/05/22	Q & A (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
02/05/22	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/04/22	WORKSHOP (Rates / LTFF / Fees and Charges)	✓	✓	✓	✓	✓	✓	✓	✓	✓



Continued

Ordinary Council Meeting Minutes Monday, 21 November 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
27/04/22	WORKSHOP (PMO / Draft Facilities Plan)	✓	A	✓	✓	A	✓	✓	✓	A
20/04/22	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
19/04/22	Q & A (SCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
11/04/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/03/22	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/03/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/02/22	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
21/02/22	OCM	✓	✓	A	✓	✓	✓	✓	✓	✓
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



Table of Contents

1. Attendances and apologies (including leave of absence):.....	7
2. Public question time:	7
2.1 Response to previous public questions taken on notice:.....	7
2.2 Public questions:	7
3. Public statement time:	10
4. Petitions and deputations:.....	12
5. President's Report:	13
6. Declaration of Councillors and Officer's interest:.....	16
7. Confirmation of minutes of previous Council meeting(s):	17
7.1 Ordinary Council Meeting – 17 October 2022.....	17
7.2 Swearing In Ceremony and Special Council Meeting – 24 October 2022.....	17
7.3 Special Council Meeting – 7 November 2022	17
8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meeting:.....	18
8.1 Audit, Risk and Governance Committee Meeting – 7 November 2022	18
9. Motions of which notice has been given:	19
9.1 - Notice of Motion – Community Funding – Centrepont Church Christmas Carnival 2022 (SJ4044)	19
9.2 - Notice of Motion – Electoral reform advocacy (SJ3929)	22
10. Chief Executive Officer reports:	27
10.1 Development Services reports:.....	27
10.1.1 - Retrospective Development Application For Works (Fill) - Lot 10 Gossage Road, Oldbury (PA21/1168).....	27
10.1.2 - Metro Outer Development Assessment Panel - Deferral - Proposed Use Not Listed - Brewery and Restaurant and Associated Works - Lot 201, 1248 Karnup Road, Serpentine - (PA22/383)	38
10.1.3 - South Western Highway Draft Access Strategy for South of Abernethy Road and West of the Highway (PA20/1266).....	43
10.1.4 - Proposed 'Transport Depot at Lot 10, 12 Tunney Road, Oldbury (PA22/94).....	53
10.1.5 - Proposed 'Radio, TV and Communications Installation' (Telecommunications Tower and Associated Infrastructure) - Lot 116, 245 Keirnan Street, Whitby (PA22/611).....	69
10.1.6 - Proposed Amendment to Conditions of Approved Extractive Industry - Lot 4, King Road, Oldbury (PA22/705)	80
10.1.7 - Proposed 'Place of Public Worship' - Lot 3,155 Warrington Road, Byford (PA22/590)	96
10.1.8 - Proposed Service Station (with incidental components), Rural Supplies Store and Veterinary Clinic - Lot 9002, (formerly Lot 801), 1780 Thomas Road, Oakford (PA22/297)	111
10.1.9 - West Mundijong Industrial Area Discussion Paper and Infrastructure Funding (SJ1392-03).....	145



10.1.10 - Mundijong F1 Precinct Structure Plan - Deferral of Project (SJ307)	161
10.1.11 - Dog Exercise Area - Lot 8053 Tourmaline Boulevard, Byford (SJ899-7).....	166
10.2 Infrastructure Services reports:	173
10.2.1 - Minutes of the Rivers Regional Council – 20 October 2022 (SJ581)	173
10.2.2 – New Lease - 1 Evelyn Street Mundijong – Mundijong Sales Yards (L049)	175
10.2.3 - Award Request for Tender RFT 07/2022 – Bulk Bin Services – Watkins Road Transfer Station (SJ3974).....	186
10.2.4 - Award Request for Tender – RFT 09/2022 – Cleaning Services – Serpentine Jarrahdale (SJ3998)	191
10.3 Corporate Services reports:	197
10.3.1 - Confirmation of Payment of Creditors – October 2022 (SJ801).....	197
10.3.2 - Monthly Financial Report – September 2022 (SJ801).....	200
10.3.3 – September 2022 Quarterly Budget Review (SJ3940)	205
10.3.4 – Corporate Business Plan Performance Report – July to September 2022 (SJ940-3).....	217
10.3.5 - Award Request for Tender RFQ 17/2022 – Senior Project Manager (SJ3989)	232
10.4 Community Engagement reports:	238
10.4.1 - Local Emergency Management Committee Information Report (SJ716-02)	238
10.5 Executive Services reports:	242
10.6 Confidential reports:	243
10.6.1 - CONFIDENTIAL – Allegation of breach of code of conduct SJ2022-1 (SJ3105) .	243
10.6.2 - CONFIDENTIAL – Allegation of breach of code of conduct SJ2022-2 (SJ3105) .	244
11. Urgent business:	245
12. Councillor questions of which notice has been given:.....	245
13. Closure:.....	245

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

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

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



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

The Shire President, Councillor Rich declared the meeting open at 7:04pm and welcomed Councillors, Staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to the Elders Past, Present and Emerging.

The Shire President, Councillor Rich advised members of the gallery that the meeting is being audio recorded, in accordance with Council Policy. If you are asking a public question or making a statement or deputation to the meeting this will be audio recorded. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed.

Minutes

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

Attendees:

Councillors: M Rich.....Presiding Member
 D Atwell
 M Byas
 R Coales
 M Dagostino
 T Duggin
 S Mack
 L Strange
 D Strautins

Officers: Mr P Martin.....Chief Executive Officer
 Ms R Steinki.....Acting Director Community Engagement
 Mr A TrosicDirector Development Services
 Mr F SullivanDirector Corporate Services
 Mr R Najafzadeh.....Director Infrastructure Services
 Dr K ParkerManager Governance and Strategy
 Ms M Gibson.....Governance Officer – Council and Committees
 (Minute Taker)

Leave of Absence: Nil.

Apologies: Nil.

Observers: 25

2. Public question time:

2.1 Response to previous public questions taken on notice:

Nil.

2.2 Public questions:

Public question time commenced at 7:05pm.



Mr Bill Denholm, Karrakup WA 6122

Question 1

At the Special Council Meeting on the 24th October, item 7.1.1, if the Council had adopted the original Officer's Recommendation, which the majority of Council rejected in favour of option 2, what impact would that have on the 4 Councillors whose term will expire in 2025?

Response (Director Corporate Services)

As detailed in the Officer's report for this matter, the Minister for Local Government has indicated his intention to introduce a bill to Parliament that would introduce a series of electoral reforms. The Minister has provided the option for local governments to voluntarily progress the reforms. At the 24 October 2022 Special Council Meeting, the Council resolved to pursue this voluntary option.

If Council had resolved to support option one for item 7.1.1 at the 24 October 2022 Special Council Meeting, Officers would have advised the Department of Local Government that the Shire did not wish to voluntarily progress the reforms.

The impact of pursuing the non-voluntary pathway option, as it relates to any Councillor's term of office, is not exact. In his correspondence, the Minister stated that he intended that the legislation he would introduce to Parliament would spill all positions.

However, the impact would depend on the details of the legislation that the Minister has indicated that he intends to introduce and whether this legislation is ultimately passed as proposed by Parliament in time for the 2023 Ordinary Local Government Elections.

Question 2

What is the definition of a financial interest?

Response (Director Corporate Services)

Section 5.60A of the Local Government Act 1995 defines a financial interest in the following terms: "a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person." Section 5.63 of the Act goes on to provide for exemptions to section 5.60A.

Question 3

What are the rules around successful candidates who become Councillors needing to disclose campaign donations and what are the penalties for failing to accurately disclose donations?

Response (Director Corporate Services)

Part 5A of the Local Government (Elections) Regulations 1997 (the Regulations) describes the rules concerning election gifts. The legislation in relation to this involves several elements but in summary, a candidate must disclose gift related to their candidature of a value of \$200 or more or cumulative gifts of \$200 or more



during the disclosure period within three days of receiving the gift. The regulations require the donor, as well as the recipient, to disclose the gift in question. The penalty for non-disclosure listed in the Regulations is \$5,000.

Mrs Lee Bond, Box 44 Armadale WA 6122

Question 1

How many employees work at the Watkins Road Transfer Station, are there any volunteers working there if so how many, if there are more than two employees, what date were the extra employees employed?

Response (Director Infrastructure Services)

There are 3.2 FTE positions based at the Transfer Station. Three of these positions operate the Transfer Station. There is one part-time employee (0.2 FTE) who manages the Reuse Shop on weekends only, who commenced in August 2022. Two volunteers work at the Reuse Shop.

Question 2

Is the Watkins Road Transfer Station going to become a paid entry for residents, if so please give details of how this will function and what will the cost be?

Response (Director Infrastructure Services)

There is no plan to change the current fees and charges for the transfer station. Notwithstanding this, Council adopts the fees and charges each year as part of the budget process. However, an action in this year's Corporate Business Plan is the "Operations Centre Structure Review". Which is to undertake a detailed review of operations services at the Shire's Depot and Waste Transfer Station to identify areas of improvements to achieve higher efficiencies. This review is currently in progress.

Question 3

Why has the Jarrahdale Log Chop been abandoned, who installed and paid for the fencing on the grounds this was held on until its demise, did SJ Council make the decision to abandon this annual event?

Response (Acting Director Community Engagement)

The Jarrahdale Log Chop and SJ Lion's Country Fair is an annual event delivered by the Lion's Club of Serpentine Jarrahdale. In May 2021, Council resolved to provide Major Event funding towards this event for 3 years; which included the 2021, 2022 and 2023 events.

In February this year (2022), a letter was received by the Shire advising that the Lion's Club committee voted unanimously to cancel the 2022 event; mainly as a result of the challenging restrictions of Covid-19 at that time.

However, the Shire has been recently informed by the Lion's Club that the 2023 event will go ahead, delivered by the Lion's Club. There remains \$18,000 committed by Council to this purpose via the Major Events funding scheme.

The SJ Lion's Club successfully advocated for the installation of fencing at Jarrahdale Oval in 2016 via Royalties for Region funding.



Presiding Member, Councillor Rich asked if there were any public questions from the floor at 7:13pm.

Mr Tom Dyer, Cardup WA 6122

The bus stop on the corner of Soldiers and Daisy Road has been there for 48 years. The walls have been replaced, but the roof leaks like a sieve. Is there a chance of getting the roof replaced in the next budget?

Response (Shire President)

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

Mr Garry Tomlinson, Jarrahdale WA 6124

Question 1

The verge on Hopkinson Road and Abernathy Road, the weeds are very high, driving in a low car, you can't see around the corner. If someone gets hurt, is the Shire going to be responsible for it?

Response (Shire President)

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

Question 2

Tonkin Highway extension. I received an email about what is going on with it, but there are no dates of when they are going to start doing work on it. Are we able to find out as to when they are going to start doing work on it or what is going on?

Response (Shire President)

We do not have any dates that we can put out, being a Main Roads project. We are working with Main Roads and have requested that they come to the Shire and hold some community forums to involve the community so that the community are fully aware of what the plan is moving forward.

Presiding Member, Councillor Rich asked if there were any further public questions from the floor. No further public questions were asked.

Public question time concluded at 7:17pm.

3. Public statement time:

Public statement commenced at 7:17pm.

Mr Joe Rossi, Lead Pastor from Centrepont Church Byford regarding item 9.1 - Notice of Motion – Community Funding – Centrepont Church Christmas Carnival 2022 (SJ4044)

On Friday, December 16 from 5pm to 8pm, Centrepont Church will be running a free community event at Kalimna Oval in Byford called Byford Christmas Carnival. The event is for families to come along and enjoy a totally free event which includes:

- Inflatables



- Water slides
- Face painting
- Visit from Santa
- A gift for every child under 11 years of age
- Hotdogs, burgers and much more.

Over the past 4 years we have run a Christmas Breakfast on Christmas morning for those who would otherwise find themselves isolated and alone on Christmas Day. These events attracted around 250-300 people. Each year we have been successful in receiving funding via the Grants Scheme from the local Shire which has gone a long way in helping us put on these events. We are always truly thankful for the support and finance.

At the start of 2022, we discussed how we could make our Christmas event bigger and better for the community, and identified the need for an event aimed at families, as the region's demographic has a large young family population. We decided to run the Christmas Carnival event to make it accessible for young families. The date chosen coincides with the end of the school year, so it will be a great way to start the Christmas season.

We discussed this with local families within the area and all made comment that this is exactly what the community needed. Also, with the cost of living pressures leading into Christmas, this will be a huge blessing for our community as the entire event is totally free for those who register and attend.

We set a target of 400 people to attend and applied for funding via the Serpentine Jarrahdale's Grant Scheme and were successful in receiving an amount of \$1,891.40. Centrepoint is truly grateful for these funds which will enable us to cater for around 100 of the people who will attend the free Christmas Carnival event.

We launched the event last Sunday and in 48 hours we had to close registrations as there is a huge demand from young families for the event. We currently have 583 registrations and close to another 200 on a waiting list. This has gone beyond our expectations, is amazing and shows the community's need for an event like this. We put the large interest down to the cost of living pressures mentioned earlier as well as the family aspect of the event.

In order to meet the demand, we require additional funds as our aim is to make sure no child misses out on the event as well as their free gift. If we are successful in receiving additional funding this will go a long way in achieving this goal.

Thank you for allowing me to make this presentation and again we are truly grateful and appreciative of the funds already donated by the Shire for our Christmas Carnival event.

Mrs Lee Bond, Box 44 Armadale WA 6122

Having listened to the audio recording of the last SCM some Councillors should be ashamed of their behaviour. Because the meetings are recorded it is necessary to advise the listener of which Councillor is speaking at all times and long silences need to be addressed for the benefit of the listener.

Agenda item 10.1.8, how many times will this matter waste the time of Council just so another Service Station can be built just down the road from another one which has already



commenced development. The corner of Thomas and Kargotich Roads is a dangerous intersection.

Agenda item 10.1.10, how many dog exercise areas does the Shire require and why is the Jarrahdale Dog Park so disgusting.

Agenda item 10.1.7, when will churches start paying rates like the rest of us, I can get a half a dozen people together call myself a church and not pay rates. Start thinking about whose money you are wasting.

Public statement time concluded at 7:22pm.

4. Petitions and deputations:

Ms Jesse Dunbar of Taylor Burrell Barnett and Mr Brian Henke of Bright Tank Brewing regarding item 10.1.2 - Metro Outer Development Assessment Panel - Deferral - Proposed Use Not Listed - Brewery and Restaurant and Associated Works - Lot 201, 1248 Karnup Road, Serpentine - (PA22/383)

In support of the Officer's Recommendation.

Mr Ahmed Naser of Harley Dykstra regarding item 10.1.4 - Proposed 'Transport Depot at Lot 10, 12 Tunney Road, Oldbury (PA22/94)

My name is Ahmed Naser, I'm a Town Planner at Harley Dykstra here of behalf of our client the 'Broads' in support of the Officer's recommendation to Council regarding item 10.1.4 of the agenda – Proposed 'Transport Depot as Lot 10, 12 Tunney Road, Oldbury'. The proposal seeks to enable the parking of two commercial trucks associated with the distribution of non-hazardous agricultural chemicals. Trucks are to arrive loaded or unloaded at the proposed transport depot at the end of the day to be parked overnight prior to operations the following morning. Incidental storage within the poultry sheds will occur in instances where goods will need to be transferred to a smaller (4 tonne) truck that will deliver the goods in batches to locations that cannot accommodate larger trucks. This will be on an as required basis and is incidental to the primary transport depot operations.

Support for this application will see the discontinuation of the poultry farm and will ensure the obvious amenity impacts associated with poultry operations are removed, and a more appropriate land use, considering the size and character of the site, is established.

Existing poultry operations have air quality impacts on the surrounding locality. In comparison, the proposed land use is odourless, removing one of the key impacts on surrounding properties and providing residents with an improved amenity.

Similarly, the proposed use will result in reduced noise impacts on the surrounding locality. Noise associated with the proposed Transport Depot is to be limited due to the limited number of truck movements that only occur within standard business hours, and the transfer of product for delivery by electric forklift. In comparison, the existing poultry operations include a number of noise generating activities, including feeder motors, feed trucks arriving outside standard business hours to pump feed into silos, and night-time bird-collection.

The proposed non-hazardous chemicals that are to be incidentally stored and distributed within local rural area are used for agricultural activities and therefore the proposed use is considered associated with rural pursuits, meeting the objectives of the Rural Zone.



An Environmental Acoustic Assessment prepared by Herring Storer Acoustics was submitted in support of this proposal, concluding noise received at the nearest receivers would comply with the requirements of the Environmental Protection (Noise) Regulations 1997 between 0700 and 1900 hrs. A Bushfire Management Plan has also been prepared by Smith Bushfire Consultants in support of this application.

I would like to thank the Shire Officers for their effort in preparing this recommendation to council. We have reviewed the recommended conditions which we consider to be reasonable. We therefore kindly request council move the Officer's recommendation as written and approve this application.

With the Shire President's permission, I am willing to answer any questions Councillors may have on the item. Thank you.

Mr Richard Burt of Fowler Group regarding item 10.1.9 - West Mundijong Industrial Area Discussion Paper and Infrastructure Funding (SJ1392-03)

In support of the Officer's Recommendation.

5. President's Report:

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

The past month has been busy here in SJ, with a particular focus on our Shire's Emergency Services with bushfire season now upon us.

On 25 October, I attended a pre-season briefing held at the Mundijong Volunteer Bushfire Brigade Station.

The briefing gave volunteers from all local brigades a chance to discuss the latest information ahead of the season.

It is highly encouraging to see how engaged and prepared our brigades are.

I was also pleased to attend the Volunteer Firefighter Family Fun Day in Serpentine last month.

The day is a great way to show appreciation for the volunteers who work so hard to keep our community safe.

In keeping with the theme of Emergency Services, the Shire welcomes the State Government's announcement that a new Career Fire Station will be built in Cardup, with construction expected to commence in mid-2023.

This announcement follows Council's decision at our October meeting to agree in principle on a self-supporting loan to deliver the Oakford Bushfire Brigade Project.

Providing new and up-to-date infrastructure to support our local firefighting services is vital, and these Cardup and Oakford projects will significantly benefit our community.

I encourage all SJ residents to prepare for this bushfire season. More information on this can be found on the Shire's website.

Moving on, I was thrilled to attend a pair of essential milestones within our community over recent weeks.

Jarrahdale celebrated its 150th birthday with a great showing of community pride and live entertainment at the Jarrahdale Heritage Mill. At the same time, Keysbrook residents gathered to mark the 100 years of the local cricket pitch.



Ordinary Council Meeting Minutes Monday, 21 November 2022

Both events were great ways to showcase the history and heart of our Shire. Congratulations to all involved in organising.

The SJ Food and Farm Fest was once again a smash hit earlier this month, shining the light on our vast agricultural sector.

Our leading equine community was also on display with the WA State Jumping Titles held at the Serpentine Sports Reserve on 23 October. It was great to attend and see the fantastic talent at one of our premier equine facilities.

Events season will continue next month with the Shire's Christmas festivities, including the Christmas Street Party to be held on Paterson Street, outside the Administration Building on 9 December.

The Shire's website shows a full schedule of Christmas events.

I want to close tonight by congratulating the Serpentine Jarrahdale RSL for hosting a successful Remembrance Day service in Byford earlier this month.

The service was a fitting way to commemorate the loss of Australian lives from all wars and conflicts, and it's always touching to see our community gather on the day.

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

17 October 2022	Ordinary Council Meeting	Civic Chambers
18 October 2022	South (East and South) District Emergency Management Committee Meeting and Exercise	Lathlain
	WALGA/LGIS Meeting	Perth
	Community BBQ Series	Jarrahdale
19 October 2022	Landcare SJ AGM	Mundijong
20 October 2022	Meeting with Alcoa	Shire Offices
23 October 2022	Volunteer Firefighter Family Fun Day	Serpentine
	Serpentine Airfield Annual Fly-In	Serpentine
	WA State Jumping Titles	Serpentine
24 October 2022	Q&A Agenda Briefing	Civic Chambers
	Special Council Meeting	Civic Chambers
25 October 2022	Post Special Council Meeting Filming	Shire Offices
	Expansion of Extractive Industries in Peel Region	Online
	Pre-Season Fire Briefing	Mundijong
26 October 2022	Weekly Meeting with CEO	Shire Offices
	WALGA Environment Policy Team	Online
	Community BBQ Series	Darling Downs
	Byford Secondary College Valedictory Evening	Mandurah
27 October 2022	100 Days of SJ Library Event	Byford



Continued

Ordinary Council Meeting Minutes Monday, 21 November 2022

29 October 2022	Jarrahdale Pioneer Memorial Service	Jarrahdale
	Byford Multicultural Festival	Byford
30 October 2022	Perth Garden Expo Volunteer Landcare SJ Stall	Perth
31 October 2022	Community BBQ Series	Whitby
	Peel Away the Mask Report and Action Plan	Mandurah
1 November 2022	Meeting with Senator Louise Pratt	Belmont
	Community BBQ Series	Oakford
2 November 2022	Meeting with Minister John Carey MLA	Perth
	State Council Information Forum	Online
3 November 2022	Byford Food Bank Visit	Byford
4 November 2022	Cities Power Partnership - PERTH: Delivering WA's local climate opportunities	Victoria Park
	Australia Day Awards Selection Panel	Shire Offices
	PIA WA Awards for Planning Excellence Gala Dinner	Perth
5 November 2022	Food and Farm Fest	Serpentine
7 November 2022	Audit Risk and Governance Committee Meeting	Civic Chambers
	Special Council Meeting	Civic Chambers
8 November 2022	Women in Leadership Event	Byford
9 November 2022	Weekly Meeting with CEO	Shire Offices
	RAC Presidents Cocktail Reception	Perth
10 November 2022	Community BBQ Series	Serpentine
11 November 2022	Remembrance Day Service	Byford
12 November 2022	Jarrahdale 150th Festival	Jarrahdale
14 November 2022	Byford Secondary College - Six Season Garden	Byford
	Q&A Agenda Briefing	Civic Chambers
15 November 2022	Rowley Road MOU Discussion	Armadale
	SJ Friends of the Library Meeting	Byford
	SJ rate Payers AGM	Mundijong
16 November 2022	The Changemakers Breakfast	Leederville
	Weekly Meeting with CEO	Leederville
17 November 2022	Meeting with RDA Peel	Shire Offices
	Meeting with Hon Andrew Hastie MP	Shire Offices
	Community BBQ Series	Keysbrook



	Bush Fire Advisory Committee Meeting	Shire Offices
18 November 2022	Court Grammar School Pavilion Opening	Mundijong
	Mundijong Primary School Time Capsule Opening	Mundijong
	City of Rockingham Annual Recognition Function	Rockingham

6. Declaration of Councillors and Officer's interest:

Councillor Robert Coales declared an Impartiality Interest in item 9.1 - Notice of Motion – Community Funding – Centrepont Church Christmas Carnival 2022 (SJ4044). The nature of the interest is I have a friendship with Pastor Joel Rossi. The extent of the interest is Impartiality.

Councillor David Atwell declared a Financial Interest in item 10.1.5 - Proposed 'Radio, TV and Communications Installation' (Telecommunications Tower and Associated Infrastructure) - Lot 116, 245 Keirnan Street, Whitby (PA22/611). The nature of the interest is financial. The extent of the interest is do firebreaks for landowner. Councillor Atwell will leave the Chambers while this item is discussed.

Councillor Robert Coales declared an Impartiality Interest in item 10.1.7 - Proposed 'Place of Public Worship' - Lot 3,155 Warrington Road, Byford (PA22/590). The nature of the interest is I have donated money to Byford Baptist Church. The extent of the interest is Impartiality.

Councillor Michael Dagostino declared a Proximity Interest in item 10.1.8 - Proposed Service Station (with incidental components), Rural Supplies Store and Veterinary Clinic - Lot 9002, (formerly Lot 801), 1780 Thomas Road, Oakford (PA22/297). The nature of the interest is proximity as neighbouring property owner. The extent of the interest is neighbour. Councillor Dagostino will leave the Chambers while this item is discussed.

Councillor Tricia Duggin declared an Impartiality Interest in item 10.1.8 - Proposed Service Station (with incidental components), Rural Supplies Store and Veterinary Clinic - Lot 9002, (formerly Lot 801), 1780 Thomas Road, Oakford (PA22/297). The nature of the interest is close family friends with residents of Lot 9006 Kargotich Road.

Councillor David Atwell declared a Financial Interest in item 10.1.9 - West Mundijong Industrial Area Discussion Paper and Infrastructure Funding (SJ1392-03). The nature of the interest is financial. The extent of the interest is part owner of land in West Mundijong. Councillor Atwell will leave the Chambers while this item is discussed.

Councillor David Atwell declared a Financial Interest in item 10.2.2 - New Lease - 1 Evelyn Street Mundijong – Mundijong Sales Yards (L049). The nature of the interest is financial. The extent of the interest is do work for person who is getting this lease (e.g. Firebreaks etc.). Councillor Atwell will leave the Chambers while this item is discussed.

Councillor Robert Coales declared an Impartiality Interest in item 10.6.1 - CONFIDENTIAL – Allegation of breach of code of conduct SJ2022-1 (SJ3105). The nature of the interest is this vexatious complaint relates to me. The extent of the interest is Impartiality.



Councillor Robert Coales declared an Impartiality Interest in item 10.6.2 - CONFIDENTIAL – Allegation of breach of code of conduct SJ2022-2 (SJ3105). The nature of the interest is I am the subject of this vexatious complaint. The extent of the interest is Impartiality.

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

7.1 Ordinary Council Meeting – 17 October 2022

OCM259/11/22

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Atwell

That the minutes of the Ordinary Council Meeting held on 17 October 2022 be CONFIRMED (E22/13372).

CARRIED UNANIMOUSLY 9/0

7.2 Swearing In Ceremony and Special Council Meeting – 24 October 2022

OCM260/11/22

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Strange

That the minutes of the Swearing In Ceremony and Special Council Meeting held on 24 October 2022 be CONFIRMED (E22/13817).

CARRIED UNANIMOUSLY 9/0

7.3 Special Council Meeting – 7 November 2022

OCM261/11/22

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Atwell

That the minutes of the Special Council Meeting held on 7 November 2022 be CONFIRMED (E22/14553).

CARRIED UNANIMOUSLY 9/0



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

8.1 Audit, Risk and Governance Committee Meeting – 7 November 2022

Attachments (available under separate cover)

- **attachment 1** – Audit, Risk and Governance Committee Meeting Minutes – 7 November 2022 (E22/14551)

Voting Requirements: Simple Majority

OCM262/11/22

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Strautins

That Council:

- 1. RECEIVES the Unconfirmed Minutes of the Audit, Risk and Governance Committee Meeting held on 7 November (E22/14551).**
- 2. ADOPTS Audit, Risk and Governance Committee Resolution ARG020/11/22 and NOTES the Strategic Risk Register Review as contained within this paper; ENDORSES the updated Strategic Risk Register as contained within attachment 1; and REQUESTS the Chief Executive Officer commence the 2023-24 budget process with a Councillor workshop to determine responses to emerging risks.**
- 3. ADOPTS Audit, Risk and Governance Committee Resolution ARG021/11/22 and NOTES the progress of the management actions completed and commenced resulting from the Regulation 5 and Regulation 17 reviews; and NOTES further updates on the progress of the management actions commenced will be provided to Council as required.**
- 4. ADOPTS Audit, Risk and Governance Committee Resolution ARG022/11/22 and NOTES the progress of the audit activities and program.**
- 5. ADOPTS Audit, Risk and Governance Committee Resolution ARG025/11/22 and NOTES the progress and finalisation of the Strategic Information and Communications Technology Plan 2018-2021; APPROVES the Strategic Information and Communications Technology Plan 2023-2028; and APPROVES TechnologyOne / Shire of Serpentine Jarrahdale OneComm Contract variation for software licencing and an extension of the initial Contract term by 4 years to September 2032.**

CARRIED UNANIMOUSLY 9/0



9. Motions of which notice has been given:

Councillor Coales declared an Impartiality Interest in item 9.1.

9.1 - Notice of Motion – Community Funding – Centrepoint Church Christmas Carnival 2022 (SJ4044)	
Councillor	Councillor Coales
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Notice of Motion

A Notice of Motion was received from Councillor Coales via email on 11 November 2022.

The notice of motion is “That Council:

1. NOTES in Round One of the General Grant Scheme for 2022/2023, that \$1,891.40 inc. GST of funding was awarded to Centrepoint Church Inc. for their 2022 Christmas Carnival Event; and
2. APPROVES an additional amount of \$1,959 inc. GST to the Centrepoint Church, resulting in a total contribution of \$3,850.40 inc. GST for their 2022 Christmas Carnival Event.”

Officer Comment

Over the last couple of years, the Centrepoint Church have hosted a BBQ event on Christmas Day (25 December) for anyone to attend that may be socially isolated, financially constrained or without someone to spend Christmas with. This has attracted up to 250 participants, with those up to 12 years of age receiving a free gift.

Via the Shire’s General Grant Scheme, Centrepoint Church received funding towards this event as follows:

- Round One 2020/21 (2020 Christmas Day event) - \$4,894.44 ex GST (\$5,383.88 inc. GST)
- Round One 2021/22 (2021 Christmas Day event) - \$3,500.85 ex GST (\$3,850.93 inc. GST)

Differences in value relate to the items requested for funding each round, and the associated quotes and documentation attached to the application.

This year, the Centrepoint Church application outlined that their event will be of a similar scope and scale as previous years, however, is to be held on 16 December rather than on Christmas Day itself.

With many free community Christmas activities across the Shire occurring in the lead up to Christmas Day, the demonstrated community need and unique nature of their event was not as evident as has been in their previous applications. However, it still demonstrated itself as a great activity worthy of General Grant funding with \$1,891.40 inc. GST awarded.

The funding allocations determined each round are representative of a consolidated position across all applications received, against all the assessment factors and over the broad range of community priorities and benefits each application brings.

Following completion of the event, Officers will certainly work with the Centrepoint Church as part of the acquittal process, to compare how the revised format has been received in the community.



This information can then be used to strengthen future grant applications where an increased contribution can be considered.

Round One Grants

A total allocation of \$36,000 has been made by Council to the General Grants scheme for 2022/2023. There are three rounds scheduled for the financial year.

For Round One 2022/23 (July/August Round), there were 12 applications received. 9 applications were eligible and proceeded to scoring and ranking; 1 application was ineligible; and 2 applications were withdrawn. A total amount of \$30,090.41 ex GST was requested by eligible applications.

The Centrepont Church applied in the July/August General Grant Round for the maximum amount of \$5,000 ex GST.

Based on the application detail, funding criteria and financial considerations, the following 6 applications received funding in the July/August 2022/23 round.

Community Group/ Organisation	Project	Funding Requested (ex GST)	Funding Awarded (ex GST)	Funding Awarded (inc. GST)*
Sport Aircraft Builders Club Inc	2022 Annual Fly-In Event (23 October 2022)	\$1,559.10	\$1,559.10	\$1,715.00
Beenyup Primary School P&C	Community Christmas Countdown (2 December 2022)	\$4,520.54	\$4,520.54	\$4,972.59
Keysbrook Community Group	Keysbrook Makes a Century Event (13 November 2022)	\$3,425.50	\$3,425.50	\$3,425.50
Centrepont Church Inc	Christmas Carnival 2022 (16 December 2022)	\$5,000	\$1,719.45	\$1,891.40
Byford Glades Community Garden	Community Urban Agriculture Education Program (October 2022 to March 2023)	\$4,439.44	\$3,609.30	\$3,609.30
Hugh Manning Tractor & Machinery Museum Inc	Update of promotional material/flyers/signage	\$1,310.50	\$840.00	\$840.00
TOTAL		\$20,255.08	\$15,673.89	\$16,453.79

*GST amounts are subject to the GST status of the applicant group.

The remaining general grant budget for Rounds 2 and 3 (2022/2023) is \$20,326.11.

Attachments (available under separate cover)

Nil.



Voting Requirements: Simple Majority

Councillor Recommendation

That Council:

1. NOTES in Round One of the General Grant Scheme for 2022/2023, that \$1,891.40 inc. GST of funding was awarded to Centrepont Church Inc. for their 2022 Christmas Carnival Event; and
2. APPROVES an additional amount of \$1,959 inc. GST to the Centrepont Church, resulting in a total contribution of \$3,850.40 inc. GST for their 2022 Christmas Carnival Event.

Alternate Officer Recommendation

That Council NOTES in Round One of the General Grant Scheme for 2022/2023, that \$1,891.40 inc. GST of funding was awarded to Centrepont Church Inc. for their 2022 Christmas Carnival Event.

OCM263/11/22

COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr Coales, seconded Cr Dagostino

That Council:

1. **NOTES in Round One of the General Grant Scheme for 2022/2023, that \$1,891.40 inc. GST of funding was awarded to Centrepont Church Inc. for their 2022 Christmas Carnival Event; and**
2. **APPROVES an additional amount of \$1,959 inc. GST to the Centrepont Church, resulting in a total contribution of \$3,850.40 inc. GST for their 2022 Christmas Carnival Event.**

CARRIED 7/2

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

Councillors Atwell, Coales, Dagostino, Duggin, Mack, Strange and Strautins voted FOR the motion.

Councillors Rich and Byas voted AGAINST the motion.



9.2 - Notice of Motion – Electoral reform advocacy (SJ3929)

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

Notice of Motion

A Notice of Motion was received from Councillor Mack via email on 14 November 2022.

The Notice of Motion is “That Council REQUESTS that the Shire President write to the Minister for Local Government requesting that the Minister review the legislation related to:

1. Electoral offences in local government elections to ensure that the authority to undertake investigations of electoral offences and commence prosecutions related to electoral offences are clearly assigned and appropriate.
2. Complaints which call into question the validity of an election and the process in which those complaints are investigated ensuring an appropriate authority completes an investigation prior to the cut off for a complaint to be made to the Court of Disputed Returns.
3. The report which is to be provided under the current legislation to the Minister by the Western Australian Electoral Commission after an election to be done in greater depth to include complaints and the results of the subsequent investigations.”

Officer Comment

This Notice of Motion seeks that the Shire write to the Minister for Local Government to consider amending the *Local Government Act 1995* (the Act) to change the way that complaints related to the conduct of elections are dealt with principally by the Western Australian Electoral Commission.

If Council was to approve the Notice of Motion, it would be a matter for the Minister to consider the appropriateness of the reforms proposed. The reforms proposed require amendments to the Act through Parliament with associated processes that the State Government would need to progress.

Such complex Act reforms would have impacts across local governments in the State and the impacts would need to be considered by the State Government in consultation with local governments and based on the advice of the State Solicitors Office and Parliamentary Counsels Office.

There are three separate but intertwined issues within the notice of motion. The first relates to investigations of electoral misconduct. The second and third relate to investigations of the validity of elections.

Part 1 - Investigations and prosecutions related to electoral misconduct

In relation to investigations of electoral misconduct, the Electoral Commissioner and the Returning Officer has powers to investigate electoral misconduct through section 4.96 of the Act.

Section 4.96 provides that the Electoral Commissioner or the Returning Officer may investigate whether misconduct, malpractice or maladministration has occurred in relation to an election and that an investigation can be carried out on the initiative of the Electoral Commissioner or returning officer or in response to a complaint or information received from any other person (including a



candidate). The Electoral Commissioner or Returning Officer can be requested via a complaint but cannot be compelled to investigate.

Section 4.96 also requires that the Electoral Commissioner or the Returning Officer provide a report on an investigation into electoral misconduct to the Minister for Local Government. The offences provided for in the Act related to electoral misconduct include bribery, printing unauthorised electoral material, canvassing in polling places or committing offences related to postal votes.

The power to investigate electoral misconduct in the Act are clear and in the case of the Shire of Serpentine Jarrahdale North Ward election, the Magistrate noted in their decision in the matter that the Western Australian Electoral Commission had conducted an investigation of potential electoral offences.

Section 4.97 of the Act provides that a prosecution related to a breach of electoral offences can be commenced by the Returning Officer or any other person referred to in section 9.24(1) of the Act. Section 9.24 of the Act includes any employee of a local government acting in the course of their duties.

Officers suggest that this broad power to commence prosecutions without the associated broad investigative power provided for in section 4.96 is not aligned, and that consideration could be given to aligning the power to investigate and prosecute offences under this Part.

Point 2 and 3 - Investigations into the validity of elections

The Act sets out an approach to the conduct of local governments elections and provides a pathway through the Courts for any person to present an argument that an election result should be disputed.

The approach set out in the Act is the same to that used in every other local government in Australia, State Government and Federal Government.

The approach enables any person who has reason to believe that an election result should be contested to bring about a legal challenge.

Any person, including the Western Australian Electoral Commission or the local government itself (as was the case in the 2021 Ordinary Local Government Election in the North Ward) can present a challenge to the Court.

The onus is on the individual seeking to make the challenge to provide evidence of irregularity. As noted in Court decisions, including the decision that related to North Ward election in the Shire, the bar for declaring an election invalid is high and relates to the 'threshold of materiality'. Essentially for an election to be declared invalid the defect or likely defect must materially impact the result.

The Act currently does not provide a specific power for the Western Australian Electoral Commission or the Returning Officer to conduct an investigation into the validity of the election, but it does not preclude it either.

An example of this is occurring in South Australia where the results of the most recent election of the Lord Mayor of the City of Adelaide appear likely to be challenged. In this case following complaints from candidates, the South Australian Electoral Commission has scrutinised ballots further and an unsuccessful candidate is likely to present a challenge to the Court within 28 days after the conclusion of the election. In South Australia, like Western Australia, there is no explicit power for the Electoral Commission to conduct an investigation or one that compels an



organisation to conduct an investigation – the onus is on the person seeking to invalidate the election result.

Officers consider that with the many different reasons that an election result may be sought to be overturned, it can be very difficult to require any independent authority to conduct a meaningful and thorough investigation in a timely manner and make recommendations thereof to assess whether that ‘threshold of materiality’ required by a Court has been met.

Officers suggest that the reforms proposed in the notice of motion could result in increased costs for all the State’s 137 local governments conducting elections, as the proposed powers would compel an authority to conduct an investigation and elections are conducted on a cost recovery basis.

Requiring an authority to investigate would inherently result in additional costs from those investigations, which would be passed on to local governments. This could include investigations that were spurious or not substantiated because there would be a requirement to investigate claims of election validity rather than electoral misconduct.

Similarly, the implications of such reforms on the many predominately smaller local governments where the Chief Executive Officer as an employee of the local government is charged with the responsibility of being the Returning Officer and investigating electoral conduct would be required.

However, none of this diminishes the responsibility of the Returning Officer conducting the election to ensure integrity of the election and apply appropriate levels of scrutiny. In the case of elections at Serpentine Jarrahdale this is the Western Australian Electoral Commission who reports to the Western Australian Parliament and whose Officers are public servants bound by applicable legislation. This includes scrutiny of ballot papers.

Ultimately, a reading of the Magistrate’s decision in the matter can conclude that it was the combination of evidence presented from Western Australian Electoral Commission, the Shire of Serpentine Jarrahdale and then Mr Mack (now Cr Mack) that resulted in the election result in the North Ward being overturned, including scrutiny of returned ballots and slips by the Electoral Commission. This scrutiny of ballot papers, which constituted an investigation, informed the Shire of Serpentine Jarrahdale’s decision to take the extraordinary and unprecedented action of lodging an invalidity complaint to challenge the result of its own election.

Given the extraordinary events of the 2021 ordinary local government election in the North Ward, it is reasonable to ask what lessons can be learned for future elections both in Serpentine Jarrahdale and elsewhere. Officers suggest that these lessons may extend beyond the remit of the reforms proposed by the notice of motion and that a broader consideration by the State Government may yield insights to improve the conduct of future elections.

Conclusion

Overall, Officers propose an alternative Officer recommendation that requests that the Shire President write to the Minister seeking that the Minister consider the events and experience of the Shire of Serpentine Jarrahdale 2021 Ordinary Local Government Election in the North Ward and subsequent successful invalidity complaint and incorporate any lessons to inform the Minister’s review of the *Local Government Act 1995*. This is proposed to be achieved through a working group that the Minister would establish with representatives of the Department of Local Government, Western Australian Electoral Commission, Western Australian Local Government Association and Shire.



This approach will enable policy makers in the State Government to consider any and all lessons from this complex and unusual event and propose reforms as required to legislation through a thorough regulatory impact assessment process.

Voting Requirements: Simple Majority

Councillor Recommendation

That Council REQUESTS that the Shire President write to the Minister for Local Government requesting that the Minister review the legislation related to:

1. Electoral offences in local government elections to ensure that the authority to undertake investigations of electoral offences and commence prosecutions related to electoral offences are clearly assigned and appropriate.
2. Complaints which call into question the validity of an election and the process in which those complaints are investigated ensuring an appropriate authority completes an investigation prior to the cut off for a complaint to be made to the Court of Disputed Returns.
3. The report which is to be provided under the current legislation to the Minister by the Western Australian Electoral Commission after an election to be done in greater depth to include complaints and the results of the subsequent investigations.

Alternate Officer Recommendation

That Council REQUESTS that the Shire President write to the Minister for Local Government requesting that the Minister consider the events and experience of the Shire of Serpentine Jarrahdale 2021 Ordinary Local Government Election in the North Ward and subsequent successful invalidity complaint and incorporate any lessons to inform the Minister's review of the *Local Government Act 1995* via a working group with members from the Department of Local Government, Western Australian Electoral Commission, Western Australian Local Government Association and Shire of Serpentine Jarrahdale.



OCM264/11/22

COUNCIL RESOLUTION

Moved Cr Mack, seconded Cr Duggin

That Council REQUESTS that the Shire President write to the Minister for Local Government requesting that the Minister consider the events and experience of the Shire of Serpentine Jarrahdale 2021 Ordinary Local Government Election in the North Ward and subsequent successful invalidity complaint and incorporate any lessons to inform the Minister's review of the *Local Government Act 1995* via a working group with members from the Department of Local Government, Western Australian Electoral Commission, Western Australian Local Government Association and Shire of Serpentine Jarrahdale.

This working group should consider a review of, but not limited to:

1. Electoral offences in local government elections to ensure that the authority to undertake investigations of electoral offences and commence prosecutions related to electoral offences are clearly assigned and appropriate.
2. Complaints which call into question the validity of an election and the process in which those complaints are investigated ensuring an appropriate authority completes an investigation prior to the cut off for a complaint to be made to the Court of Disputed Returns.
3. The report which is to be provided under the current legislation to the Minister by the Western Australian Electoral Commission after an election to be done in greater depth to include complaints and the results of the subsequent investigations.

CARRIED UNANIMOUSLY 9/0



10. Chief Executive Officer reports:

10.1 Development Services reports:

10.1.1 - Retrospective Development Application For Works (Fill) - Lot 10 Gossage Road, Oldbury (PA21/1168)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority

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.
----------------	--

Proponent:	SV Partners WA Pty Ltd
Owner:	SV Partners WA Pty Ltd
Date of Receipt:	24 November 2021
Lot Area:	23.244ha
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 retrospective development application for the works, which have involved placement of 500mm of fill for the construction of internal access roads and the raising of existing firebreaks to address seasonal inundation at Lot 10 Gossage Road, Oldbury.

The application is presented to Council as the application seeks to vary provisions of Local Planning Policy 4.7 - Placement of Fill in Non-Urban Areas and as an objection was received during the advertising process. The objection relates to dust and traffic impacts of the retrospective fill.

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, or whereby a proposal seeks to vary policy provisions in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

For the reasons outlined in the report, Officers recommend that Council approve the retrospective development application subject to conditions.



Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background

Existing Development

The subject site is a 23.24ha block within the rural area of Oldbury. Land use within the immediate locality consists of low-density residential development and typical rural uses such as grazing, cropping for hay etc. The site is developed with several small shed structures. Another shed was recently approved at the site associated with a 'Rural Use' land use on 20 July 2021. The block is bordered by the Birrega Main Drain along its eastern boundary, the freight rail line to the south boundary, and land with pipe infrastructure owned by Water Corporation to the west boundary.

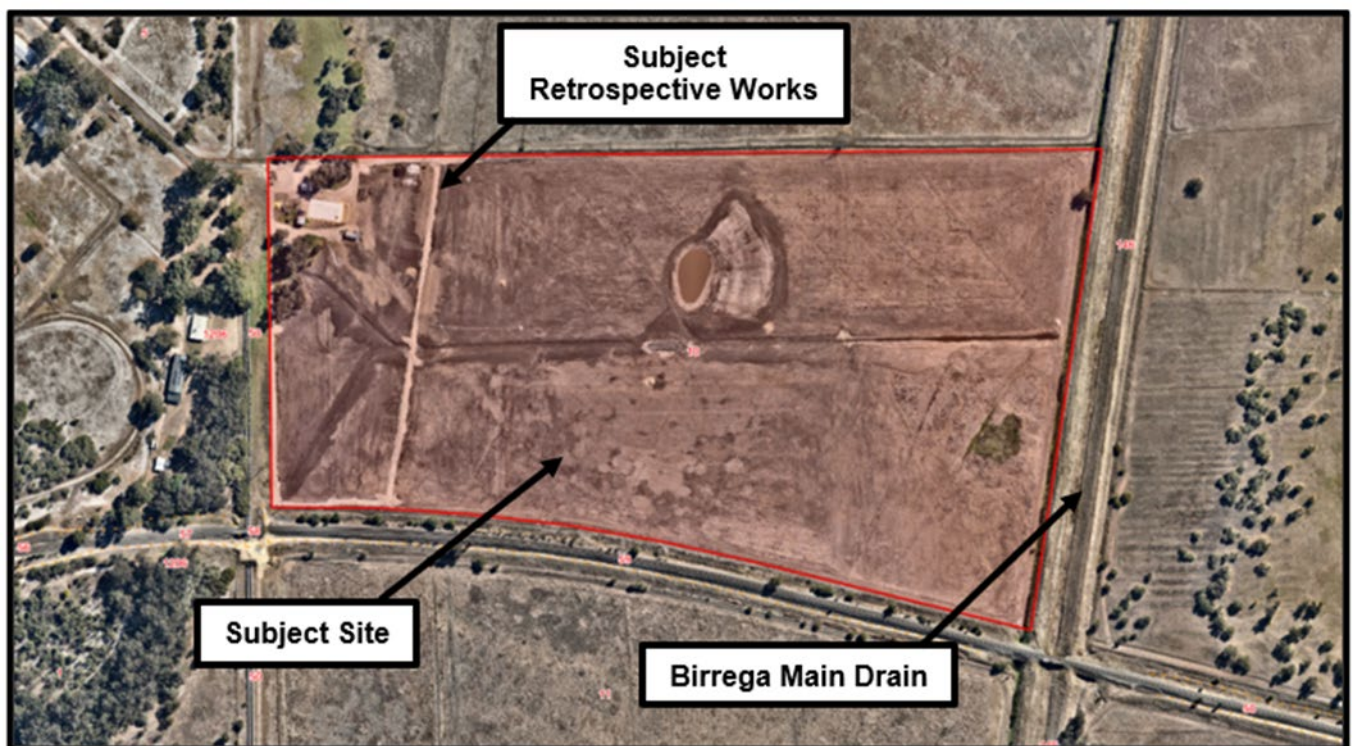


Figure 1: Aerial imagery

The land is generally flat, with only slight undulation. The general area is very low lying, mapped as a floodplain and prone to waterlogging or shallow overland flooding during winter. The site comprises mostly of a 'Multiple Use' category wetland, with a small portion of a 'Resource Enhancement' category wetland in the north-west corner of the site.

A dam has since been constructed on the property which does not form part of this retrospective development application. The applicant will be required to submit a separate retrospective development application for assessment for those physical works. The dam works are thus being dealt with currently as a compliance matter.

Retrospective Development

The application seeks retrospective approval for the placement of fill for the purpose of ensuring firebreaks are trafficable all year round and the construction of internal access tracks due to seasonal inundation. The fill is a maximum 500mm height and is positioned along the whole western boundary (290m), sections of the north (180m) and south (110m) boundaries, and also



run internally within the site. The applicant advises that the purpose for the works is to provide a trafficable surface to traverse the site during winter months, due to inundation from surface water gathering.

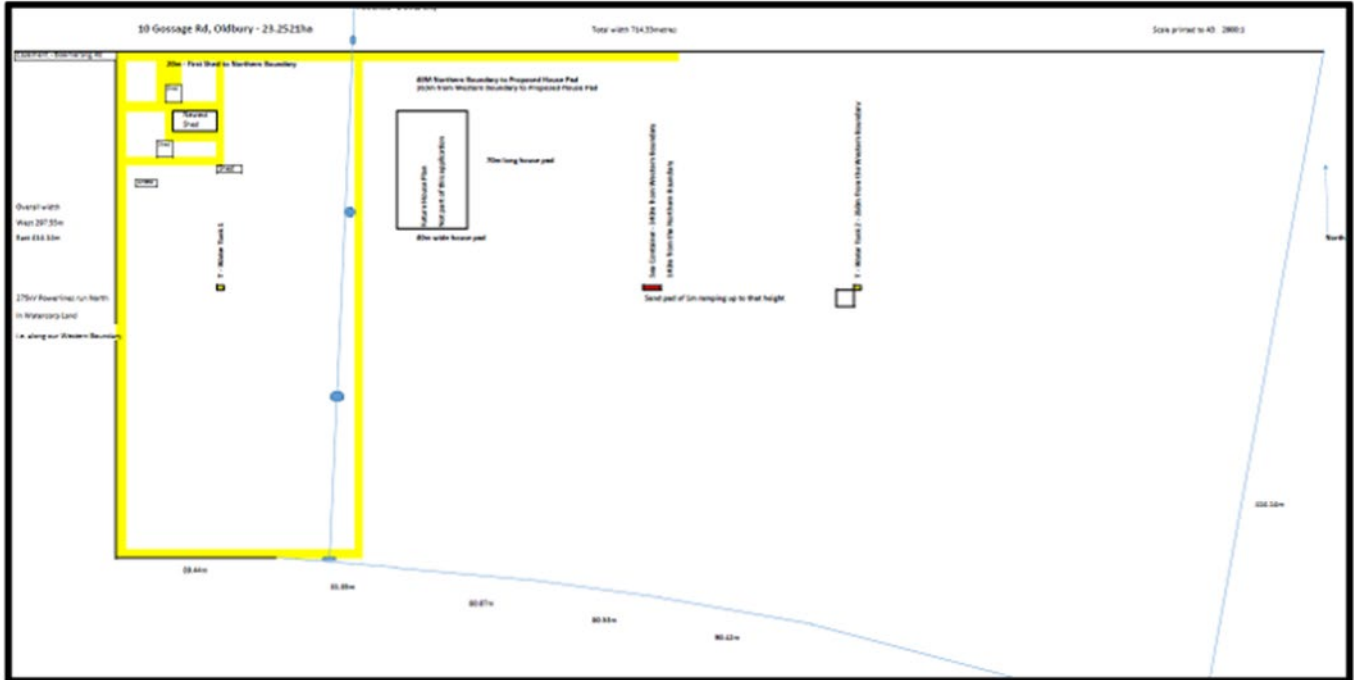


Figure 2: Site plan showing the extent of the retrospective fill in yellow

Community / Stakeholder Consultation

The application was advertised to surrounding landowners for a period of 14 days from 2 December 2021 to 16 December 2021, in accordance with the Shire’s Local Planning Policy 1.4 - Public Consultation for Planning Matters. During this period, one submission was received objecting to the proposal, as well as referral authority submissions (refer **attachment 2**). The submission is summarised and addressed in the table below:

Nature of Concern	Officer Comment
Nature of Fill - The fill is contaminated and unclean and therefore a risk to the environment.	The Shire has required a certificate of the fill and evidence of the commercial source. This is discussed further in the ‘Nature of Fill’ section of the report.
Traffic - The vehicles delivering the fill caused damage to the shared driveway.	In this instance the works are acknowledged to have taken place, being retrospective in nature. Officers consider no further impact would occur from works by way of traffic or dust.
Dust Management - The dust from the retrospective works resulted in an unsafe and unhealthy environment.	
Driveway Damage – The trucks delivering the fill have resulted in damage to the neighbour’s driveway.	Officers note that both properties take access from Boomerang Road and then through an ‘access road’ created in 1925, which was part of a historic subdivision approval. Though the concern of the objector is damages to the driveway, which is located



Nature of Concern	Officer Comment
	within his property. There is a legal 'right-of-way' agreement in place between these neighbours and Water Corporation. This permits access to the subject site over the objector's land. The legal agreement provides the requirements for management and works within this 'right-of-way' area.

Department of Biodiversity, Conservation and Attractions (DBCA)

The fill is placed partially within a 'Resource Enhancement' wetland area. Therefore, the Shire referred the application to DBCA, who manage and provide advice regarding the wetland, for a period of 42 days. The following response was provided:

"A portion of the western end of the property is currently mapped as a Resource Enhancement wetland on the Geomorphic wetlands (Swan Coastal Plain) dataset (UFI 14862).

The Department of Biodiversity Conservation and Attractions (DBCA) and the Department of Water and Environmental Regulation have recently undertaken a review of the environmental values of the wetlands currently mapped in the Geomorphic Wetlands of the Swan Coastal Plain (GWSCP) dataset using available data. While this dataset is unpublished, the draft revised mapping identifies that the portion of UFI 14862 on Lot 10 has values commensurate with a Multiple Use wetland.

Thank you for the opportunity to provide comment. DBCA has no comments on the application."

Based on this advice, Officers consider the proposal is unlikely to impact upon the values of the wetland.

Statutory Environment

Legislation

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Local Planning Policy 1.4 - Public Consultation for Planning Matters
- Local Planning Policy 4.7 - Placement of Fill

Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out and is contained within **attachment 3**. For the purposes of this report, the reasons resulting in the item being presented to Council and where Council is required to exercise discretion, will be discussed.



Town Planning Scheme No. 2

The proposal seeks approval for works which have been undertaken. The application does not seek approval for an associated land use.

Local Planning Policy 4.7 - Placement of Fill in Non-Urban Areas

LPP4.7 sets out requirements for the placing of fill in non-urban areas. The objectives of the policy are to ensure that the filling of land does not adversely impact on the amenity or the environment and to ensure visual impact is minimised on neighbouring properties.

The policy includes a development standards table, which is a guide in determining the impacts associated with the fill. The proposal has been addressed in full against the criteria of the policy within the Technical Assessment (**attachment 3**). The proposal is considered to fall within the 'performance based' category in relation to the 'Nature of Fill', 'Drainage' and 'Amenity' sections. The proposal also falls within the 'unacceptable development' category for the 'Environmental' criteria. According to LPP4.7, these areas will need to demonstrate appropriate management to ensure consistency with the objectives of the policy. Consideration of these categories, as well as areas of concern raised in the neighbour objection, have been undertaken below.

Nature of Fill

Regarding the nature of the fill, the relevant objective of LPP4.7 is to:

“ensure that the filling of land does not adversely impact on the amenity or environment of the locality in which it is being undertaken”.

The neighbour has raised concern about the contents of the fill within their objection.

The applicant has provided confirmation of the source of the fill, being from Capital Recycling, which is a DWER approved fill provider. The fill composition ranges from uncontaminated recycled concrete and construction rubble to uncontaminated road base. Testing samples of the material from the source were provided as part of the application for Officers to assess the composition of the fill and its potential associated risks. This can be viewed within **attachment 1**. Officer assessment of the submitted testing samples concluded that the composition of the fill falls within the category of 'Uncontaminated Fill' in accordance with the DWER Guidelines.

The DWER's Guidelines permit the use of uncontaminated fill at any location as it is unlikely that such fill would increase the risk to human health or the environment. With the declassification of the wetland, the position expressed by DBCA also indicates an acceptance to the placement of the fill within the currently mapped REW extent on the subject land.

Drainage

The extent of the fill has the potential to have a minor impact on natural drainage patterns of the locality. Therefore, the proposal falls within the 'performance based' category of LPP4.7 for this provision. The fill is 290m in length along the western lot boundary and raised up to a maximum height of 500mm. The length, height, and position of the fill along the western boundary has the potential to result in the displacement water or obstructing natural flow.

The relevant objective of LPP4.7 in this instance is to:

“Ensure that drainage is appropriately managed”.

To address this objective, Officers consider that measures should be in place to ensure the fill does not impact upon pre-development surface water flows. This is to ensure that water is not displaced onto neighbours, nor adversely impact the environment.



Many of the Shire's rural areas are flood prone in nature, sitting within a low-lying section of the Swan Coastal Plain. Winter surface water typically moves towards low points in the landscape, which are predominantly drains and water courses. In this instance, pre-development surface water movements within the locality are in a slow and gradual west to east direction. This is towards the Birrega Main Drain as shown in the below figure.

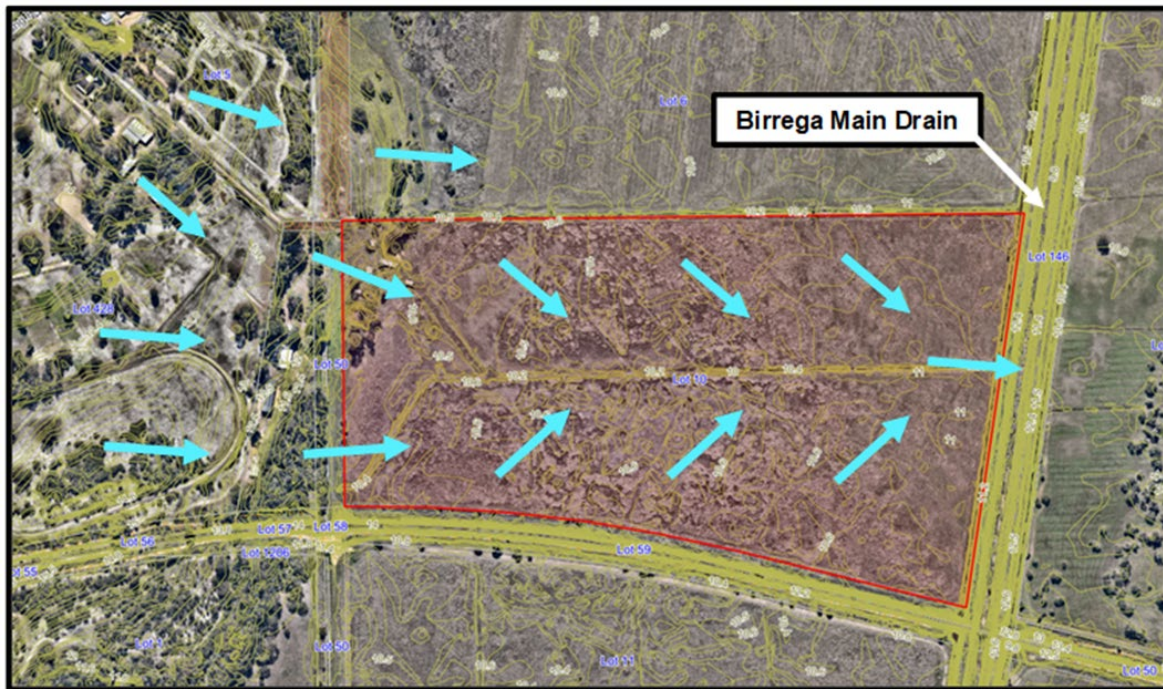


Figure 3: Pre-development Drainage Flows

To address the objective and importantly ensure pre-development surface water flows are maintained, the applicant has prepared a Surface Water Management Plan (SWMP) to demonstrate the merits of the proposal. The SWMP shows the water movement and drainage infrastructure associated with the development as detailed in the below image:

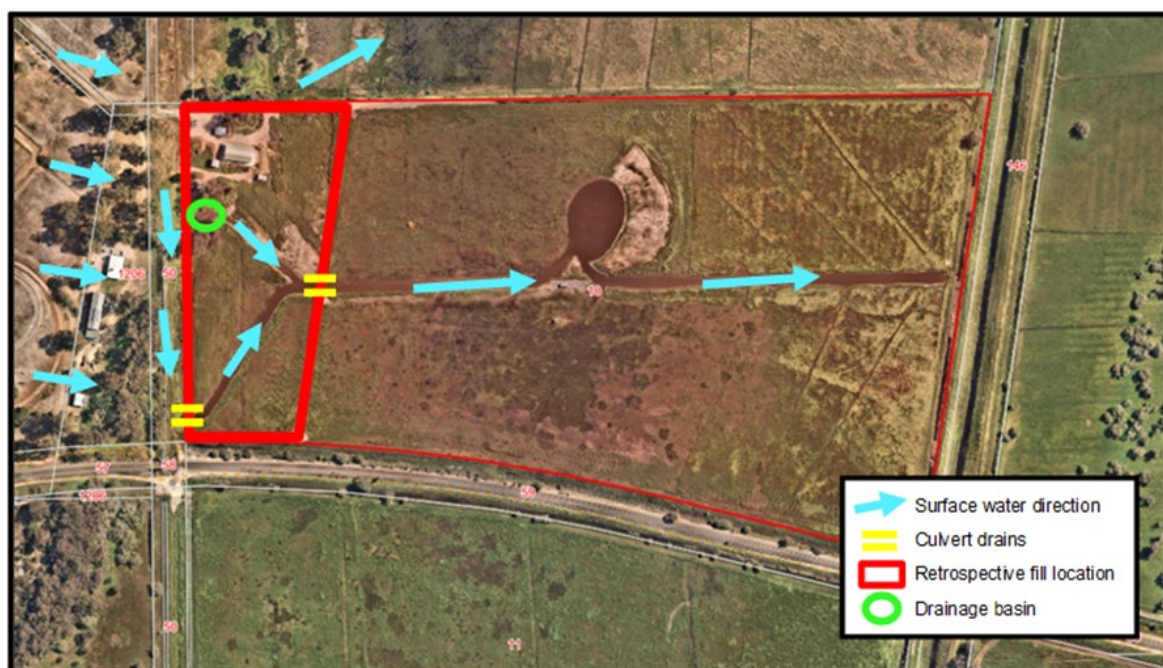


Figure 4: Drainage patterns associated with the proposed fill



It demonstrates that surface water in the broader locality gradually moves eastward and meets the fill on the western lot boundary of the subject site. It is then directed south to the culvert drain, where it would continue its gradual flow to the east. Water then slowly moves in an eastward direction. In significant rainfall events, the SWMP indicates that surface water travels eastwards directly over the fill to the adjacent drainage basin which has been in place since 1950. This is aimed to slow the volume of water moving through the landscape to reflect pre-development flow rates, before being directed into the drainage channels eastwards towards the Birrega Main Drain.

The SWMP does indicate a minor degree of water ponding is likely to occur to the west of the fill as it moves south to the culvert drain. This would not impact pre-development surface water movement as water naturally ponds in the wetland and Water Corporation site to the west prior to moving gradually east through the culvert drain.

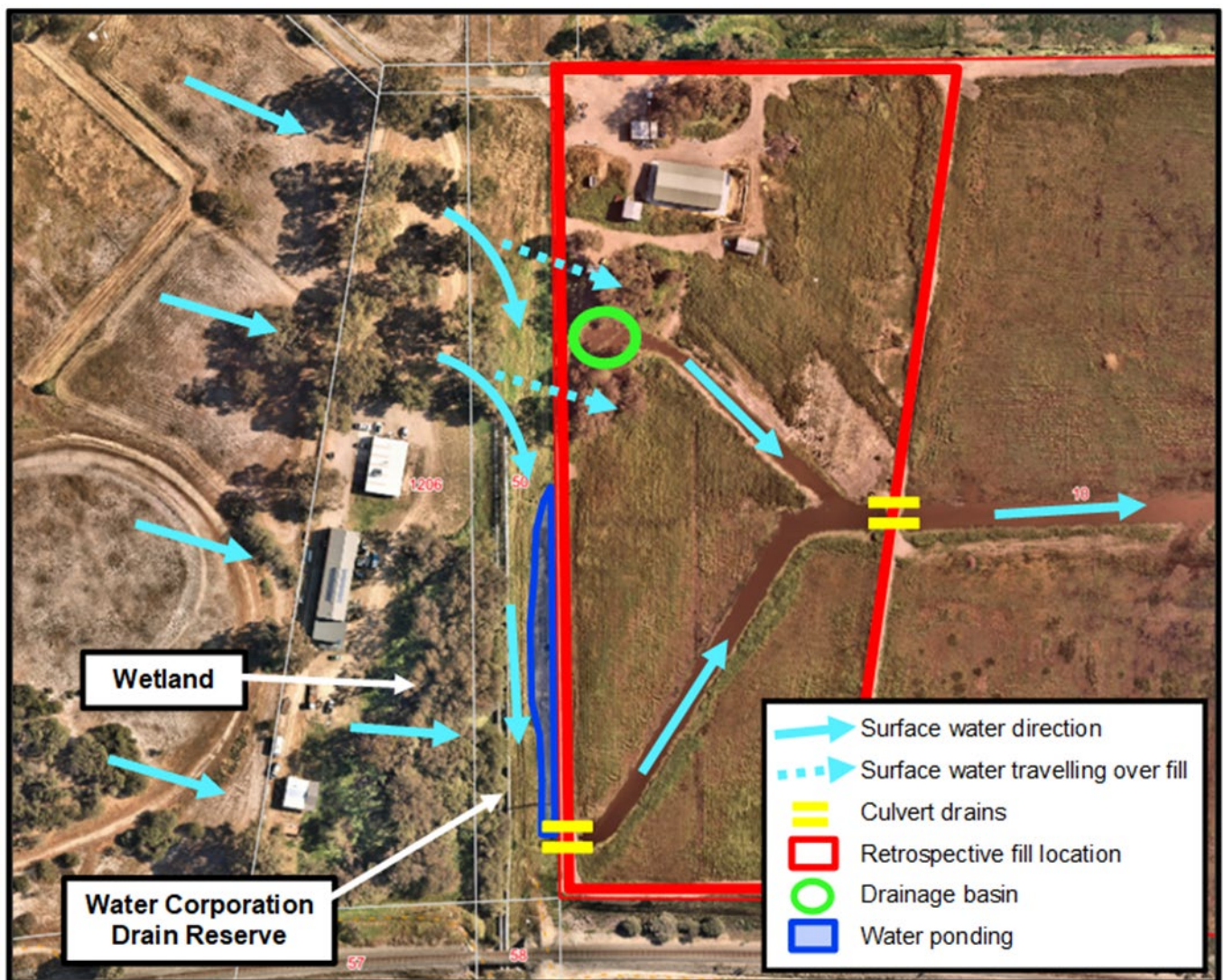


Figure 5: A minor degree of ponding occurs on the west side of the fill, within the Water Corporation Drain Reserves as it naturally moves east

In summary, the SWMP indicates that the development will not impact upon the pre-development surface water flows as a result of the existing southern culvert and drains within the site, and that appropriate management of flooding risk is demonstrated.



Environmental

Environmental considerations within LPP4.7 include whether the subject fill would be positioned within a wetland or environmentally sensitive area. In this case, the fill is partly within a ‘Resource Enhancement’ wetland, in the north-west corner of the property.

As mentioned, Officers referred the application to DBCA who are the State Government department that manage wetlands in Western Australia. DBCA advised that they have conducted a review of the classification of the specific wetland and will be re-categorised to a ‘Multiple Use’ wetland which is a lower category wetland. They raise no objections in this regard to the fill works.

Amenity

Officers consider that the proposal falls within the ‘performance based’ criteria for ‘amenity’. This is due to the presence of the fill extending 290m along the western lot boundary, bearing a moderate visual impact. The relevant objective of LPP4.7 in this instance, is to “ensure visual impact is minimised on neighbouring properties and the streetscape.” The block is at the rear of a battle-axe and so there is no impact posed to the streetscape.

Regarding visual impact to the neighbouring properties, it is noted that to the south there is a railway to which there is no adverse impact. To the east there is a Water Corporation drain, and to the west Water Corporation utility corridor and beyond that an adjoining property. Officers consider it is commonplace in the rural areas of the Shire for firebreaks and access tracks to be built up to create trafficable surfaces. The development is also only pertaining to access tracks and does not result in a widescale filling or excavating of the ground level of the whole site. A large portion of the property will remain at its existing level, intended for rural use. Officers therefore consider the works would be visually consistent with expected development in a rural setting and not impact the visual amenity of neighbouring properties or locality.

Officers advise that as the works have been completed, no further dust or traffic impacts would result from the approval of this development.

Options and Implications

Option 1

That Council APPROVES the development application for retrospective fill works at Lot 10 Gossage Road, Oldbury as contained within **attachment 1**, subject to the following conditions:

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

Plans and Specifications	Development Plan P1 received at the Shire Office on 24 November 2021; Certificate of Fill and Testing Results (P2) received at the Shire Office on 24 November 2021; and Surface Water Management Plan (P3) dated 5 October 2022.
--------------------------	---

- b. Post-development stormwater flow rates are not to exceed pre-development stormwater flow rates, to the satisfaction of the Shire.
- c. The Surface Water Management Plan is to be implemented and maintained at all times, to the satisfaction of the Shire.



- d. No further fill is permitted to be imported to the subject land, without subsequent development approval for such being granted by the Shire.

Option 2

That Council:

1. REFUSES the development application for retrospective fill works at Lot 10 Gossage Road, Oldbury for the following reasons:
 - a. The applicant has not suitably demonstrated that surface water flooding risk can be adequately prevented as a result of the works.
2. REQUESTS the Chief Executive Officer to issue written direction under s214 of the *Planning and Development Act 2005* to restore the land to its previous state by removal of the fill brought to site.

Option 1 is recommended.

Conclusion

The application seeks retrospective development approval for the placement of fill. The fill is considered reasonable in purpose, to provide internal access and firebreaks due to the flood prone locality. The proposal is recommended for support, considering that in line with the provided SWMP from the applicant that pre-development surface water flow is able to be maintained. It is recommended that Council approve the application subject to conditions.

Attachments (available under separate cover)

- **10.1.1 - attachment 1** - Development Plans (E22/6792)
- **10.1.1 - attachment 2** - Summary of Submissions (E22/6793)
- **10.1.1 - attachment 3** - Technical Assessment (E22/6800)
- **10.1.1 - attachment 4** - Surface Water Management Plan (E22/13405)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with Option 1.						
2	That Council approves the retrospective development application and this results in adverse surface water and drainage impacts.	Conditions imposed to ensure post development flow rates do not exceed pre development flow rates, and implementation of the SWMP.	Environment / Heritage	Unlikely	Minor	LOW	Nil.
3	That Council refuses the application and an appeal is lodged with the State Administrative Tribunal.	Reasons for refusal reflecting valid planning concerns or variations.	Reputation	Possible	Minor	MODERATE	Should Council resolve different reasons for refusal compared to Option 2, ensure these are based on valid planning reasons.



Voting Requirements: Simple Majority

OCM265/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Strange

That Council APPROVES the development application for retrospective fill works at Lot 10 Gossage Road, Oldbury as contained within attachment 1, subject to the following conditions:

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

Plans and Specifications	Development Plan P1 received at the Shire Office on 24 November 2021; Certificate of Fill and Testing Results (P2) received at the Shire Office on 24 November 2021; and Surface Water Management Plan (P3) dated 5 October 2022.
---------------------------------	--

b. Post-development stormwater flow rates are not to exceed pre-development stormwater flow rates, to the satisfaction of the Shire.

c. The Surface Water Management Plan is to be implemented and maintained at all times, to the satisfaction of the Shire.

d. No further fill is permitted to be imported to the subject land, without subsequent development approval for such being granted by the Shire.

CARRIED 8/1



10.1.2 - Metro Outer Development Assessment Panel - Deferral - Proposed Use Not Listed - Brewery and Restaurant and Associated Works - Lot 201, 1248 Karnup Road, Serpentine - (PA22/383)

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.
----------------	--

Proponent:

Owner: Bright Tank Property Pty Ltd
 Date of Receipt: 28 April 2022
 Lot Area: 43.25ha
 Town Planning Scheme No. 2 Zoning: 'Rural'
 Metropolitan Region Scheme Zoning: 'Rural'

Report Purpose

The purpose of this report is for Council to consider endorsing a Responsible Authority Report (RAR) recommending the Metro Outer Development Assessment Panel (MODAP) defer its consideration of a Development Assessment Panel (DAP) application for a proposed Restaurant and Craft Brewery (Use Not Listed), at Lot 201 (No. 1248) Karnup Road, Serpentine (**attachment 1**).

The initial RAR (**attachment 2**) for the application was presented to Council at its 15 August 2022 Ordinary Council Meeting. The RAR and application was subsequently presented to a MODAP meeting on 29 August 2022. The MODAP deferred its consideration of the application for a period of 90 days, being until 29 November 2022. The RAR is required to be submitted to the MODAP, before the MODAP meeting of 29 November 2022 can occur.

The information responding to the deferral has only been provided to the Shire on 9 November, meaning there is no ability to undertake the re-assessment and consultation steps required, before presenting an updated RAR for Council to consider endorsing.

This report presents to Council an interim RAR, which seeks a further 120 day deferral of the application, until 29 March 2023. This is required to enable the following to occur:

1. Letters sent to nearby landowners (21 days to provide a response);
2. Letters sent to referral authorities (42 days to provide a response);



3. 14 days at the close of latest advertising to assess the amended plans and submissions received;
4. Seven days to complete the Officer report to present to Council the amended plans RAR;
5. Reporting to the February 2023 OCM, and subsequent consideration by MODAP.

Of the above, only steps 1 and 2 can be undertaken concurrently, with other steps needing to be done sequentially. This will require a further deferral timeframe of 120 days, which is recommended in the RAR attached to this report.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 15 August 2022 - OCM187/08/22 - COUNCIL RESOLUTION

That Council resolves the following Responsible Authority Report Recommendation:

1. *That the Metro Outer Joint Development Assessment Panel REFUSES the application for the Use Not Listed - Brewery and Restaurant as contained within attachment 1 for the following reasons:*
 - a. *The Development due to size and scale is inconsistent with the objectives of the Rural zone under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2;*
 - b. *The development, through the submission of the Nutrient Irrigation Management Plan, has not satisfactorily demonstrated that it can be undertaken without impacting the environment.*

Background

The Shire, on 28 April 2022, received a DAP application for a Restaurant and Brewery at Lot 201 (1248) Karnup Road, Serpentine. Subsequent to community and State Government consultation, Officers presented Council with a RAR for the proposal at its 15 August 2022 Ordinary Council Meeting. At this meeting, Council endorsed an alternative Responsible Authority Recommendation as per the above Council Resolution.

The RAR was presented at the MODAP meeting held on 29 August 2022, where MODAP determined to defer consideration of the DAP application until 28 November 2022, being 90 days to allow the applicant to address the following matters (**attachment 4**).

PROCEDURAL MOTION

Moved by: Ms Francesca Lefante **Seconded by:** Cr Michelle Rich

That the consideration of DAP Application DAP/22/02223 be deferred until 28 November 2022, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

To allow the applicant to provide further information on:

- Scale of proposal and use definition in relation to the brewery element of the proposal in the context of the rural zone
- Appropriateness of selected site building location within the lot in the context and character of the rural setting
- Location and appearance of other required structures (ie sewage tanks) and impact on the surrounding amenity
- Waste and water storage tanks volume and location.
- Potable water supply, amount, treatment and disposal.
- Combined consideration of restaurant and brewery wastewater systems (disposal volumes, storage and water quality performance) in the context of the site water balance including potential impact on the groundwater and surface water systems.
- Details of site landfill requirements, levels and location
- Landscaping plan inclusive of vegetation clearing required.
- Details of upgrades required to Primary access and the proposed secondary access and associated impacts on site vegetation.



Since this time, the applicant has been working towards submitting the additional information requested in order to meet the Shire's reporting requirements and the timeline set by MODAP. This information was received on 9 November, which was day 72 of the 90 day deferral. This necessitates a further deferral timeframe, to allow the re-assessment and re-referral of this information, and subsequent new RAR to be prepared and considered by Council.

Community / Stakeholder Consultation

No stakeholder consultation is required for the purposes of this report. This report seeks Council endorsement to the RAR requesting a further 120 day deferral, to enable the procedural steps of assessing the amended application to occur, including community consultation.

Statutory Environment

Legislation

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

Local Planning Framework

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

Planning Assessment

On 9 November 2022, being day 72 of the 90 day deferral granted by MODAP, the applicant submitted the additional suite of information required by MODAP decision. Based on this, the current MODAP deferral timeframe would not be sufficient to allow the Shire to:

- undertake its merits based assessment of the additional information;
- refer the additional information for both community and referral authority comment;
- report to Council with a new RAR based on the additional information;
- provide the RAR (once resolved by Council) to the MODAP with sufficient time in hand to call a meeting and give notice to submitters.

A further deferral time of 120 days has been sought and agreed with the Applicant, to allow for these statutory processes to properly occur. A deferral of 120 days will enable:

1. Letters sent to nearby landowners (21 days to provide a response);
2. Letters sent to referral authorities (42 days to provide a response);
3. 14 days at the close of latest advertising to assess the amended plans and submissions received;
4. Seven days to complete the Officer report to present to Council the amended plans RAR;
5. Reporting to the February 2023 OCM, and subsequent consideration by MODAP.

It is recommended that Council resolves the RAR to recommend deferral of the application, for no more than 120 days from 29 November 2022.



Options and Implications

Option 1

That Council Resolves the following Responsible Authority Recommendation:

1. That the Metro Outer Development Assessment Panel DEFERS considering the application for a Use Not Listed Craft Brewery and Restaurant at its 29 November 2022 as contained within **attachment 1** for no more than 120 days, to enable the further information received on 9 November 2022 to be assessed according to the planning framework and processes.

Option 2

As per Option 1, but identifying a timeframe less than 120 days (for example 90 days).

Option 1 is recommended.

Conclusion

To afford the Shire adequate time to fully consider the additional information submitted by the applicant to address MODAPs deferral reasons for the DAP application, a RAR has been prepared for Council endorsement which recommends that MODAP allow further deferral of 120 days. This will allow the Shire to fully assess the additional information and refer the information to the community and State Government before reporting back to Council with a RAR at the February 2023 Ordinary Council Meeting.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** - Planning Application Report (E22/9313)
- **10.1.2 - attachment 2** - Initial Responsible Authority Report (IN22/14825)
- **10.1.2 - attachment 3** - Deferral Responsible Authority Report (IN22/21488)
- **10.1.2 - attachment 4** - MODAP Minutes (E22/12981)

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 3.1	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	There are no significant risks associated with this option.						
2	Council endorses an RAR with a timeframe less than 120 days, which is not sufficient to enable the process of re-assessment to occur.	In this situation a Special Council Meeting would be required to be held, most likely in January 2023, if a timeframe less than 120 days was endorsed by Council.	Organisational Performance	Unlikely	Moderate	MODERATE	Nil.

Voting Requirements: Simple Majority

OCM266/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strautins

That Council Resolves the following Responsible Authority Recommendation:

1. That the Metro Outer Development Assessment Panel DEFERS considering the application for a Use Not Listed Craft Brewery and Restaurant at its 29 November 2022 as contained within attachment 1 for no more than 120 days, to enable the further information received on 9 November 2022 to be assessed according to the planning framework and processes.

CARRIED UNANIMOUSLY 9/0



10.1.3 - South Western Highway Draft Access Strategy for South of Abernethy Road and West of the Highway (PA20/1266)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider endorsing for community consultation a Draft Access Strategy prepared by the Shire in consultation with Main Roads Western Australia (MRWA). This is aimed at addressing the needs of the growing 'Mixed Use' precinct located to the west of South Western Highway (SWH), north of Nettleton Road and south of Abernethy Road. The draft strategy proposes a U-turn pocket to provide safe access for southbound vehicles on SWH to the precinct.

The report also seeks for Council to endorse advertising an amendment to 'Character Area H' of the Byford Townsite Detailed Area Plan (DAP). This reflects the draft access strategy, and will enable community engagement on both related matters to occur.

For the reasons outlined in this report, it is recommended that Council endorse the Draft Access Strategy and draft amendment to the DAP for community consultation purposes.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 August 2021 – OCM214/08/21 - COUNCIL RESOLUTION - extract

That Council:

2. *REQUESTS the Chief Executive Officer to work collaboratively with Main Roads WA and affected landowners to prepare an access strategy that will provide for south bound access into and out of the Mixed Use precinct located on the western side of South Western Highway, north of Nettleton Road and south of Abernethy Road. The access strategy to be presented back to Council within six months of the date of approval, together with indicative costing, so that Council can consider an advocacy strategy to achieve implementation of the strategy, provided such strategy is at no external or direct costs to the Shire.*



Background

Council, at its 16 August 2021 Ordinary Council Meeting, approved an application for development approval for a Gym, Office, Consulting Rooms, Shop and Café at Lot 201 (895) and Lot 8 (899) SWH, Byford. The properties sit within a larger 'Mixed Use' precinct under the draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, which aims:

- To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.
- To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.

Access is a critical issue to realise upon this aim.

The site and broader 'Mixed Use' precinct are captured below.



The commercial development was approved with a left in/left out access to the site from SWH which is a MRWA controlled road. Full movement was not achievable due to the existing median strip within the SWH Road Reserve. The approved access arrangements could potentially lead to southbound vehicles undertaking an uncontrolled U-turn manoeuvre north of the Nettleton Road/South Western Highway intersection to enter the site, as depicted below. This is not lawful or considered safe.



MRWA, at the time the application was being assessed, were not supportive of a full movement intersection or a basic right turning lane for southbound traffic on SWH into the precinct. This was due to the upgrade designs/concept plans for the SWH/Beenyup Road intersection having not been designed or scheduled to be delivered. As a result, any interim unplanned measure was considered by MRWA to likely prejudice the overall upgrade design and delivery of the future project. This posed an issue for the development and access to the broader precinct as it develops.

MRWA however, during this process, agreed on an approach to collaborate with the Shire to prepare an Access Strategy for the site and the broader precinct for southbound vehicles. Once prepared, consulted with the community and endorsed, the strategy could form a position to advocate to the State Government to deliver a dedicated treatment/turning pocket as part of their management of SWH.

The Draft Access Strategy has been prepared and is presented to Council for endorsement to undertake community consultation. In association with this, it is recommended Council endorse for community consultation draft amendments to 'Character Area H' of the DAP where the 'Mixed Use' precinct falls within. This will see both aspects considered by the community in a coordinated manner.

Community / Stakeholder Consultation

Consultation has occurred with MRWA in preparing the Draft Access Strategy. It is thus important to now undertake community consultation. In terms of the proposed amendment to the DAP, consultation is designated for a period of 28 days in accordance with Schedule 2, Part 6, clause 50 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. It is considered appropriate that the Draft Access Strategy be similarly aligned with its advertising.



Statutory Environment

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

Local Planning Framework

- Draft Local Planning Scheme No.3
- Draft Local Planning Strategy
- Byford District Structure Plan 2020
- Byford Townsite DAP

Comment

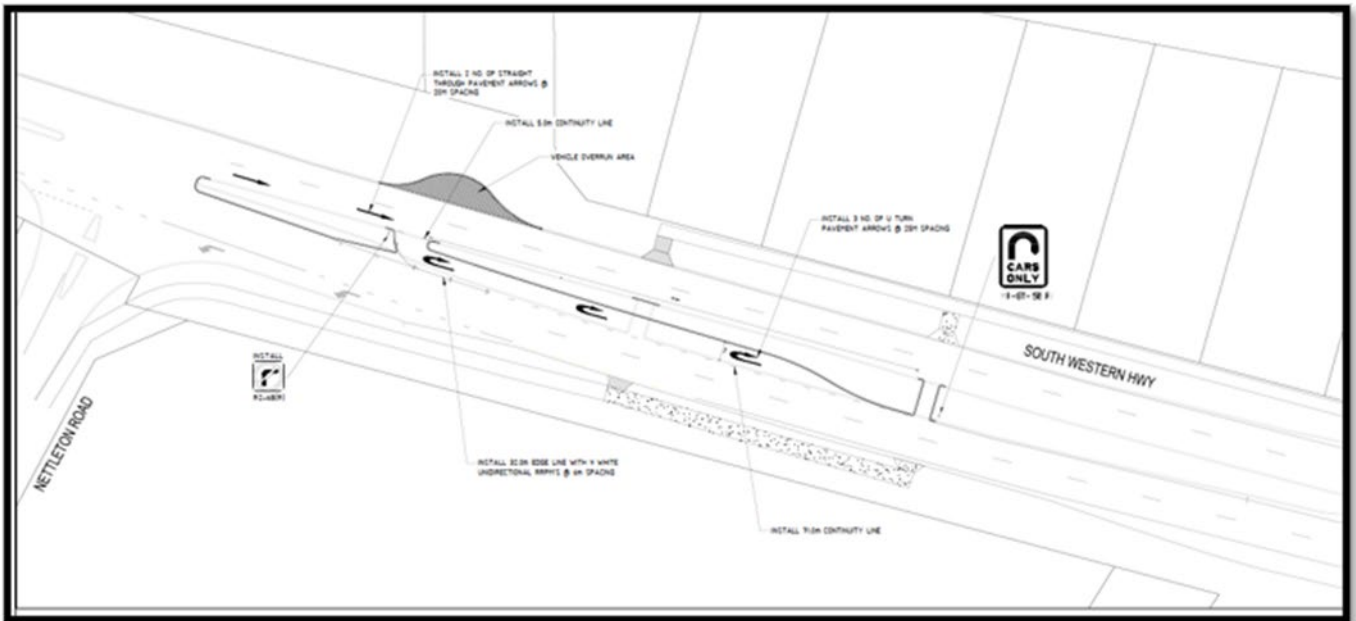
Access Strategy

Shire Officers engaged MRWA shortly after the resolution of Council to discuss the possible options to provide a right turn pocket for southbound vehicles to access the precinct. In working with MRWA the following options were explored:

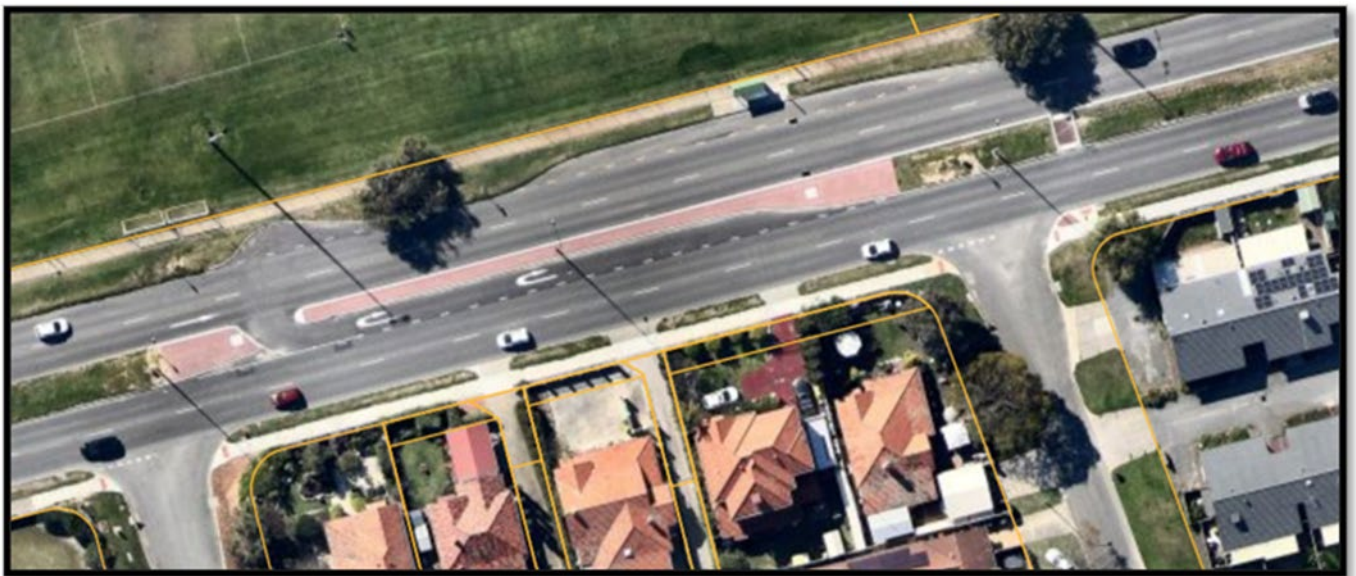
1. Removal of the raised median and replacement with a painted median to enable full access to all lots;
2. Development of a dedicated U-turn pocket for southbound traffic to enter the northbound lanes of the highway;
3. Provision of a traffic light or roundabout intersection upgrade to the Nettleton Road / South Western Highway intersection.

Option 2 is considered the most effective and safest option, as it provides the most value in terms of cost of construction, operation and constructability. This is shown by the concept design, which is provided following and shown in **attachment 1**. In-principle approval for the concept design of the proposed U-turn pocket was received by Main Roads WA on 26 August 2022. Community engagement is the next important step in this regard.

This is similar in respect of a recent treatment undertaken on Canning Highway, showing the operation of the U-turn and vehicle turn area.



Access Strategy Concept



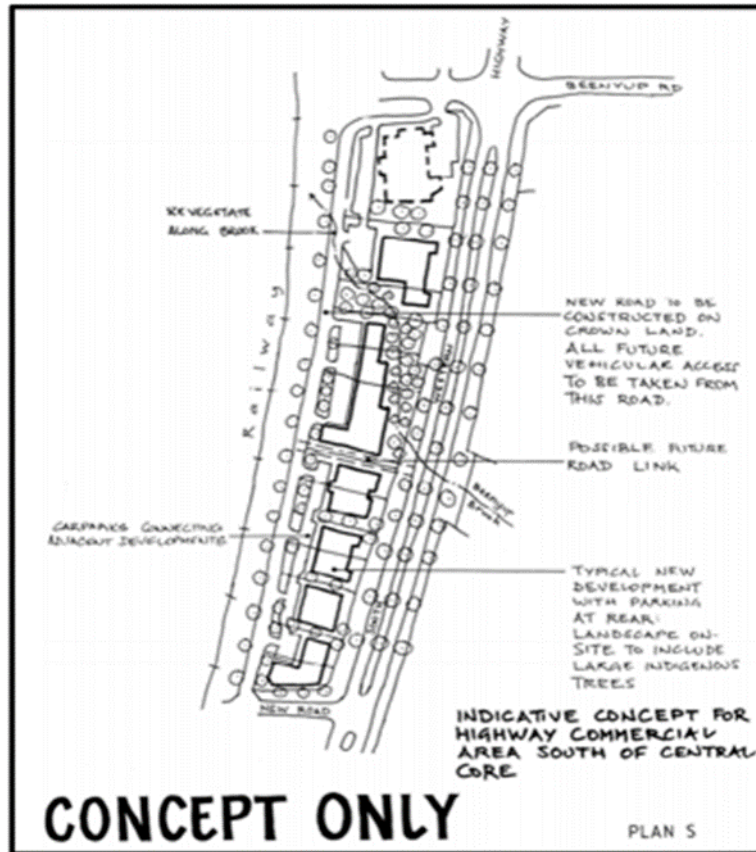
Example

Shire Officers have estimated that the cost for construction of the U-turn pocket would be \$151,000.

Given that South Western Highway is a Main Roads road, and that this project aims to address a road safety issue, implementation of the work is important to consider. The report recommends that, as part of the community engagement process, Officers also write to Main Roads WA seeking to have them consider the project for funding going forward.

Byford DAP

The intention of 'Character H - Highway Commercial' of the DAP is to accommodate a range of uses such as Showrooms, Bulky Goods, Offices, Medical Centres and Consulting Room. The DAP also sets out the aspirations of the future built form of the character area as shown below.



The viability of this concept has been impacted by the spatial requirements for works associated with the Byford Metronet project and particularly future extension of rail at some point south to Mundijong. This has resulted in the Shire having to be more strategic when considering development in this precinct to be able to protect and promote southern extensions of the rail. An alternative concept of how the precinct will need to be developed, is sketched following:



Proposed Alternative Concept (Area H – South)

The modified concept aligns with the draft access strategy, a provides for a coordinated access and egress at two shared access points, once full development occurs. The concept also entails a shift in the location of the built form of development to the rear of the lots and shared internal access and car parking to the South Western Highway frontage. This would enable the intent of the initial concept, to reduce the impact of access onto South Western Highway, to be retained without conflicting with anticipated land requirements for the Byford Metronet Project.

If Council choose to endorse the proposed amendment to the DAP, Officers will engage the landowners within the precinct to discuss the concept further seeking their comments. The amendment will be presented back to Council in conjunction with the outcomes of the draft access strategy consultation also.



Options and Implications

Option 1

That Council:

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

Option 2

That Council REFUSES to endorse either the Draft Access Strategy or proposed amendments to the DAP.

Option 1 is recommended.

Conclusion

It is recommended that Council endorse the Draft Access Strategy and amendment to the Byford DAP for the purposes of community consultation. This will enable community engagement on the issue of how to facilitate safe movement of southbound vehicles accessing the precinct and also ensure the development of the precinct does not impact upon the Byford Metronet Project.

Attachments (available under separate cover)

- **10.1.3 - attachment 1** - U Turn South Western Highway Byford - Line Marking (E22/11986)
- **10.1.3 - attachment 2** - Proposed Byford DAP Amendment (IN22/21587)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 3.3	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

As discussed, Shire Officers have estimated that the cost for construction of the U-turn pocket would be \$151,000. Council's decision requested an advocacy strategy, to be able to achieve implementation at no external or direct costs to the Shire.

In this regard, three main options for delivery are thought to exist:

1. 100% funding by Main Roads, given the road asset being a Main Roads WA road;
2. 100% funding by benefitting landowners, with funding provided to Main Roads WA to deliver the project;
3. A mix of Option 1 and Option 2.

Officers recommend that Option 1 is the only viable option that will create certainty that the works can be affected. The works are taking place on a State Government road, and also seek to address a broader public priority associated with road safety on that State road. This is considered to generate a sufficient business case to justify that Main Roads WA should be making future arrangements to deliver the intersection improvement, either direction or potentially via a grant to the Shire.

While this whole matter is still to be reported back to Council following advertising, it is recommended that as part of community engagement, Officers write to Main Roads seeking their consideration to make a budget allocation for the works.

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	<p>Alternate methods of access provision are unlikely to be approved or funded by State Government</p> <p>The precinct develops in a manner which does not reflect the changing framework and Metronet requirements</p>	<p>Progress with agreed and in principle approved strategy</p> <p>Planning framework</p>	Reputation	Possible	Moderate	MODERATE	Nil



Voting Requirements: Simple Majority

OCM267/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

That Council:

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

CARRIED UNANIMOUSLY 9/0



10.1.4 - Proposed 'Transport Depot at Lot 10, 12 Tunney Road, Oldbury (PA22/94)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
----------------	--

Proponent:	Harley Dykstra Pty Ltd
Owner:	Diamond Shelf Pty Ltd
Date of Receipt:	4 February 2022
Lot Area:	10ha
Town Planning Scheme No 2 Zoning:	'Rural/Rural Groundwater Protection'
Metropolitan Region Scheme Zoning:	'Rural/Rural Water Protection'

Report Purpose

The purpose of this report is for Council to consider a development application described as a 'Transport Depot' at Lot 10, 12 Tunney Road, Oldbury. The 'Transport Depot' involves the parking of two commercial vehicles associated with the distribution of agricultural chemicals prepared by Able WestChem and includes incidental storage of such chemicals within an existing poultry shed prior to distribution.

The report is presented to Council for determination as objections were received during the consultation process. Officers do not have delegated authority to determine development applications where objections cannot be satisfied through amendments or the imposition of conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications. For the reasons outlined in the report, it is recommended that Council approve the application subject to conditions.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.



Background

Existing Development

The subject site lies within a rural area of the Shire in Oldbury. Orton Road runs along the northern boundary and Tunney Road to the east. The locality comprises of typical rural related uses and equine activities.

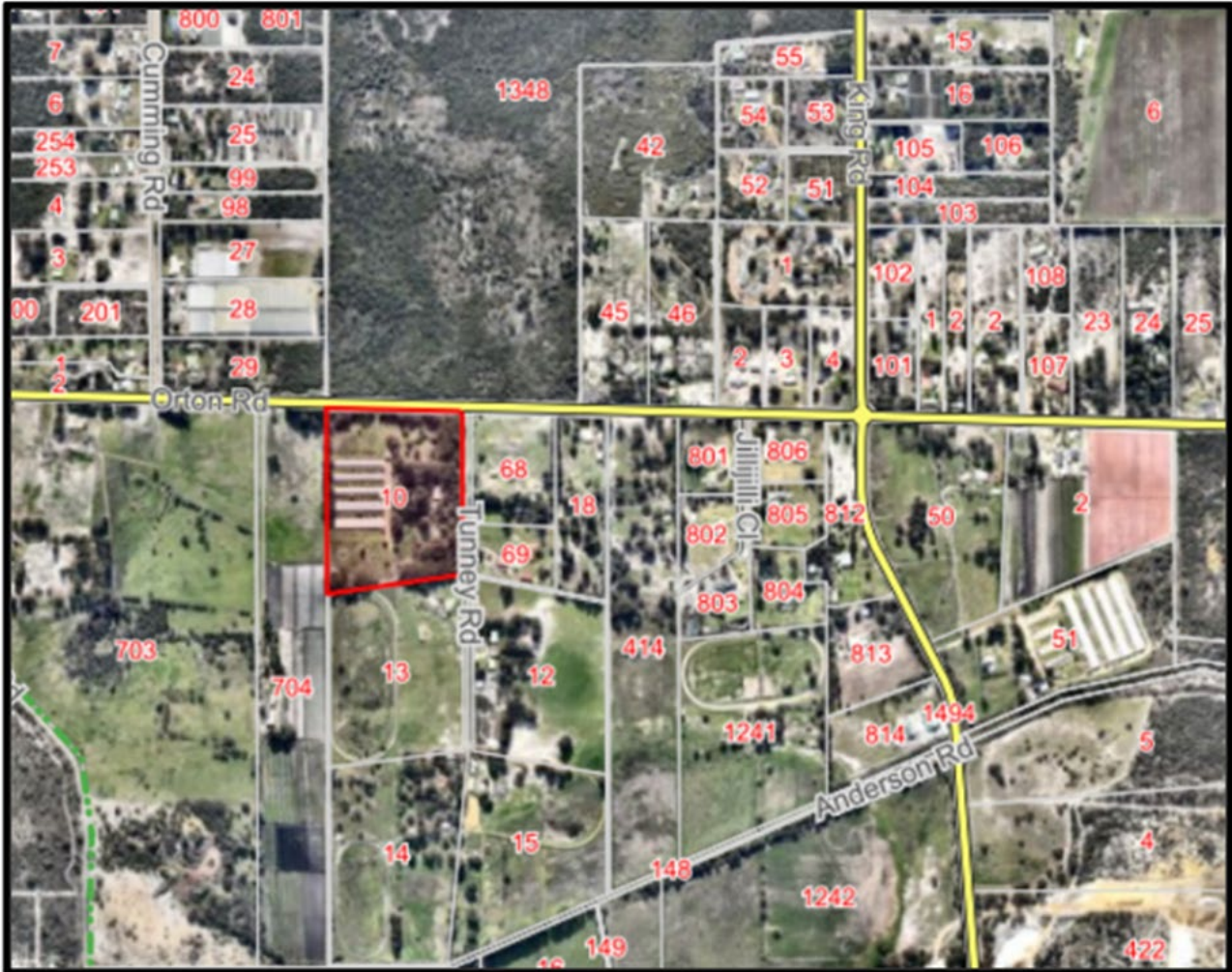


Figure 1: Aerial Image

The subject site is developed with a poultry farm, containing five poultry sheds to the western portion of the lot. There is a dwelling and incidental storage buildings located on the eastern portion of the lot. The western half of the lot is relatively cleared of vegetation whereas the eastern half contains mature dense vegetation.

Proposed Development

The application is described as a 'Transport Depot' involving the parking of two commercial vehicles to facilitate the storage and distribution of agricultural chemicals which would replace the existing poultry farm operations. The products would arrive on site from Able WestChem in Bayswater in sealed ISB or ISO containers for liquids and large sealed bags for dry chemicals and then transferred to a secondary truck on site for delivery to rural based farms / customers. The transfer of products would be undertaken using a forklift by the employee who would reside



within the existing dwelling onsite. Operations are proposed on weekdays during the hours of 7:00am and 5:30pm.

Product is proposed to be stored on site within the existing bunded poultry shed, labelled 'shed 3', prior to its distribution on an 'as required' (incidental) basis. The application details that the storage would be incidental to the primary transport depot operations, which Officers consider to be accurate.

Access to the site would be via the existing crossover on Tunney Road and utilise the existing internal driveway. The proposed site plan is depicted below, full details of the proposal are contained within **attachment 1**.



Figure 2: Proposed Site Plan



Community / Stakeholder Consultation

The application was advertised to surrounding landowners within a 500m radius, in accordance with LPP1.4 - Consultation for Planning Matters, between 17 February 2022 and 10 March 2022. During this period, 11 submissions were received raising concerns in relation to the proposal. A full copy of the summary of submissions with the applicant and Officer response is contained within **attachment 2**. The concerns raised relate to the following issues:

- Dust;
- Toxic fumes from chemicals;
- Fire;
- Traffic;
- Noise;
- Rural amenity;
- Impact of storage of chemicals and maintenance of vehicles on Jandakot water mound; and
- Inconsistency with the Rural zone.

Department of Biodiversity, Conservation and Attractions (DBCA)

The application was referred to DBCA who provided no comments on the proposal.

Department of Water and Environment Regulation (DWER)

DWER advised that they have no objections to the proposal in-principle, and noted the site lies within the Peel-Harvey Coastal Plain Catchment, and provided advice in relation to the following:

- Storage of chemicals;
- Spill Management;
- Stormwater Management; and
- Groundwater.

Officer Comment:

Officers have recommended conditions in relation to the above matters should Council resolve to approve the application.

Statutory Environment**Legislation**

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.5 - Rural Planning
- Environmental Protection Authority Guideline for Separation Distances Between Industrial and Sensitive Land Uses



- State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Local Planning Framework

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

Planning Assessment

An assessment has been undertaken in accordance with section 67 of the *Planning and Development Regulations 2015*, the assessment can be viewed within **attachment 3**. For the purpose of this report, discussion is confined to the areas of concern or where Council is required to exercise discretion.

Land Use

The application details that the proposal falls within the land use of 'Transport Depot' which is defined under Town Planning Scheme No. 2 (TPS2) as:

"land or buildings designed or used for one or more of the following purposes:

- (a) The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.*
- (b) The transfer of goods (including livestock) or passengers from one vehicle to another vehicle.*
- (c) The maintenance, repair or refuelling of vehicles referred to in (a) or (b) above.*

The above uses (a) to (c) inclusive, singularly or collectively may, with Council's planning consent, include as an incidental use overnight accommodation of patrons of the facilities."

The proposal including the parking of the two trucks is capable of consideration as a 'Transport Depot', through meeting (a) and/or (b) above.

In order to demonstrate this, the applicant provided information in relation to the operations of the site to assist in demonstrating that the storage component is incidental to the 'Transport Depot'. The applicant provided the following scenarios in order to demonstrate the incidental nature of the storage:

Scenario 1: Truck drivers to arrive at the Depot in the morning to collect empty trucks (50 tonne) and drive to Able Westchem's storage facility in Bayswater to load and subsequently deliver goods to various locations. The trucks will then return empty or loaded dependant on schedule to the depot at the end of the day. No storage occurs.

Scenario 2: Trucks (50 tonne) to depart Tunney Road Depot empty in the morning to Able Westchem's storage facility in Bayswater to load and subsequently deliver goods to various locations. The trucks will then return to Able Westchem's storage facility to get reloaded and proceed to the depot. The trucks will be parked overnight at the Tunney Rd depot in 'shed 4' and 'shed 5' for delivery to locations within the southern corridor the following morning. No storage occurs.

Scenario 3: Trucks to depart from the Depot empty in the morning to Able Westchem's storage facility in Bayswater to load and subsequently deliver goods to various locations. The trucks will then return to the Bayswater location to get reloaded and proceed to the depot and offload goods into 'shed 3'. The goods will then be transferred to a smaller (4 tonne) truck that will deliver the



goods in batches to locations in the southern corridor that cannot accommodate larger trucks. Only incidental storage, with associated transfer.

It is considered that, based on the scenarios provided, the proposal would best fit within the TPS2 land use of 'Transport Depot' and that the storage component of the application is incidental to the parking of the vehicles and transfer of goods.

The subject site is proposed to be rezoned entirely to 'Rural' under draft Local Planning Scheme No. 3 (LPS3). Within LPS3, the land use definitions for 'Transport Depot' is as follows:

'Transport Depot means premises used primarily for the parking or garaging of two (2) or more commercial vehicles including -

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

A 'Transport Depot' is an 'A' use in the 'Rural' zone under LPS3 and therefore a discretionary use that is capable of approval subject to advertising.

Town Planning Scheme No. 2

The subject site is zoned 'Rural' and 'Rural Groundwater Protection' under TPS2 as delineated below:

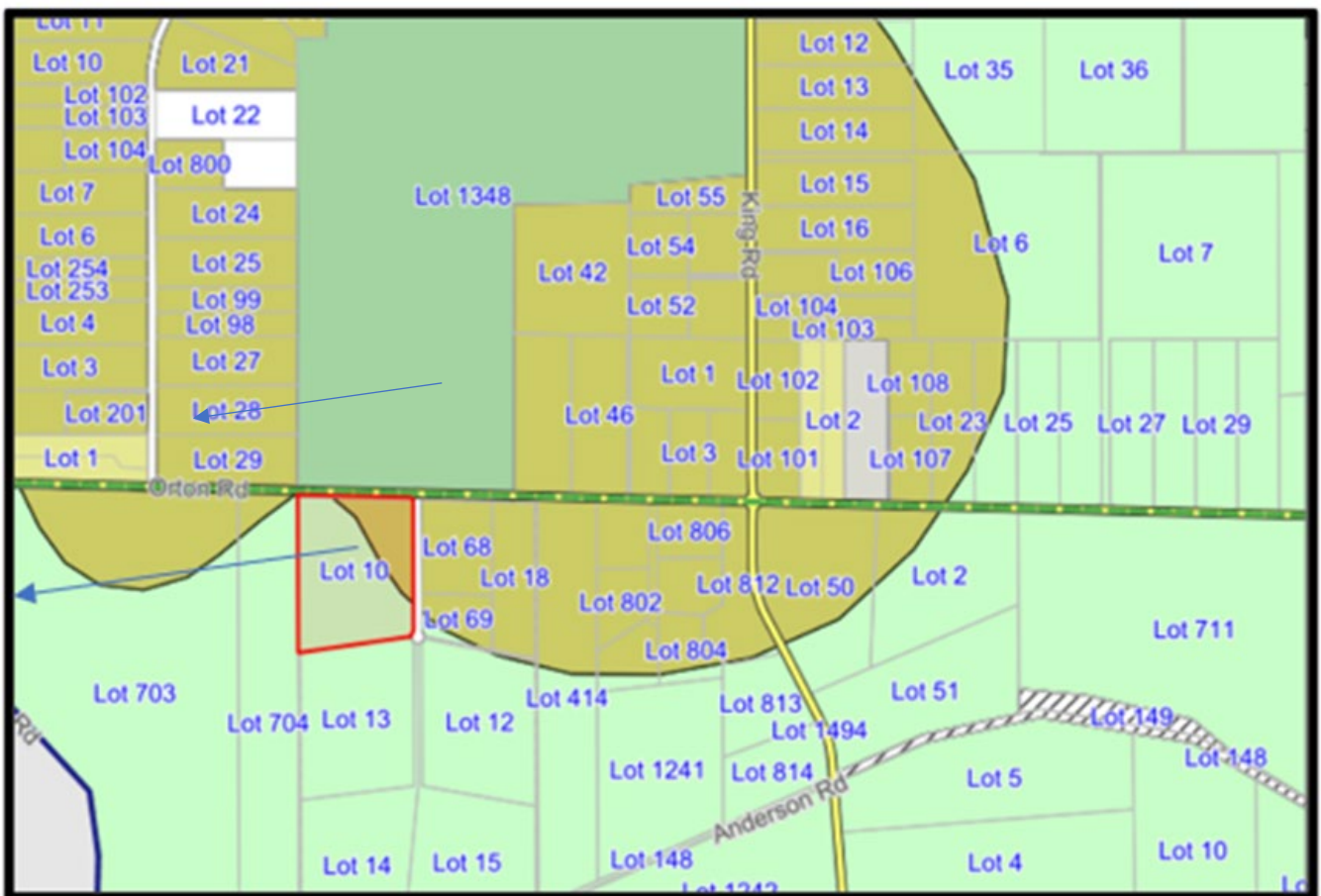


Figure 3: TPS2 Zoning



The proposal would be solely located within the 'Rural' zoned portion of the lot. The objective of the zone under TPS2 is to "allocate land to accommodate a full range of rural pursuits and associated activities conducted in the Scheme Area". While TPS2 does not define a 'rural pursuit' it is consistently defined, as established in the SAT case of *Moodie v Shire of Serpentine Jarrahdale* as something that is relating to or a characteristic of the country.

The application details that the proposal involves the storage and distribution of agricultural chemicals and has provided the table below to demonstrate how the listed chemicals are used in agriculture:

Chemical Type	Use
Able Tryeseal Concentrate	Used to prevent corrosion & tyre pressure losses for farming equipment
Greens Adjuvant	Crop spray - improves effectiveness of herbicides & other agricultural chemicals
Hook Oil	Abattoir machinery lubricant
Liquid Sucrose	Abattoir treatment ponds
Dust Stop	Agricultural road stabilisation product
Hydrasafe BIO 4668	Machinery hydraulic fluid
Eco Break - Eco Degreaser	Water based degreaser used for degreasing farming machinery & industries associated with agricultural pursuits.
SACOA Liquid AMS	Crop improver feed.
SACOA Lure H2O & SACOA Lure H2O Turf Ultra	Crop improver.
SACOA SE14 Moisture Retention Agent	Soil wetter
SACOA Spray Grade Ammonium Sulphate Herbicide Adjuvant	Herbicide
SACOA Wetter 1000	Wetter
SACOA X-seed Spray Oil	Broadacre cropping chemical

The goods distributed are considered associated with rural pursuits, as detailed above. It is considered that the proposal is therefore consistent with the objective of the zone as it supports rural pursuits within the Scheme area.

Local Planning Strategy

The subject site is located within the Rural area of the LPS. Within the Rural policy area, the Strategy seeks to protect and promote traditional agricultural uses and protect the landscape. The subject site is a relatively small lot for land zoned Rural, being 10ha in area. The majority of the site has been developed for housed poultry farming and features five large poultry sheds. Three of the poultry sheds measure approximately 14m by 100m and the other two measure approximately 20m by 100m. Including outdoor areas for chickens to range, the Poultry Farm area covers approximately 16,000m² of the lot. The proposal would see this development cease operations in favour of a business for the storage and distribution of chemicals.



Officers consider that whilst a poultry farm is conducive to a rural area entailing food production, the small lot size of the subject land and closer proximity to surrounding allotments results in a degree of incompatibility. Particularly, given the risk of odour and noise impacts being experienced as part of the poultry farm.

The development would utilise three existing buildings on site for storage of materials and parking of trucks and would not adversely impact upon the existing rural landscape. The other two sheds and land external to the sheds would also still be able to be used for rural pursuits.

The LPS includes information on land capability for agriculture including annual and perennial horticulture, dryland cropping and grazing. The subject site is identified as having more than 70% of land that has low capability for these types of agriculture. The proposal would therefore not remove high quality agricultural land from being used as such.

SPP2.5 - Rural Planning

The intent of SPP2.5 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*”. The relevant objectives are as follows:

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

As previously stated, the subject site is not identified as high-quality agricultural land and it is considered that the proposal would support existing and future primary production and rural uses within the Scheme area.

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

SPP3.7 seeks to implement effective risk-based planning and development to preserve life and reduce the impact of bushfires on property and infrastructure. As the site is designated as bushfire prone, a Bushfire Management Plan (BMP) has been submitted as part of the application.

The BMP has mapped and classified vegetation within 150m of the proposal and identified a Bushfire Attack Level (BAL) rating of BAL-12.5. The BMP also provides an assessment against the criteria in the *Guidelines for Planning in Bushfire Prone Areas* in relation to location, siting, vehicular access and water, as required under SPP3.7.

The BMP considers the bushfire risk manageable through the implementation of a number of measures outlined in the plan. These measures include the compliance with the Shire’s Firebreak Notice, maintenance of buildings and provision of a maintained water supply in a dedicated firefighting water tank. It is considered that the BMP satisfactorily demonstrates that bushfire risk can be managed, consistent with SPP3.7.

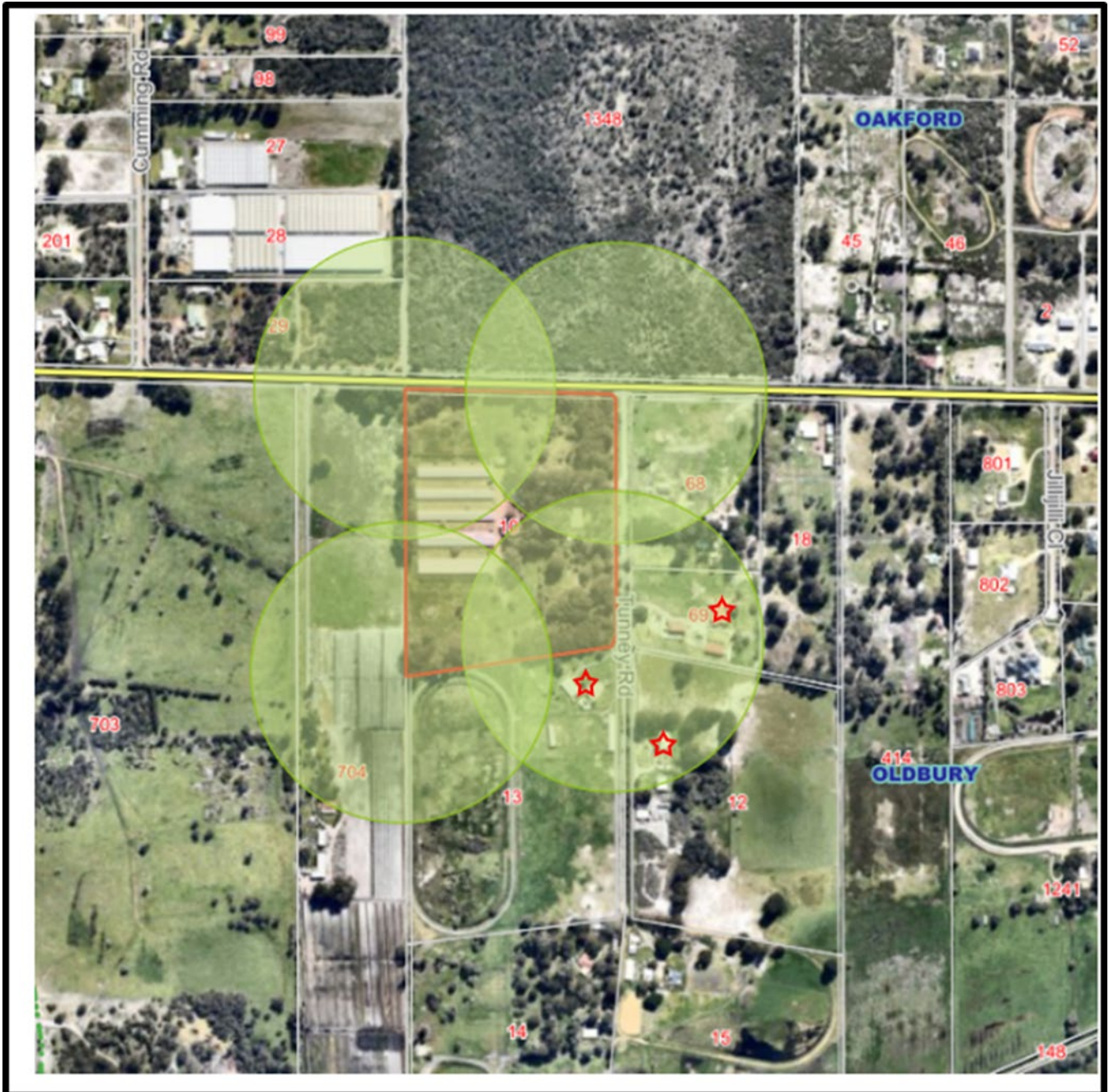
Amenity

With regard to the amenity impacts of the proposal on the locality, the applicant relies on the fact that the site is currently operational as a poultry farm and the amenity impacts from the proposed ‘Transport Depot’ would be considerably less than this. It is acknowledged that the proposal would result in a significant improvement to the amenity of the locality particularly in relation to odour, and to a lesser extent, noise.



The Environmental Protection Authority's Guidance Statement No.3 - Separation Distances between Industrial and Sensitive Land uses (Guidance Statement 3) defines particular land uses, the potential impacts of these uses and recommends a separation distance to sensitive receptors (dwellings). In this case the potential impacts from a Transport Vehicle Depot, these are identified as potential gaseous, noise, dust and odour. The Guidance Statement recommends a separation distance of 200m between such a use and sensitive receptors.

The plan below shows the areas within a 200m radius of the lot boundaries of the subject site.





This area incorporates sensitive receptors located at Lot 69, 29 Tunney Road, Lot 13, 34 Tunney Road and Lot 12, 33 Tunney Road. Given the operations of the 'Transport Depot' are located on the western portion of the lot, these distances have been investigated further as depicted below:



Based on the distance from the edge of the hardstand used for the 'Transport Depot', there is one sensitive receptor within the 200m separation distance located at Lot 13, 34 Tunney Road which is located approximately 130m from the subject development. Generally, it is considered that the overall level of amenity afforded to this neighbouring property would be improved upon following the closure of the poultry farm and the commencement of the subject application. Potential amenity impacts resultant of the proposal are discussed further below.

Noise:

Noise generation from the development would be from truck movements and the loading and unloading of product. An Acoustic Assessment was provided to accompany the application which demonstrates that compliance with the *Environmental Protection (Noise) Regulations 1997* would be achieved during the day time only, as detailed below:

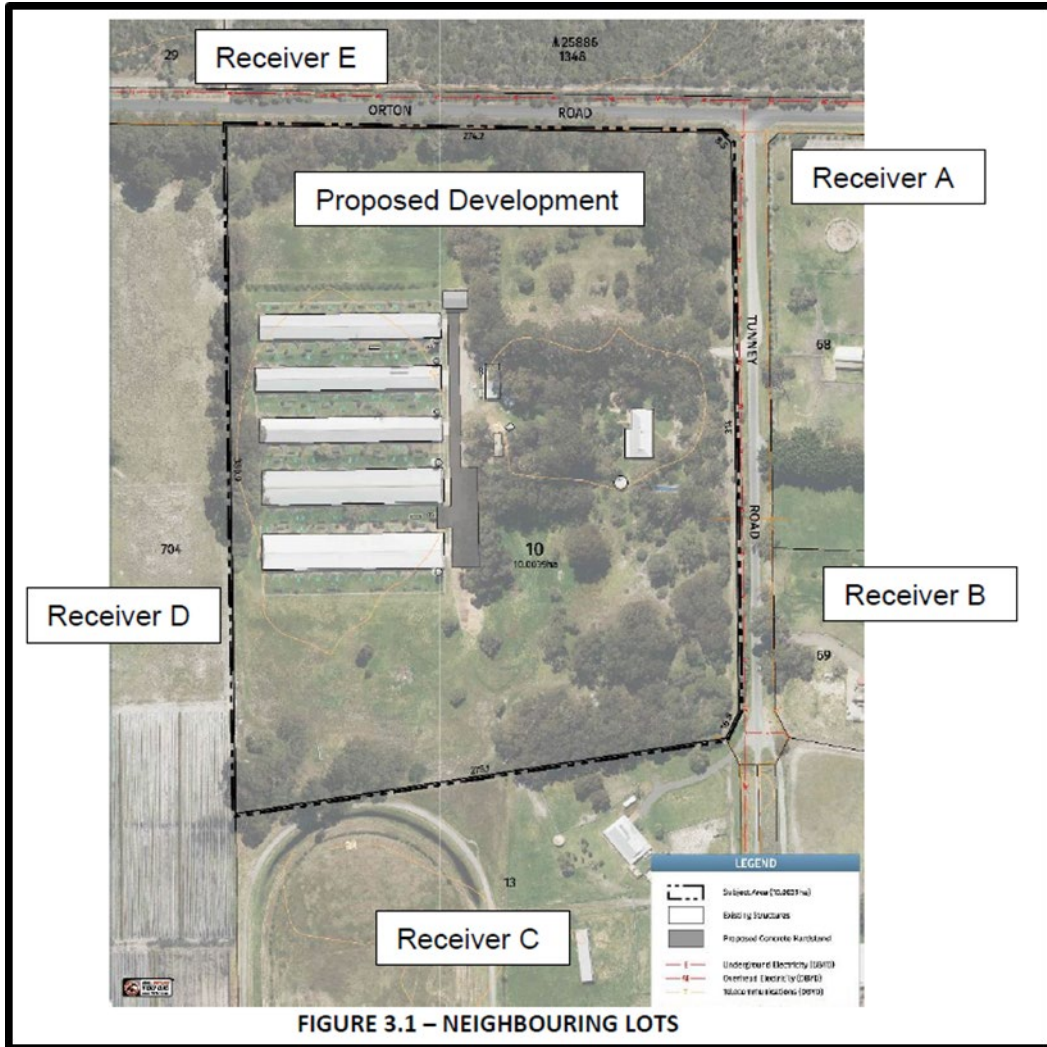


TABLE 6.2 – ASSESSMENT OF LA10 NOISE LEVEL EMISSIONS, SCENARIOS 3 – ALL HOURS

Location	Assessable Noise Level dB(A)	Time Period	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
Receiver A	45	Day	47	Complies
		Evening	42	+3
		Night	37	+8
Receiver B	41	Day	47	Complies
		Evening	42	Complies
		Night	37	+4
Receiver C	42	Day	47	Complies
		Evening	42	Complies
		Night	37	+5
Receiver D	36	Day	47	Complies
		Evening	42	Complies
		Night	37	Complies
Receiver E	35	Day	47	Complies
		Evening	42	Complies
		Night	37	Complies



In light of this, the assessment recommends that the 'Transport Depot' only operate between the hours of 7:00am to 7:00pm, Monday to Saturday. This is in line with the proposed hours of operation, and should Council resolve to approve the application, it is recommended that a condition be imposed restricting the hours of operation accordingly.

Dust and Odour:

Dust and Odour are listed as potential impacts arising from a 'Transport Depot' under the Guidance Statement. In this instance, given the chemicals and trucks are proposed to be contained within a shed, it is considered that there would not be an adverse impact by way of dust or odour. It is also noted that the hardstand would ensure that dust generation from vehicles is mitigated.

Visual:

As previously stated, the parking of vehicles and storage of chemicals would be located within existing buildings. The proposal is set back from Orton Road and screened from Tunney Road and neighbouring residents to the east and south by existing vegetation. The only works proposed as part of this application include an area of hardstand, it is considered that this would not adversely impact upon the visual amenity of the locality.

Traffic

The proposal involves one employee that would reside on site and one that would arrive on site each morning. It is anticipated that there would be four truck movements per day (entry and exit) and the two trucks (19m length) would be parked onsite overnight.

The site is located with road connection to Orton Road leading to Kwinana Freeway to the west and South Western Highway to the east. It is considered that the local road network has the capacity to accommodate the vehicles associated with the proposal.

Environmental Impacts:

It is proposed to store chemicals within 'shed 3' as depicted on the site plan. Spill management matters are considered to be capable of managing through the design of the shed and appropriate management measures. A condition is recommended to require the submission of a Spill Management Plan and detailed design drawings showing the flooring of shed 3 and bunding to ensure all chemicals are contained and would not adversely impact upon the environment.

Options and Implications

Option1

That Council Approves the application for proposed 'Transport Depot' at Lot 10, 12 Tunney Road, Oldbury, as contained within **attachment 1** subject to the following conditions :

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

Plans and Specifications	<p>P1 - Development Application details received at the Shire's Offices on 4 February 2022.</p> <p>P2 - Site Plan received at the Shire's Offices on 28 September 2022.</p>
--------------------------	---



	P3 - List of Chemicals to be stored received at the Shire's Offices on 4 February 2022. P4 - Environmental Acoustic Assessment dated May 2022. P5 - Bushfire Management Plan dated May/June 2022.
--	---

- a. Prior to commencement of the use, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating the first 15mm of stormwater runoff from roads, hardstands and parking areas designed to undergo water quality treatment via biofiltration. Once approved, the Stormwater Management Plan shall be adhered to at all times for the duration of the development.
- b. Prior to commencement of the use, a Spill Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Spill Management Plan shall include but not be limited to the following to the satisfaction of the Shire of Serpentine Jarrahdale:
 - i. Detailed drawings of the concrete flooring of shed 3 that is graded to a spill containment sump or bund walls designed to contain the volume of chemicals stored; and
 - ii. A Contingency Plan for managing and responding to spills, in accordance with Water Quality Protection Note 10 - Contaminant Spills - Emergency Response Plan.Once approved, the Spill Management Plan shall be adhered to at all times.
- c. Storage of chemicals is limited to those described in the application (P1) and no more than 75m³ of chemicals shall be stored at any one time. No more than three consignments shall be stored during any given week.
- d. This approval permits the parking of two commercial vehicles only.
- e. No servicing or mechanical repairs shall be carried on site.
- f. Chemicals shall be handled and stored in accordance with Water Quality Protection Note 65: Toxic and Hazardous Substances - Storage.
- g. The poultry farm must cease operating prior to commencement of the 'Transport Depot' and remain so for the life time of the 'Transport Depot' use. The poultry farm and the 'Transport Depot' are not permitted to be in operation at the same time.
- h. The Transport Depot is permitted to operate between the hours of 7:00am to 7:00pm Monday to Saturday only.
- i. No further development or activity is permitted beyond this approval, unless otherwise granted further development approval by the Shire of Serpentine Jarrahdale.

Option 2

That Council REFUSES the application for proposed 'Transport Depot' at Lot 10, 12 Tunney Road, Oldbury, as contained within **attachment 1** due to the following reasons:

- a. The development is not considered to represent a rural pursuit or associated activity, making it inconsistent with the intent of the Rural zone;
- b. The development does not achieve minimum separation distances from sensitive receptors (dwellings) in the nearby area.

Option 1 is recommended.



Conclusion

The application seeks approval for a 'Transport Depot' involving the parking of two commercial vehicles to facilitate the storage and distribution of agricultural chemicals which would replace the existing poultry farm operations. It is considered that the proposal demonstrates a link with rural pursuits, consistent with the objective of the 'Rural' zone. It is considered that the proposal would improve the amenity currently afforded to neighbouring residents and as such is the application is recommended for approval subject to conditions.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Development Application Details (E22/13090)
- **10.1.4 - attachment 2** - Summary of Submissions (E22/2814)
- **10.1.4 - attachment 3** - Clause 67 Assessment (E22/2818)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council approving the application and there being operations which exceed acceptable limits	Planning conditions imposed allowing compliance to be easily effectively enforced	Organisational Performance	Possible	Moderate	MODERATE	Nil.
2	Council refusing the application which could result in an appeal.	Planning Framework	Reputation	Possible	Moderate	MODERATE	Should additional reasons for refusal be considered, ensure such are based on valid planning grounds.



Voting Requirements: Simple Majority

OCM268/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Strautins

That Council Approves the application for proposed ‘Transport Depot’ at Lot 10, 12 Tunney Road, Oldbury, as contained within attachment 1 subject to the following conditions :

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

Plans and Specifications	<p>P1 - Development Application details received at the Shire’s Offices on 4 February 2022.</p> <p>P2 - Site Plan received at the Shire’s Offices on 28 September 2022.</p> <p>P3 - List of Chemicals to be stored received at the Shire’s Offices on 4 February 2022.</p> <p>P4 - Environmental Acoustic Assessment dated May 2022.</p> <p>P5 - Bushfire Management Plan dated May/June 2022.</p>
---------------------------------	---

- a. Prior to commencement of the use, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating the first 15mm of stormwater runoff from roads, hardstands and parking areas designed to undergo water quality treatment via biofiltration. Once approved, the Stormwater Management Plan shall be adhered to at all times for the duration of the development.**
- b. Prior to commencement of the use, a Spill Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Spill Management Plan shall include but not be limited to the following to the satisfaction of the Shire of Serpentine Jarrahdale:**
 - i. Detailed drawings of the concrete flooring of shed 3 that is graded to a spill containment sump or bund walls designed to contain the volume of chemicals stored; and**
 - ii. A Contingency Plan for managing and responding to spills, in accordance with Water Quality Protection Note 10 - Contaminant Spills - Emergency Response Plan.**

Once approved, the Spill Management Plan shall be adhered to at all times.

- c. Storage of chemicals is limited to those described in the application (P1) and no more than 75m³ of chemicals shall be stored at any one time. No more than three consignments shall be stored during any given week.**
- d. This approval permits the parking of two commercial vehicles only.**
- e. No servicing or mechanical repairs shall be carried on site.**
- f. Chemicals shall be handled and stored in accordance with Water Quality Protection Note 65: Toxic and Hazardous Substances - Storage.**



Continued

**Ordinary Council Meeting Minutes
Monday, 21 November 2022**

- g. The poultry farm must cease operating prior to commencement of the 'Transport Depot' and remain so for the life time of the 'Transport Depot' use. The poultry farm and the 'Transport Depot' are not permitted to be in operation at the same time.**
- h. The Transport Depot is permitted to operate between the hours of 7:00am to 7:00pm Monday to Saturday only.**
- i. No further development or activity is permitted beyond this approval, unless otherwise granted further development approval by the Shire of Serpentine Jarrahdale.**

CARRIED UNANIMOUSLY 9/0



Councillor Atwell declared a Financial Interest in item 10.1.5 and left the Chambers at 8:38pm prior to this item being discussed.

10.1.5 - Proposed 'Radio, TV and Communications Installation' (Telecommunications Tower and Associated Infrastructure) - Lot 116, 245 Keirnan Street, Whitby (PA22/611)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
----------------	--

Proponent:	Telstra Corporation Ltd
Owner:	I and K Ritchie
Date of Receipt:	11 July 2022
Lot Area:	2.64ha
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 development application for a telecommunication facility to include a 35m high monopole at Lot 116, 245 Kiernan Street, Whitby.

The item is presented to Council as the proposal varies Local Planning Policy 4.6 – Telecommunications Infrastructure (LPP4.6) by way of its location within the 'Urban' zone under the Metropolitan Region Scheme (MRS). Furthermore, four objections have been received during the consultation process. 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 or where objections have been received that cannot be satisfied through amendments or imposition of conditions.

For the reasons detailed in the report, Officers consider the proposed development to be consistent with the objectives of the planning framework and recommend that Council approve the application, subject to conditions.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.



Background

The subject site is located to the west of Whitby within an area originally subdivided and developed for rural residential purposes. Strategically, the area forms part of the broader Mundijong Whitby urban area, that will result in a transition to become a major urban node of more than 15,000 dwellings, and 40,000 people.

In respect of the subject site, the railway line is located to the west and the first stages of the Whitby Structure Plan to the north east, as depicted below. The site is currently developed with a Single House and outbuildings, with good level of vegetation that create filtered views into the site.



Proposed Development

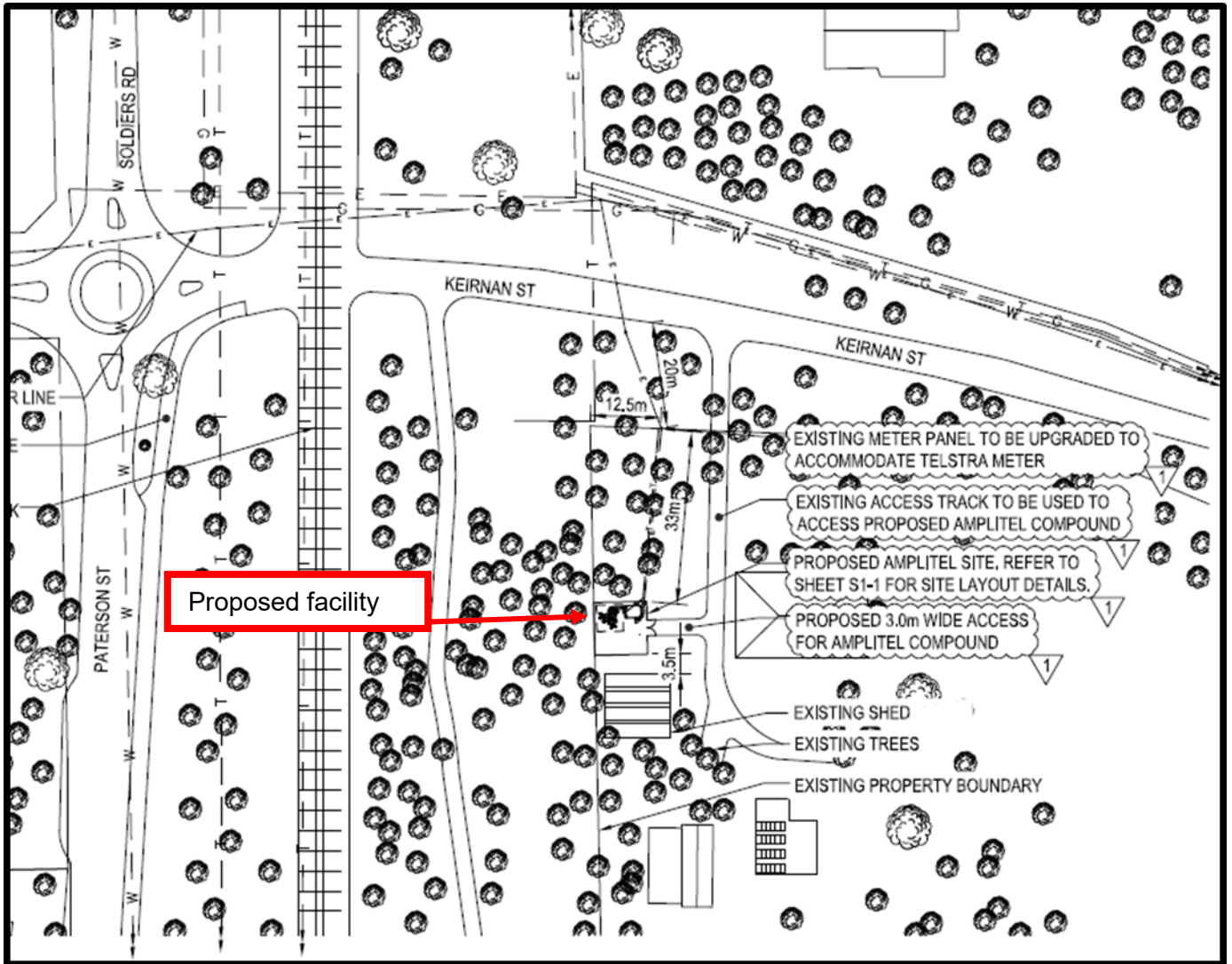
The application seeks approval for a telecommunications facility comprising of the following:-

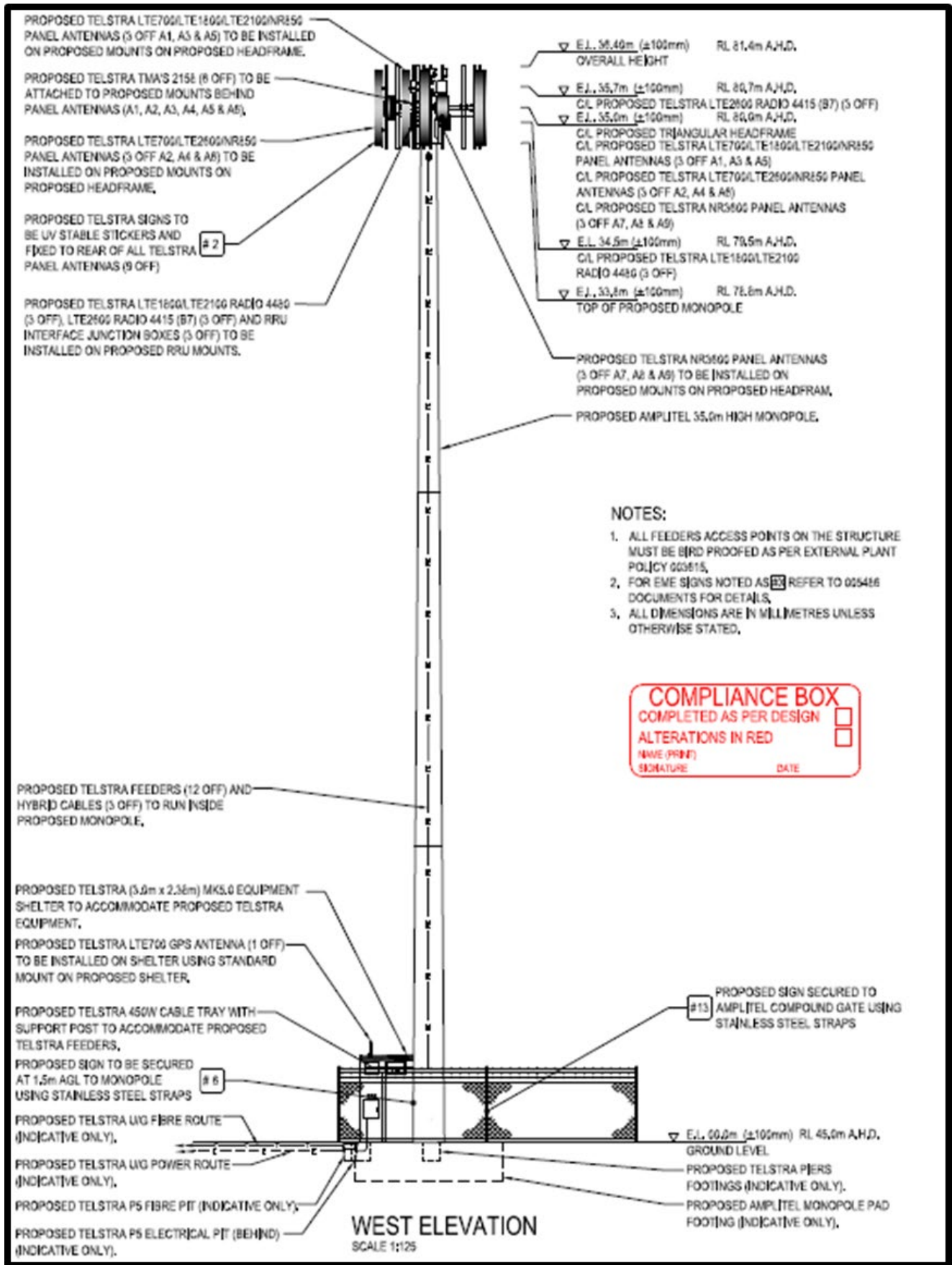
- one 35m high monopole;
- one triangular headframe;
- nine new panel antennas (no greater than 2.8m in length);
- one Telstra Equipment Shelter that is not more than 3m high with a base area of not more than 7.5m² at the base of the aforementioned tower;
- associated ancillary cabling and equipment; and
- 8m x 11m chain-link fence with a 3m wide gate.

The development is proposed to be set back 53m from the primary street boundary from Keirnan Street. The application details that the proposal forms part of the Telstra 4G and 5G network solution to the Whitby and Mundijong localities. It will deliver mobile services as well as live video calling, video-based content and high-speed wireless internet. Current services levels in the locality are known to be inadequate, and continued growth in the locality will further impact service levels if not supplemented by additional infrastructure.



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







Community / Stakeholder Consultation

The application was advertised to surrounding landowners within a 500m radius for a period of 28 days, in accordance with LPP1.4 – Consultation for Planning Matters, between 8 August 2022 and 5 September 2022. The applicant also displayed a sign on site advertising the proposal for 28 days and the application details were made available on the Shire's website.

During the consultation period, 17 submissions were received, 13 in support of the proposal and four objecting. The reasons for objecting are addressed within the relevant headings of the report and include the following:

- Health;
- Visual Impact;
- Reduction in property prices.

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

A full copy of the submissions and the Officers comments are contained within **attachment 2**.

Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Region Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)

State Government Policies

- State Planning Policy 5.2 - Telecommunications Infrastructure

Local Planning Framework

- Draft Local Planning Scheme No.3 (LPS3)
- Local Planning Strategy
- Local Planning Policy 4.6 - Telecommunications Infrastructure

Planning Assessment

A comprehensive assessment has been undertaken in accordance with section 67 of the *Planning and Development Regulations 2015*, the assessment can be viewed within **attachment 3**. For the purpose of this report, discussion is confined to the areas of concern or where Council is required to exercise discretion.

Land Use:

The application relates to a Telstra telecommunications facility, which falls within the land use classification of 'Radio, TV and Communications Installation', which is defined under TPS2 as:

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



The proposed development would transmit and relay signals for telecommunications and is considered to meet the definition above. Land use in the 'Urban Development' zone is guided by Structure Plans which is discussed later in the report. The proposal is considered consistent with the zone.

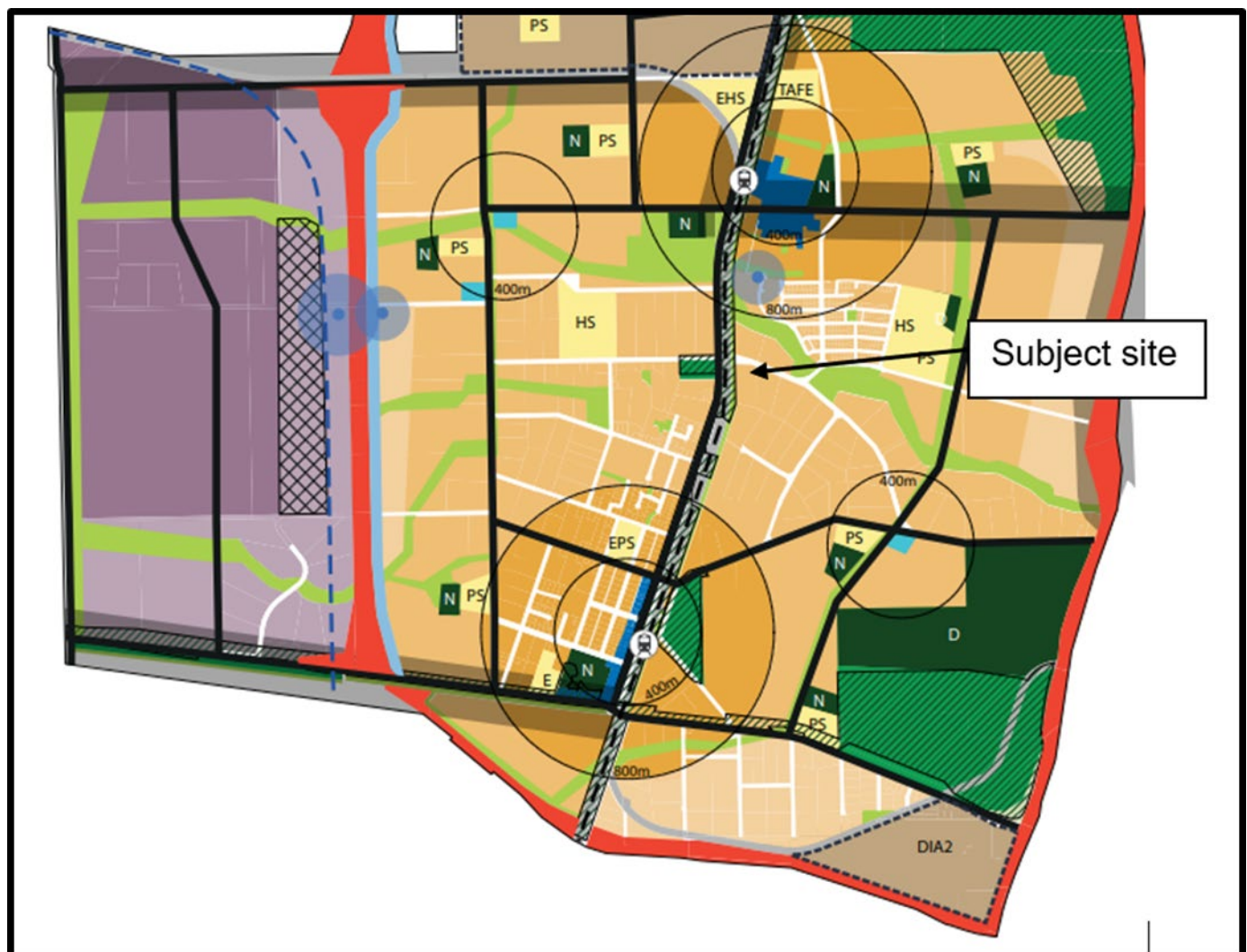
Under draft Local Planning Scheme No.3 (LPS3), the proposed development is considered to meet the land use definition of 'Telecommunications Infrastructure', which is defined as:

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

Within the 'Urban Development' zone under LPS3, a 'Telecommunications Infrastructure' land use is an 'A' use, meaning it can be considered for approval at the discretion of the Shire/Council, subject to community consultation and consideration of any submissions.

Mundijong District Structure Plan 2020

The subject site lies centrally within the Mundijong District Structure Plan (DSP) area within the residential 'Low (suburban): R20 – R35' designation (depicted below), which would result in residential lots with an area of around 350m².





The proposed development is considered to utilise a location which has a number of advantages, namely associated with it adjoining the existing rail corridor. Future residential development will need to be setback from this rail corridor, meaning that the telecommunications infrastructure will include a degree of separation as a result. For this reason it is considered a suitable location that will support the planned urbanisation of the area.

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

SPP5.2 seeks to balance the need for infrastructure with the potential amenity impacts generally associated with this type of development. It states that it should be located to avoid detracting from a significant view of a heritage item or place, a landmark, streetscape, vista or panorama. The SPP sets out requirements in relation to visual impact, location/co-location, siting and design and the need for services. In this regard, the location adjoins an existing rail corridor, which does not have intensive development currently, or planned, along it. Also, being setback 53m from Keirnan Street and set amongst existing trees on the subject land, creates further layers of filtered screening that assists in maintaining acceptable amenity outcomes. On this basis the development is consistent with the SPP.

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

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

Location:

LPP4.6 states that this type of development “*should not be located within 200 metres of land zoned Urban or Urban Deferred in the Metropolitan Region Scheme*” (MRS) unless there are special circumstances such as a physical buffer between the development and the residential area. As mentioned above, this applies to the subject land given the proposed location adjoins an existing rail corridor, which will cause future residential development to be separated from it. This affords a physical buffer, in addition to the increased setback to Keirnan Street that provides for filtered screening of the development.

Visual Impact:

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

The proposed location of the development is separated from development to the west by the railway reserve and Paterson Street. Existing screening is established through mature vegetation in this location, as depicted below. In addition, the subject site has established vegetation along the eastern boundary and within the site to screen views of the tower from immediate neighbours to the east and south.



The monopole is considered to be only marginally visible from the street and neighbouring properties.

In order to address the ground level infrastructure that may be more visible, further landscaping should be included to reduce its visual impact on the streetscape and the neighbour to the north at the pedestrian level, consistent with the SPP. This has been recommended as a condition. Relocation of the development is not considered to be warranted, given the extensive setback already proposed from Keirnan Street.

Overall, it is considered that the proposal balances both the need for infrastructure within the locality and the potential amenity impacts, subject to further landscaping to the front of the site. The proposal is considered to meet the objectives of the planning framework.

Health and Safety

It is noted that residents raised objections in relation to impact of telecommunications infrastructure on human health. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) provide standards for limits of exposure which must be complied with by all installations. The limits for electromagnetic energy (EME) exposure given in the standard are intended to provide protection for people of all ages and medical conditions when exposed 24 hours a day 7 days a week. A report has been provided as part of the application detailing information in relation to levels of radiofrequency (RF) and EME. The report shows that the highest EME exposure level of the tower is 2.27% of the ARPANSA standard exposure limit. This is very low and represents nil risk.



Options and Implications

Option 1

That Council APPROVES the development application for proposed telecommunications tower and associated infrastructure at Lot 116, 245 Kiernan Street, Whitby, as contained within **attachment 4**, subject to the following conditions:

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

Plans and Specifications	P1-P5 received at the Shire's Offices on the 11 July 2022
--------------------------	---

- b. Prior to issue of a Building Permit, a Landscape Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. This Plan is to demonstrate the provision of a suitable screening belt of landscaping on the north side of the compound, within 5m of the compound area. The width of landscaping is to reflect the width of the compound, comprise two rows of landscaping. Species should be selected which are native and which will provide a block screening outcome, between ground level and 2m height. Once approved, the Landscaping Plan shall be implemented and maintained.

Option 2

That Council REFUSES the development application, as contained in **attachment 4**, for proposed telecommunications tower with associated infrastructure at Lot 116, 245 Kiernan Street, Whitby, for the following reasons:

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

Option 1 is recommended.

Conclusion

The proposal seeks approval for a telecommunications facility to include a 35m high monopole and associated infrastructure. In balancing the services provided by the infrastructure and the impact on the character and amenity of the area, it is considered that the proposed location and siting would minimise the visual impact of the development, consistent with the planning framework. The application is therefore recommended for approval.

Attachments (available under separate cover)

- **10.1.5 - attachment 1** - Application Details (E22/13309)
- **10.1.5 - attachment 2** - Summary of Submissions (E22/10411)
- **10.1.5 - attachment 3** - Clause 67 Checklist (E22/13310)
- **10.1.5 - attachment 4** - Plans for Councils Determination (E22/13311)



Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council approves the development which creates the risk of an adverse amenity impact	Condition of approval requiring a landscape plan	Social / Community Outcomes	Rare	Minor	LOW	Nil.
2	Council refusing the application, which may result in an appeal to the State Administrative Tribunal	Valid reasons for refusal that reflect planning matters	Financial	Possible	Insignificant	LOW	Should Council refuse for reasons other than option 2, it is important that such reasons be based on relevant planning matters.



Voting Requirements: Simple Majority

Officer Recommendation

That Council APPROVES the development application for proposed telecommunications tower and associated infrastructure at Lot 116, 245 Kiernan Street, Whitby, as contained within attachment 4, subject to the following conditions:

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

Plans and Specifications	P1-P5 received at the Shire’s Offices on the 11 July 2022
--------------------------	---

- b. Prior to issue of a Building Permit, a Landscape Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. This Plan is to demonstrate the provision of a suitable screening belt of landscaping on the north side of the compound, within 5m of the compound area. The width of landscaping is to reflect the width of the compound, comprise two rows of landscaping. Species should be selected which are native and which will provide a block screening outcome, between ground level and 2m height. Once approved, the Landscaping Plan shall be implemented and maintained.

OCM269/11/22

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Dagostino

That Council APPROVES the development application for proposed telecommunications tower and associated infrastructure at Lot 116, 245 Kiernan Street, Whitby, as contained within attachment 4, subject to the following conditions:

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

Plans and Specifications	P1-P5 received at the Shire’s Offices on the 11 July 2022
--------------------------	---

- b. The development is to be setback a distance of 170m from Keirnan Street, within the cleared southwest corner on the subject land. In being relocated, the development is to maintain a minimum 5m setback from the western property boundary and 10m setback from the southern property boundary.

CARRIED 6/2

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

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

Reason for difference to Officer Recommendation

SPP5.2 states that telecommunication infrastructure should be sited and designed to “minimise visual impact” and where possible be located where such will not detract from a streetscape where viewed from public or private land, under provision 5.1.1(11)(b).

Councillor Atwell returned to the Chambers at 8:50pm.

Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.1.5.



10.1.6 - Proposed Amendment to Conditions of Approved Extractive Industry - Lot 4, King Road, Oldbury (PA22/705)

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.
----------------	--

Proponent:	Aigle Royal Developments Discretionary Trust
Owner:	As Above
Date of Receipt:	11 August 2022
Lot Area:	14.24ha
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 seeking amendments to conditions for an approved 'Industry Extractive' at Lot 4 King Road, Oldbury.

Pursuant to Clause 77(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions), the proposal seeks to amend the existing approval in the following manner:

- Excavation Plan: Amend the condition relating to the excavation plan, in order to extend excavation closer to the eastern boundary of the site;
- Excavation Period: Extend the excavation period to four years, due to market conditions that will create an extended demand-based excavation period;
- Road Bond: Revise the condition relating to the financial contribution of the road asset deterioration impact of the proposed development, so that such is to be paid annually based on the actual number of vehicles generated by the development; and
- Final Groundwater Separation: Amend the condition relating to finished levels to allow a 500m separation distance to maximum groundwater level, consistent with DWER advice.

The application is presented to Council as a submission was received raising concerns regarding the potential impact of reduced finished groundwater levels on the quantity and quality of groundwater and surface water resources within the area particularly the superficial aquifer within the adjoining lot. Officers do not have delegated authority to determine development applications



where concerns cannot be satisfied by way of amendments or conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

For the reasons outlined in the report, it is recommended that the proposed amendments be approved, subject to conditions.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 September 2021 - OCM248/09/21 - COUNCIL RESOLUTION / Officer Recommendation

1. That Council **APPROVES** the development application for the 'Industry Extractive' as contained within attachment 1 at Lot 1 King Road, Oldbury subject to the following conditions:

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

<i>Plans and Specifications</i>	<i>Development Plans received at the Shire Offices on 24 June 2021; Transport Impact Statement received at the Shire Offices on 24 June 2021; Environmental Management Plan received at the Shire's Offices on 24 June 2021.</i>
---------------------------------	--

b. Prior to commencement of development, the applicant shall submit an updated excavation site plan showing a minimum of 10m setback to the northern boundary, and the protection of the community of the 'Good to Very Good' Banksia Woodlands' on the eastern portion of the subject land, to the satisfaction of the Shire of Serpentine Jarrahdale. This must be approved prior to operations commencing.

c. This approval is valid for a period of 12 months from the date that operations commence.

d. The hours of operation of the 'Industry Extractive' are restricted to 7:00am to 5.00pm Monday to Friday only.

e. Prior to commencement of development, the perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved excavation area only as per condition b above.

f. Prior to commencement of development, a Dust Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall include measures to minimise dust generated from the development to ensure that dust levels comply with National Environmental Protection (Ambient Air) Measures. Once approved, the development shall be undertaken in accordance with the Dust Management Plan.

g. Prior to commencing of development, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall include measures to ensure the development does not cause adverse noise impacts on surrounding sensitive land uses, in accordance with the Environmental Protection (Noise) Regulations. Once approved, the development shall be undertaken in accordance with the Noise Management Plan.

h. The landowner shall ensure that all loads leaving the premises are to be enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism used to prevent dust nuisance.



- i. Prior to commencement of site works, a Bushfire Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale.*
 - j. Prior to commencement of works, a Rehabilitation Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate the appropriate staged rehabilitation of the land, to ensure a viable end state for rural use commensurate with its rural zoning. Once approved, the Plan must be implemented on a staged basis to avoid areas being left unmanaged so as to avoid weed infestation.*
 - k. The excavation area shall be progressively rehabilitated when final contour levels and grades for each stage are achieved and within six months of the closure of each stage, with such rehabilitation being in accordance with the Rehabilitation Management Plan.*
 - l. Prior to the issue of an Extractive Industry Licence and prior to the commencement of works, the applicant shall make a financial contribution of \$69,379.20 to the Shire of Serpentine Jarrahdale, reflective of the calculated road asset deterioration impact of the proposed development. This contribution satisfies the road maintenance agreement, in order for the Shire to address damage to the road asset associated with the haulage route, in order to address road safety along this route.*
 - m. The landowner shall submit an Annual Compliance Assessment report to the Shire by 31 December each calendar of operation. The Annual Compliance Assessment Report shall include an internal compliance audit of the development approval conditions and management plans, complaints and complaint responses.*
 - n. The finished ground level of the operation shall achieve a minimum of 1m separation from groundwater and shall not be below 21m AHD.*
 - o. The road haulage route shall be limited to King Road to Orton Road to Kargotich Road and to Abernethy Road, and vice versa, only.*
- 2. SUBJECT to satisfying condition m of the planning approval, APPROVES the application contained within attachment 5 for an Extractive Industry Licence at Lot 4 King Road, Oldbury under the Shire of Serpentine Jarrahdale Extractive Industries Local Law subject to the following conditions:**
- a. The landowner/licensee shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and the Shire's development approval conditions for an extractive Industry at Lot 4 King Road, Oldbury.*
- 3. AUTHORISES the Chief Executive Officer to issue the Extractive Industry Licence, in accordance with this decision.**

Background

Existing Development

The subject site has an area of 14.24ha and is bound by King Road to the west, undeveloped land and a poultry farm to the north and existing sand mines to the south and west. Vehicle access to the site is proposed via an existing limestone gravel driveway south of the site, via King Road. The subject site lies within a broad acre area that supports predominately agricultural, rural industrial and sand extraction land uses.

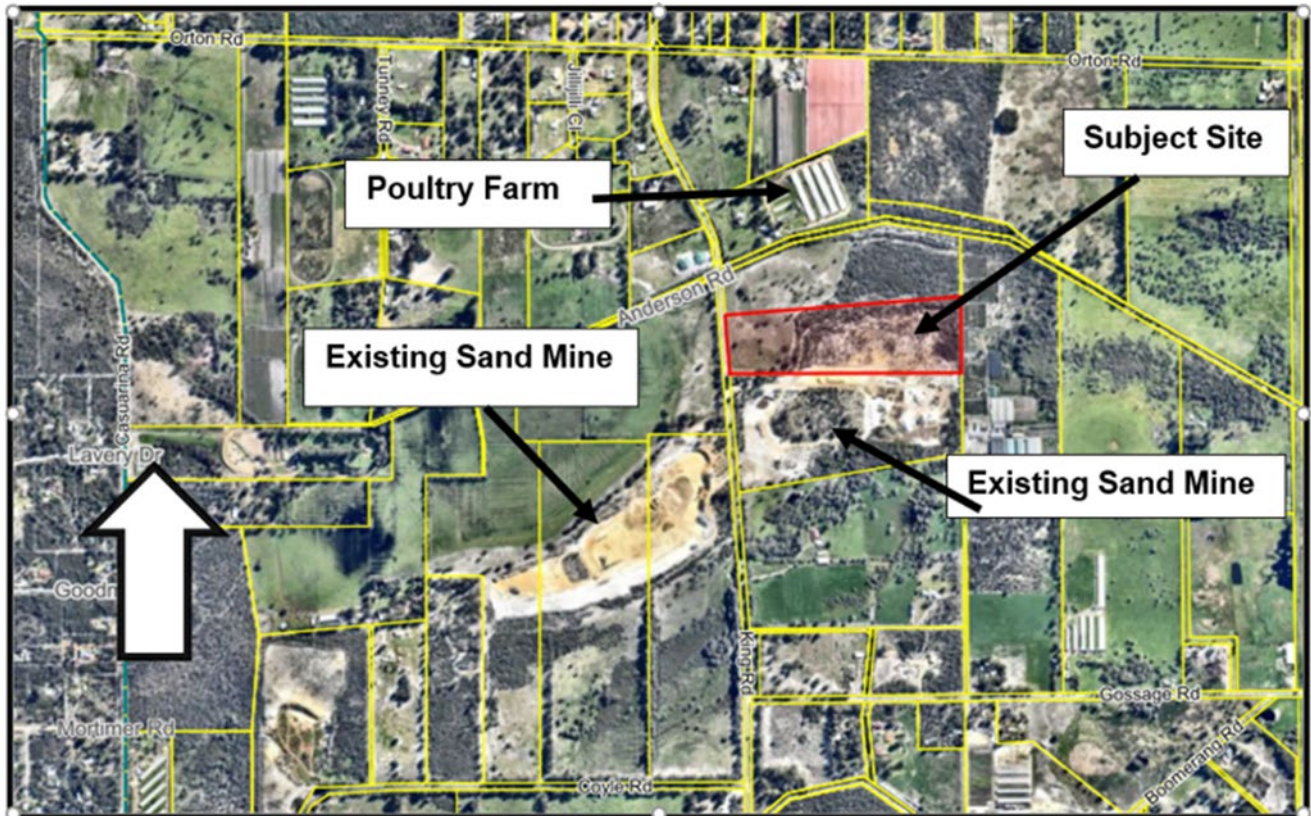


Figure 1: Location Plan

Historically the site has generally been cleared of vegetation for agricultural purposes and to facilitate mining of sand, which have been undertaken by the landowner since the mid 1980s.

Proposed Development

Council, at its Ordinary Council Meeting of 20 September 2021, approved a development application for an 'Extractive Industry' at the site, subject to a number of conditions. The application seeks approval under clause 77 (b) of the Deemed Provisions to amend conditions of this approval as follows:

AMEND Condition b which currently states *“Prior to commencement of development, the applicant shall submit an updated excavation site plan showing a minimum of 10m setback to the northern boundary, and the protection of the community of the ‘Good to Very Good’ Banksia Woodlands’ on the eastern portion of the subject land, to the satisfaction of the Shire of Serpentine Jarrahdale. This must be approved prior to operations commencing.”*

Proposed change and justification - The application proposes to amend this condition to allow extraction of sand to the eastern portion of the site with a setback of 20m. To support the proposal, the applicant has submitted a Flora and Fauna Survey for the site, the findings of which are discussed further in the report. No amendments are proposed to the approved 10 metre setback to the north.

AMEND Condition c which currently states, *“This approval is valid for a period of 12 months from the date that operations commence.”*

Proposed change and justification - The application proposes to amend this condition to allow extending the approval period from twelve months to four years, to allow a demand-based excavation which responds to market conditions within the construction and building industry.



This is also due to extended timeframes that projects are experiencing as a result of current and forecast labor and other material shortages.

Amend Condition I which currently states *“Prior to the issue of an Extractive Industry Licence and prior to the commencement of works, the applicant shall make a financial contribution of \$69,379.20 to the Shire of Serpentine Jarrahdale, reflective of the calculated road asset deterioration impact of the proposed development. This contribution satisfies the road maintenance agreement, in order for the Shire to address damage to the road asset associated with the haulage route, in order to address road safety along this route.”*

Proposed change and justification - The application proposes to amend this Condition to allow an annual contribution to the Shire that is reflective of the pavement asset deterioration associated with the development. This would be based on the actual (rather than forecast) number of vehicles generated by the development. The rationale for the amending the Condition to allow for potential fluctuations in vehicle movements based on the demand and supply of the sand and therefore for contributions to relate to the financial year that the development operates.

Amend Condition n which currently states *“The finished ground level of the operation shall achieve a minimum of 1m separation from groundwater and shall not be below 21m AHD.*

Proposed change and justification - The application proposes to amend this Condition to allow the separation distance to maximum groundwater level from the approved final finished level from 1 metre to 0.5 metres. The applicant has provided a groundwater level mapping report prepared by the consultants Hyd20. The report assessed the onsite groundwater level monitoring and concluded that a minimum separation distance of 500mm can be achieved without impacting on groundwater resources.

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

Community / Stakeholder Consultation

The application was advertised for a period of 28 days from 2 September 2022 to 30 September 2022 to surrounding landowners within a 1km radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire’s website for the same period.

At the conclusion of the consultation, one submission was received objecting to amending the approved finished ground water levels from 1 metre to 0.5 metres. The submitter raised concerns regarding the potential impact of the reduced levels on the quantity and water quality of the superficial water resource (aquifer) on the adjoining seedling farm. This matter is discussed in the groundwater section of the report.

Consultation with other Agencies or Consultants

Department of Water and Environment Regulation

As the subject site contains native vegetation and the extraction footprint proposes additional clearing, the application was referred to DWER. DWER do not object to the proposal, and provided advice on the following key issues and recommendations:

Final Separation to Groundwater

Groundwater Resources

- *The application seeks to amend the separation distance to maximum groundwater level from the final finished level from 1 metre to 0.50 metres. This proposed separation distance to maximum groundwater level is consistent with advice provided to the applicant by the*



Department in April 2022 which noted a minimum of 0.3 metres separation to the maximum groundwater level be maintained.

Excavation Plan

Native Vegetation

Advice

- *Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless:*
 - *it is undertaken under the authority of a clearing permit*
 - *it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required*
 - *the clearing is subject to an exemption*
- *Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).*
- *The Department received a Clearing Permit application CPS 9406/1 on 14/9/2021 from Aigle Royal Superannuation Pty Ltd and ARD No.3 Pty Ltd to clear 7.05 hectares of native vegetation at this location for the purposes of sand extraction. This application is currently being assessed.*
- *The extent of clearing specified in the clearing permit application appears to be consistent with the clearing proposed in the Development Application.*

Peel Harvey Coastal Plain Catchment

Advice

- *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*
- *Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.*
- *In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.”*

Officer Comment:

In relation to groundwater, Officers support the 500mm separation from groundwater and such that the finished excavation levels to be in accordance with the mining plan contained with the Hydrology Report.

The application, as part of a separate process, is required to lodge a clearing permit application for clearing native vegetation under section 51C of the *Environmental Protection Act 1986*.



Department of Biodiversity, Conservation and Attractions (DBCA)

- *“Any proposed clearing of native vegetation associated with the proposal should be undertaken in accordance with the Environmental Protection Act 1986 (EP Act) and Environmental Protection (Clearing of Native Vegetation) and be discussed with the Department of Water and Environmental Regulation (DWER).”*

Officer Comment:

The application, as part of a separate process, is required to lodge a clearing permit application for clearing native vegetation under section 51C of the *Environmental Protection Act 1986*.

Water Corporation

- *“Water Corporation doesn’t have any assets that will be impacted and will not be providing any services; therefore we don’t have any objection to this proposal.”*

Officer Comment:

Noted.

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

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

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



Planning Assessment

Deemed Provisions

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

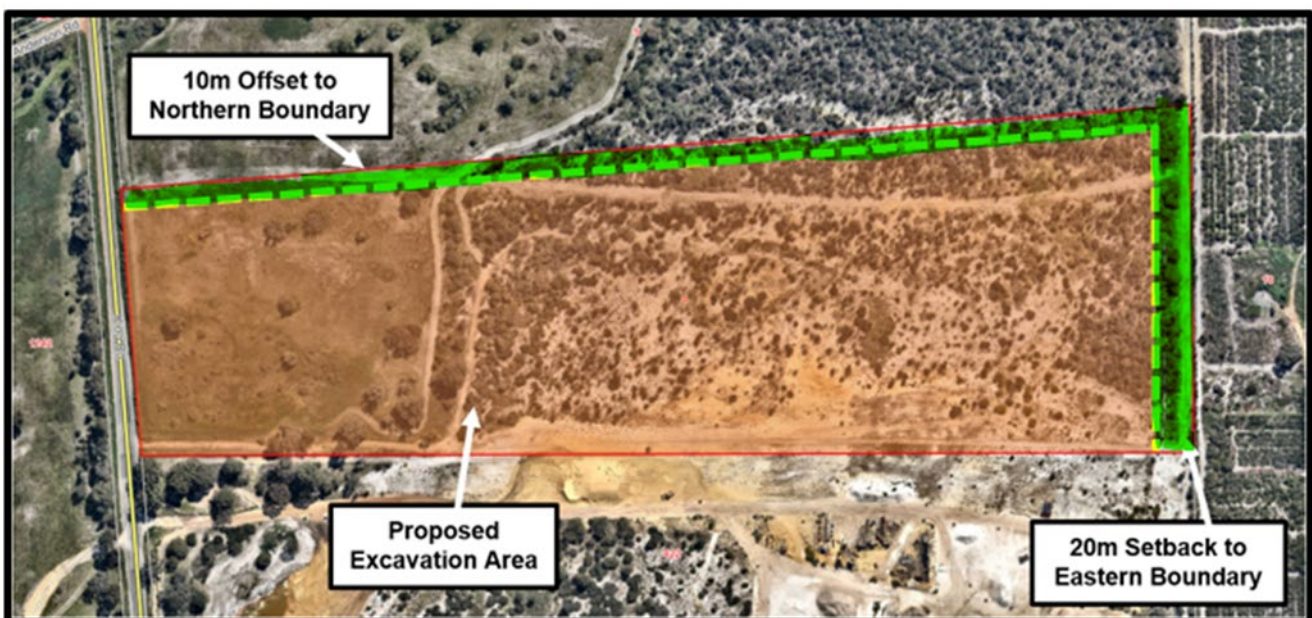
In respect of such an application to amend or delete a condition, the deemed provisions provide as follows:

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

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

Condition (b) - Retaining 'Good to Very Good' Portions of Banksia Woodlands on the eastern portion of the subject land

The applicant is seeking approval to amend condition (b) to extend excavation up to 20m from the eastern boundary. The applicant has provided information that a 20m setback, as proposed, will ensure an amount of Banksia Woodlands is maintained, as shown following:



To support the proposal, the applicant has provided a Flora, Vegetation and Fauna Survey prepared by PGV Environmental. This can be viewed within **attachment 4**. The assessment targeted a search for Threatened Ecological Community (TEC) and Threatened and Priority Flora species within the survey area.

The survey confirmed the presence of Banksia Woodlands along the east and northern boundary. The survey concluded that the overall condition of the vegetation to the north was classified as 'Degraded' to 'Completely Degraded' Banksia Woodlands. The survey also confirmed the



presence of Banksia Woodlands along the eastern boundary having a classification condition of 'Good' to 'Very Good'.

The assessment further concluded that the Banksia Woodlands to the east is of an area less than the threshold size necessary for protection under the *Environment Protection and Biodiversity Conservation Act 1999*. A 20m setback from the eastern boundary is proposed to be maintained, which will retain approximately 0.44ha of Banksia Woodland. This will protect 'Good' to 'Very Good' Condition Banksia Woodland habitat onsite, and provide a link to the larger complex to the north.

In assessing the merits of the proposal, Officers undertook an assessment against Clause 7.12.6: 'Criteria for Assessing Application for Tree Removal or Damage' of TPS2 which sets out the relevant criteria for Council to consider when the removal of native vegetation is sought. The following provisions are the most relevant to the matter:

- There should be a minimum disturbance to the landscape characteristics of the locality.

The locality, as a result of a range of rural activities including a number of neighbouring extractive industries, have resulted in land parcels being cleared, creating a locality which does not hold the landscape characteristics typical of a natural area. The immediate property to the south continues to extract whereby there are cleared areas on the site. The site has also been subject to clearing resultant from a previous extractive industry approval which is evident in the below image, already impacting upon the natural characteristics of the site and its locality.



Officers consider that the removal of the vegetation would not make the site inconsistent with the existing landscape in the locality. It is also important to note that the site is appropriately screened from King Road. The proposed eastern boundary is setback 20m to assist in the retention of Banksia Woodland onsite.

- The intrinsic value of the tree in terms of physical state, rarity, and variety and particularly whether or not the tree is natural growing.



The Banksia Woodlands onsite is predominantly on the fringes of the larger complex within Lot 5, which has been classified as being more superior. The removal of the Banksia Woodland vegetation on the subject site is not considered to reduce the value of the broader TEC complex to the north. A strand within the 20m setback is proposed to be maintained comprising of an amount of 0.44ha Banksia Woodland. Officers consider the increased excavation to unlikely impact upon the larger complex to the north, and still provides for flora and fauna connectivity to occur.

The applicant would be required, as part of the Rehabilitation Management Plan imposed as part of the previous approval, to revegetate the site using Banksia Woodlands and complementary species to allow regeneration over time.

- Giving effect to any proposals made for replacement of trees removed, for planting or replanting generally, and any comprehensive proposal for landscaping

As part of a Rehabilitation Management Plan requirement as mentioned above, the applicant is required to assist in the regeneration of the Banksia Woodlands by replanting and revegetating the site using Banksia Woodlands and complementary vegetation species. This will ensure biodiversity values are supported over time.

- Preservation of the existing and future amenity of the adjoining land and the natural environment of the locality

The development is not considered to adversely impact upon the adjoining land and its natural environmental values. The land to the south has been subject to extraction as part of a separate approval and extraction continues within cleared areas. The lot to the north will not be adversely impacted upon as the 10m setback requirement to the northern boundary provides a sufficient separation distance which protects the larger complex and its values.

Council should also note that the applicants will be required to obtain a clearing permit from DWER. As listed above, DWER has received an application for a clearing permit which is currently being assessed.

From a fauna perspective, the survey identified species that include endangered Carnaby's and Baudin's Black Cockatoos. Two priority species of reptiles - Perth Slider, Lined Skink and Black-Striped Snake and two marine bird species - Cattle Egret (*Ardea ibis*) (Marine); Rainbow Bee-Eater and the Quenda/Southern Brown Bandicoot were identified.

Officers consider that the fauna assemblages on the site are likely to continue to habitat in the remaining vegetation to the northern and eastern patches along the boundaries. Officers consider that this fauna would have the opportunity to migrate to the northern patch which contains a superior Banksia Woodland habitat on Lot 5. Officers therefore support amending the current condition In this regard, it is recommended that the current condition (b) is amended as follows:

'Excavation is to be setback a minimum of 10m from the northern boundary, and a minimum of 20m from the eastern boundary.'

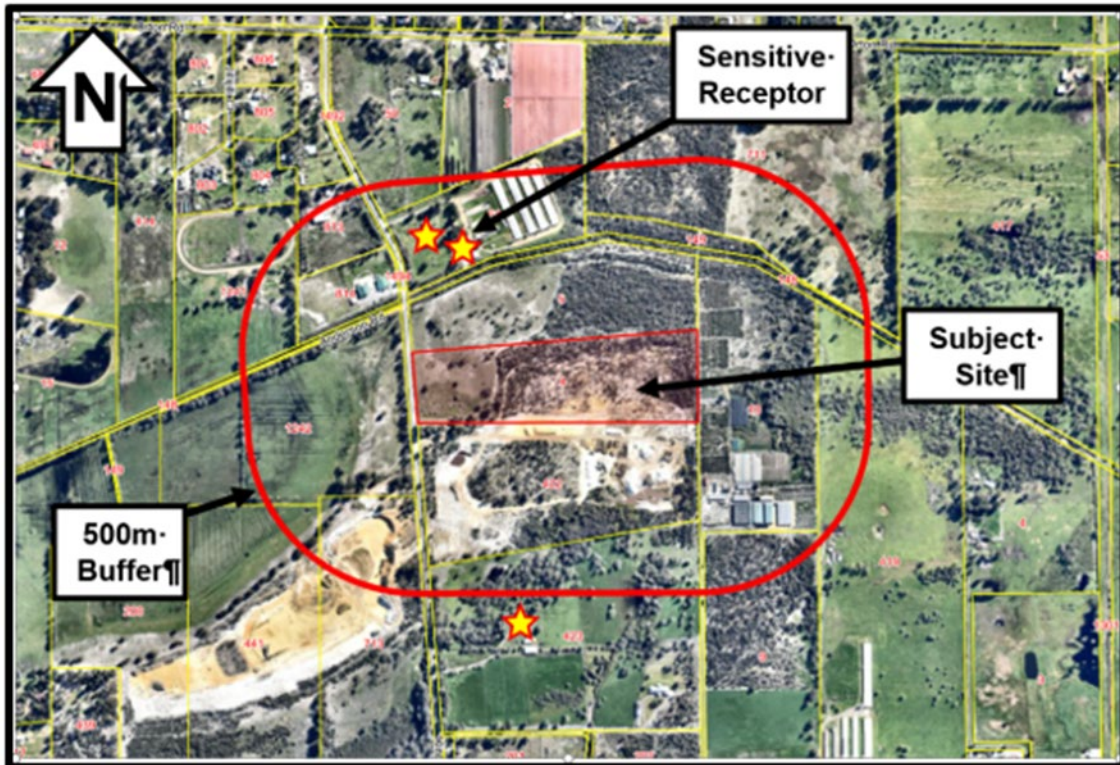
Condition (c) - Extraction period

The application seeks to amend this condition to allow extending the approval period from twelve months to four years. No additional sand is to be extracted, the 175,000 tonnes will be instead staged over the four years based on forecast demand of the resource.

As discussed in the original report to Council, the proposal has two sensitive receptors within the generic 500m separation distance of the Environmental Protection Authority Guidance Statement Note 3 (Separation distances between Industrial and Sensitive Land Uses) and one immediately



south of the separation distance as identified in the figure below. The two dwellings are located on Lot 51 King Road, north of the subject site with the closest sensitive receptor located approximately 240m from the proposed operations.



Location of Sensitive Receptors

Noise sources comprise of vehicle movements to and from the site and excavators. Limited screening of materials has also been approved to occur onsite. The operations still seek to operate between 7:00am - 5:00pm Monday to Friday only.

Given the same resource is proposed to be extracted over four years than the original 12 months, there will be less frequent activity as a result. Noise impacts will thus be less likely, albeit spreading over an extended period of time.

In considering the above, as the additional area of excavation to the east does not encroach upon additional sensitive receptors, and dilutes activities of a four year timeframe, there are no additional issues considered to result. Accordingly, the existing condition of approval (which remains unchanged) requiring a Noise Management Plan is considered sufficient to still manage noise emissions over an extended duration of operations.

Based on this, condition (c) is recommended to be amended as follows:

This approval is valid for a period of four years from the date that operations commence.”

Associated within this, is the resolution of Council to approve issuing of an associated Extractive Industry licence pursuant to the local law.

Condition (l) - Road bond contributions

The condition was imposed as additional vehicle movements generated by the development accelerates the deterioration of the condition of the Shire’s local roads. Bringing forward safety issues for the community associated with more rapidly deteriorating road assets.



Currently, Condition (l) requires the applicant to make a once off upfront financial contribution of \$69,379.20, prior to works occurring. This amount is based on the anticipated vehicle trips associated with the approved 175,000 tonne extraction. The approved route for the haulage trucks associated with the approved development is shown in the diagram below.



The applicant, as part of amending the condition, seeks for a contribution to be paid annually in arrears, based upon actual vehicle movements, as opposed to a contribution based on a forecast amount. This is a more accurate methodology in calculating a financial contribution to address road deterioration, and is considered the preferred process to ensure contributions match actual vehicle movements. Officers support the proposal and consider the condition should be amended as follows:

‘By 31 July each year in which the development operates, the landowner shall pay an annual contribution to the Shire reflective of the road pavement asset deterioration associated with the development. The contribution is to be based upon a Road Deterioration Impact Audit which is to be submitted by 1 July each year, documenting the amount of vehicles generated by the development based on verified surveyor certificate of such vehicle movements. The contribution is to be calculated in accordance with WALGA User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, utilising Figure 4, ESA per vehicle for increasing payload’.

Condition (n) - Separation to groundwater

The application proposes to amend the condition requiring a separation distance between the post excavation pit floor to maximum groundwater level from 1 metre to 0.5 metres. The applicant has provided a Groundwater Level Mapping Report prepared by the consultants Hyd2O which can be viewed within **attachment 5**.

The maximum groundwater level varies across the site ranging from approximately 19.5m AHD in the west to 19m AHD in the east. Consequently, the pit floor level will vary from 20m AHD to 19.5m AHD. Any sand resource above that level will be available for extraction.

The application including the accompanying Groundwater Level Mapping Report was sent to DWER for assessment and comment. The information included the natural contours of the site and site specific and regional groundwater monitoring data to accurately represent the groundwater levels within the site and the broader area. DWER were satisfied with the amended separation distance of 0.5m to the natural groundwater level.

Officers also note an objection was received during the consultation period relating to groundwater contamination as a result of the reduced separation distance. In this regard, based



on the DWER comments, Officers consider that adequate vertical separation has been provided between the base of extraction and the highest groundwater level to protect water quality and prevent evaporation loss, during and after extraction. Officers therefore consider that the extraction depth to groundwater should be approved at 0.5m and the condition amended as follows:

“The finished ground level of the operation shall achieve a minimum of 0.5m separation from maximum groundwater level identified in the Hydrology Report generally as shown in Figure 2 Mining Plan in that Report”

Options and Implications

Option1

That Council:

1. APPROVES the amendment to conditions (b), (c), (l), and (n) of the existing approval for the ‘Industry Extractive’ at Lot 4, King Road, Oldbury, as follows:
 - 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 Application received at the Shire Offices on 5 August 2021. Hydrology Investigation Report received at the Shire Offices on 5 August 2021.
--------------------------	---

- b. Excavation is to be setback a minimum of 10m from the northern boundary, and a minimum of 20m from the eastern boundary.
 - c. This approval is valid for a period of four years from the date that operations commence.
 - d. By 31 July each year in which the development operates, the landowner shall pay an annual contribution to the Shire reflective of the road pavement asset deterioration associated with the development. The contribution is to be based upon a Road Deterioration Impact Audit which is to be submitted by 1 July each year, documenting the amount of vehicles generated by the development based on verified surveyor certificate of such vehicle movements. The contribution is to be calculated in accordance with WALGA User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, utilising Figure 4, ESA per vehicle for increasing payload.
 - e. The finished ground level of the operation shall achieve a minimum of 0.5m separation from maximum groundwater level identified in the Hydrology Report generally as shown in Figure 2 Mining Plan in that Report”
2. APPROVES an Extractive Industry Licence at Lot 4 King Road, Oldbury under the Shire of Serpentine Jarrahdale Extractive Industries Local Law based on the original approval and amendments approved under (1).
3. AUTHORISES the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.

Option 2

That Council REFUSES the amendment to the existing approval for the 'Industry Extractive' at Lot 4, King Road, Oldbury for the following reasons:

- a. The additional vegetation clearing is considered to result in adverse environmental impacts, through fragmenting the current extent of Banksia Woodland which exists;
- b. The additional timeframe for development is considered to exacerbate noise impacts on the surrounding locality.

Option 1 is recommended.

Conclusion

The application seeks approval to amend four conditions for an approved 'Industry Extractive' relating to the excavation plan, approval period, road bond and final separation to groundwater.

As discussed in the report, Officers consider that the removal of the Banksia Woodland vegetation as proposed would not adversely impact on the landscape values of the locality which is characterised by sand mining activities. The remaining vegetation on site would continue to provide habitats for native fauna.

The application also seeks to extend the excavation period to four years. This is supported based on its alignment with the existing and prevailing planning framework.

The application also seeks to amend the condition for the contribution towards the deterioration of the road network to be paid annually based of vehicles generated by the development. Officers have recommended a condition of approval in that regard.

Attachments (available under separate cover)

- **10.1.6 – attachment 1** – Application details (IN22/21365)
- **10.1.6 – attachment 2** – Clause 67 Checklist (E22/13492)
- **10.1.6 – attachment 3** – Summary of Submissions (E22/11641)
- **10.1.6 – attachment 4** – Flora and Fauna Survey (IN22/21327)
- **10.1.6 – attachment 5** – Hydrology Report (IN22/21325)

Alignment with our Strategic Community Plan

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

Financial Implications

In accordance with the revised condition, road deterioration payments will be paid in arrears, so as to be accurately based upon truck movements. These payments will be reserved for managing the advanced deterioration pavement that will occur, and need remedying, along the haulage route.



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 to amend the conditions of approval, which could result in adverse amenity impacts	Conditions imposed to manage impacts	Social / Community Outcomes	Possible	Minor	LOW	Nil.
2	That Council refuses the application to amend conditions resulting in SAT review	Planning Framework	Organisational Performance	Possible	Moderate	MODERATE	Ensure reasons for refusal reflect valid planning reasons.



Voting Requirements: Simple Majority

OCM270/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Duggin

That Council:

1. APPROVES the amendment to conditions (b), (c), (l), and (n) of the existing approval for the 'Industry Extractive' at Lot 4, King Road, Oldbury, as follows:

- 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	and	Development Application received at the Shire Offices on 5 August 2021.
		Hydrology Investigation Report received at the Shire Offices on 5 August 2021.

- b. Excavation is to be setback a minimum of 10m from the northern boundary, and a minimum of 20m from the eastern boundary.**
 - c. This approval is valid for a period of four years from the date that operations commence.**
 - d. By 31 July each year in which the development operates, the landowner shall pay an annual contribution to the Shire reflective of the road pavement asset deterioration associated with the development. The contribution is to be based upon a Road Deterioration Impact Audit which is to be submitted by 1 July each year, documenting the amount of vehicles generated by the development based on verified surveyor certificate of such vehicle movements. The contribution is to be calculated in accordance with WALGA User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, utilising Figure 4, ESA per vehicle for increasing payload.**
 - e. The finished ground level of the operation shall achieve a minimum of 0.5m separation from maximum groundwater level identified in the Hydrology Report generally as shown in Figure 2 Mining Plan in that Report"**
- 2. APPROVES an Extractive Industry Licence at Lot 4 King Road, Oldbury under the Shire of Serpentine Jarrahdale Extractive Industries Local Law based on the original approval and amendments approved under (1).**
- 3. AUTHORISES the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.**

CARRIED UNANIMOUSLY 9/0



Councillor Coales declared an Impartiality Interest in item 10.1.7.

10.1.7 - Proposed 'Place of Public Worship' - Lot 3,155 Warrington Road, Byford (PA22/590)	
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.
----------------	--

Proponent:	Martin Oldfield
Owner:	Baptistcare WA Ltd
Date of Receipt:	4 August 2022
Lot Area:	33 668.516m ²
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 development application seeking a time limited approval of four years for a 'Place of Public Worship' at Lot 3,155 Warrington Road, Byford. The proposal involves changing the use of an existing dwelling and shed on site, to facilitate the continuation of Byford Baptist Church and associated food charity.

The site is owned by Baptist Care who lease the premises to the church group. The church group seek to construct their purpose-built final church in the near future, however in the interim, require a location to continue undertaking worship and charity activities.

The application is presented to Council as submissions of objection were received during the recent advertising process. Officers do not have delegated authority to determine development applications where concerns raised cannot be satisfied by way of amendments or conditions, in accordance with Delegated Authority 12.1.1 – Determination of Development Applications.

The proposal is considered to be consistent with the objectives of the 'Urban Development' zone and broader planning framework. Officers recommend that a time limited approval for a 'Place of Public Worship' be granted for a period of four years, which will also allow the applicant to progress with design, approvals and development of the final church building for the site.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background

Existing Development

The subject site is bound by Warrington Road to the east and future Orton Road Reserve to the south. The site is developed with a single dwelling and shed. The site and land to the north is in the ownership of Baptist Care, being for a future aged care development and place of public worship. The subject site has subdivision approval for the creation of three lots which is currently in the process of being created. The church will be established in the southwest corner of the land, near the intersection of Warrington Road and Orton Road extension.

The land within the general locality is intended to be developed for urban settlements in the future under the current planning frameworks. The site is located in the western part of the Byford townsite as it transitions from rural small holdings to medium and higher density residential housing.



Proposed Development

The proposal seeks approval to establish a time limited temporary 'Place of Public Worship' on the western portion of Lot 3 Warrington Road, Byford. This would involve a change of use of the existing dwelling and shed on site to facilitate the establishment of the church and associated food charity, as an interim measure for a period of four years. Vehicle access to the site is proposed via the existing crossover on Warrington Road to the east of the site. People would utilise Orton Rd and Warrington Rd for access.

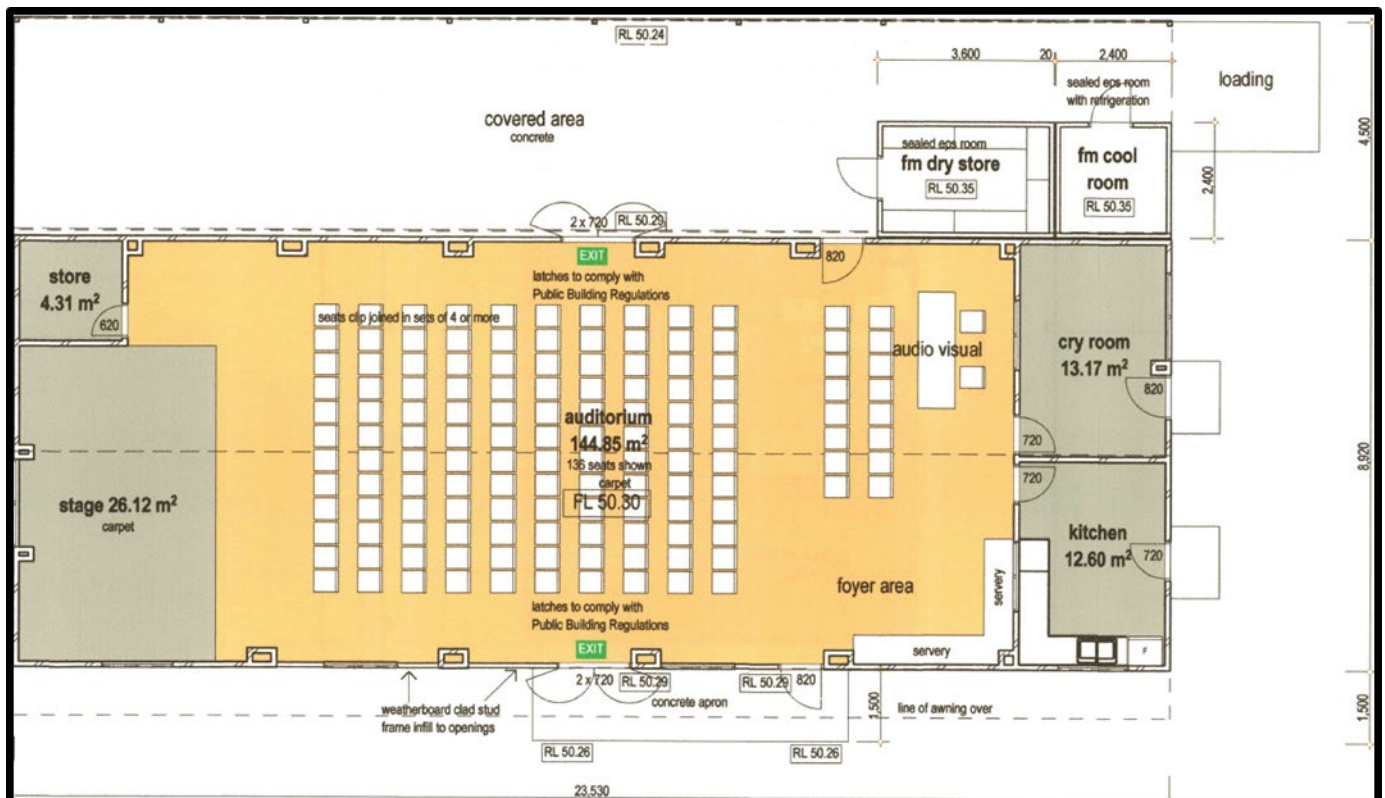
The 'Place of Public Worship' is proposed to operate 7 days a week (Monday to Sunday) generally between the hours of 8:00am to 2:00pm and up to 9.30pm on a Friday. The church undertakes a range of community activities that include seniors bible study, men's and women's breakfasts, prayer meetings, youth group, administration, food charity and Sunday worship. The schedule of activities within a typical week are captured below.



Day	Time	Activity	Numbers on site
Monday	9am – 12pm	Administration Seniors Bible Study	2
	10am		10
Tuesday	9am -12pm	Administration	2
Wednesday	9am -12pm	Administration	2
	9am -12pm	Food market preparation	2
Thursday	9am – 2pm	Administration	5
		Food market workers	
		Food market	
Friday	7pm - 9.30pm	Youth Group	30
Saturday	8am -10am	Breakfast	12
Sunday	8am -12pm	Sunday worship	70

The application also includes the following:

- Conversion of the existing shed to an auditorium with a floor area of 144.85m² as seen in the floor plan below:

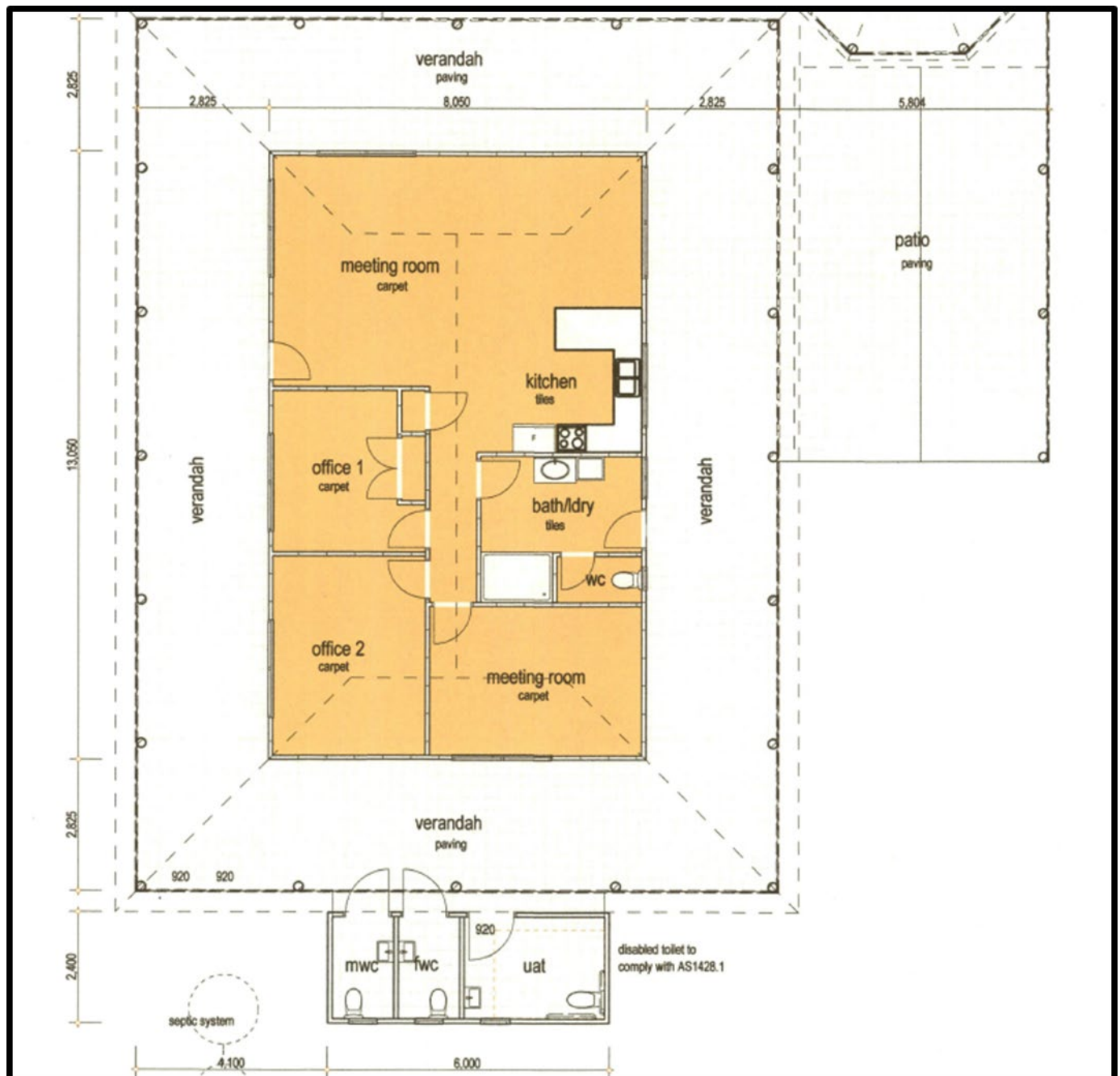




The breakdown of internal areas for the proposed auditorium is as follows:

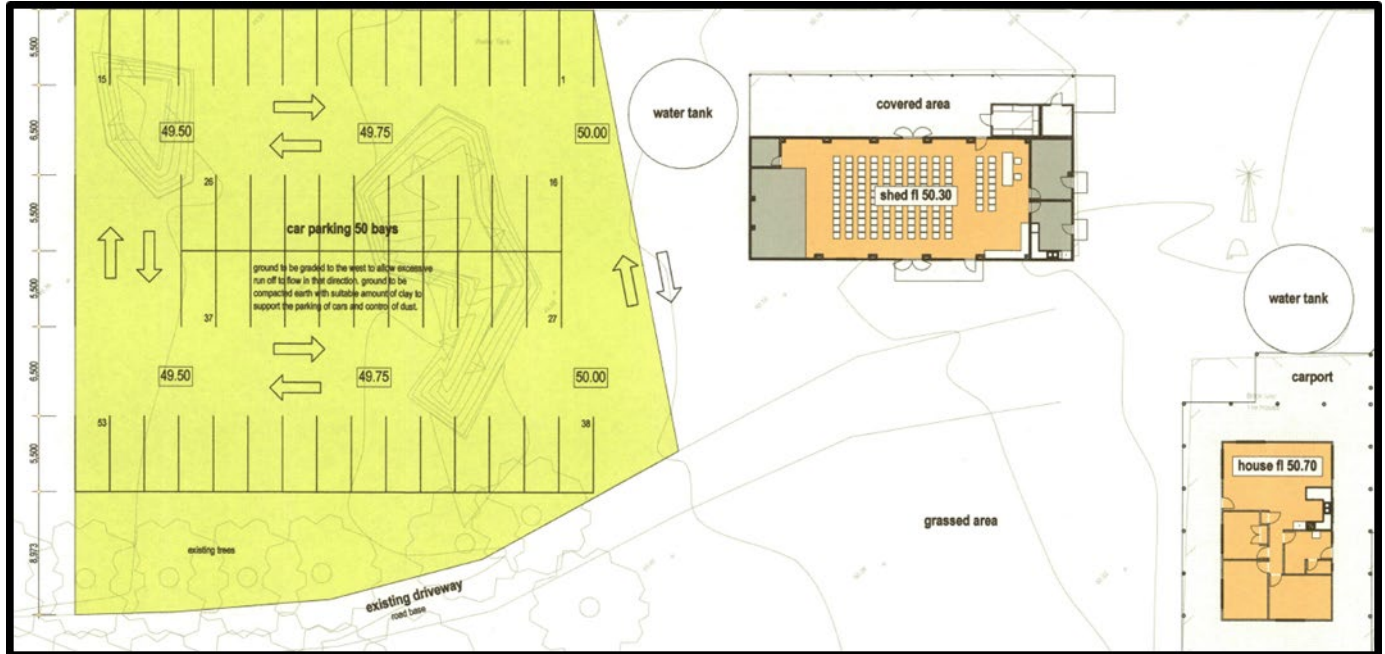
Auditorium	144.85m
Stage	26.12m ²
Store	4.31m ²
Cry room	13.17m ²
Kitchen	12.60m ²

- Conversion of the existing dwelling to an administration block consisting of two meeting rooms, two offices, kitchen and amenities as shown in the floor plan below.





- Construction of new toilets to the south of the dwelling as seen in the floor plan above.
- Construction of a car park with 53 car parking bays to the east of the proposed auditorium as seen in the site below.



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

Community / Stakeholder Consultation

The application was advertised for a period of 29 days from 17 August 2022 to 14 September 2022 to surrounding landowners of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. At the conclusion of the consultation, two objections from one landowner and one letter of support were received. The objections relate to the following issues which are discussed under the relevant headings of the report and form part of the Officer assessment.

- The proposal is a use that is not in keeping with the Doley Road Precinct Local Structure Plan that indicates that the site is earmarked as Residential R25-R40;
- The proposed development directly impacts on the existing development approval for 143 Warrington Road;
- The proposal does not adequately address the requirements of Warrington Road upgrades required as a result of the increase in traffic volumes; and
- Any proposal must adequately address sewerage requirements and capacity constraints for the precinct. Sewerage connections must not be temporary in nature.

A summary of the submissions including the applicant's response on the objections 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

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Doley Road Precinct Local Structure Plan

Local Planning Policies

- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4)

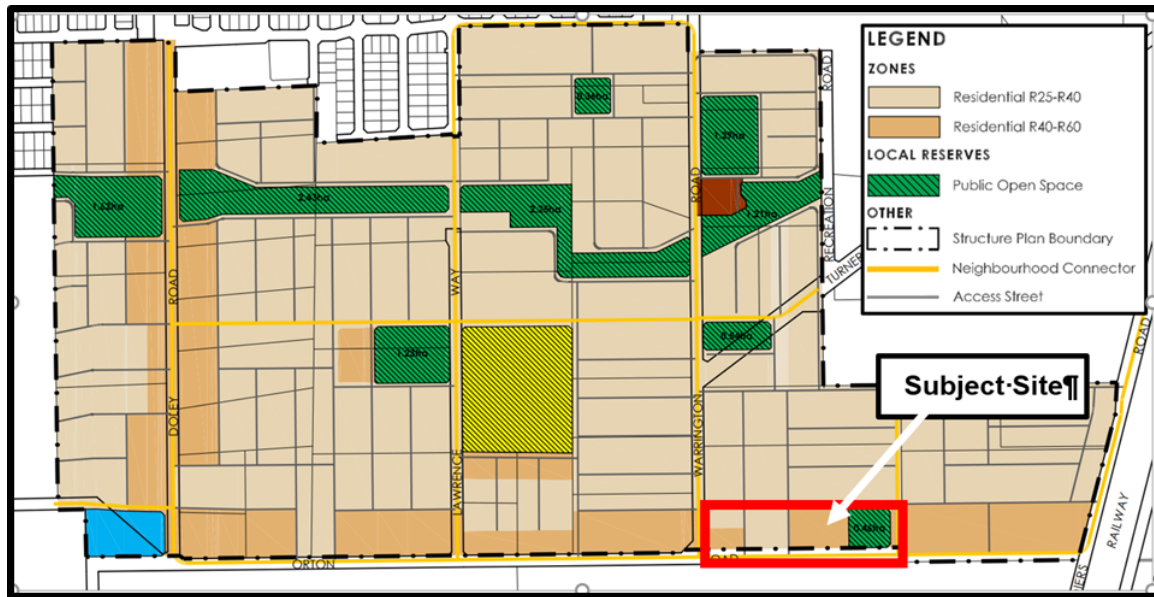
Planning Assessment

A 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 within **attachment 3**. For the purpose of this report, discussion is confined to the objections resulting in the item being presented to Council and where Council is invited to exercise discretion.

Town Planning Scheme No. 2

The subject site is zoned 'Urban Development' under the Shire's 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 the preparation of Structure Plans, which guide land use permissibility and development.

The subject site is identified as 'Residential' within the Doley Road Precinct Local Structure Plan which provide the relevant land use permissibility and indicative land use designation applicable to the site. Under the Structure Plan, the subject site is identified as residential (R25 – R40) and (R40-60) including portion being set aside for Local Open Space as seen in the figure below.



Subsequent to the Structure Plan, this lot and the adjoining lot have been purchased by Baptist Care and are planned to deliver an integrated aged care accommodation development, place of public worship, community spaces and associated public open space. This will see a land use outcome not originally anticipated by the Structure Plan. Having regard to the Structure Plan however, this land use outcome will still be designed in a manner which supports effective implementation of the important structural elements of the plan, namely the public open space and roads. It also addresses an identified housing need for the Shire, being aged friendly housing that facilitates aging in place and retention of social and community networks. The place of public worship is considered to be suitably located in the south western corner of Lot 3, providing a public type building to what will be a prominent intersection in Byford.

Land Use

The proposal falls within the TPS2 definition of 'Place of Public Worship', which is defined as follows:

"Public Worship - Place of means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential institution."

Officers are satisfied that the proposed development falls within this definition as it seeks to offer activities of a church from the site. The land use is an 'AA' land use within the 'Residential' zone under the LSP which means, "that Council may, at its discretion, permit the use" after in applying its discretionary powers to determine an application for approval within the broader planning framework

In this regard, Officers consider that the development is compatible with the existing locality of the area. The conversion of the existing buildings to establish the church and associated activities would remain consistent with the built form of the locality and the intended future development earmarked for the area, as referenced above.

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

The zoning of the subject site is identified 'Urban Settlements' under the LPS and will remain 'Urban Development' under draft Local Planning Scheme No.3 (LPS3) The proposal would fall under the land use of 'Place of Worship' which is defined as:



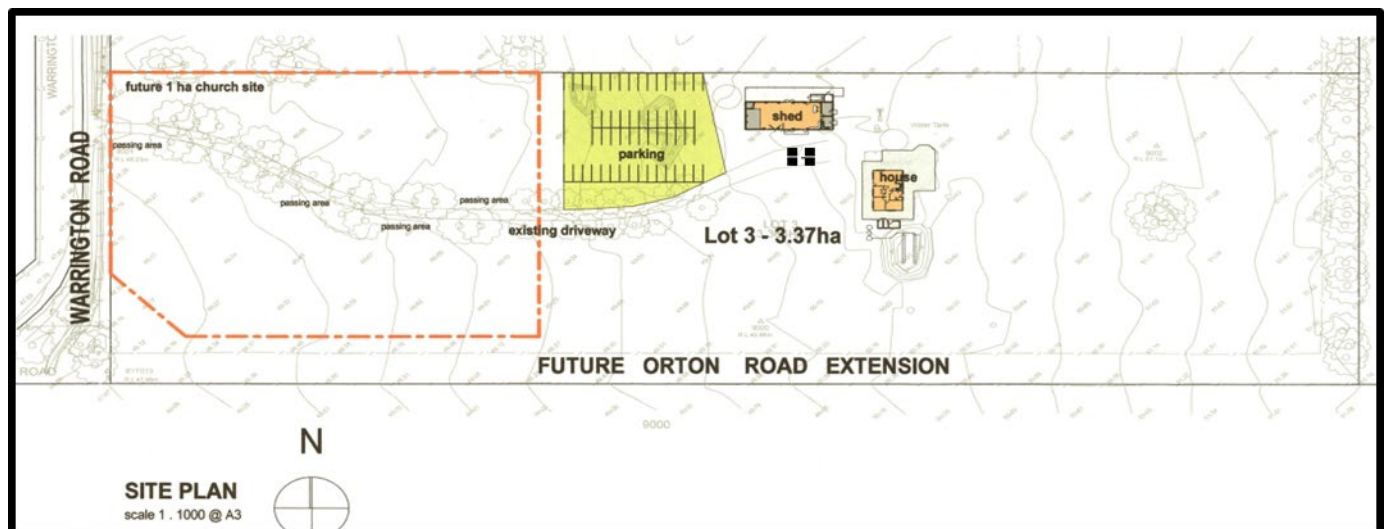
“means premises used for religious activities such as a chapel, church, mosque, synagogue or temple”.

The structure plan currently designated a land use outcome that will be changed, through subsequent planning, to make it an aged care development, with place of worship, community facilities and public open space. This will see the structure plan adjusted, and the time limited approval ensures that the amendments to the structure plan are in turn reflected by the permanent church which will be design and developed into the future. This will be subject to separate approval by the Shire.

Car Parking

Table V of TPS2 sets out the parking requirements for different land uses. The minimum number of car parking bays for a ‘Place of Public Worship’ is one parking space per four persons accommodated. The proposal seeks to accommodate up to a maximum of 70 congregants for the main Sunday worship and a maximum of 160 patrons during the Thursday food charity market. To meet the parking requirements of TPS2, this would require 18 parking bays for the Sunday worship and 40 parking bays provided onsite for the Thursday food market.

The plans provided include a total of 52 onsite bays to be constructed near the shed. This demonstrates compliance with the TPS2 parking requirements.



The parking requirements for a ‘Place of Worship’ under LPS3 is also one bay per four persons accommodated at maximum occupancy. As such, the 52 bays provided meets the parking requirements for LPS 3. Officers are therefore satisfied with the proposal.

Traffic

The category of the vehicles associated with the proposed development comprises of passenger vehicles. Vehicle access to the subject site is proposed via an existing driveway on Warrington Road the as shown in the site plan above.

During the consultation period, concerns were raised regarding the increase of traffic on Warrington Road and the required upgrades required as a result of the additional traffic volumes.

To assess the increase in traffic movements on the road network, the applicant submitted a Transport Impact Statement (TIS) which can be viewed in **attachment 4**. The TIS assessed the traffic generated from the development and its potential impact on the overall performance of the surrounding local road network, which includes Orton Road, Warrington Road, Turner Road



(which are all classified as Local Distributor Roads under the Main Roads Western Australia [MRWA] road hierarchy).

The TIS assessed the traffic movements associated with the weekly activities as listed in the table below.

Monday –	Administration, 3 cars, 3 people. Seniors bible study 10am, 6 cars, 10 people
Tuesday -	Administration, 3 cars, 3 people Food market preparation afternoon, 5 cars, 6 people
Wednesday -	Administration, 3 cars, 3 people Food market preparation afternoon, 8 cars, 12 people
Thursday –	Food market - 5 cars 8.30am, 5 people increasing to maximum of 25 cars per hour from 10am-2pm, 160 people
Friday –	Youth group, 20 cars arriving and departing 7pm, 30 people. 20 cars arriving departing 9.30pm
Saturday –	Men’s breakfast - 10 cars arriving 8am, 12 people. Departing 9.30am
Sunday –	Sunday morning worship - 6 cars arriving 8am, 10 people increasing to 50 cars by 9.30am, 70 people. 50 Cars departing 11am-12pm

Officers consider that the activities proposed as part of the development generate very low vehicle movements to site. The two more intense activities proposed to occur, being the food market and Sunday worship, are not considered to exceed the capacity of either Orton Road, Warrington Road or Turner Road. This is explained following.

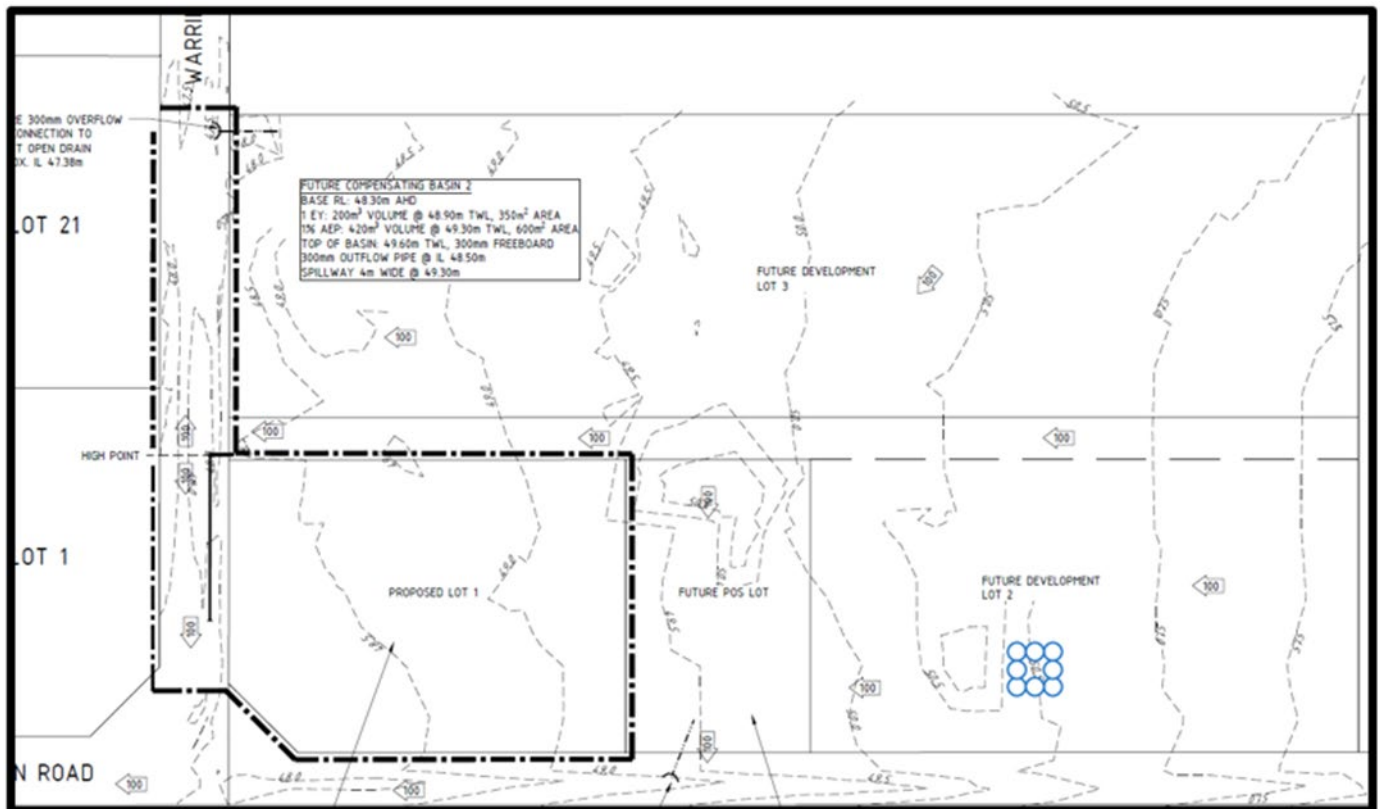
The Thursday food market activity proposes to generate 25 vehicle movements to site per hour during the 10:00am to 2:00pm time period, a total of 100 vehicles attending site and 100 leaving the site over the four-hour period. Although this increases the volume of traffic upon the road network, it is not considered to pose an adverse impact upon the safety of the network. Patrons will visit the site in a staggered approach over the four-hour open period. Furthermore, the activities are likely to operate outside of the peak periods of the immediate network, outside school pick up and drop off times.

In terms of Sunday worship, the proposal will generate 100 vehicles, comprising of 50 vehicles entering the site between 8:00am and 9:30am and 50 vehicles exiting between 11:00am and 12:00pm. The additional 100 vehicle movements would represent an increase of vehicle movements on Warrington Road and the surrounding network on a Sunday. The movements, however, will also occur outside of the peak periods of the road network on this day.

The applicants have also proposed traffic management measures which include the installation of temporary signage on Warrington Road verge on Thursday and Sunday to advise passing traffic of the food charity market and of the Sunday worship.



To further address the submission received in relation to road safety, it should be noted that as a result of subdivision approval being granted over existing Lots 2 and 3 Warrington Road, as seen below, upgrades are required to be undertaken to Warrington Road. The applicant has submitted construction drawings for the upgrades which have already been approved by the Shire. The portion of road fronting the site will be upgraded to a 20m road reserve. The upgrade will improve the road standard through Warrington Road and for users of the proposed development and the broader locality. It is also anticipated in the future the extension of Orton Road east will occur as it forms part of the Development Contribution Plan for the area, where it will be constructed to a road reserve width of 32m road.



Noise

Clause 67 of the Deemed Provisions, namely clause (n), requires the Local Government to consider the amenity impacts of a development.

To address noise, the applicant submitted a Noise Report for the proposed development. This can be viewed as **attachment 5**. The report identified two main noise sources from the evening youth group meetings occurring on Friday between 7:00pm and 9:30pm and Sunday morning worship occurring between 9:30am and 11:00am as follows.

- Noise from outdoor game activities;
- Amplified sound (singing and musical instrument) from Sunday Worship.

The nearest sensitive receptors are located 140m to the north-west and 150m to the north as captured below. There are also six sensitive receptors within a 350m radius of the site.



Due to the small-scale activities and short duration of the activities, Officers consider the noise from the proposal is unlikely to cause adverse impacts to the broader locality.

The applicant however, to manage noise emissions from the subject site, has proposed to implement the following noise management measures:

- Amplified sound levels are kept to a minimum such that the congregation can hear clearly without being loud;
- The amplified sound within the auditorium will be directed in an easterly direction which is away from the closest neighbour;
- The building is constructed of brick walls with a steel roof and no ceiling. A proportion of the sound will be contained within the building by the brick walls. Sound that escapes will mainly be upward through the roof and or through open windows or doors.

This will be required to be submitted as part of a Noise Management Plan as a condition of approval.

Effluent waste and disposal

During the consultation period, concerns were raised regarding the sewerage requirements and capacity constraints associated with development.

The application proposes to build a new toilet block consisting of a separate male and female toilet to the southern end of the existing dwelling. There is no available sewer connection to the area. The site has an existing septic system that has been designed to accept waste from the existing residential dwelling. As such, the applicant will be required to upgrade their effluent system prior occupation. This has been recommended as a condition of approval.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7)

SPP3.7 provides the requirements and guidelines for development within areas identified as bushfire prone. The western portion of the subject site is identified within the bushfire prone area in accordance with the Department of Fire and Emergency Services (DFES) Map of Bushfire Prone Areas. The SPP3.7 seeks to ensure the risk of bushfire to developments is considered and mitigated through the development assessment process.



Pursuant to the provisions of SPP3.7, the application submitted a Bushfire Management Plan (BMP) for the subject site which was undertaken by Eco Logical Australia. This can be viewed as **attachment 6**. The BMP demonstrated that the habitable buildings for the development have been sited within an area subject to a Bushfire Attack Level (BAL) of 29 for the existing dwelling and shed. The BMP proposes continual management of the grassland by slashing paddock grasses during spring and summer and managing the Asset Protection Zone (APZ) within the boundaries of the of the lot.

In terms of vehicular access, the subject site is provided with two access routes via Orton Road and Warrington Road which are public roads. The existing public road network provides one option to exit the site and travel north towards Abernethy Road to the Byford townsite and the second option to exit the site and travel to the south towards Orton Road to the west of Byford townsite. This is considered to comply with the requirement outlined in the Guidelines

The subject site is currently not connected to a reticulated water supply. There are however two x 90,000 litre existing rainwater tanks on the site adjacent to the existing buildings. The water supply is considered comply with the technical requirements of the Guidelines. Reticulated water will be extended to the subject site as part of the subdivision approval.

Officers consider that the BMP aligns with the bushfire planning measures and are satisfied that the risk to bushfire have been sufficiently addressed.

Developer Contributions (DCA1)

This development falls within Development Contribution Area No. 1 (DCA1), which is incorporated into the Town Planning Scheme No. 2 under Plan No.10A (Byford Traditional Infrastructure DCP). Under clause 9.3.13.3 of the Scheme, however, it states as follows:

9.3.13.3 Notwithstanding clause 9.3.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of —

- a) the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan;
- b) a single dwelling on a single lot and associated outbuildings;
- c) a change of use where no development is proposed;
- d) a development which is defined as 'public works under the *Public Works Act 1902*, but excluding public housing;
- e) a fence;
- f) a home business;
- g) a home occupation;
- h) a home office; or
- i) any development which is permitted and excluded from the requirement for planning consent pursuant to clause 61 of the Deemed Provisions.



The proposal represents a temporary change of use with no physical additional development proposed. Accordingly, the temporary change of use (conversion) enjoys an exemption under 9.3.13.3. The permanent church, being a newly developed building, will be subject to the application of the DCP.

Options and Implications

Option 1

That Council APPROVES a time limited development application for a change of use (conversion) of a single house and shed to a 'Place of Public Worship', for a period of four years from the date of approval, at Lot 3,155 Warrington 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 Specifications	Development Plans received by the Shire on 4 August 2022 Transport Impact Statement received by the Shire on 5 August 2022 Noise Report received by the Shire on 5 August 2022 Bushfire Management received by the Shire on 4 August 2022
--------------------------	--

- b. The 'Place of Public Worship' is time limited to a four year approval only.
- c. The hours of operation of the 'Place of Public Worship' are restricted to 9:00am to 2.00pm Monday to Thursday, 7.00pm to 9.30pm on Friday and 8:00am to 12:00pm Saturday and Sunday.
- d. Prior to the occupation of the development, the landowner shall install an approved effluent disposal system to the satisfaction of the Shire of Serpentine Jarrahdale.
- e. Prior to issue of a Building Permit, a Noise Management Plan (NMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the NMP shall be implemented in its entirety to the satisfaction of the Shire.
- f. Prior to issue of a Building Permit, a Traffic Management Plan (TMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once accepted the TMP shall be adhered to at all times.
- g. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed and constructed in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.

Option 2

That Council REFUSES a time limited development application for a 'Place of Public Worship' for a period of four years at Lot 3,155 Warrington Road, Byford due to potential amenity impacts associated with noise and traffic generation.

Option 1 is recommended.



Conclusion

Officers consider that the development is consistent with the planning framework. The proposed development will increase community facilities for the local community that will assist to support the population growth within the Shire. Notwithstanding the submission received, the proposal is considered to meet the objectives and intent of the zone and Structure Plans. As such, for the reasons outlined in the report, it is recommended that Council approve the application subject to conditions.

Attachments (available under separate cover)

- 10.1.7 - attachment 1 - Development Plans (IN22/22252)
- 10.1.7 - attachment 2 - Summary of Submission (E22/13792)
- 10.1.7 - attachment 3 - Technical Assessment (E22/13793)
- 10.1.7 - attachment 4 - Traffic Impact Assessment (IN22/15654)
- 10.1.7 - attachment 5 - Noise Report (IN22/15651)
- 10.1.7 - attachment 6 - Bushfire Management Plan (IN22/22240)

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.
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.	Approval of the development needs appropriate conditions to manage amenity impacts	Conditions of approval	Social / Community Outcomes	Rare	Minor	LOW	Nil.



2.	That Council refuses the development as proposed.	Planning framework	Organisational Performance	Possible	Moderate	MODERATE	Explain reasons for decision
----	---	--------------------	----------------------------	----------	----------	----------	------------------------------

Voting Requirements: Simple Majority

OCM271/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Rich, seconded Cr Duggin

That Council **APPROVES** a time limited development application for a change of use (conversion) of a single house and shed to a 'Place of Public Worship', for a period of four years from the date of approval, at Lot 3,155 Warrington 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 Specifications	<p>Development Plans received by the Shire on 4 August 2022</p> <p>Transport Impact Statement received by the Shire on 5 August 2022</p> <p>Noise Report received by the Shire on 5 August 2022</p> <p>Bushfire Management received by the Shire on 4 August 2022</p>
---------------------------------	---

- b. The 'Place of Public Worship' is time limited to a four year approval only.
- c. The hours of operation of the 'Place of Public Worship' are restricted to 9:00am to 2.00pm Monday to Thursday, 7.00pm to 9.30pm on Friday and 8:00am to 12:00pm Saturday and Sunday.
- d. Prior to the occupation of the development, the landowner shall install an approved effluent disposal system to the satisfaction of the Shire of Serpentine Jarrahdale.
- e. Prior to issue of a Building Permit, a Noise Management Plan (NMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the NMP shall be implemented in its entirety to the satisfaction of the Shire.
- f. Prior to issue of a Building Permit, a Traffic Management Plan (TMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once accepted the TMP shall be adhered to at all times.
- g. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed and constructed in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.

CARRIED UNANIMOUSLY 9/0



Councillor Dagostino declared a Proximity Interest in item 10.1.8 and left the Chambers at 8:53pm.

Councillor Duggin declared an Impartiality Interest in item 10.1.8.

10.1.8 - Proposed Service Station (with incidental components), Rural Supplies Store and Veterinary Clinic - Lot 9002, (formerly Lot 801), 1780 Thomas Road, Oakford (PA22/297)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
----------------	--

Proponent:	Planning Solutions
Owner:	V and T Borrello
Date of Receipt:	4 April 2022
Lot Area:	15.53ha
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 Responsible Authority Report (RAR), as contained in **attachment 1**, prepared for a development application for a 'Service Station' (with incidental components), 'Rural Supplies Store' and 'Veterinary Clinic' at Lot 9002 (formally Lot 801), 1780 Thomas Road, Oakford.

The Metro Outer Joint Development Assessment Panel (MODAP) will replace Council as the decision-making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The proposal is presented to Council as Officers do not have delegated authority to provide a RAR to the MODAP.

The item was presented to Council at its Ordinary Council Meeting of 22 June 2022, where Council resolved to recommend the MODAP refuse the application for reasons including:

- impact of the proposal on traffic safety;
- impact of the proposal on the future road network and;
- inconsistency of the proposal with draft Local Planning Scheme No.3;



The MODAP meeting was subsequently held on 7 July 2022 where the MODAP deferred the application *“For the applicant to review their plans in accordance with the recent MRWA proposal for grade separation of the intersection of Kargotich Road and Thomas Road, as part of the overall upgrade of the Anketell/Thomas key east-west freight route serving the planning new Westport outer harbour at Cockburn Sound, and further to seek WAPC assessment of their proposal, which is required as portion of their site falls within Planning Control Area (PCA) 161 established as part of the overall planning for the freight corridor. As consultation is required with government agencies, in addition to further assessment by the Shire of Serpentine Jarrahdale, an extended period has been allowed for this to occur”*.

Minutes of that meeting are contained within **attachment 2**.

As per the MODAP decision, the applicant has submitted amended details, as contained within **attachment 3**, for Council to consider and prepare the RAR. It is considered that this information satisfies the previous concerns, and as such the RAR recommends that MODAP approves the application subject to conditions.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 June 2022 – OCM130/06/22 - COUNCIL DECISION / Officer Recommendation

That Council resolves the following Responsible Authority Report Recommendation:

- 1. That the Metro Outer Joint Development Assessment Panel REFUSES the application for the service station, rural supplies store and veterinary clinic as contained within attachment 2 for the following reasons:*
 - a. The land use of ‘service station’ is a prohibited use in the ‘Rural’ zone under draft Local Planning Scheme No. 3. It is contrary to the principles of orderly and proper planning to grant approval for a use which is imminently designated to become a prohibited use in the zone under the new Scheme.*
 - b. The land use of ‘service station’ is inconsistent with the objectives of the ‘Rural’ zone in draft Local Planning Scheme No. 3 and the Local Planning Strategy as it is an inappropriate non-rural use.*
 - c. The ‘service station’ by way of its design and external appearance would adversely impact on the rural character and amenity of the locality.*
 - d. The development, by way of its siting, would impact future road network projects, contrary to the principles or orderly and proper planning.*
 - e. The proposal, by way of the northernmost crossover, would adversely impact on traffic safety due to its location in the functional area of the proposed roundabout.*

Background

The subject site is located to the south of Thomas Road and the west of Kargotich Road in Oakford. The current use of the subject land is rural in nature, historically being used for pastoral and grazing purposes. Lots south of Thomas Road are generally rural with rural residential development. Lots to the north of Thomas Road are also generally rural residential.

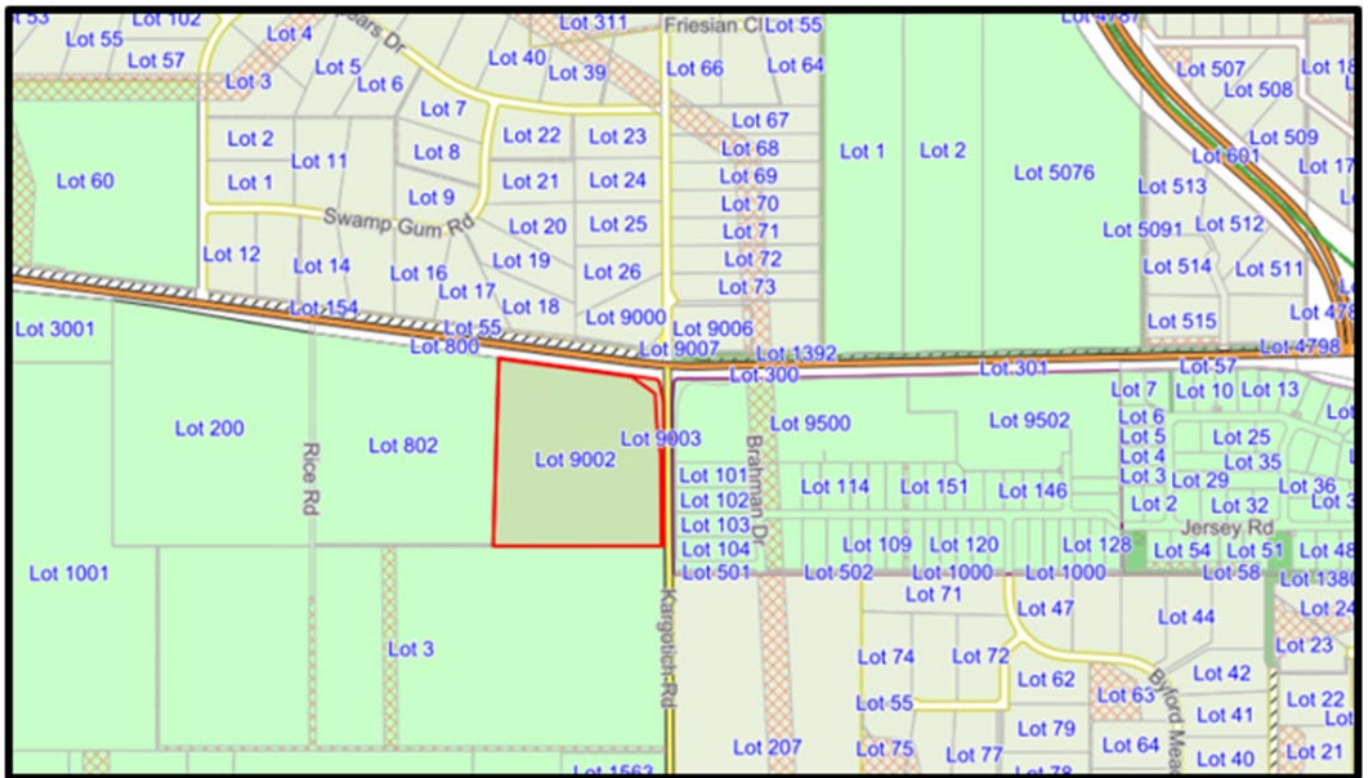


Figure 1: Location Plan

A similar development was approved by Council in 2013, however at this meeting a full suite of conditions were not imposed. The matter was presented to Council again in 2014 with a list of recommended conditions and the application was approved. It was never implemented.

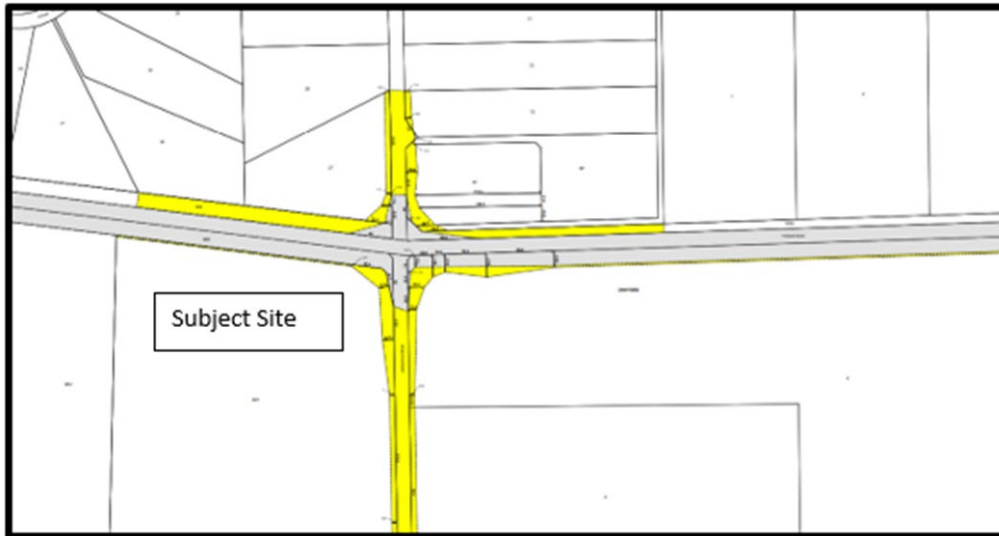
In 2015, an approval was granted by Council to extend the commencement timeframe of this development. Following consultation with Main Roads Western Australia (MRAW) in relation to the intersection upgrade at Kargotich Road/Thomas Road, the applicant amended the site layout which was approved by Council in 2018. This approval lapsed also, as it was not substantially commenced within the required two years.

An application was then made to extend its commencement timeframe for a further two years, and this was refused by Council on 23 June 2020 for its inconsistency with draft Local Planning Scheme No. 3 (LPS3) and the Local Planning Strategy (LPS). This was due to Officers, having regard to the seriously entertained draft LPS3, and how this represented a change in respect of the planning framework pertaining to service station versus road house in the Rural zone.

The current proposal is a new application that has been amended following the decision to defer by the MODAP on 7 July 2022.

The Western Australian Planning Commission (WAPC) have placed a Planning Control Area (PCA) over land surrounding the intersection of Thomas Road and Kargotich Road. The purpose of this PCA is to protect a section of Thomas Road for future upgrades in line with its freight and regional road functions. This is an important consideration as part of the new proposed development.

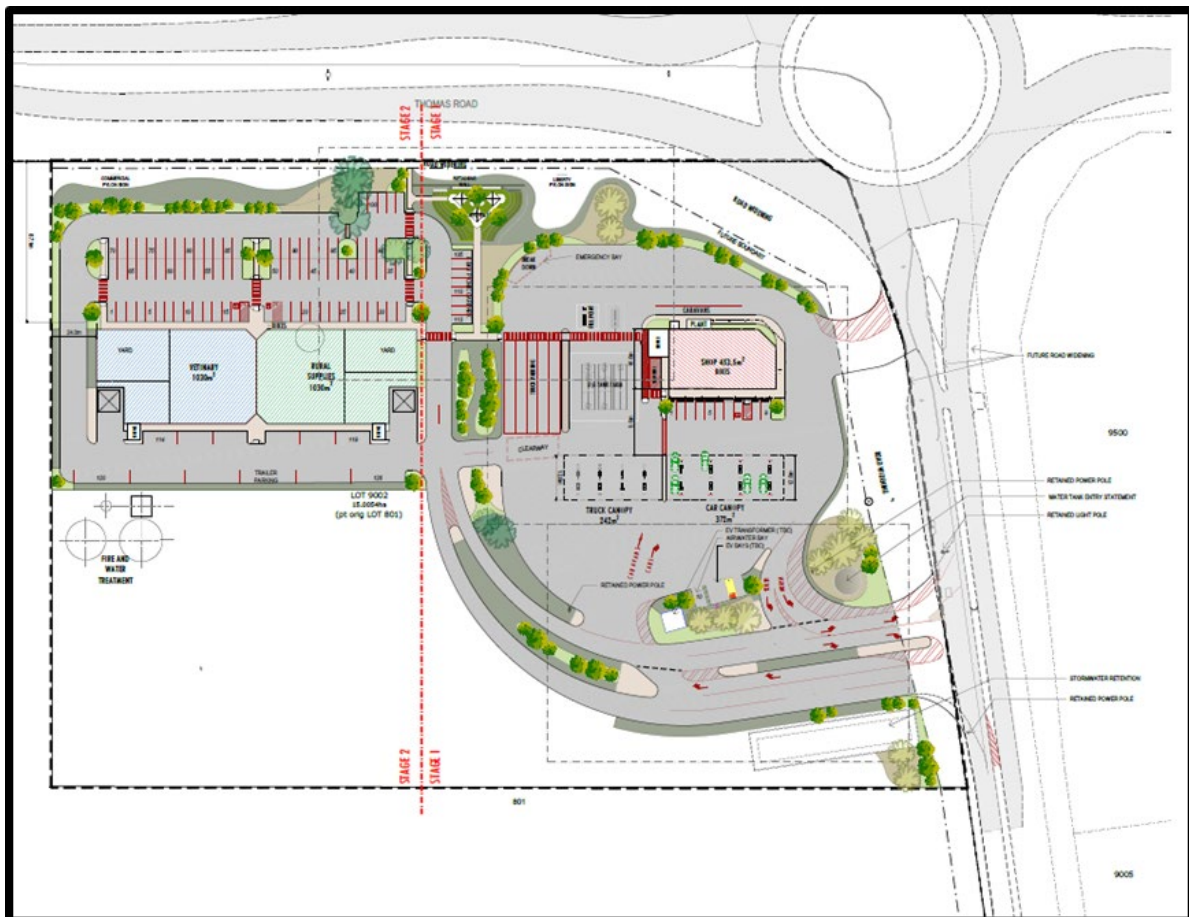
The PCA area is shown in yellow below and discussed further later in the report.



More recently, as part of the Westport Project, plans have been released which seek to transform the Thomas Rd and Anketell Rd link as a freight standard freeway. A grade separated interchange will ultimately be created as part of that project, and also needs to be considered as part of this development application.

Initial Proposal

The initial application sought approval for a 'Service Station' (453m²), a 'Veterinary Clinic' (1,030m²) and a 'Rural Supplies Store' (1,030m²) providing general retail, construction services, agricultural retail, and equine services, as depicted below:





The 'Service Station' component would operate 24 hours a day, seven days a week and comprise of the following:

- Petrol canopies for cars and trucks;
- Retail Area;
- Dining Area;
- WC's, shower facilities and lounge;
- Food preparation and storage areas;
- BBQ and picnic area;
- 144 car parking bays including 6 trailer bays;
- 5 truck parking bays;
- Caravan parking;
- Four wall signs;
- One pylon sign; and
- Landscaping.

Access was proposed via one full movement crossover and one egress only crossover onto Kargotich Road with no access from Thomas Road.

Revised Proposal

Following the deferral, the application remains relatively similar however has been amended so as to relocate it a further 44m to the south, outside of the new land area requirement for the grade separated intersection. In doing so, other minor changes have been made to the proposal which is depicted in the site plan below, also the applicant has summarised the changes in the following table:

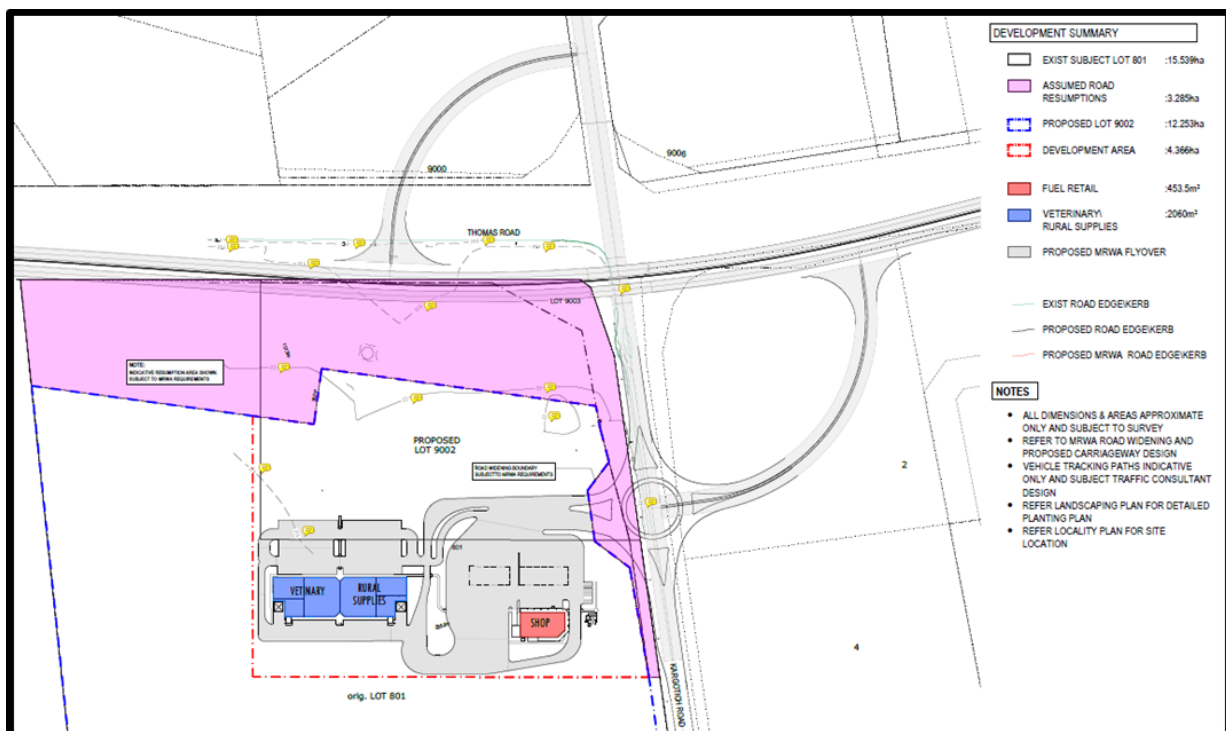




Table 1 – Comparison of deferred plans and revised plans (key development standards)

Element	Previous plans	Proposed plans
<i>Setbacks</i> <i>(note, the setbacks have been measured to the boundary of the development area, not the current boundary of the lot)</i>	Front setback: 14.00m Rear setback: 14.00m Side setback: 16.40m	Setbacks have increased.
<i>Signage</i>	2 x 7.6m pylon signs, one for both the road house and commercial tenancies, located adjacent to Thomas Road.	2x 7.6m pylon signs adjacent Kargotich Road for both the road house and commercial tenancies.
<i>Buildings and Land Uses</i>	Development area: 3.614ha Fuel retail: 453.5m ² Veterinary / rural supplies: 2060m ²	Development area: 3.985ha Fuel retail: 453.5m ² Veterinary / rural supplies: 2060m ²
<i>Car and Bicycle Parking</i>	<ul style="list-style-type: none"> • Fuel retail: 10 car parking bays 5 truck parking bays 1 air and water bay 2 EV charging bays 2 bicycle parking bays 2 caravan bays 1 emergency bay • Veterinary and rural supplies: 126 car parking bays 2 bicycle parking bays • Picnic area: 8 car parking bays 	<ul style="list-style-type: none"> • Fuel retail: 10 car parking bays 5 truck parking bays 1 air/water bay 3 EV charging bays 2 bicycle parking bays 1 emergency breakdown bay • Veterinary and rural supplies: 120 car parking bays 2 bicycle parking bays • Picnic area: 8 car parking bays 2 caravan parking bays
<i>Landscaping</i>	Retained trees: 11 New Coastal Blackbutt trees: 11 New Rock Sheoak trees: 85	Retained trees: 10 New Coastal Blackbutt trees: 11 New Rock Sheoak trees: 89

As amended, the vehicle access proposes to accommodate vehicles to and from the grade separated interchange and connects the development with the proposed off ramp located on Thomas Road, via a four-way roundabout. The information provided demonstrates that the roundabout and the development are capable of accommodating up to 27.5m B-Double trucks.

Prior to the construction of the grade separated intersection, the application proposes an interim access option reflecting the interim roundabout upgrade currently being built at the time of writing this report. This interim roundabout and proposed access option comprises of a single full movement crossover to Kargotich Road and has been designed to allow for a transition from this interim arrangement to the ultimate grade separated arrangement. These arrangements are discussed under the Traffic section of the report.

Community / Stakeholder Consultation

The application was initially advertised to landowners within a 500m radius of the site from 19 April 2022 to 10 May 2022, in accordance with Local Planning Policy 1.4 - Consultation for Planning Matters. During this period no submissions were received.



The revised proposal was advertised further for public comment from 14 October 2022 to 4 November 2022. During this period, one submission was received objecting to the proposal for the following reasons:

- Not enough parking space at vet or rural supplies;
- Needs a general store in this location for back-ups;
- Vet does not have enough open space to house animals;
- When travelling south on Kargotich Road it's difficult to turn east onto Thomas Road.

This submission, including response by the Applicant and comment by Officers, are contained within **attachment 4**.

Western Australian Planning Commission (WAPC)

Due to the location of the proposal and the access being located in a Planning Control Area the initial application was referred to the WAPC.

The DPLH commented that *"In its current form, DPLH does not support the proposed application from a regional road planning perspective, as it does not make provision for the land required for the proposed freight corridor. The proposed access arrangements are also likely to need to be modified to the satisfaction of MRWA, reflecting the significance of the future freight corridor."*

The revised plans were sent to the WAPC

'WAPC commented that *"they are still waiting further information from MRWA regarding the access roundabout design and associated land requirements, which we understand to be imminent. Should MRWA be supportive of the proposed access arrangements, then it will be our expectation that the development plans appropriately reflect the requirements identified by MRWA."*

As outlined in our correspondence to the JDAP in July 2022 and given the fundamental importance of access to the effective operation of the proposed development, it is the Department's view that the application relating to the component of the development proposed in PCA 161 should be determined by the WAPC prior to the JDAP determining application DAP/22/02211 for the component of the proposed development situated outside PCA 161."

Main Roads Western Australia (MRWA)

MRWA provided a submission initially objecting the proposal for the following reasons:

- The proposed development poses an unacceptable impact to future upgrades for the intersection of Thomas Road/Kargotich Road;
- The northernmost crossover would be located in the functional area of the future roundabout contrary to Main Roads Driveways Guidelines resulting in potential traffic safety impacts; and
- The subject site abuts Planning control Area 161 with the purpose of protecting land for future upgrades of Thomas Road to achieve its freight and regional road functions. Design work is currently underway for the ultimate intersection configuration which has identified that a grade separation interchange is likely which will result in the reconsideration of the land requirements. The ultimate configuration will impact on the future to develop the subject site.

The revised proposal was referred to MRWA who confirmed that they now have no objections subject to conditions.



A full copy of the submission with the applicant and Officer responses is contained within **attachment 4**.

Statutory Environment

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.5 - Rural Planning
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Local Planning Strategy
- Draft Local Planning Scheme No. 3
- Local Planning Policy 4.11 - Advertising
- Local Planning Policy 1.4 - Consultation for Planning Matters

Planning Assessment

Land Use

In determining whether this application is capable of approval under TPS2 it is necessary to consider the appropriate land use classification with reference to the definitions provided for in Appendix 1 of TPS2.

Within the use classes defined in TPS2, the following use has been considered:

‘Service Station’:

“land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repairs or wrecking.”

The proposal would be used for the supply of petroleum products and it is reasonable to consider that motor vehicle accessories will also be sold within the retail component. The proposal also includes a dining area and shop and does not include any of the facilities listed above that are expressly excluded. The definition does require *“carrying out greasing, tyre repairs and minor mechanical repairs”*.

If the proposal was not considered a ‘service station’, it could possibly be considered a ‘use not listed’. In considering this, it is noted that Clause 3.2.5 of TPS2 states that:



"If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 64 of the Deemed Provisions in considering an application for planning consent."*

This clause requires that for a development to be classified as a 'use not listed' it should only be done so where the use *"cannot reasonably be determined as falling within the interpretation of one of the use categories"*.

In determining the most appropriate land use classification, Officers consider that the retail and dining areas are 'incidental' and 'ancillary' to the primary use of petroleum sales and do not constitute an additional use of 'restaurant', 'shop' or 'fast food takeaway'. This appears to align with the SAT decision in West Coast Enterprises and Shire of Exmouth [2007] WASAT 316, where it was held that ancillary uses are those that *"grow out of or develop from the primary use"* and are intended to enhance it, such as *"the sale of convenience goods [which] has come to be accepted as being ancillary to a petrol station"*.

In this case, Officers therefore consider that the retail and dining areas are incidental to and part of the service station use and are expressly mentioned as being such in the definition. Given the layout of the proposal and the scale, particularly of the dining area, they are considered elements that are subservient to the primary use of petroleum sales that do not operate independently of each other as separate uses.

A 'Service Station' is an 'SA' use under TPS2, which means that *"Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the deemed provisions"*.

With regard to the veterinary clinic and rural supplies store, the following definitions are considered appropriate:

'Veterinary Establishment':

land and buildings used for, or in connection with, the treatment of sick animals and includes accommodation of sick animals

'Produce Store':

land and buildings where in fodders, fertilisers and grain are displayed and offered for sale"

The veterinary clinic will provide animal health care which falls within the above definition of 'Veterinary Establishment' which is an 'AA' use, which means that *"Council may, at its discretion, permit the use."*

The rural supplies store will provide rural supplies which falls within the above definition of 'Produce Store' which is an 'AA' use, which means that *"Council may, at its discretion, permit the use"*.

Council is required to exercise its discretion to grant development approval in accordance with the Deemed Provisions. In considering if Council should exercise its discretion to approve the application, Council is required to consider Schedule 2, Part 9, Clause 67 of the Deemed



Provisions. An assessment has been undertaken in accordance with Clause 67 of the Deemed Provisions, the assessment can be viewed as part of **attachment 5**.

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

Clause 5.10.1 of TPS2 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”*. TPS2 does not define a ‘rural pursuit’ however, the SAT defines a rural pursuit as something that is *‘relating to, or a characteristic of the country’*. Service stations, while not exclusive to rural areas, are found in such.

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

The site is proposed to remain zoned ‘Rural’ under LPS3. Under the approved LPS, it is identified as Rural. It is considered that LPS3, as a seriously entertained and certain planning document, will introduce a Rural zone for the land.

Under LPS3 the ‘Service Station’ land use under LPS3 is defined as:

“premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for -

(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or

(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.”

Under LPS3 the land use of ‘Service Station’ is a prohibited land use in the ‘Rural’ zone under draft LPS3.

LPS3 has however introduced the use class of a ‘Road House’, which is defined as:

“premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services -

(a) a full range of automotive repair services;

(b) wrecking, panel beating and spray painting services;

(c) transport depot facilities;

(d) short-term accommodation for guests;

(e) facilities for being a muster point in response to accidents, natural disasters and other emergencies.”

The freeway service centre is defined as:

“premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services -

(a) service station facilities;

(b) emergency breakdown repair for vehicles;

(c) charging points for electric vehicles;

(d) facilities for cyclists;

(e) restaurant, cafe or fast food services;



- (f) *take-away food retailing;*
- (g) *public ablution facilities, including provision for disabled access and infant changing rooms;*
- (h) *parking for passenger and freight vehicles;*
- (i) *outdoor rest stop facilities such as picnic tables and shade areas.”*

‘Road House’ is an ‘A’ use in the ‘Rural’ zone under LPS3 and therefore is capable of approval subject to advertising. Based on its definition, for a development to be considered a ‘road house’, it must have direct access from a state road and provide all the services or facilities provided by a freeway service centre, as listed above.

There is no definition of state road, however MRWA define it as ‘A road declared under the Main Roads Act 1930 to be a highway or a main road.’ In the plan of the proposed crossover for both the interim and ultimate arrangement, it connects with area of land under the Planning Control Area 161, dedicated as such for road upgrades. It is therefore reasonable to accept that the section of Kargotich Road to which the crossover connects is a State road for the purposes of LPS3. Given there is no longer objection received from MRWA in relation to the access, it is considered that the proposal can meet the definition in this regard.

With regard to the services provided by the development, the proposal is considered to meet those services provided by a ‘Freeway Service Centre’ and capable of falling within the land use of ‘road house’. The veterinary clinic component and rural supplies store component are considered to fall within the land uses of ‘Veterinary Centre’ and ‘Trade Supplies’ respectively under draft LPS3. These land uses are both discretionary uses requiring advertising.

The objectives of the ‘Rural’ zone under LPS3 are:

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

The objectives of rural land under the LPS are to provide for a full range of rural uses, tourism, rural enterprise and the preservation of the rural character. The LPS emphasises the importance of protecting large rural lot sizes for agriculture. LPS3 also recognises the need for provision of non-rural land uses where they have a demonstrated benefit. As discussed, the existing road network is intended to be the east-west transport corridor for freight vehicles. It is considered that the proposed development is one that would service this transport corridor as well as providing petroleum and incidental products to the local community. In this instance the service station and incidental components is considered a non-rural use with a demonstrated benefit that can be undertaken alongside surrounding rural properties.



The veterinary clinic and rural supplies store area considered to support rural and agricultural activities, consistent with the LPS3 objectives.

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

SPP3.7 seeks to implement effective risk based planning and development to preserve life and reduce the impact of bushfires on property and infrastructure. As the site is designated as bushfire prone, a Bushfire Management Statement (BMS) has been submitted as part of the initial application.

The BMS has mapped and classified vegetation within 150m of the proposal and identified a Bushfire Attack Level (BAL) rating of BAL-12.5. The BMS also provides an assessment against the criteria in the *Guidelines for Planning in Bushfire Prone Areas* in relation to location, siting, vehicular access and water, as required under SPP3.7.

The BMS considers the bushfire risk manageable through the implementation of a number of measures outlined in the plan. These measures include the installation of a 10,000 litre water tank and driveway access; maintenance of an asset protection zone and compliance with firebreak notices. It is considered that the BMS satisfactorily demonstrates that bushfire risk can be managed, consistent with SPP3.7, however, should the MODAP resolve to approve the application it is considered that a condition should be imposed requiring an updated BMS reflective of the relocated development.

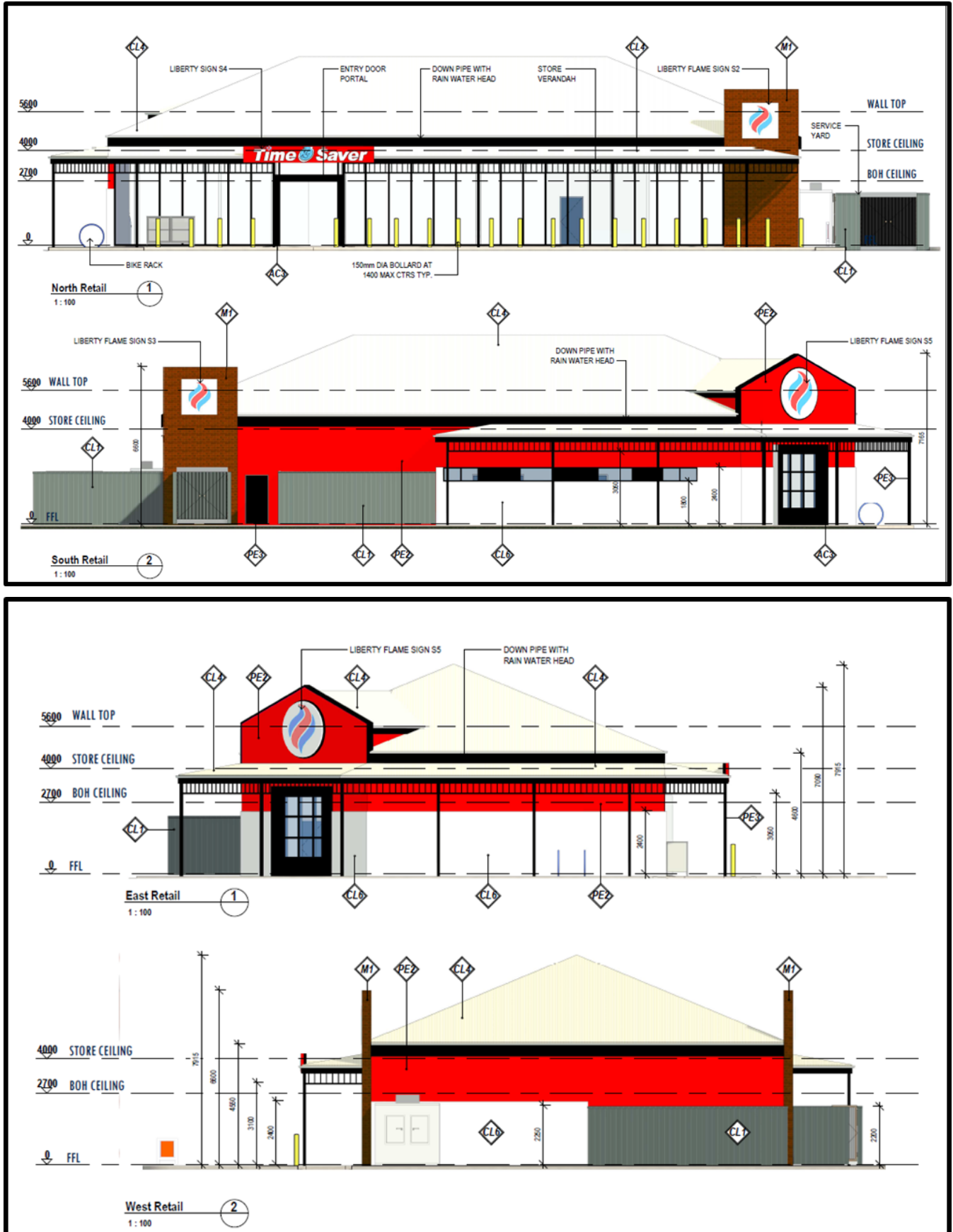
Form of Development and Amenity

The subject site is in a prominent location for traffic entering Byford from the west as well as increased freight traffic subsequent to Westport, as the Thomas Road and Anketell Road linkage progresses. Notwithstanding the future road upgrades, the present character of the locality is rural in nature with a mixture of open fields and tree lined verges. The form and appearance of the proposal should therefore reflect the rural character of the locality. The character of the locality is depicted in the image below as viewed on the approach to the intersection from the east.





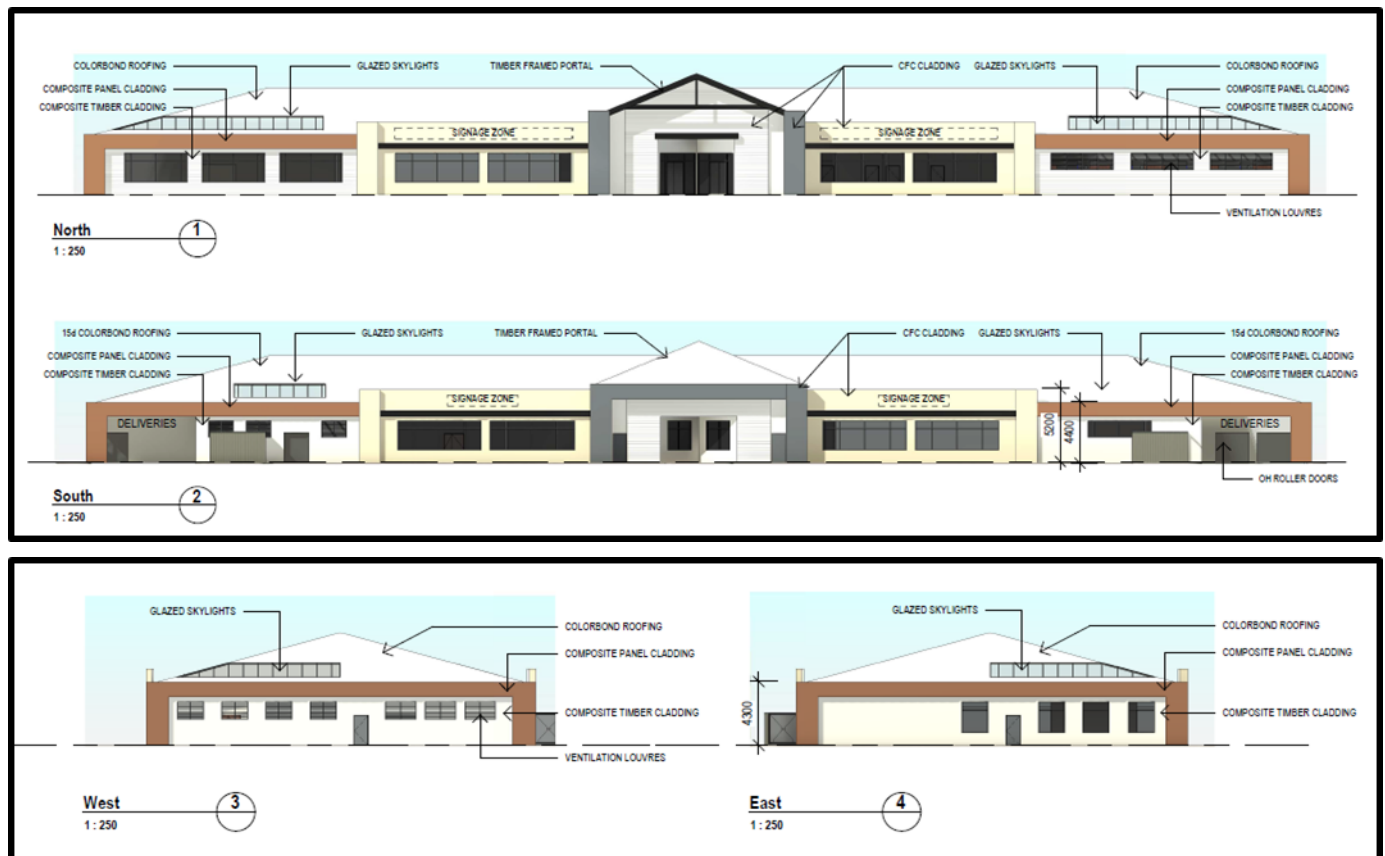
The proposed elevations of the 'Service Station' are depicted below:





The building, as relocated, would be set back 42.3m from the existing eastern lot boundary (Kargotich Road) and approximately 126m from the existing northern lot boundary (Thomas Road). The design incorporates a hipped roof and verandah to reflect the form of a rural building. The building also features a brick feature wall, utilising materials consistent with the Shire's rural character.

The rural supplies store and veterinary clinic would be located to the west of the service station fronting Thomas Road. The building would be set back, as relocated, approximately 90m from the northern lot boundary with the parking bays and building entrance provided to the front. The building would be cladded and have a colorbond roof. The entrance would be located centrally for both tenancies and have a pitched roof timber framed entrance way. The elevations include composite panel cladding framing the windows and composite timber cladding. There would be skylight windows adding an element of visual interest to the hipped roof. The elevations are depicted below:



It is considered that the form and design of this building is consistent with development expected in a rural area and generally reflects the rural character of the locality, with a degree of simple, symmetrical form.

Signage

The signage has not been amended as part of the relocation of the development except for the relocation of the pylon signs to alongside Kargotich Road instead of Thomas Road. Local Planning Policy 4.11 - Advertising (LPP4.11) sets out standards for different signage types. Table 1 of LPP4.11 sets out the permissibility of different sign types within particular zones. Both wall signs and pylon signs are not permitted in the 'Rural' zone under the LPP. These sign types would not typically be found within a 'Rural' zone and as such careful consideration is required to ensure



they do not adversely impact on the rural character, notwithstanding the fact that the proposal is commercial in nature.

Table 2 of LPP4.11 sets out acceptable development standards for signage. The proposed signage is addressed against this criteria in the table below. The permissibility and variations to the LPP are discussed later in the report and are considered in relation to the objectives of the LPP.

Sign Type	Policy Requirements	Proposal
2x canopy signs S2 and S3	<ul style="list-style-type: none"> • Is a single faced sign. • Must be compatible with the canopy and building on which it is displayed. • Must not be illuminated unless the nature of the illumination and/or materials is such as to prevent combustion. • Must have a minimum clearance of 2.75m to any rigid part of the canopy, and 2.4m to any flexible part of the canopy, and a footpath pavement, where pedestrian access is to be maintained. 	<p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p>
4 x Liberty Wall signs (s2, S5 x2, s4)	<ul style="list-style-type: none"> • A wall sign is to only to display the name, logo or slogan of the business premises to which the sign is applied. • The maximum single face area is 10m², and must not extend beyond 12.0m above the ground even if the wall is higher than this. • Must not project more than 300mm from the wall and/or fascia to which it is affixed. • Must not project beyond the edges of a wall and/or fascia. 	<p>Compliant</p> <p>Compliant</p> <p>S2 – 2.25m²</p> <p>S4 – 4.13m²</p> <p>S5 – 4.49m²</p> <p>Compliant</p> <p>Compliant except for Timesaver Sign (S4) which extends above the roofline</p>
Pylon sign –	<ul style="list-style-type: none"> • The maximum sign face area is 10m² per face, for a maximum of two faces. 	<p>Veterinary Clinic and Rural Supplies 14.12m²</p> <p>Service Station pylon – 16.24m²</p> <p>Veterinary Clinic and Rural Supplies 7.05m</p>



Sign Type	Policy Requirements	Proposal
	<ul style="list-style-type: none"> • The maximum height above the ground is to be 6.5m or the height of a building in close proximity, whichever is the greater, but is not to exceed 10m. The height of a building is defined as the height of the uppermost part of the building above ground level. • Must be mounted as a free-standing structure. • Must not be located less than 1.5m from the front property boundary (including the primary and secondary street frontages of a corner lot), and must not project beyond the alignment of any property boundary. • Must not face adjoining premises unless the sign is a minimum of 3.0m from the property boundary of that premises, or unless the landowner of the adjoining premises consents to the sign being a lesser distance from the boundary. • Must not expose an unsightly back view of the sign to a road or other public place. Must not to be located on a street frontage of a premises along which is located another pylon sign, billboard sign or pole sign. 	<p>Service Station – 7.2m</p> <p>Compliant</p> <p>Compliant</p> <p>Compliant</p> <p>Compliant</p> <p>Compliant</p>
<p>Rural Supplies x2 Wall signs</p>	<p>A wall sign is to only to display the name, logo or slogan of the business premises to which the sign is applied.</p> <ul style="list-style-type: none"> • The maximum single face area is 10m², and must not extend beyond 12.0m above the ground even if the wall is higher than this. • Must not project more than 300mm from the wall and/or fascia to which it is affixed. • Must not project beyond the edges of a wall and/or fascia. 	<p>Y</p> <p>Branding – 3.75m²</p> <p>Deliveries – 2.92m²</p> <p>Y</p> <p>Y</p>
<p>Veterinary Clinic 2x wall signs</p>	<p>A wall sign is to only to display the name, logo or slogan of the business premises to which the sign is applied.</p> <ul style="list-style-type: none"> • The maximum single face area is 10m², and must not extend beyond 12.0m above the ground even if the wall is higher than this. 	<p>Y</p> <p>Branding – 3.75m²</p> <p>Deliveries – 2.92m²</p>



Sign Type	Policy Requirements	Proposal
	<ul style="list-style-type: none"> • Must not project more than 300mm from the wall and/or fascia to which it is affixed. • Must not project beyond the edges of a wall and/or fascia. 	 Y Y

Variations

Pylon signs and wall signs are listed as not permitted within the 'Rural' zone. The wall signs are considered an appropriate sign type in this case given the commercial nature of the development and the fact they are generally compliant with the standards set out in the LPP.

LPP4.11 states that where acceptable standards cannot be met an assessment against the performance criteria outlined under Table 2 is required. The Table 2 criteria are addressed below in relation to the variations:

Sign Type	Performance Criteria	Proposal
Pylon Signs	<p>Size Is in keeping with scale of the development or site on which it is proposed.</p> <p>Colour and Shape Is complementary to the development and surrounding landscape.</p> <p>Number There is not an excess of signage that detrimentally impacts on the visual amenity and character of the area.</p> <p>Location The location is sympathetic to the existing landscape /streetscape and does not impede on the function of the approved use for the site.</p> <p>Design The scale and form of the sign complements the building /development and does not obstruct key architectural features.</p>	<p>Given the height of the proposed rural supplies and vet building in close proximity is approximately 7m, it is considered that the scale of the pylon signs is relatively consistent with the scale of the development.</p> <p>The colour of the pylon signs is not considered particularly sympathetic to the surrounding rural landscape and having two pylon signs along the same street frontage is considered to adversely impact on the character of the locality and the streetscape.</p> <p>The design of the signs do not include any features consistent with the rural zone</p>

The submitted plans include various other signs that are not shown on the site plan. Should Council or the MODAP support the application it is considered that a signage plan should be required by way of a condition to ensure details of all signage is provided and consistent with the rural character of the locality. As part of the signage plan, the condition should limit no more than one pylon sign is permitted for the whole development.

Noise

Given the relocation of the development, the applicant has provided an updated Environmental Acoustic Assessment. The proposal would operate 24 hours per day, seven days a week. Due to the existing traffic volumes on both Kargotich and Thomas Road, it is considered that the proposal would not adversely impact on adjoining landowners by way of traffic noise due to the additional traffic numbers provided within the Traffic Impact Assessment.



It is acknowledged that additional noise would be resultant from the operations of the facility. The EPA Guidelines require a separation distance of 100m between service stations and sensitive receptors. In this case, the proposal is compliant with this requirement.

The Acoustic Assessment details noise sources as Mechanical Services; Tyre Inflator beeper; Car and truck doors closing; and breakout noise from veterinary clinic. The closest sensitive receptors are detailed in the report as per the plan below:



The acoustic assessment uses a modelling programme to calculate noise levels from different sources to determine compliance. The tables below detail each noise source, the assigned level (acceptable level) and the level at each sensitive receptor as shown above.

TABLE 6.2 – ASSESSMENT OF L_{A10} NOISE LEVEL EMISSIONS
MECHANICAL SERVICES

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned L _{A10} Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
Residences to North	26	Night Period	41	Complies
Residence to East	28	Night Period	41	Complies



**TABLE 6.3 – ASSESSMENT OF L_{A1} NOISE LEVEL EMISSIONS
REFRIGERATED TRUCKS**

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned L_{A1} Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
Residences to North	34	Day Period	61	Complies
		Sunday / Public Holiday Day Period	56	Complies
		Evening Period	56	Complies
		Night Period	51	Complies
Residence to East	38	Day Period	61	Complies
		Sunday / Public Holiday Day Period	56	Complies
		Evening Period	56	Complies
		Night Period	51	Complies

**TABLE 6.5 – ASSESSMENT OF L_{AMAX} NOISE LEVEL EMISSIONS
CAR DOOR**

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned L_{AMax} Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
Residences to North	38	Day Period	71	Complies
		Sunday / Public Holiday Day Period	71	Complies
		Evening Period	61	Complies
		Night Period	61	Complies
Residence to East	42	Day Period	71	Complies
		Sunday / Public Holiday Day Period	71	Complies
		Evening Period	61	Complies
		Night Period	61	Complies

**TABLE 6.7 – ASSESSMENT OF L_{AMAX} NOISE LEVEL EMISSIONS
TRUCK DOOR**

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned L_{AMax} Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
Residences to North	48	Day Period	71	Complies
		Sunday / Public Holiday Day Period	71	Complies
		Evening Period	61	Complies
		Night Period	61	Complies
Residence to East	52	Day Period	71	Complies
		Sunday / Public Holiday Day Period	71	Complies
		Evening Period	61	Complies
		Night Period	61	Complies



**TABLE 6.9 – ASSESSMENT OF L_{AMAX} NOISE LEVEL EMISSIONS
DOG BARK**

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned L _{AMax} Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
Residences to North	33	Day Period	71	Complies
		Sunday / Public Holiday Day Period	71	Complies
		Evening Period	61	Complies
		Night Period	61	Complies
Residence to East	38	Day Period	71	Complies
		Sunday / Public Holiday Day Period	71	Complies
		Evening Period	61	Complies
		Night Period	61	Complies

The results show that compliance with the noise levels is achieved.

Traffic and Access

Thomas Road is classified as a Primary Distributor and operates under the speed limit of 80km/h in the vicinity of the subject site. The speed limit is reduced to 70km/h to the east of the Kargotich Road intersection.

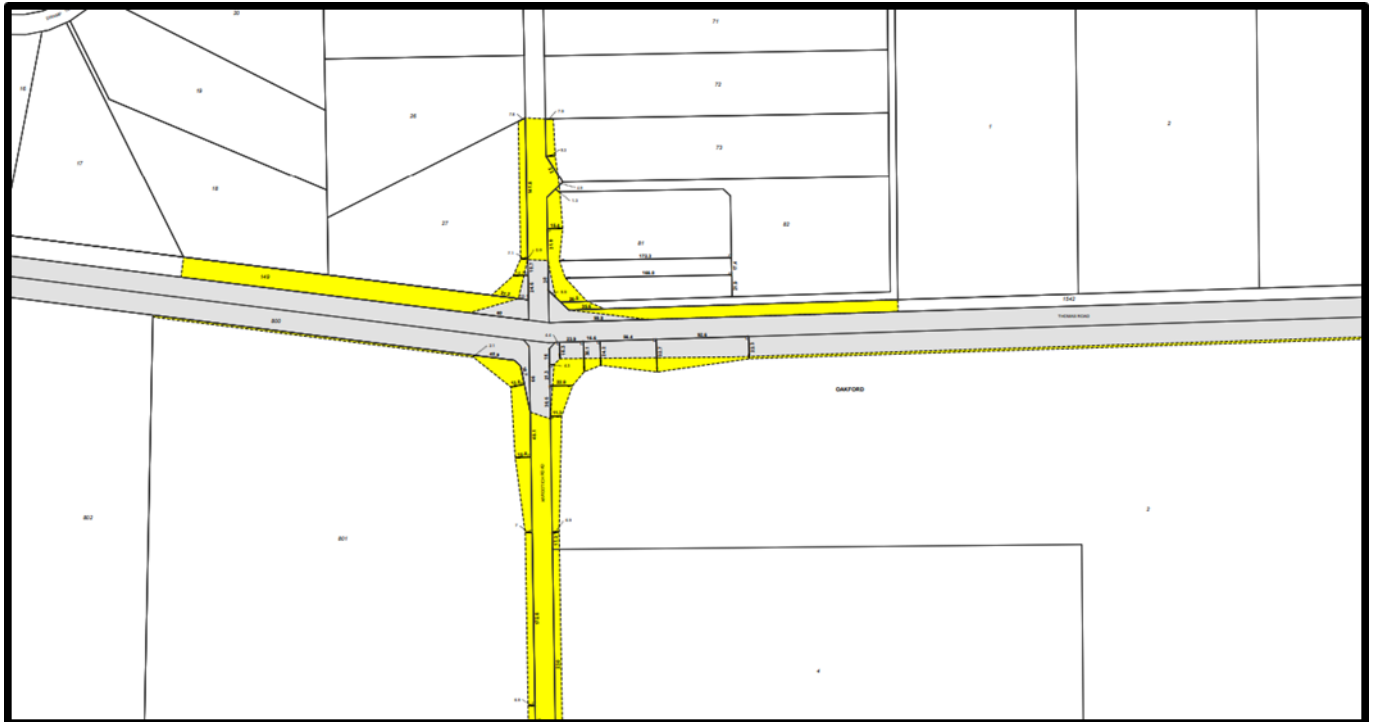
A revised Traffic Impact Assessment (TIA) has been submitted which details that Thomas Road (west of Kargotich Road) carried approximately 17,846 vehicles per day (vpd) on a regular weekday in 2019/20 with the morning peak between 7:00am and 8:00am being 1,525vph. The afternoon peak was recorded at 1,792vph between 4:00pm and 5:00pm.

Kargotich Road is classified as a Regional Distributor with a speed limit of 90km/hr in the vicinity reducing to an advisory (yellow sign) 40km/h on the approach to the Thomas Road intersection and increasing to 80km/h to the north of the intersection. Kargotich Road carried approximately 3,272vpd on a regular weekday in 2019/20 with the morning peak of 261vph between 7:00am and 8:00am and the afternoon peak of 349vph between 4:00pm and 5:00pm.

According to MRWA mapping, Thomas Road is a RAV 7 network which can accommodate vehicles up to 36.5m in length and Kargotich Road is a RAV 3 network which can accommodate vehicles up to 27.5m in length.

Road Upgrades:

Thomas Road is the subject of an 'under construction' safety project of MRWA which specific to this application includes the construction of a dual lane roundabout at the intersection of Thomas Road and Kargotich Road. This work is anticipated by MRWA to commence later this year. There is also Planning Control Area 161 (PCA 161) declared over the land shown in yellow on the plan below.



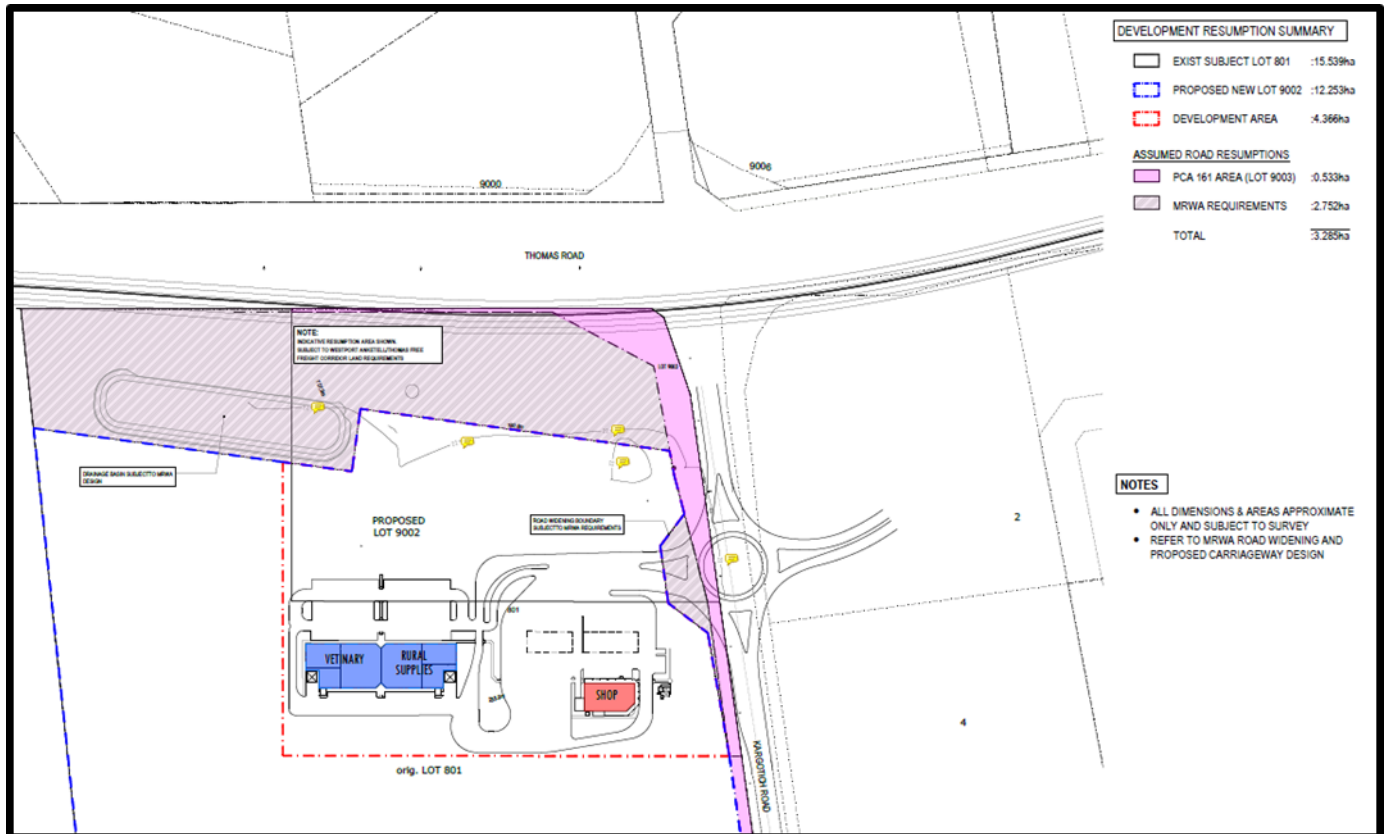
The purpose of this area is to protect land for future road upgrades to allow Thomas Road to achieve its freight and regional functions. The WAPC considers that the PCA is required to ensure that no development occurs on this land which might prejudice this purpose until it may be reserved for Primary Regional Road under the MRS.

As part of the Westport Project which seeks to improve freight linkages from Kwinana, concept plans for the project have identified a grade separated interchange is the most likely intersection configuration that will be required at the intersection of Thomas Road and Kargotich Road. The concept of this is depicted below:





The grade separated intersection would allow uninterrupted flow of freight vehicles whilst maintaining local road connections supporting the growth of industry. This will require reconsideration of the land requirements identified for the PCA. Whilst the revision of the PCA is not yet formalised, in consultation with the WAPC and MRWA the applicant has provided a plan depicting the assumed new land required in relation to the development as depicted below:

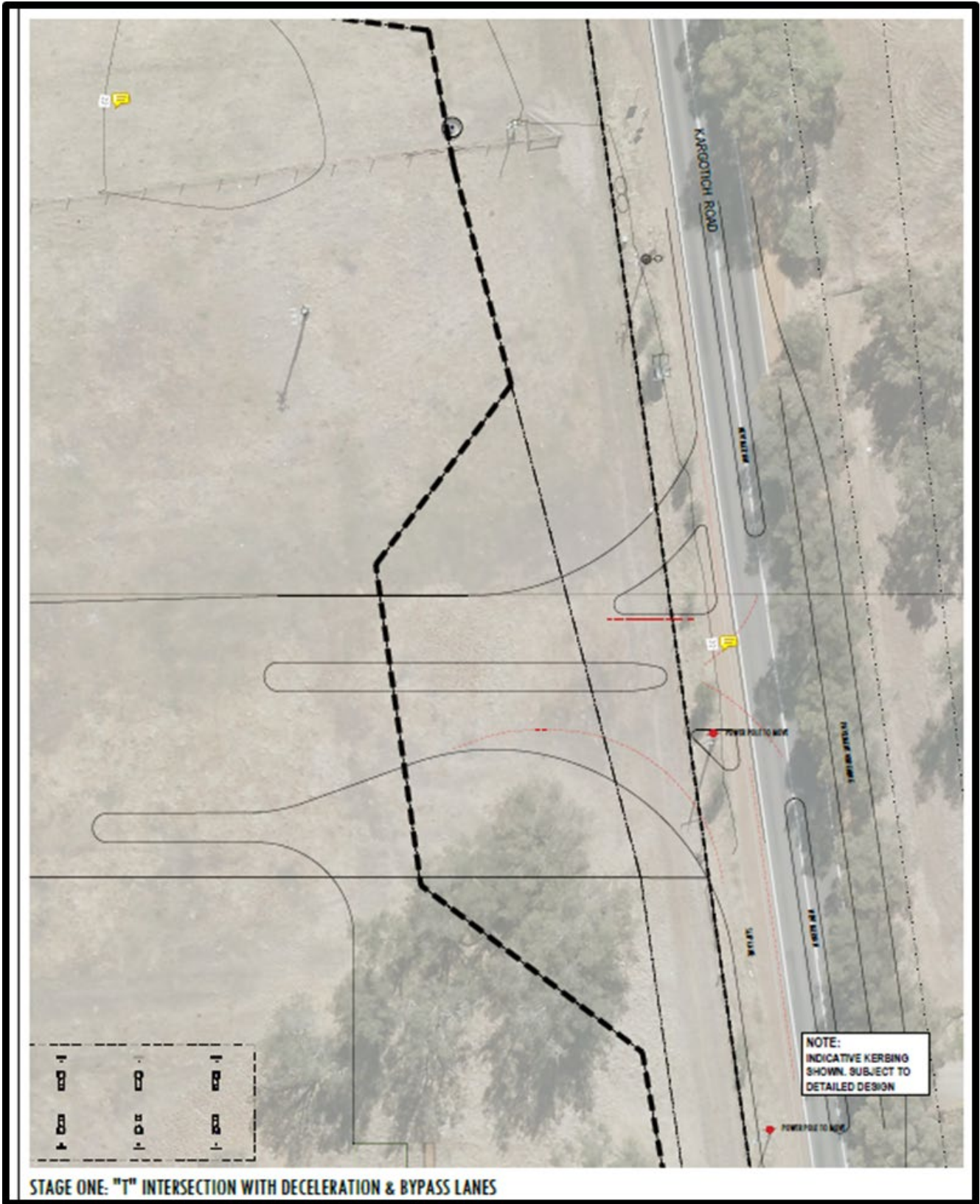


The future road upgrades were the main reason for the deferral of the application by the MODAP. The applicant has consulted with both the WAPC and MRWA and provided amended access arrangements for the proposed development accordingly.

As amended, the application proposes one full movement crossover on Kargotich Road with an ultimate arrangement taking into account the future grade separated intersection and an interim solution should the development be completed prior to the grade separated intersection.

Interim Scenario:

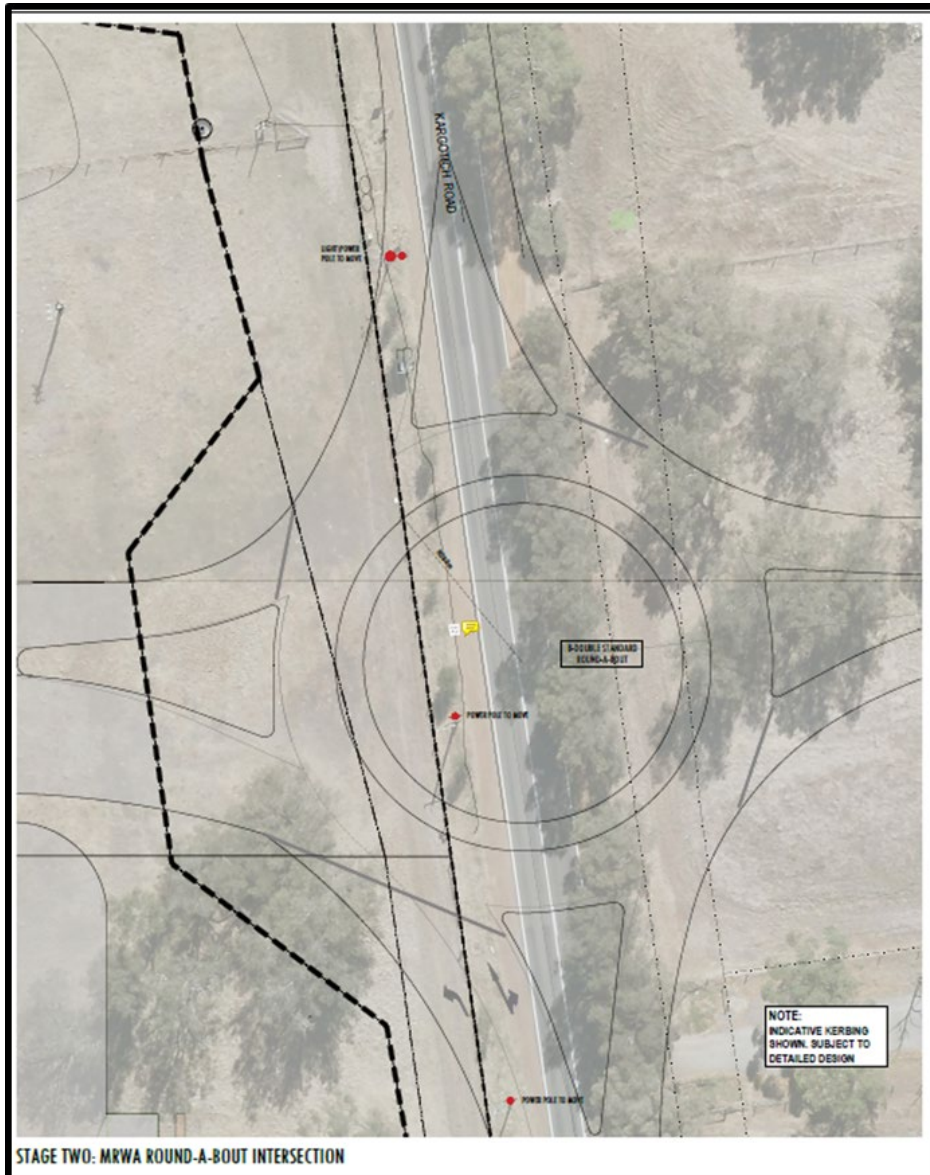
The interim scenario is based around the roundabout being constructed at the intersection of Thomas Road and Kargotich Road and comprises of a 'T' intersection. As part of the upgrades of the roundabout intersection, approach and departure lanes on Thomas Road will be upgraded to two lanes and approach lanes northbound on Kargotich Road (south of the roundabout) will also be upgraded to two lanes. These upgrades will accommodate RAV vehicles for Thomas Road and Kargotich Road and as such allow for the fuel tankers and heavy vehicles associated with the 'service station'.





Ultimate Scenario:

Once the grade separated intersection is constructed, access to the site would be upgraded from a 'T' intersection to a roundabout with the fourth leg of the roundabout being the Thomas Road westbound on and off ramp, as depicted below:



These proposed access arrangements are to the satisfaction of MRWA who has confirmed that the development can occur without compromising the current or future plans for the road network.

Traffic Impact

The TIA states that the traffic generated by the proposal combined with the peak road network traffic would result in the greatest demand on the road network during the typical weekday morning peak between 7:00am to 8:00am and an afternoon peak hour between 4:00pm and 5:00pm.

With regard to traffic impacts of the proposal, the TIA assumes that 80% of light vehicles for the service station are passing vehicles, 100% of heavy vehicles are passing vehicles and 100% of vehicles for the rural supplies and vets are non-passing vehicles. The TIA details the net additional traffic as shown in the table below.



Table 2. Estimated peak hour trips for the proposed development

Land use	Passing Trade	Daily Trips	AM		PM		Non-passing Traffic	Daily Trips	AM		PM	
			IN	OUT	IN	OUT			IN	OUT	IN	OUT
Roadhouse (light vehicles)	80%	3394	103	103	118	118	20%	848	26	26	30	29
Roadhouse (heavy vehicles)	100%	660	26	26	26	26	0%	0	0	0	0	0
Rural Supplies -	0%	0	0	0	0	0	100%	151	7	7	10	10
Veterinary	0%	0	0	0	0	0	100%	191	16	16	16	16
Total		4054	129	129	144	144		1190	49	49	55	55

To inform the TIA, a SIDRA analysis was undertaken for both post development (roundabout intersection) and post development (grade separation). The results show that the roundabout intersection would operate at good level of services during both typical AM and PM peak hours with the maximum of approximately a three vehicle queue in the eastbound direction of Thomas Road in AM peak hour and a four vehicle queue in the westbound direction of Thomas Road in PM peak hour. They also indicate that the crossover proposed would operate at a good level of service.

Once the grade separated intersection is constructed, access to the site would be upgraded from a T intersection to a roundabout with the fourth leg of the roundabout being the Thomas Road westbound on and off ramp. The SIDRA analysis found that this roundabout intersection would operate satisfactorily and within capacity in the ultimate scenario.

Based on the information provided in the TIS, it is considered that the traffic operations of the proposed development are acceptable and can be satisfactorily be accommodated by the surrounding road network.

The TIA also includes turn path analysis for 27.5m trucks, 19m fuel tanker and 8.8m service delivery trucks which demonstrate satisfactory access, circulation and egress. It is anticipated that fuel delivery and waste collection will be undertaken outside of peak operating times.

Local Planning Policy 1.6 - Public Art (LPP1.6)

The objectives of LPP1.6 is to facilitate public art to enhance public enjoyment, engagement and understanding of places through the integration of public art. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater. A condition should be imposed requiring the applicant to contribute towards public art in accordance with the policy in the event of an approval.



Options and Implications

Option1

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Development Assessment Panel APPROVES the application for the service station, rural supplies store and veterinary clinic as contained within **attachment 6**, subject to the following conditions:

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

Plans and Specifications	P1 – P26 – received at the Shire Offices on 12 October 2022 P27 – Transport Impact Assessment dated October 2022 Environmental Acoustic Assessment dated September 2022
--------------------------	---

b. Prior to issue of a Building Permit an updated Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the BMP shall be fully implemented and maintained thereafter.

c. The vehicle parking areas, access ways and crossovers must:

- i. be designed in accordance with the relevant Australian/New Zealand Standard;
- ii. include a minimum of 144 car parking bays;
- iii. include one loading bay with minimum dimensions of 3.5 metres by 11 metres;
- iv. be constructed, asphalt or concrete sealed, kerbed, drained and marked.

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

d. All delivery vehicles servicing the land must load and unload within the boundaries of the land.

e. A Lighting Plan is to be submitted to and approved by the Shire prior to the issue of a building permit. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.

f. Prior to issue of a building permit, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under veranda signs and fascia signs, is to be prepared to the specifications and satisfaction of the Shire. The Signage Strategy must depict no more than one single pylon sign for the entire development.

g. No signs are permitted to be displayed in the current or future road reserves of either Thomas Road or Kargotich Road at any time.

h. Prior to issue of a Building Permit, a landscaping and revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to demonstrate:



- i. the landscaping of a 20m vegetation buffer along the Thomas Road and Kargotich Road frontages of the land;
- ii. this buffer to comprise a sufficient density of advanced trees and medium shrubs, which reflect the rural character either side of Thomas Road and Kargotich Road;
- iii. both verges of Kargotich Road, from its intersection with Thomas Rd to the vehicle entry and exit point, being suitably landscaped.

Once approved, landscaping and revegetation must be fully installed prior to operation of the development, and thereafter maintained to the satisfaction of the Shire.

- i. Plans submitted for a building permit are to demonstrate the use of external colours and materials which are predominantly dark neutral earth tones, found in the local landscape of the district.
- j. No earthworks shall encroach onto either the current or future Kargotich Road or Thomas Road road reserves, except where required by specific conditions of this approval.
- k. Prior to issue of a Building Permit, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans are to be integrated in to the plans submitted for a Building Permit, with a suitably qualified acoustic consultant verifying the plans in this regard. Once approved, the Noise Management Plan shall be implemented and maintained thereafter to the satisfaction of the Shire.
- l. Prior to issue of a Building Permit, the applicant shall submit and have approved plans depicting the proposed art piece consistent with Local Planning Policy 1.6. Upon approval of the plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.
- m. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.
- n. Prior to the occupation of the development, the land required for 'Road Widening' on development plan titled 'Proposed MRWA Flyover Development Locality Plan 'Dated 13 October 2022, Revision 8/RFH/Rev/13.10.2022 (attached), or as amended by the Department of Planning, Lands and Heritage, shall be set aside as a separate lot for acquisition pending future road widening requirements.
- o. Prior to occupation of the development, the road geometry and associated infrastructure and services for the Stage One "T" Intersection with Deceleration & Bypass Lanes, shall be located and constructed in general accordance with the development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached) , or as amended by Main Roads WA.
- p. The developer is responsible for all costs involved in the design, construction and upgrade for the Stage One "T" Intersection with Deceleration & Bypass Lanes as shown on development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached). This includes signing, road markings, street lighting, street furniture, full verge landscaping on both sides and relocation of infrastructure services (including electricity).
- q. Prior to submission of a Building Permit, the applicant shall submit a preliminary intersection design (15% concept) for the Stage One "T" Intersection with Deceleration &



Bypass Lanes in general accordance with the development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached), to the satisfaction of the Shire of Serpentine Jarrahdale in liaison with Main Roads WA. The preliminary intersection design shall be in accordance with the requirements of Main Roads and the relevant Austroads Guidelines demonstrating the following:

- i. an intersection treatment warrant analysis that identifies the appropriate intersection layout;
 - ii. there is sufficient area within the road reservation to facilitate the typical carriageway cross section inclusive of a right turn pocket with painted treatment (i.e. not isolated widening) servicing the proposed access to Lot 801; and
 - iii. facilitates future connectivity with the ultimate design for access as illustrated on development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022.
- r. All signs and sign structures are to be placed on private property and must not overhang or encroach upon the existing or future Primary Regional Road reserve.
 - s. At all times signage illumination must be low-level and not exceed 300cd/m² between sunrise and sunset. Signage must not flash, pulsate or chase during all hours.
 - t. Signage shall not contain fluorescent, reflective, or retro-reflective colours or materials.

ADVICE

- a) In reference to Condition o, the right turn pocket will need to be designed to comply with the requirements of *Austroads Guide to Road Design Part 4A – Unsignalized and Signalised Intersections, Section 5.2.2 - Determination of Deceleration Turning Lane Length*, and of sufficient length to accommodate the desired maximum vehicle length of 27.5 m (i.e. RAV 3).
- b) In reference to Condition q:
 - i. Information on warrants spreadsheets can be found on the Main Roads website > Technical & Commercial > [mrwa-supplement-to-austroads-guide-to-road-design-part-4](#).
 - ii. The right turn pocket will need to be designed to comply with the requirements of *Austroads Guide to Road Design Part 4A – Unsignalized and Signalised Intersections, Section 5.2.2 - Determination of Deceleration Turning Lane Length*, and of sufficient length to accommodate the desired maximum vehicle length of 27.5 m (i.e. RAV 3).
 - iii. A copy of the Main Roads concept forwarded via email to the applicant on 31 October 2022 is attached. This information is provided for information purposes only and Main Roads assumes no liability for the information provided.
- c) The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
- d) Where a Planning Control Area (PCA) is in place, approval for development is required from the Western Australian Planning Commission (WAPC), as well as under any relevant planning scheme, unless the PCA imposes requirements to the contrary.



Option 2

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Joint Development Assessment Panel REFUSES the application for the service station, rural supplies store and veterinary clinic as contained within **attachment 6** for the following reasons:
 - a. The land use of 'service station' is a prohibited use in the 'Rural' zone under draft Local Planning Scheme No. 3. It is contrary to the principles of orderly and proper planning to grant approval for a use which is imminently designated to become a prohibited use in the zone under the new Scheme. There is inadequate justification to consider the use would be alternatively a road house.
 - b. The land use of 'service station' is inconsistent with the objectives of the 'Rural' zone in draft Local Planning Scheme No. 3 and the Local Planning Strategy as it is an inappropriate non-rural use.
 - c. The 'service station' by way of its design and external appearance would adversely impact on the rural character and amenity of the locality.
 - d. The development, by way of its siting, would impact future road network projects, which could have an adverse impact to the principles of orderly and proper planning.

Option 1 is recommended.

Conclusion

The application seeks approval for a 'service station', 'rural supplies store' and 'veterinary clinic' within the 'rural' zone. It is considered that the proposal is generally consistent with the planning framework and given the imminent strategic intent for the function of the road network it is considered that the proposal would be appropriately located to service both freight and local traffic.

As amended, the proposal has adequately addressed the Officers previous concerns in relation to land use as the proposal can gain access from a state road. Furthermore, the proposal has demonstrated it can be accommodated with the existing and future road network. The proposal is therefore recommended for approval.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** - Responsible Authority Report (E22/13386)
- **10.1.8 - attachment 2** - Minutes of MODAP Meeting (IN22/14080)
- **10.1.8 - attachment 3** - Amended Details (E22/13340)
- **10.1.8 - attachment 4** - Summary of Submissions (E22/4754)
- **10.1.8 - attachment 5** - Clause 67 Checklist (E22/13381)
- **10.1.8 - attachment 6** - Plans for Determination (E22/13566)



Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is considered the lowest risk option.						
2	Council endorsing the RAR with a recommendation for refusal	Planning framework	Reputation	Possible	Moderate	MODERATE	A clear explanation for the decision.



Voting Requirements: Simple Majority

OCM272/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Duggin

That Council **RESOLVES** the following Responsible Authority Recommendation:

1. That the Metro Outer Development Assessment Panel **APPROVES** the application for the service station, rural supplies store and veterinary clinic as contained within attachment 6, subject to the following conditions:

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

Plans and Specifications	P1 – P26 – received at the Shire Offices on 12 October 2022 P27 – Transport Impact Assessment dated October 2022 Environmental Acoustic Assessment dated September 2022
--------------------------	---

b. Prior to issue of a Building Permit an updated Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the BMP shall be fully implemented and maintained thereafter.

c. The vehicle parking areas, access ways and crossovers must:

i. be designed in accordance with the relevant Australian/New Zealand Standard;

ii. include a minimum of 144 car parking bays;

iii. include one loading bay with minimum dimensions of 3.5 metres by 11 metres;

iv. be constructed, asphalt or concrete sealed, kerbed, drained and marked.

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

d. All delivery vehicles servicing the land must load and unload within the boundaries of the land.

e. A Lighting Plan is to be submitted to and approved by the Shire prior to the issue of a building permit. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.

f. Prior to issue of a building permit, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under veranda signs and fascia signs, is to be prepared to the specifications and



satisfaction of the Shire. The Signage Strategy must depict no more than one single pylon sign for the entire development.

- g. No signs are permitted to be displayed in the current or future road reserves of either Thomas Road or Kargotich Road at any time.**
- h. Prior to issue of a Building Permit, a landscaping and revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to demonstrate:**
 - i. the landscaping of a 20m vegetation buffer along the Thomas Road and Kargotich Road frontages of the land;**
 - ii. this buffer to comprise a sufficient density of advanced trees and medium shrubs, which reflect the rural character either side of Thomas Road and Kargotich Road;**
 - iii. both verges of Kargotich Road, from its intersection with Thomas Rd to the vehicle entry and exit point, being suitably landscaped.**

Once approved, landscaping and revegetation must be fully installed prior to operation of the development, and thereafter maintained to the satisfaction of the Shire.

- i. Plans submitted for a building permit are to demonstrate the use of external colours and materials which are predominantly dark neutral earth tones, found in the local landscape of the district.**
- j. No earthworks shall encroach onto either the current or future Kargotich Road or Thomas Road road reserves, except where required by specific conditions of this approval.**
- k. Prior to issue of a Building Permit, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans are to be integrated in to the plans submitted for a Building Permit, with a suitably qualified acoustic consultant verifying the plans in this regard. Once approved, the Noise Management Plan shall be implemented and maintained thereafter to the satisfaction of the Shire.**
- l. Prior to issue of a Building Permit, the applicant shall submit and have approved plans depicting the proposed art piece consistent with Local Planning Policy 1.6. Upon approval of the plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.**
- m. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.**
- n. Prior to the occupation of the development, the land required for 'Road Widening' on development plan titled 'Proposed MRWA Flyover Development Locality Plan 'Dated 13 October 2022, Revision 8/RFH/Rev/13.10.2022 (attached), or as amended by the Department of Planning, Lands and Heritage, shall be set aside as a separate lot for acquisition pending future road widening requirements.**
- o. Prior to occupation of the development, the road geometry and associated infrastructure and services for the Stage One "T" Intersection with Deceleration &**



Bypass Lanes, shall be located and constructed in general accordance with the development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached) , or as amended by Main Roads WA.

- p. The developer is responsible for all costs involved in the design, construction and upgrade for the Stage One "T" Intersection with Deceleration & Bypass Lanes as shown on development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached). This includes signing, road markings, street lighting, street furniture, full verge landscaping on both sides and relocation of infrastructure services (including electricity).
- q. Prior to submission of a Building Permit, the applicant shall submit a preliminary intersection design (15% concept) for the Stage One "T" Intersection with Deceleration & Bypass Lanes in general accordance with the development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached), to the satisfaction of the Shire of Serpentine Jarrahdale in liaison with Main Roads WA. The preliminary intersection design shall be in accordance with the requirements of Main Roads and the relevant Austroads Guidelines demonstrating the following:
- i. an intersection treatment warrant analysis that identifies the appropriate intersection layout;
 - ii. there is sufficient area within the road reservation to facilitate the typical carriageway cross section inclusive of a right turn pocket with painted treatment (i.e. not isolated widening) servicing the proposed access to Lot 801; and
 - iii. facilitates future connectivity with the ultimate design for access as illustrated on development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022.
- r. All signs and sign structures are to be placed on private property and must not overhang or encroach upon the existing or future Primary Regional Road reserve.
- s. At all times signage illumination must be low-level and not exceed 300cd/m2 between sunrise and sunset. Signage must not flash, pulsate or chase during all hours.
- t. Signage shall not contain fluorescent, reflective, or retro-reflective colours or materials.

ADVICE

- a) In reference to Condition o, the right turn pocket will need to be designed to comply with the requirements of *Austroads Guide to Road Design Part 4A – Unsignalized and Signalised Intersections, Section 5.2.2 - Determination of Deceleration Turning Lane Length*, and of sufficient length to accommodate the desired maximum vehicle length of 27.5 m (i.e. RAV 3).
- b) In reference to Condition q:



- i. Information on warrants spreadsheets can be found on the Main Roads website > Technical & Commercial > mrwa-supplement-to-austroads-guide-to-road-design-part-4.
 - ii. The right turn pocket will need to be designed to comply with the requirements of *Austroads Guide to Road Design Part 4A – Unsignalized and Signalised Intersections, Section 5.2.2 - Determination of Deceleration Turning Lane Length*, and of sufficient length to accommodate the desired maximum vehicle length of 27.5 m (i.e. RAV 3).
 - iii. A copy of the Main Roads concept forwarded via email to the applicant on 31 October 2022 is attached. This information is provided for information purposes only and Main Roads assumes no liability for the information provided.
- c) The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
- d) Where a Planning Control Area (PCA) is in place, approval for development is required from the Western Australian Planning Commission (WAPC), as well as under any relevant planning scheme, unless the PCA imposes requirements to the contrary.

CARRIED UNANIMOUSLY 8/0

Councillor Dagostino returned to the Chambers at 8:56pm.

Presiding Member, Councillor Rich advised Councillor Dagostino of the Council Resolution for item 10.1.8.



Councillor Atwell declared a Financial Interest in item 10.1.9 and left the Chambers at 8:56pm prior to this item being discussed.

10.1.9 - West Mundijong Industrial Area Discussion Paper and Infrastructure Funding (SJ1392-03)	
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.
Information	For the Council / Committee to note.

Report Purpose

The purpose of this report is for Council to consider endorsing (for community and stakeholder consultation) a discussion paper on what future role the Shire may take in respect of the West Mundijong Industrial Area (beyond that of a regulatory role).

The report also recommends Council consider funding some short-term infrastructure coordination improvements, now that road access needs are becoming clear in light of approval of the Local Structure Plan by the WAPC.

The short term infrastructure issues are minor fixes of Mundijong Road pavement dips, and adjustment to provide additional reinforcement to the interim roundabout at the intersection of Mundijong Road and Kargotich Road to facilitate RAV4 turning vehicles.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 13 December 2021 – OCM363/12/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. ENDORSES the West Mundijong Industrial Area Business Case as attached at attachment 1.*
- 2. NOTES the Business Case will be used to advocate for funding for this development of the West Mundijong Industrial Area including future Building Better Region Fund application rounds.*
- 3. AUTHORISES the Chief Executive Officer to submit this project to future Building Better Region Fund application rounds.*

**Ordinary Council Meeting – 15 March 2021 – OCM054/03/21 - COUNCIL RESOLUTION**

That Council:

1. Pursuant to Schedule 2 Part 4 Clause 19 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015, ENDORSES the schedule of submissions and comments contained within attachment 2.
2. Pursuant to Schedule 2 Part 4 Clause 20 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommend to the Western Australian Planning Commission that the proposed West Mundijong Industrial Area Structure Plan be APPROVED subject to the Schedule of Modifications contained within attachment 3.
3. PROVIDES the West Mundijong Industrial Area Structure Plan documentation to the Western Australian Planning Commission including the following:
 - a. List of the submissions considered by the local government, as outlined within the Schedule of Submissions contained in attachment 2;
 - b. Any comments by the local government in respect of those submissions, as outlined within the Schedule of Submissions contained in attachment 2;
 - c. A schedule of any proposed modifications, as outlined in the Schedule of Modifications contained within attachment 3;
 - d. The local government's assessment of the proposal based on appropriate planning principles, as contained within this Council report;
 - e. A recommendation by the local government to approve the proposed structure plan, subject to modifications, as contained within the Council resolution.
4. AUTHORISES the CEO to update the land ownership table in part 2, section 1 of the structure plan document as contained in attachment 1.

Ordinary Council Meeting – 19 August 2019 – OCM176/08/19 - COUNCIL RESOLUTION / Officer Recommendation:

That Council:

1. ENDORSES the proposal to continue with the Draft West Mundijong Structure Plan independently of the Greater Mundijong District Structure Plan to expedite development of the area.
2. Pursuant to Schedule 2, Part 4, Clause 17 of the Planning and Development (Local Planning Schemes) Regulations 2015 DEEMS the Draft West Mundijong Structure Plan to be compliant with clause 16(1) and DEEMS it satisfactory for advertising in terms of clause 18 of the Regulations.

Background

The Shire has been planning for the development of the West Mundijong Industrial Area since 2008, after project consultation with the Department of Planning, Lands and Heritage. In 2018, this 440ha land parcel was zoned industrial, with the potential to create several hundred industrial lots and employ in excess of 13,600 people at full buildout. The Shire has completed a Structure Plan and development contribution plan for this area, which are approved, and the first industrial lot subdivision has recently been approved by the Western Australian Planning Commission. This is an important milestone that formally sees the project transition into delivery.



Enabling the development of the West Mundijong Industrial Area will also be supported by road infrastructure coordination (such as that through the development contribution plan), and the delivery of major State Government infrastructure (Tonkin Highway and freight rail deviation).

This will support a key competitive advantage of attracting businesses seeking larger industrial lots which see opportunity for provision of transport and logistics related development especially servicing the future Westport Outer Harbour and key freight link of Tonkin / Thomas / Anketell Roads.

Infrastructure is a key generator of change for the project, leading directly to private business investment, local employment and regional economic productivity increases. Infrastructure provision can range from major projects, like Tonkin Highway, to minor projects, such as incremental improvements to accommodate initial stages of growth.

An organisational KPI for the 2022/23 financial year requires a report to be presented to Council on the future options for the development of the West Mundijong Industrial area and the role of the Shire, by March 2023. This report is a precursor to achieving that KPI requirement, seeking Council to endorse a discussion paper to affect community and stakeholder engagement before presenting a final report in March 2023, which is required to meet the KPI.

Also, now that infrastructure challenges and opportunities are becoming better understood, this report also recommends for Council to fund two minor infrastructure improvements, that have become needed in light of approval of the local structure plan.

Community / Stakeholder Consultation

Not applicable at this stage. Should Council endorse the discussion paper, it will be released for community and stakeholder consultation purposes to help inform the future report to Council on options for the Shire in respect of implementation of the West Mundijong Industrial Area.

As part of this consultation, it is also recommended that the Shire, with the assistance of the Peel Development Commission, undertake a focus group forum with current landowners within the structure plan area, to be able to supplement the discussion paper feedback. This is captured in the Officer recommendation.

Statutory Environment

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Local Government Act 1995*

Comment

As discussed above, an organisational KPI for the 2022/23 financial year seeks a report to be presented to Council on the future options for the development of the West Mundijong Industrial area, and the role of the Shire in this regard. This report is a precursor to achieving that KPI requirement, seeking Council to endorse a discussion paper to affect community and stakeholder engagement before presenting a final report in March 2023.



A discussion paper has been prepared, and is provided in **attachment 1**. The key aspects covered in the discussion paper are identified following:

1. Explaining the extent of the West Mundijong development area

The current West Mundijong Industrial Area has Mundijong Road as its southern border, Kargotich Road to the west, the Tonkin Highway reserve in the east and Bishop Road to the north. This industrial land will make available many industrial landholdings for businesses, with great opportunities for various scales of development to occur. The first phase of development, however, is limited to large unserviced lots (dry industry). Which is based upon lot sizes of 1.5ha. This will be ideal for those types of industries that can exist in a dry industry state, and the adopted structure plan identifies such as including transport depot, warehouse, light and service industries, certain forms of general industries, food processing, trade and construction supplies, storage etc. Once services arrive, there is the potential for up to 880 serviced lots.

2. Explaining the roles the Shire could play in the development

There are a number of potential roles that the Shire could undertake within the context of the West Mundijong area. A number of these could be undertaken simultaneously, sequentially or standalone, and could indeed come and go as roles depending on the various phases of subdivision and development that occur over time. These roles include:

- Regulatory role (particularly as required by the statutory planning and associated frameworks administered by local government);
- Project advocate and facilitator to bring interested parties together (focussing current economic development functions of the Shire for example);
- Advocating and/or sponsoring infrastructure delivery, through State and Federal Government advocacy and grants;
- Further enhancement of the strategic and statutory planning frameworks, as may be relevant over time;
- Infrastructure provider, through direct funding;
- Project partner in collaboration with an agency and/or key landowners.

These roles are not mutually exclusive. In some instances, these would overlap and complement one another. A key question to consider in this regard is how the balance between regulatory responsibilities and project facilitation responsibilities can be best struck.

3. Explaining the opportunities and advantages

Shire population is growing rapidly, and part of the Shire's objective is to increase employment opportunities within the district. Providing economic self-sufficiency is a goal that the local government is aiming for, and the West Mundijong industrial area is one of the ways that will be able to address this issue.

- Up to 13,600 new direct local jobs and as many as 40,100 indirect jobs will be created at full buildout of this project;
- Industrial rates income will top out at \$4.57 million annually;
- Economic development will be brought to the community linking to other major State projects such as Tonkin Highway;



- Self-sufficiency will lift the Shire from being a dormitory area, to being a significant local and regional industrial leader, bringing new investment, jobs, prosperity, social uplift and confidence.

4. Explaining the Risks

The Shire needs to ensure that involvement with a project is considered in a balanced way. These include such matters as:

- Local governments must be mindful of carefully choosing when and how to advocate, as such opportunities to obtain State and Federal support for projects need focussed attention. It is not possible to advocate for everything at all times, given this lacks a strategic focus and basis for consideration;
- While being aware of the economic advantages of providing funding to a project, this needs to be weighed up against whether such is a core responsibility for a local government to take;
- Current residents in the area may and in some instances will be affected by the developments. The Shire also has a responsibility towards them to ensure that they are fairly treated throughout the process. This is a function that is enshrined in the various regulatory responsibilities of the Shire.

5. Balancing the opportunities and risks

The Shire needs to consider the opportunities that are presented to it against the risks that are present. Whilst the economic advantages of the opportunities are noted, there are potential reputational and perception risks that need to be taken into consideration.

6. Possible partnerships

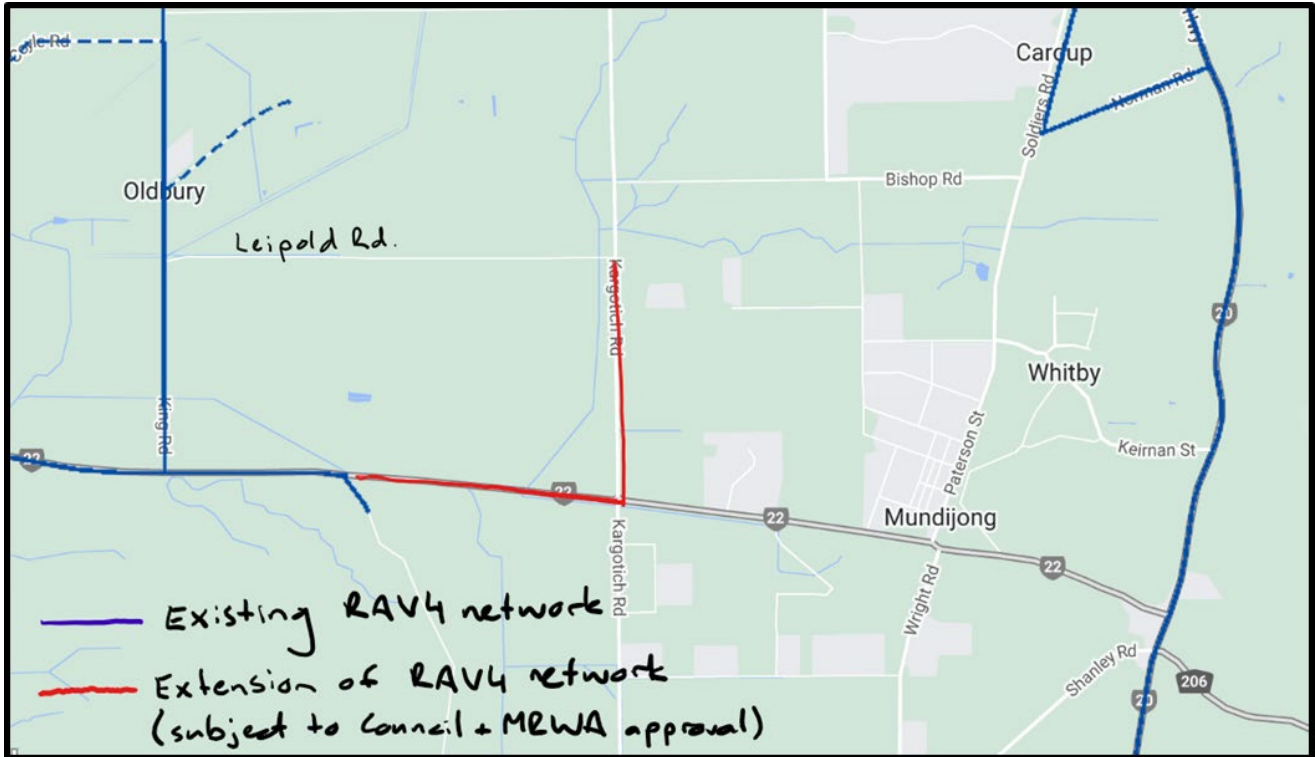
The Shire has the option to either provide assistance or promote partnership opportunities with agencies such as Development WA or project developers, to provide the necessary resources to do the project. Some of these partnering stakeholders could include:

- Landowners who will develop their own property;
- Developers who will run a project;
- State agencies such as Development WA who will run a project.

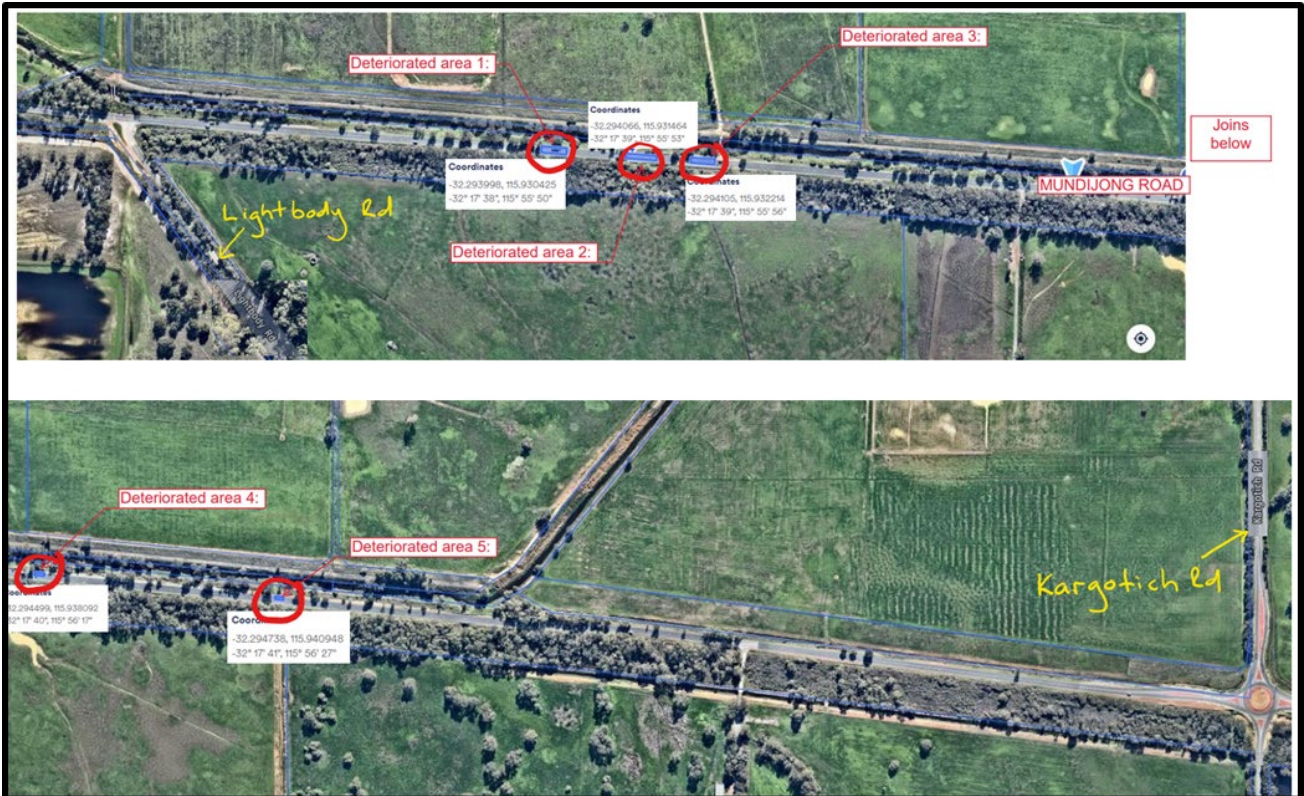
Upgrading of Mundijong Road

The other aspect of this report includes recent issues arising from local infrastructure improvements, that can be considered to assist in delivering enabling infrastructure for the area. This enabling infrastructure seeks to address local improvements along Mundijong Road where dips are present, and interim improvements to the new Mundijong Rd and Kargotich Rd roundabout to reinforce the central island to enable RAV4 turning movements.

Achieving a clear RAV4 access into the West Mundijong area is strategically beneficial for the area. Further, having certainty around RAV4 access through infrastructure adjustment, would assist in the implementation of the structure plan. If Council supported this infrastructure improvement, and if Council subsequently supported the RAV4 network being extended and MRWA agreed to this, the current RAV4 network would extend eastwards to service the frontage of the West Mundijong Industrial Area, as shown in red following:



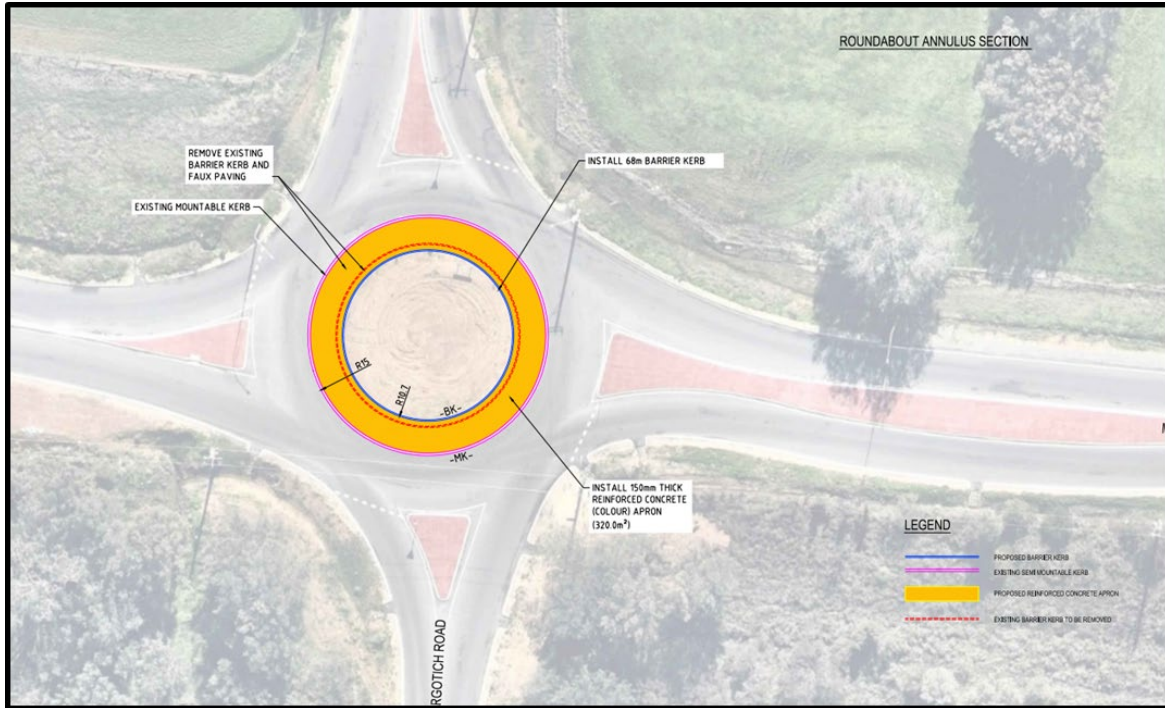
Council's support and Main Roads approval for RAV4 access, would enable developers and prospective purchasers to have confidence in respect of accessibility by these types of vehicles. In order to physically achieve this, two pieces of local infrastructure improvement are needed. The first is addressing a number of road pavement depressions along Mundijong Road, specifically in the following marked areas:



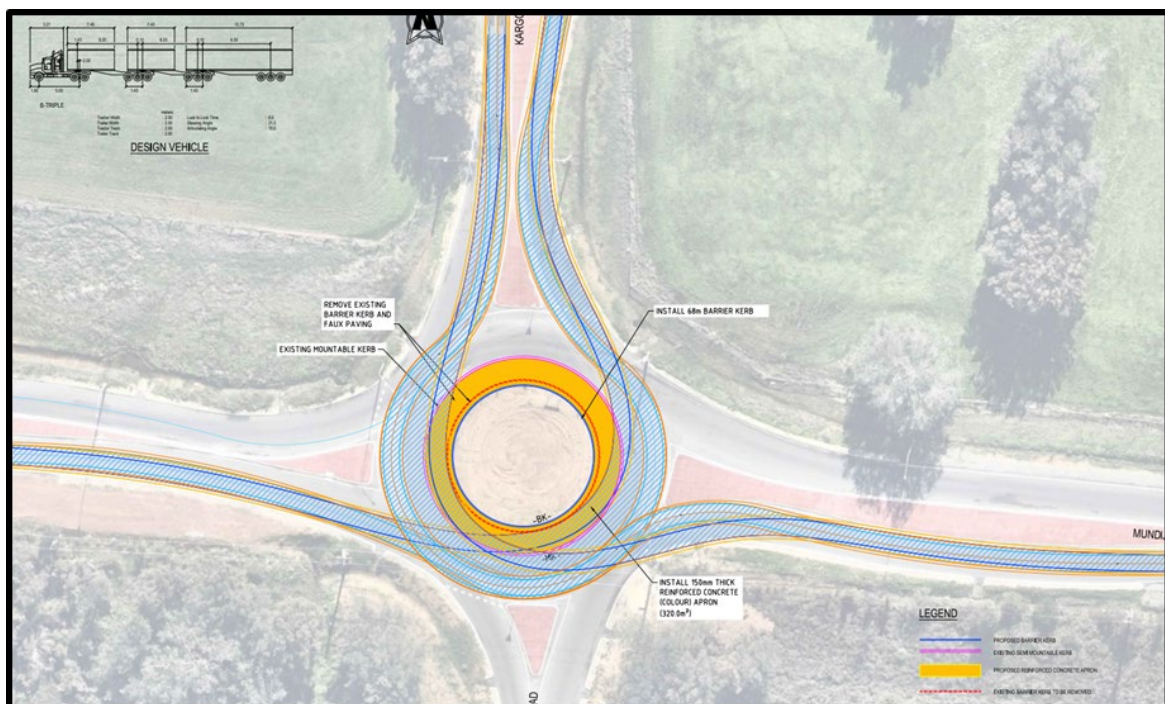


Given its responsibility for Mundijong Road, this is considered a routine safety issue that needs to be managed by the Shire. These works carries an indicative cost of \$60,000, including contingency.

For the Mundijong Road roundabout, this currently will not support turning movements for either RAV3 or RAV4 vehicles, due to the central island not comprising sufficient concrete reinforcement to handle trailers rolling across this. To enable such to occur, the central ring needs concrete reinforcing, as shown following:



Once done, this will allow turning movements for both RAV3 and RAV4 vehicles, as shown following:

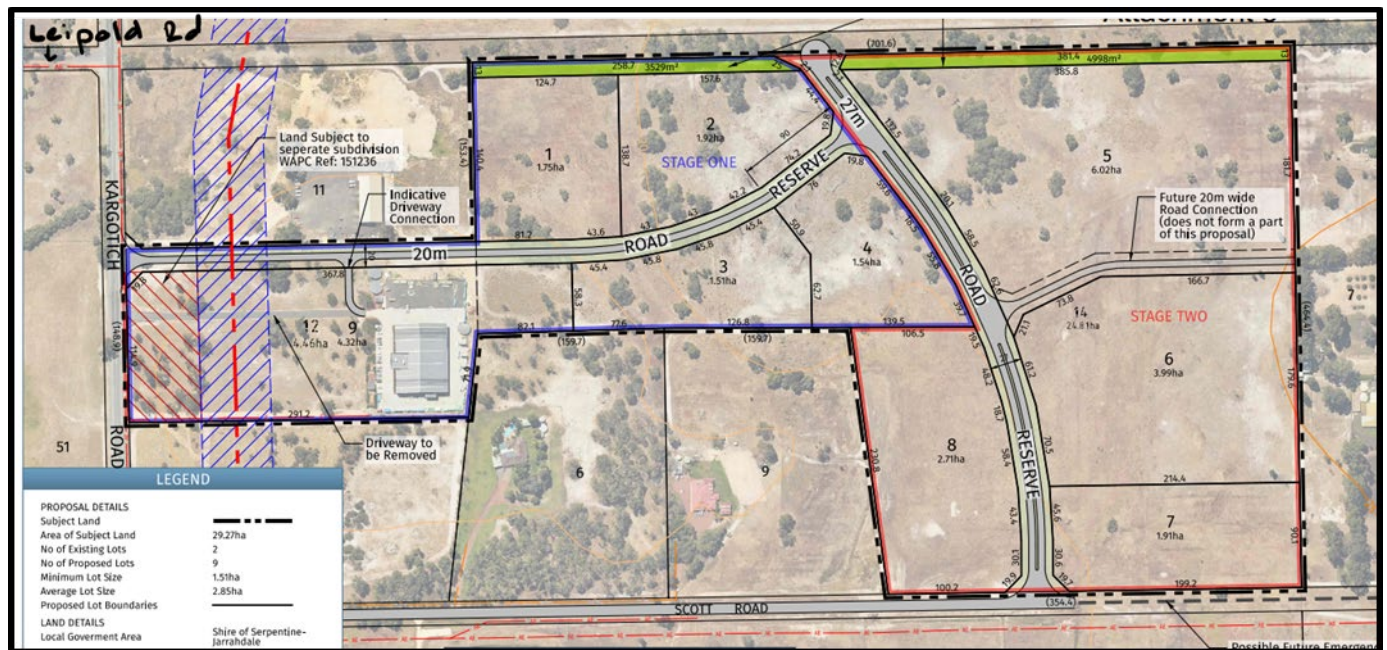




This carries an indicative cost of \$90,000, including contingency.

Although the timeframes for both upgrades to make the route suitable for RAV4 will need to be confirmed, these works would ideally occur in the first quarter of 2023, in order to avoid adverse site conditions caused by rain.

Should Council agree to these works, there will be a direct benefit to the first stage subdivider in the estate. This subdivider has approval to create nine lots, from the current two lots, central to the West Mundijong area. Council may consider that the subdivider, as a direct beneficiary, may be required to make a financial contribution to such works. The subdivision plan is shown following:



Officers do not consider this to be a preferred option as Mundijong Road works are safety measures that should be expected to be the responsibility of the road manager (in this case the Shire). Furthermore, the roundabout will provide an interim solution for RAV4 vehicle access only which will give time for a further review of DCP arrangements without halting potential West Mundijong development.

Should Council not agree, an Option 2 has been prepared to seek a 50% contribution from the subdivider to the roundabout component only (\$45,000) recognising their associated benefit from the works.

Options and Implications

Option1

That Council:

1. ENDORSES the discussion paper and accompanying questions as provided in **attachment 1**, which will be subject to the following engagement processes:
 - a. Your Say SJ page to promote community and stakeholder engagement for a period of 60 days;
 - b. specific focus group forum to be delivered in collaboration with the Peel Development Commission, with current landowners within the West Mundijong structure plan area.



2. AMENDS the 2022/23 statutory budget to undertake two new infrastructure projects (Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road roundabout upgrade) to a value of \$150,000 as follows:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expenditure	Mundijong/Kargotich Road Roundabout Upgrade – Capital Purchase	90,000	
6400-NEW-5033-0000	Increase Revenue	Mundijong/Kargotich Road Roundabout Upgrade – Transfer from Reserve – Road Asset Management Reserve		90,000
6400-NEW-6600-0000	Increase Expenditure	Mundijong Road Pavement Dip Rehabilitation - Capital Purchase	60,000	
6400-NEW-5033-0000	Increase Revenue	Mundijong Road Pavement Dip Rehabilitation – Transfer from Reserve – Road Asset Management Reserve		60,000
Reason: Funds required for to undertake two new infrastructure projects: Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road interim roundabout upgrade.				
This is to be funded from the Road Asset Management Reserve.				

Option 2

That Council:

1. ENDORSES the discussion paper and accompanying questions as provided in **attachment 1**, which will be subject to the following engagement processes:
 - a. Your Say SJ page to promote community and stakeholder engagement for a period of 60 days;
 - b. specific focus group forum to be delivered in collaboration with the Peel Development Commission, with current landowners within the West Mundijong structure plan area.
2. REQUESTS the Chief Executive Officer to write to the subdivider of WAPC reference 159480, seeking a \$45,000 contribution to be able to undertake the Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road interim roundabout upgrade;
3. AMENDS the 2022/23 statutory budget to undertake two new infrastructure projects (Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road roundabout upgrade) to a value of \$150,000 as follows:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expenditure	Mundijong/Kargotich Road Roundabout Upgrade – Capital Purchase	90,000	
6400-NEW-4907-0000	Increase Revenue	Mundijong/Kargotich Road Roundabout Upgrade – Capital Contribution		45,000



Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-5033-0000	Increase Revenue	Mundijong/Kargotich Road Roundabout Upgrade – Transfer from Reserve – Road Asset Management Reserve		45,000
6400-NEW-6600-0000	Increase Expenditure	Mundijong Road Pavement Dip Rehabilitation - Capital Purchase	60,000	
6400-NEW-5033-0000	Increase Revenue	Mundijong Road Pavement Dip Rehabilitation – Transfer from Reserve – Road Asset Management Reserve		60,000
<p>Reason: Funds required for to undertake two new infrastructure projects: Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road interim roundabout upgrade.</p> <p>This is to be funded from a \$45,000 developer contribution with the remainder to be funded from the Road Asset Management Reserve.</p>				

Option 1 is recommended.

Conclusion

The Shire has been planning for the development of the West Mundijong Industrial Area since 2008 after project consultation with the Department of Planning, Lands and Heritage. In 2018, this 440ha land parcel was zoned industrial, with the potential to create several hundred industrial lots and employ as many as 13,600 people at full buildout. The Shire has completed a Structure Plan and development contribution plan for this area and the first industrial lot subdivision has recently been approved by the Western Australian Planning Commission.

This report recommends Council endorsement of a discussion paper to engage the community on options of future Shire involvement in the area, and also to make funds available to affect two infrastructure projects to be able to achieve RAV4 access to the area.

Attachments (available under separate cover)

- **10.1.9 - attachment 1** - Discussion paper - Future options for the West Mundijong area and the role of the Shire of Serpentine Jarrahdale - Discussion paper for community and stakeholder feedback (E22/12694)

Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration



Financial Implications

The report outlines that the combined infrastructure projects represent a cost of \$200,000 as follows:

Item to be upgraded	Maintenance / upgrade required	Cost
Mundijong Road	Upgrades between the roundabout and Lightbody Road involve repairing five areas where the existing road has been deformed	\$60,000
Mundijong / Kargotich roundabout	Upgrade by the removal and replacement of the inner ring of the roundabout island with reinforced concrete, which would than provide a permanent RAV4 solution	\$90,000

Officers recommend that the Shire funds these works, for completion by the end of the current financial year. Option 2 provides Council with a shared cost option, however it is not certain if this will be agreed.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Not having a clear focus and vision for the role of the Shire for West Mundijong may result in a loss of momentum and a slower pace of development in the West Mundijong Area. The Shire and community may miss out on important economic development and job opportunities. Also not undertaking the identified infrastructure projects may impact the viability of the area.	Discussion paper to encourage community feedback of the future of Shire involvement in the project. Budget amendment to find the funds to deliver the two infrastructure works.	Financial	Possible	Moderate	MODERATE	Nil.



2	The main difference to option 1 is seeking a financial contribution to the infrastructure works from the subdivision of WAPC reference 159480. It is uncertain if they will agree to this.	Writing to request the contribution with suitable justification.	Reputation		Possible	Moderate	MODERATE	Nil
---	--	--	------------	--	----------	----------	----------	-----

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. ENDORSES the discussion paper and accompanying questions as provided in attachment 1, which will be subject to the following engagement processes:
 - a. Your Say SJ page to promote community and stakeholder engagement for a period of 60 days;
 - b. specific focus group forum to be delivered in collaboration with the Peel Development Commission, with current landowners within the West Mundijong structure plan area.
2. AMENDS the 2022/23 statutory budget to undertake two new infrastructure projects (Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road roundabout upgrade) to a value of \$150,000 as follows:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expenditure	Mundijong/Kargotich Road Roundabout Upgrade – Capital Purchase	90,000	
6400-NEW-5033-0000	Increase Revenue	Mundijong/Kargotich Road Roundabout Upgrade – Transfer from Reserve – Road Asset Management Reserve		90,000
6400-NEW-6600-0000	Increase Expenditure	Mundijong Road Pavement Dip Rehabilitation - Capital Purchase	60,000	
6400-NEW-5033-0000	Increase Revenue	Mundijong Road Pavement Dip Rehabilitation – Transfer from Reserve – Road Asset Management Reserve		60,000

Reason: Funds required for to undertake two new infrastructure projects: Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road interim roundabout upgrade.

This is to be funded from the Road Asset Management Reserve.

**MOTION**

Moved Cr Strange, seconded Cr Strautins

That Council:

1. ENDORSES the discussion paper and accompanying questions as provided in attachment 1 SUBJECT TO the following changes:
 - a. Modifying part 5 of the discussion paper to list a further risk as follows:

“There is also a potential risk that the project may not proceed based on competition in the industrial land market, that is growing in the southeast corridor of Perth. This could result in pressure being placed on the Shire to explore various incentives (or even disincentives) to drive development, such as differential rating. It would be important to consider how best to manage such levers in a way which creates flexibility but also certainty for the project in attracting investment.”
 - b. Inserting a new Question 5a of the discussion paper as follows:

“In order to promote development taking place, would you consider differential rating methodologies to be an appropriate lever in which the Shire could utilise? For example, providing an incentive for land to be developed (improved) versus land sitting undeveloped/unimproved? Yes / No and please provide reasons for your answer.”
2. Once the discussion paper is modified in accordance with Part (1), ENDORSES the following engagement processes:
 - a. Your Say SJ page to promote community and stakeholder engagement for a period of 60 days;
 - b. Specific focus group forum to be delivered in collaboration with the Peel Development Commission, with current landowners within the West Mundijong structure plan area.
3. AMENDS the 2022/23 statutory budget to undertake two new infrastructure projects (Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road roundabout upgrade) to a value of \$150,000 as follows:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expenditure	Mundijong/Kargotich Road Roundabout Upgrade – Capital Purchase	90,000	
6400-NEW-5033-0000	Increase Revenue	Mundijong/Kargotich Road Roundabout Upgrade – Transfer from Reserve – Road Asset Management Reserve		90,000
6400-NEW-6600-0000	Increase Expenditure	Mundijong Road Pavement Dip Rehabilitation - Capital Purchase	60,000	
6400-NEW-5033-0000	Increase Revenue	Mundijong Road Pavement Dip Rehabilitation – Transfer from Reserve – Road Asset Management Reserve		60,000



Reason: Funds required for to undertake two new infrastructure projects: Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road interim roundabout upgrade.

This is to be funded from the Road Asset Management Reserve.

OCM273/11/22

AMENDMENT

Moved Cr Strautins, seconded Cr Duggin

1. ENDORSES the discussion paper and accompanying questions as provided in attachment 1 SUBJECT to the following changes:

c. Modifying part 6 of the discussion paper to list a further partnering stakeholder of ‘Environmentally Friendly Suppliers’:

2. Add the following possible answers below to the questions proposed in the original Officer’s recommendation:

Question 1 - Yes if my preferred options following are adopted.

Question 2 - Leading the inclusion of sustainable energy supply towards net zero carbon emission.

Question 3 - The Shire will be able to reduce rate burden on rate payers via the gaining of energy supply income.

Question 4 - The Shire will contribute to global warming unless the Shire works towards an net zero emission Industrial Area.

Question 6 - Engage with innovative sustainable energy supply organisations to supply and manage towards net zero emission and income for the Shire.

Question 7 - Information on how net zero emissions are being achieved.

CARRIED UNANIMOUSLY 8/0



OCM274/11/22

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Strautins

That Council:

1. **ENDORSES** the discussion paper and accompanying questions as provided in attachment 1 **SUBJECT TO** the following changes:
 - a. **Modifying part 5 of the discussion paper to list a further risk as follows:**
“There is also a potential risk that the project may not proceed based on competition in the industrial land market, that is growing in the southeast corridor of Perth. This could result in pressure being placed on the Shire to explore various incentives (or even disincentives) to drive development, such as differential rating. It would be important to consider how best to manage such levers in a way which creates flexibility but also certainty for the project in attracting investment.”
 - b. **Inserting a new Question 5a of the discussion paper as follows:**
“In order to promote development taking place, would you consider differential rating methodologies to be an appropriate lever in which the Shire could utilise? For example, providing an incentive for land to be developed (improved) versus land sitting undeveloped/unimproved? Yes / No and please provide reasons for your answer.”
2. **ENDORSES** the discussion paper and accompanying questions as provided in attachment 1 **SUBJECT TO** the following changes:
 - c. **Modifying part 6 of the discussion paper to list a further partnering stakeholder of ‘Environmentally Friendly Suppliers’:**
3. **ADD** the following possible answers below to the questions proposed in the original Officer’s recommendation:

Question 1 - Yes if my preferred options following are adopted.

Question 2 - Leading the inclusion of sustainable energy supply towards net zero carbon emission.

Question 3 - The Shire will be able to reduce rate burden on rate payers via the gaining of energy supply income.

Question 4 - The Shire will contribute to global warming unless the Shire works towards a net zero emission Industrial Area.

Question 6 - Engage with innovative sustainable energy supply organisations to supply and manage towards net zero emission and income for the Shire.

Question 7 - Information on how net zero emissions are being achieved.
4. **Once the discussion paper is modified in accordance with Part (1), ENDORSES** the following engagement processes:
 - a. **Your Say SJ page to promote community and stakeholder engagement for a period of 60 days;**



b. Specific focus group forum to be delivered in collaboration with the Peel Development Commission, with current landowners within the West Mundijong structure plan area.

5. AMENDS the 2022/23 statutory budget to undertake two new infrastructure projects (Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road roundabout upgrade) to a value of \$150,000 as follows:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expenditure	Mundijong/Kargotich Road Roundabout Upgrade – Capital Purchase	90,000	
6400-NEW-5033-0000	Increase Revenue	Mundijong/Kargotich Road Roundabout Upgrade – Transfer from Reserve – Road Asset Management Reserve		90,000
6400-NEW-6600-0000	Increase Expenditure	Mundijong Road Pavement Dip Rehabilitation - Capital Purchase	60,000	
6400-NEW-5033-0000	Increase Revenue	Mundijong Road Pavement Dip Rehabilitation – Transfer from Reserve – Road Asset Management Reserve		60,000

Reason: Funds required for to undertake two new infrastructure projects: Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road interim roundabout upgrade.

This is to be funded from the Road Asset Management Reserve.

6. REQUESTS the Chief Executive Officer to write to the subdivider of WAPC reference 159480, seeking a \$45,000 contribution to be able to undertake the Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road interim roundabout upgrade.

CARRIED 5/3

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

Councillors Rich, Byas, Duggin, Strange and Strautins voted FOR the motion.

Councillors Coales, Dagostino and Mack voted AGAINST the motion.

Reason for difference to Officer Recommendation

To ensure additional avenues to incentivise development are investigated, to add environmental considerations to the discussion paper and to explore all potential funding sources for the road upgrade.

Councillor Atwell returned to the Chambers at 9:38pm.

Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.1.9.



10.1.10 - Mundijong F1 Precinct Structure Plan - Deferral of Project (SJ307)

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.
-----------	---

Report Purpose

The purpose of this report is to request that Council amend a current Chief Executive Officer KPI for 2022/2023, pertaining to the Mundijong F1 Precinct Structure Plan.

The amendment is recommended as a result of the recent request for quotation (RFQ) process to undertake the project, receiving no responses. This appears to correlate with feedback that consultants provided, indicating no current capacity to undertake what is a large and complex project.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 June 2022 – OCM132/06/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *REQUESTS the Chief Executive Officer to commence the Mundijong Precinct F1 Local Structure Plan Project, consistent with the adopted Project Plan, with this to be completed over two years.*
2. *AMENDS the municipal budget as follows in order to fund the project:*

<i>Account Number</i>	<i>Type</i>	<i>Account Description</i>	<i>Debit \$</i>	<i>Credit \$</i>
<i>2000-NEW-6230-0000</i>	<i>Increase Expenditure</i>	<i>Mundijong Activity Centre Structure Plan Precinct F1 – Consultancy</i>	<i>180,000</i>	
<i>2200-12509-5042-0000</i>	<i>Increase Transfer From Reserve</i>	<i>West Mundijong DCP - Trf From Reserve</i>		<i>180,000</i>



Background

The Mundijong F1 Precinct Structure Plan is a project that was endorsed as a 2022/2023 Chief Executive Officer KPI, identified to be undertaken over two financial years. This is also reflected in the current Corporate Business Plan.

The target for the first year was to prepare a draft precinct structure plan, to be presented to Council by June 2023, for endorsement to advertise.

To be able to meet this KPI target, Officers prepared a detailed RFQ (refer **attachment 1**) which was presented to the market to quote on. No quotations were received.

Community / Stakeholder Consultation

Not applicable.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 4.2 - Activity Centres for Perth and Peel
- Planning and Development (Local Planning Schemes) Regulations 2015 Structure Plan Framework

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Local Planning Strategy
- Draft Local Planning Scheme No. 3
- 2020 Mundijong District Structure Plan

Comment

The Precinct Structure Plan for F1 of the Mundijong Town site will allow the Shire to progress to the next step in the planning process for this important activity centre. Once formulated and approved, the Precinct Structure Plan will establish the detailed structural framework to guide subsequent subdivision and development, including detailed guidance pertaining to land use and built form.

In June 2022, Council approved funding for the project (refer previous decisions by Council). The intention was to engage a suitably qualified consultant and associated subconsultants, to assist the Shire in the delivery of the project. Various consultants were approached through a formal RFQ, with particular emphasis on consultancies that would be able to provide the required resources to undertake the project. Two consultants responded formally in writing, to advise that they were not a position to quote as they did not have enough resources to do the project due to current workloads. Other consultants that were approached did not provide a response. In total, six consultants were invited to quote.

The written responses, combined with the lack of other responses, appears to indicate that the market currently does not have resources to undertake the project.



Arguably, trying to do the project in a market which appears currently at capacity may also erode value for money for the Shire, and may impact upon project quality. Further, given the importance that the project places on landowner engagement upfront in helping shape options, and the need for a number of informing studies, there would not appear sufficient time remaining to do the work by the set target date of June 2023.

Taking the above into consideration, it is recommended the current KPI be modified, to set the target as having a consultant secured for the project. The current KPI, versus adjusted KPI, are shown following:

Current KPI:

Present to Council the Draft Area F1 Precinct Structure Plan for consideration to progress to community advertising by June 2023

Proposed amended KPI:

Successfully engage a consultant to undertake the Draft Area F1 Precinct Structure Plan by June 2023

This will provide the opportunity for Officers to re-send out the RFQ, in the first half of 2023, with this possibly providing additional capacity in the market to receive the project.

It will also allow Council to consider the project for subsequent KPI targets, given the multi-year nature of the project.

Options and Implications

Option 1

That Council AMENDS the 2022/2023 Chief Executive Officer KPI Statement for KPI No. 4 to read as follows:

Successfully engage a consultant to undertake the Draft Area F1 Precinct Structure Plan by June 2023.

Option 2

That Council DOES NOT AMEND the 2022/2023 Chief Executive Officer KPI Statement for KPI No. 4.

Option 1 is recommended.

Conclusion

The Mundijong F1 Precinct Structure Plan is a project that is a Chief Executive Officer KPI for the 2022/2023 financial year and is included as a current project in the Corporate Business Plan over two years. Officers have been unable to acquire consultancy services for the project, to achieve its strategic outcomes in a manner which is effective and represents value for money. It is recommended that the associated KPI be adjusted to set the target as having a consultant secured for the project, rather than a draft structure plan prepared.

Attachments (available under separate cover)

- **10.1.10 - attachment 1** - Request for Quote as distributed (OC22/17298)



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 funding to undertake the project would not be affected by this decision.

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 change to the KPI target may still be difficult to achieve.	Should Council support the revised KPI target, Officers will approach the market early in 2023 to provide as much time for market consideration to undertake the project.	Reputation	Possible	Minor	LOW	Nil
2	There is no change to the KPI target.	Should Council not support the revised KPI target, Officers advise that it will not be possible to achieve the target.	Organisational Performance	Almost Certain	Minor	MODERATE	Nil



Continued

**Ordinary Council Meeting Minutes
Monday, 21 November 2022**

Voting Requirements: Simple Majority

OCM275/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

That Council AMENDS the 2022/2023 Chief Executive Officer KPI Statement for KPI No. 4 to read as follows:

Successfully engage a consultant to undertake the Draft Area F1 Precinct Structure Plan by June 2023.

CARRIED UNANIMOUSLY 9/0



10.1.11 - Dog Exercise Area - Lot 8053 Tourmaline Boulevard, Byford (SJ899-7)	
Responsible Officer:	Coordinator Community Safety
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

Legislative	Includes adopting local laws, local planning schemes and policies.
-------------	--

Report Purpose

The purpose of this report is to enable Council to consider specifying the southern end of Lot 8053 Tourmaline Boulevard, Byford, as a Dog Exercise Area, following completion of community engagement.

It is recommended that Council proceed to specify, and also write to the developer of the dog park with suggestions that were raised during the community engagement process pertaining to CCTV cameras for the park.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 19 September 2022 – OCM19/09/22 - COUNCIL RESOLUTION</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. ENDORSES the advertising of the proposed dog exercise area, located at the southern end of Lot 8053 Tourmaline Boulevard, Byford (within the fenced area);</i> <i>2. NOTES that advertising will be undertaken in accordance with the Community Engagement Plan provided at attachment 3, and will specifically include direct letters to properties within 500m plus the other methods stipulated;</i> <i>3. NOTES that following the 28 days of notice period, Council will receive a further report detailing submissions received and Officer comment, to consider the matter for final determination.</i>
--

Background

The Shire currently has a dog exercise area located on Larsen Road, Byford which has had high attendance since opening in early 2020 (Byford Bark Park). With this park being at the northern end of Byford, Council resolved in February 2021 to support an approach for Officers to engage with LWP (developer of The Glades Estate) who had identified plans to develop a second permanent dog exercise area, replacing a temporary dog exercise area that LWP had developed as an interim measure in an earlier stage of their residential estate.

LWP has now had the landscaping designs approved to develop this permanent dog exercise area, as part of subdivision landscaping plans for the overall park proposed on Lot 8053. The southern portion of the park is proposed for the Dog Exercise Area. This is within a fully fenced area of that park.



The park is currently being developed, and is expected to be completed before the end of this year. This requires the legislative processes pertaining to specifying the area as a Dog Exercise Area to be undertaken.

The Shire has also accepted the management order of Lot 8053 Tourmaline Boulevard, Byford on 16 August 2022, being a Reserve for the purpose of "Public Recreation and Drainage". Accordingly, it is important to make arrangements to properly gazette the Dog Exercise Area, so that it is ready for public use upon completion of the park.

Community / Stakeholder Consultation

Advertising has been undertaken in accordance with the Community Engagement Plan with the additional direct letters to properties within 500m plus the other methods stipulated

The engagement plan has seen 46 submissions received, with only three objecting. Those in support of the dog park, or making suggestions, raised the following matters:

- Request for additional dog parks in the Shire beyond Byford;
- Opportunity for BBQs to be included;
- CCTV cameras and lighting being installed to assist in moderating good behaviour;
- Making the space bookable for formal dog classes, such as for training;
- Ensuring adequate facilities to support the space to provide full functionality for all dogs;
- Supporting all size and manner of dogs;
- Maximise opportunities for carparking given the likely popularity of the park;
- Signage to educate proper dog owner behaviour and control of their dog;

In light of the submissions received, Officers consider the park to be a suitable location to gazette as a Dog Exercise Area.

Statutory Environment

As per the *Dog Act 1976*:

- *s31 (3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.*
- *s31 (3C) At least 28 days before specifying a place to be a dog exercise area under subsection (3A), a local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.*

As per the *Local Government Act 1995*:

- *s1.7 Local public notice Where under this Act local public notice of a matter is required to be given, notice of the matter must be -*
 - (a) published on the official website of the local government concerned in accordance with the regulations; and*
 - (b) given in at least 3 of the ways prescribed for the purposes of this section.*



As per the *Local Government (Administration) Regulations 1996*:

- s3A(2) -
 - (a) *publication in a newspaper circulating generally in the State;*
 - (b) *publication in a newspaper circulating generally in the district;*
 - (c) *publication in 1 or more newsletters circulating generally in the district;*
 - (d) *N/A*
 - (e) *circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;*
 - (f) *exhibition on a notice board at the local government offices and each local government library in the district (for 28 days prior)*
 - (g) *posting on a social media account administered by the local government (for 28 days prior).*

Comment

Community engagement and advertisement of the Shire's intent to specify the land to be a Dog Exercise Area has been undertaken for the specified time. Submissions of feedback have been noted and responded to in full, as per **attachment 1**.

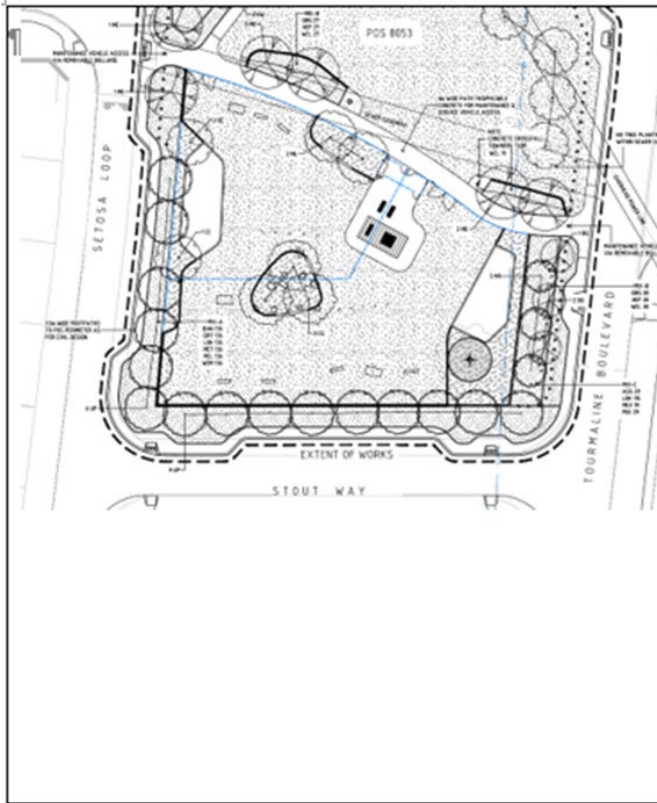
Overwhelmingly there is positive community feedback for the dog park, with suggestions for a number of improvements also.

In this regard, the developer of the park has been advised of the request for CCTV and lighting, as well as the desire to see sufficient parking.

The developer has advised their willingness to consider CCTV, however in discussion with Officers, did not support additional lighting due to the potential for noise impacts. Unlike Byford Bark Park which enjoys a degree of separation from nearby dwellings, this park is closely integrated with the surrounding neighbourhood and therefore evening / night time use would not be recommended.

In respect of car parking, provision has been made for embayed parking around the edge of the park, as well as excellent footpath connectivity for people to walk to and from the park. This park is not intended to be the larger scale dog park like Byford Bark Park, and is targeted for more local use by the surrounding neighbourhood.

In respect of functions in the park design, these include a bench and table under a patio structure within the exercise area, water station outside of the exercise area (to provide for both human and dog use), fencing to contain dogs. These are considered a sufficient level of functionality to support the use of the park. These are detailed following:



TREE PLANTING

Key	Botanic Name	Pot	Spacing	Qty.
BG	BANKSIA GRANDIS	100LT	AS SHOWN	3
CC	CORYMBIA CALOPHYLLA	150LT	AS SHOWN	14
CG	CORYMBIA CALOPHYLLA	300LT	AS SHOWN	3
EW	EUCALPTUS WANDOO	150LT	AS SHOWN	9
ME	MELALEUCA LEUCADENDRA	250LT	AS SHOWN	7
ML	MELALEUCA LEUCADENDRA	500LT	AS SHOWN	2
MR	MELALEUCA RHAPHOPHYLLA	100LT	AS SHOWN	3
UP	ULMUS PARVIFOLIA 'TODD'	200LT	AS SHOWN	18

PLANTING MIX-A

Key	Botanic Name	Spacing	Pot	Qty.
BAN	BANKSIA NIVEA	750 mm	140mm	359
GRT	GREVILLEA 'THELEMANNIANA'	750 mm	140mm	359
LOK	LOMANDRA 'KATRINUS'	750 mm	140mm	359
MET	MELALEUCA TRICHOPHYLLA	750 mm	140mm	359
MEL	MELALEUCA 'LITTLE PENTA'	750 mm	140mm	359
WEM	WESTRINGIA 'MUNDI'	750 mm	140mm	359

PLANTING MIX-B

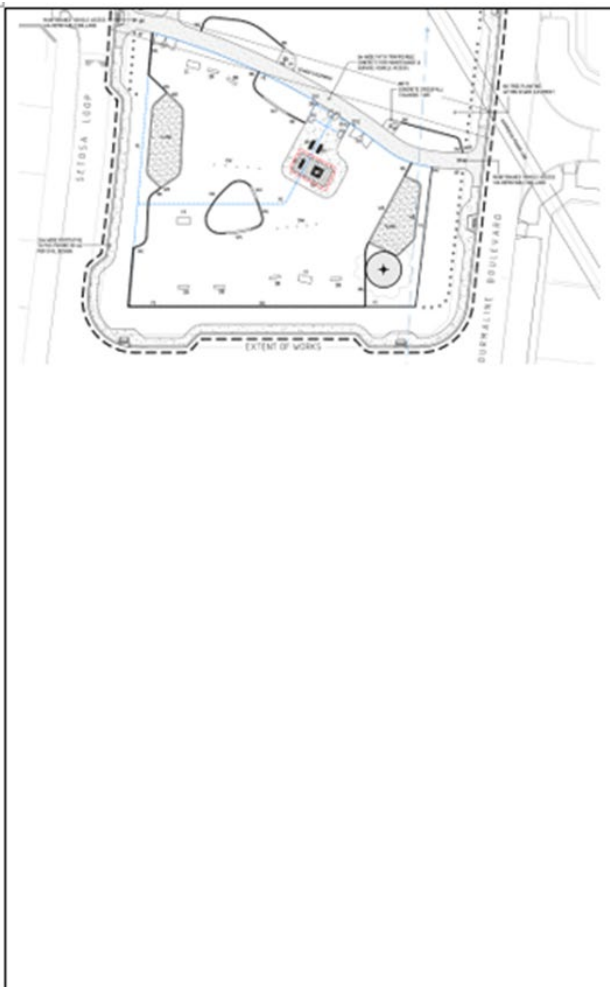
Key	Botanic Name	Spacing	Pot	Qty.
GRG	GREVILLEA 'GINGIN GEM'	850 mm	140mm	247
HEP	HEMIANDRA PLUNGENS ALBA	850 mm	140mm	247
WEL	WESTRINGIA 'LOW HORIZON'	850 mm	140mm	247

PLANTING MIX-C

Key	Botanic Name	Spacing	Pot	Qty.
ASS	ASTARTEA SCOPARIA	800 mm	SLT	29
LOK	LOMANDRA 'KATIE BELLES'	800 mm	SLT	115
MEV	MELALEUCA VIMINEA	800 mm	SLT	19
PEE	PERICALYMA ELIPTICUM	800 mm	SLT	29

PLANTING MIX-D

Key	Botanic Name	Spacing	Pot	Qty.
DIL	DIANELLA LITTLEREV	1.0 m	140mm	13
ERG	EREMOPHILA GLABRA	1.0 m	140mm	13
HIS	HIBBERTIA SCANDENS	1.0 m	140mm	13



- SHELTER: 1 No.
TYPE: PREFABRICATED STEEL SHELTER
MAKE: LANDMARK BRIGHTON SERIES ALUMINIUM OUTDOOR SHELTER
SIZE: 6.5m x 3.0m
CODE: K693
INSTALLED TO MANUFACTURERS SPECIFICATION
- WATER FOUNTAIN: 1 No.
SUPPLIER: STREET FURNITURE AUSTRALIA
MODEL: ARQUA DRINK STATION WITH DOG BUBBLER DF4-DB
COLOUR: OLDE PEWTER
INSTALLED TO MANUFACTURERS SPECIFICATION
- BALANCE LOG: 5 No.
800-1200φ x 3m LONG DEBARKED HARDWOOD LOGS
DRY LAID ON COMPACTED SUBGRADE
REFER DETAIL: 05/L7.101
- GARDEN BOULDER: 14 No.
TYPE: 1200Lx800Wx800mm MAX LOCALLY SOURCE
GRANITE BOULDERS
REFER DETAIL: 04/L7.101
- SMALL DOG AREA USER GUIDE SIGN: 1 No.
TYPE: SCREEN PRINTED ON 3mm ALUMINIUM PLATE,
BOLTED TO FENCING.
REFER DETAIL: 13/L7.101
- LARGE DOG AREA USER GUIDE SIGN: 1 No.
TYPE: SCREEN PRINTED ON 3MM ALUMINIUM PLATE,
BOLTED TO FENCING.
REFER DETAIL: 13/L7.101
- GENERAL DOG AREA USER GUIDE SIGN: 1 No.
TYPE: SCREEN PRINTED ON 3MM ALUMINIUM PLATE,
BOLTED TO FENCING.
REFER DETAIL: 13/L7.101
- 'BIOTUFF' DOG BAG DISPENSER MOUNTED TO POLE: (1 No. SALVAGED)
- DOG BALANCE LOG: 6 No.
1200φ NOM DEBARKED LOGS DRY LAID ON COMPACTED SUBGRADE
REFER DETAIL: 02/L7.102
- DOG WEAVE POLES: 10 No.
TYPE: 150-200φ NOM DEBARKED LOGS SET IN CONCRETE FOOTING
REFER DETAIL: 03/L7.102
- CONCRETE CULVERT: 3 No.
TYPE: 900H x 1200W x 2460mm LONG PRECAST
CONCRETE CULVERT SET ON COMPACTED SUBGRADE
REFER DETAIL: 04/L7.102
- RUBBISH BIN: (1 No. SALVAGED)
MAKE: COX URBAN FURNITURE
CODE: URB EWL 241
ANODISED ALUMINIUM WITH POWDERCOATED PANELS
COLOUR: INTERPON 'OLD PEWTER'.
EXISTING TREES TO BE RETAINED &
PROTECTED DURING CONSTRUCTION.
- EXISTING TREE PROTECTION ZONE.
- STICK ON TACTILES (TO MATCH EXISTING).



In respect of the concerns raised, the design has attempted to include additional landscaping to help screen the park and manage potential amenity issues that have been raised. This is considered to practically manage the interface and also the scale of the park, as a smaller park compared to Byford Bark Park.

Now that public notice has been completed, Council can, by absolute majority, specify the area to be a dog exercise area. This is recommended to occur.

Options and Implications

Option 1

That Council SPECIFIES the southern end of Lot 8053 Tourmaline Boulevard, Byford (within the fenced area) as a dog exercise area.

Option 2

That Council DOES NOT SPECIFY the southern end of Lot 8053 Tourmaline Boulevard, Byford (within the fenced area) as a dog exercise area.

Option 1 is recommended.

Conclusion

LWP / the Glades Estate has been approved to build a dog park at Lot 8053 Tourmaline Boulevard, Byford. This dog park is required to be suitably designated for such dog exercise area use. The community engagement plan has been implemented and actioned as required. As a result of community engagement, it is recommended that the park be specified as a dog exercise area.

Attachments (available under separate cover)

- **10.1.11 - attachment 1** - Tourmaline Boulevard, Byford (L8053) - 405474 - Summary of Submissions - Dog Exercise Area (E22/13787)



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 2.2	A sustainable natural environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets

Financial Implications

LWP will maintain the park for two year post it being certified as practically completed. Following that, the Shire’s Operations Team will maintain the area, as it does for all new public open spaces. The Shire has approved plans which take account of operational asset management costs.

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	Specifying the area as a dog exercise area causes complaints or dog incidents	The Dog Act is enforced by local government, and provides statutory powers to address behaviour	Social / Community Outcomes	Possible	Moderate	MODERATE	Nil.
2	Not specifying this area as a dog exercise area	Nil	Social / Community Outcomes	Possible	Moderate	MODERATE	Explain reasons for decision.



Continued

**Ordinary Council Meeting Minutes
Monday, 21 November 2022**

Voting Requirements: Absolute Majority pursuant to section 31 of the *Dog Act 1976*

OCM276/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Duggin

That Council SPECIFIES the southern end of Lot 8053 Tourmaline Boulevard, Byford (within the fenced area) as a dog exercise area.

CARRIED UNANIMOUSLY 9/0

**10.2 Infrastructure Services reports:**

10.2.1 - Minutes of the Rivers Regional Council – 20 October 2022 (SJ581)	
Responsible Officer:	Director Infrastructure Services
Senior Officer:	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

Information	For the Council / Committee to note.
-------------	--------------------------------------

Report Purpose

The purpose of this report is to enable Council to note the minutes of the Rivers Regional Council meeting held on 20 October 2022.

Relevant Previous Decisions of Council

Nil.

Background

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

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

Community / Stakeholder Consultation

Nil.

Statutory Environment

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

Comment

On 20 October 2022 an Ordinary Council Meeting of the RRC was held. The unconfirmed minutes of the meeting is contained in attachment 1. While Council is under no obligation to consider the minutes of the meeting, the unconfirmed minutes are presented for Council's information. Council's decision on this matter does not confer endorsement or otherwise of the minutes. The confirmation of minutes will be a matter for the members of the RRC at their next meeting. The minutes do not record any contentious matters that require further attention of Council at the time.

**Options and Implications**Option1

That Council NOTES the unconfirmed minutes of the Rivers Regional Council meeting held on 20 October 2022 as contained in attachment 1.

Option 2

That Council DOES NOT NOTE the unconfirmed minutes of the Rivers Regional Council meeting held on 20 October 2022.

Option 1 is recommended.

Conclusion

As a member of the RRC, the unconfirmed minutes of the RRC Ordinary Council Meeting held on 20 October 2022 are attached for Council's information.

Attachments (available under separate cover)

- **10.2.1 - attachment 1** - Rivers Regional Council Ordinary Council Meeting Minutes – 20 October 2022 (IN22/22044)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Nil.

Risk Implications

Nil.

Voting Requirements: Simple Majority

OCM277/11/22**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Strautins, seconded Cr Byas

That Council NOTES the unconfirmed minutes of the Rivers Regional Council meeting held on 20 October 2022 as contained in attachment 1.

CARRIED UNANIMOUSLY 9/0



Councillor Atwell declared a Financial Interest in item 10.2.2 and left the Chambers at 9:46pm prior to this item being discussed.

10.2.2 – New Lease - 1 Evelyn Street Mundijong – Mundijong Sales Yards (L049)	
Responsible Officer:	Manager Waste, Fleet and Facilities Coordinator Facility Maintenance
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.
-----------	---

Report Purpose

The purpose of this report is for Council to consider options for the future use of 1 Evelyn Street Mundijong, (currently operating as the Mundijong Markets), following the outcome of the facility audit and inspection undertaken for the purposes of safety and environmental health in accordance with Council Resolution from the Ordinary Council Meeting held on 18 May 2020.

The facility audit and inspection were one of the requirements to be satisfied prior to execution of the lease agreement between the Shire of Serpentine Jarrahdale and Graham Michael Melling ABN 72 597 402 133.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting - 18 May 2020 - OCM124/05/20 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>APPROVES the Shire President and Chief Executive Officer to engross the lease agreement as contained within confidential attachment 1 with Mundijong Markets for Lot 1 Evelyn Street, Mundijong subject to the inclusion in Appendix B of the requirement to prepare a Weed Management Plan and Weed Management Schedule to the satisfaction of the Shire of Serpentine Jarrahdale; and</i> <i>INSTRUCTS the Chief Executive Officer to undertake a facility audit and inspection prior to engrossing the lease for the purposes of safety and environmental health.</i>
--

<p><i>Ordinary Council Meeting – 16 December 2019 - OCM305/12/19 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>NOTES the request received from Serpentine Jarrahdale Food and Farm Alliance Inc. to allow the lease application to lapse, as per confidential attachment 2 of this report and;</i>



2. *In accordance with section 3.58 of the Local Government Act 1995, ADVERTISES for a period of 21 days, its intent to dispose of the land at Lot 1 Evelyn Street, Mundijong to Mundijong Markets for a term of 5 years plus a further 5 year extension, at a rental rate of \$6,840 per annum (inclusive of GST) and annual CPI increase, plus outgoings to be paid by the tenant and no further renewal option and;*
3. *NOTES that a report detailing any submissions received will be presented to Council for consideration at the February 2020 Ordinary Council Meeting*

Ordinary Council Meeting - 18 February 2019 – OCM030/02/19 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1.a) *INSTRUCTS the Chief Executive Officer to call for Expressions of Interest for a commercial or community lease of Lot 1 Evelyn Street, Mundijong and;*
- b) *NOTES that a report detailing all submissions will be presented to Council for consideration at the July 2019 Ordinary Council Meeting;*
2. *INSTRUCTS the Chief Executive Officer to obtain a market valuation for Lot 1 Evelyn Street, Mundijong to a maximum value of \$4,000.00 ex GST, and records the expenditure as per the following budget variation:*

<i>Account code</i>	<i>Description</i>	<i>Debit \$</i>	<i>Credit \$</i>
<i>CDO532</i>	<i>Property Valuation Expenses</i>	<i>4,000</i>	
<i>CDO531</i>	<i>Legal Expenses</i>		<i>4,000</i>

Council Resolution OCM030/02/19 was corrected at 18 March 2019 meeting, refer OCM34/03/19. Part 2 of Council Resolution OCM030/02/19 was incorrect as the debit and credit allocations were reversed. The above amendment is correct for the budget adjustment required. There is no change to the financial figures.

Background

Lot 1 Evelyn Street, Mundijong has been operating as the Mundijong Sale yards/Markets for over 30 years. The Shire purchased the lot in 1999 for the purpose of land banking for future development. The land was managed under a lease agreement with Statewide Livestock that expired in 2009. In December 2018, Statewide Livestock advised the Shire that it wished to terminate its occupancy arrangement. Statewide advised that they had sold the business to Graham Michael Melling, who has continued to operate the Mundijong Markets. In February 2019, Council called an invitation for Expressions of Interest for commercial or community leases for the property.

At its meeting of 18 May 2020, Council resolved to engross a lease agreement with Graham Michael Melling, operating as Mundijong Markets, subject to the requirement for the proponent to prepare a Weed Management Plan and Weed Management Schedule to the satisfaction of the Shire. Council further resolved to instruct the Chief Executive Officer to undertake a facility audit and inspection prior to engrossing the lease for the purposes of safety and environmental health.

A satisfactory weed management plan was subsequently received by the Shire and in October 2020, the Shire's building surveyors undertook a site audit focusing on the building structures. The audit identified defects in most structures which could affect the health and safety of the



occupiers and visitors to the site. The subsequent report found that the site required extensive repairs and the removal/closure of some structures.

The proposed lease which was presented to Council at the Ordinary Council Meeting on 18 May 2020, provides that the Lessee takes the premises in its existing condition and the Lessor does not warrant that the premises are adequate for the purposes of the Lessee. The Shire does however, as owner of the land, have a duty of care to those that use the premises to the extent covered by legislation.

Considering that the site has continued to be used as the venue for Mundijong Markets, operated by Graham Michael Melling without a formal lease or agreement, the Shire may be liable if an incident occurs due to the defects noted. It is therefore important that appropriate action is taken to address the issues of concern raised in the building surveyors report should the site continue to be used as a venue for markets and be accessible by the public.

It should be noted that the land occupied by the Mundijong Markets has been earmarked for major urban development in the Mundijong/Whitby District Structure Plan. It is anticipated that development of the area where this lot is located will commence in 2032.

Community / Stakeholder Consultation

Policy Concept Forum

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

Graham Michael Melling Consultation

Shire Officers have engaged with the operator of Mundijong Markets via email communication and face to face meetings to discuss the current building condition and remediation works that are required. Whilst the Shire owns the structures on site, the operator has indicated they would be willing to undertake some of the remediation works at their cost. This is detailed in the Comment section of this report.

Statutory Environment

The Work Health and Safety Act 2020

Building Code of Australia (BCA) (being volumes 1 and 2 of the National Construction Code Series);

Section 3.58 of the *Local Government Act 1995* regulates the disposal of Council property. With the following conditions:

A local government can dispose of property if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and



(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Comment

The Shire's Building Surveyors report found that the structures at the Saleyards have degraded to a poor condition and are subpar in terms of compliance with today's building standards. Overall, the site requires attention in the form of repairs or removal of some structures and replacement with compliant structures with the necessary approvals.

The table below shows summarises the findings for each of the structures.

Building	Report Findings
A Kitchen with server window	Servery hatch door poses WH&S risk – remove and replace
B Site Office	Significant deterioration of structure (ceilings, wall lining) - repair or replace structure.
C Shed converted to kitchen	Significant deterioration to structure (internal and external) – repair or replace
D Patio adjoining Kitchen Server	Generally good condition – engage structural engineer to inspect & certify
E Stock yard Shelter	Structures severely rusted – repair or replace
F Second Stock Yard Shelter	Structures severely rusted – repair or replace
G Roof covered stock yard	Roof gutters sagging, structural timbers rotting – engage structural engineer to inspect and provide sizes for replacement members, remove & replace structural timbers, check roof fasteners
H1 Female toilet	Outhouse buildings in poor condition and require replacing
H2 Male Toilet	

Following an extensive consultation process to determine a mutually beneficial solution, the operators have indicated their intent to undertake the required remediation works on the structures utilised for the Market operation, including replacing the Site Office, on the basis that:

- The Shire bears the cost of replacing the existing toilets, and
- A long-term lease is granted by the Shire.

The term of the draft lease is five (5) years with a five (5) year extension option. Council approved the lease to be engrossed at its meeting of 18 May 2020. Shire Officers confirmed that the operators considered this to be a long-term lease. The operators were advised that a proposal would be submitted for Council consideration based on the options discussed.



Following a meeting on 27 September 2022, the operators confirmed that they would be willing to undertake the proposed actions summarised in the below table:

Building	Action	Responsibility
Structure A (Blue Kitchen)	Replace servery door with roller door or rehing so downward opening	Operator
Structure B (Office Building)	Remove and replace existing structure	Operator Building approval required
Structure C (Office Building)	Close and secure building and cease use	Operator Confirm once secure
Structure D (Patio Area)	Rectify cantilevered attachment to adjoining building and undertake any modifications required subject to engineer's report	Operator - modifications arising from report
Structure E (Stockyard Shelter)	Close to public access. Undertake repairs required subject to Structural Engineers report if continued use as storeroom proposed	Operator - repairs arising from report
Structure F (Second Stockyard Shelter)	Close to public access (completed) Undertake repairs required subject to Structural Engineers report if continued use as storeroom proposed	Operator - repairs arising from report
Structure G (Roof covered stockyard)	Replace rotted structural timbers and undertake repairs subject to Structural Engineers report	Operator - repairs arising from report
Structure H1 & H2 (Toilets)	Close and secure existing structures and replace with transportable units. Arrange connection of plumbing.	Shire

Completion of the proposed actions above will effectively rectify the health and safety issues identified in the Building Surveyors Report. Shire Officers have identified that replacing the toilets with a modular portable unit would be the most cost-effective option. This unit could be relocated and re-used at the end of the lease. There are no funds allocated in the current budget to replace the existing toilets.

If Council supports the Officer's recommendation, the operator has indicated that they would complete the required repairs and replace the on-site office by 30 June 2023. This would allow sufficient time to obtain the necessary approvals where required.



Map and Legend



Legend	Structure
A	Kitchen with server window
B	Office Building
C	Shed converted to Kitchen
D	Patio area adjoining Kitchen server
E	Stockyard Shelter
F	A second stock yard shelter
G	Roof covered Stock Yard
H1	Female toilets
H2	Male Toilets
I	Steel frame dome structure for grow tunnels



Options and Implications

Option 1

That Council:

1. APPROVES the following budget amendment to install a transportable toilet block at the Mundijong Saleyards:

Account Number	Type	Account Description	Debit \$	Credit \$
3500-NEW-6392-0000	Increase Expenditure	Mundijong Saleyards – Transportable Toilet Block	30,000	
3500-NEW-5002-0000	Increase Transfer From Reserve	Mundijong Saleyards – Transportable Toilet Block – Trf from Building Asset Management Reserve		30,000
Reason: Existing toilet facilities require replacement as identified in Building Surveyors Report				

2. AUTHORISES the Chief Executive Officer to execute the lease for 1 Evelyn Street, Mundijong as contained within **CONFIDENTIAL attachment 2**, subject to the proposed works being completed to the satisfaction of the Shire.

The implications of this option are:

- Provides revenue via annual rental income of \$6,840 per annum for a period of five (5) years with an option for a further term of 5 years upon execution of the lease;
- A budget amendment of \$30,000 required to procure and install transportable toilet block;
- Lessee responsible for remediation works as indicated in this report; and
- Lessee responsible for ongoing site maintenance costs.

Option 2

That Council:

1. LISTS for consideration in the 2023/2024 budget process \$30,000 to install a transportable toilet block at the Mundijong Saleyards; and
2. AUTHORISES the Chief Executive Officer to execute the lease for 1 Evelyn Street Mundijong as contained within **CONFIDENTIAL attachment 2**, subject to the proposed works being completed to the satisfaction of the Shire.

The implications of this option are:

- Provides revenue via annual rental income of \$6,840 per annum for a period of five (5) years with an option for a further term of 5 years upon execution of the lease;
- Toilets not replaced in the current 2022/2023 financial year;
- Lessee responsible for remediation works as indicated in this report; and
- Lessee responsible for ongoing site maintenance costs.

Option 3

That Council:

1. REQUESTS the Chief Executive Officer NOT TO EXECUTE the lease agreement for 1 Evelyn Street Mundijong as contained within **CONFIDENTIAL attachment 2**; and
2. REQUESTS the Chief Executive Officer to issue instructions to the current occupier of the land, Graham Michael Melling to vacate the premises.

The implications of this option are:

- Structures remain intact and the Shire closes the land to public access;
- Potential community backlash due to closure of the markets;
- Loss of potential revenue via rental income – \$6,840 per annum; and
- Ongoing costs associated with the site maintenance – approximately \$5,000 per annum.

Option 1 is recommended.

Conclusion

At its Ordinary Council Meeting on 18 May 2020 Council resolved to instruct the Chief Executive Officer to undertake a facility audit and inspection prior to engrossing the lease for the purposes of safety and environmental health. The subsequent report found that the site required extensive repairs and the removal/closure of some structures.

Following an extensive consultation process the operator of the Mundijong Markets, has indicated their willingness to undertake the required remediation works on the structures utilised for the Market operation if the Shire bears the cost of replacing the toilets and grants a long-term lease for the site.

Completion of the remediation action proposed in this report will effectively rectify the health and safety issues identified in the Building Surveyors Report.

Attachments (available under separate cover)

- **10.2.2 – attachment 1** - Mundijong Sales Yard Building and Incidental Structures inspection report (E22/10788)
- **10.2.2 – CONFIDENTIAL attachment 2** – Deed of Lease Lot 1 Evelyn Street Mundijong (E20/4745)

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
Strategy 4.2.3	Provide clear strategic direction to the administration



Financial Implications

Should Council endorse the Officers Recommendation, the following budget amendment is required:

Account Number	Type	Account Description	Debit \$	Credit \$
3500-NEW-6392-0000	Increase Expenditure	Mundijong Saleyards –Transportable Toilet Block	30,000	
3500-NEW-5002-0000	Increase Transfer From Reserve	Mundijong Saleyards – Transportable Toilet Block – Trf from Building Asset Management Reserve		30,000
Reason: Existing toilet facilities require replacement as identified in Building Surveyors 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	Unallocated budget funds required for installation of transportable toilet block	Funds sourced from Building Reserve	Financial	Likely	Minor	MODERATE	
2	Delay in replacement of existing toilet facilities - ongoing deterioration impacting operation	Proceed with Officer recommendation	Financial	Possible	Minor	LOW	
3	Community impacts and concerns publicly expressed leading to reputational damage		Reputation	Likely	Moderate	SIGNIFICANT	Proceed with Officer Recommendation



Voting Requirements: Absolute Majority pursuant to section 6.8 of the *Local Government Act 1995*

Officer Recommendation

That Council:

1. APPROVES the following budget amendment to install a transportable toilet block at the Mundijong Saleyards:

Account Number	Type	Account Description	Debit \$	Credit \$
3500-NEW-6392-0000	Increase Expenditure	Mundijong Saleyards – Transportable Toilet Block	30,000	
3500-NEW-5002-0000	Increase Transfer From Reserve	Mundijong Saleyards – Transportable Toilet Block – Trf from Building Asset Management Reserve		30,000

Reason: Existing toilet facilities require replacement as identified in Building Surveyors Report

2. AUTHORISES the Chief Executive Officer to execute the lease for 1 Evelyn Street, Mundijong as contained within CONFIDENTIAL attachment 2, subject to the proposed works being completed to the satisfaction of the Shire.

MOTION

Moved Cr Strautins, seconded Cr Duggin

That Council:

1. APPROVES the following budget amendment to install a transportable toilet block at the Mundijong Saleyards; and

Account Number	Type	Account Description	Debit \$	Credit \$
3500-NEW-6392-0000	Increase Expenditure	Mundijong Saleyards – Transportable Toilet Block	30,000	
3500-NEW-5002-0000	Increase Transfer From Reserve	Mundijong Saleyards – Transportable Toilet Block – Trf from Building Asset Management Reserve		30,000

Reason: Existing toilet facilities require replacement as identified in Building Surveyors Report

2. AUTHORISES the Chief Executive Officer to execute the lease for 1 Evelyn Street, Mundijong as contained within confidential attachment 2, subject to the proposed works being completed to the satisfaction of the Shire.
3. REQUESTS that the Chief Executive Officer inform the Emergency Services through the Local Emergency Management Committee of the possibility to make use of the land, the details of the land, and the process for gaining access to the land in the event of an emergency or natural disaster, actual or possible.



Continued

**Ordinary Council Meeting Minutes
Monday, 21 November 2022**

OCM278/11/22

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Coales

In accordance with clause 12.1 of the *Standing Orders Local Law 2002 (as Amended)* that the Council proceed to the next business.

CARRIED UNANIMOUSLY 8/0

Councillor Atwell returned to the Chambers at 9:53pm.

Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.2.2.



10.2.3 - Award Request for Tender RFT 07/2022 – Bulk Bin Services – Watkins Road Transfer Station (SJ3974)

Responsible Officer:	Manager Waste Fleet and Facilities
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.
-----------	---

Report Purpose

The purpose of this report is for Council to consider awarding the contract for bulk bin services at the Watkins Road Transfer Station as recommended in the Evaluation Panel Report.

Relevant Previous Decisions of Council

The procurement of bulk bin services for the Watkins Road Transfer Station was approved by Council as part of the 2022/2023 Annual Budget.

Background

The Watkins Road Transfer Station provides a range of waste disposal and recycling options for Shire residents. The bulk bin service Contract covers the supply, collection and disposal of the waste and cardboard bins used in the facility operations. The current contract is due to expire on the 31 December 2022, and a tender was required to procure the ongoing services.

The service was previously performed under the kerbside waste collection and disposal contract.

Community / Stakeholder Consultation

Nil.

Submissions

The Request for Tender RFT 07/2022 – Bulk Bin Services – Watkins Road Transfer Station was advertised on Wednesday, 7 September 2022 and closed at 2.00pm on Tuesday, 4 October 2022.

The Tender was advertised in the following papers:

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



Four (4) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

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

Tender submissions were received from the following companies:

#	Company Name
1	Cleanaway Pty Ltd
2	Gnalla Environmental Pty Ltd
3	Instant Waste Management
4	Veolia Recycling & Recovery Pty Ltd

Evaluation Panel

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

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

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 tenderers. Each member of the panel assessed the submissions separately.

Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	60%
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, Federal and WA State government bodies, the private sector, or other public sector bodies/organisations over the past five years.	15%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none">• Capacity to deliver the services including:• Key personnel / Professional skills;• Describe the key personnel who will be involved in the work, including past work of a similar nature.	15%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none">• Companies should detail the process they intend to use to achieve the Requirements of the Specification.	10%



Comment

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

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

The tender evaluation panel therefore recommends the tender / quote submission made by *Cleanaway Pty Ltd* 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.

Options and Implications

Option 1

That Council:

1. AWARDS Tender RFT 07/2022 – Bulk Bin Services – Watkins Road Transfer Station to Cleanaway Pty Ltd as per the Schedule of Rates, as contained within **CONFIDENTIAL attachment 1 and 2**, for a period of 30 months (1 January 2023 till 30 June 2025); and
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 07/2022 – Bulk Bin Services – Watkins Road Transfer Station.

Option 2

That Council DOES NOT AWARD the contract and retender

Option 3

That Council REASSESS and appoint an alternative tenderer

Option 1 is recommended.

Conclusion

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

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



Attachments (available under separate cover)

- **10.2.3 – CONFIDENTIAL attachment 1** – RFT 07/2022 – Bulk Bin Services – Watkins Road Transfer Station - Evaluation Report (E22/12946)
- **10.2.3 – CONFIDENTIAL attachment 2** – RFT 07/2022 – Bulk Bin Services – Watkins Road Transfer Station - Pricing Schedule (E22/12970)

Alignment with our Strategic Community Plan

Strategy 2.2.2	Seek to minimise resource usage and continue to maximise reuse opportunities
Strategy 2.2.3	Continue to minimise the volume and impact of waste generated with the district

Financial Implications

Funds for the Bulk Bin Services have been allocated in the 2022/2023 Waste Transfer Station Budget in the following Cost Centre:

- 3230-13403-6288-0000 Bulk Waste Disposal (\$650,000)

The Tender price is within the current Budget, based on the current level of waste being removed from the Waste Transfer Station.

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	Recommended contractor unable to provide level of service required	Contractor demonstrated ability to provide services in provision of current contract New Contract specifies operational requirements and key performance indicators	Organisational Performance	Unlikely	Minor	LOW	



2	Contract expiry prior to retender process	Nil	Organisational Performance	Almost	Moderate	HIGH	Endorse Officer recommendation
3	Alternative Contractor unable to provide level of service required	Nil	Organisational Performance	Likely	Moderate	SIGNIFICANT	Endorse Officer recommendation

Voting Requirements: Simple Majority

OCM279/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Byas

That Council:

- 1. AWARDS Tender RFT 07/2022 – Bulk Bin Services – Watkins Road Transfer Station to Cleanaway Pty Ltd as per the Schedule of Rates, as contained within CONFIDENTIAL attachment 1 and 2, for a period of 30 months (1 January 2023 till 30 June 2025); and**
- 2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 07/2022 – Bulk Bin Services – Watkins Road Transfer Station.**

CARRIED 6/3

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

Councillors Rich, Atwell, Byas, Coales, Strange, Strautins voted FOR the motion.

Councillors Dagostino, Duggin, Mack voted AGAINST the motion.



10.2.4 - Award Request for Tender – RFT 09/2022 – Cleaning Services – Serpentine Jarrahdale (SJ3998)

Responsible Officer:	Manager Waste, Fleet and Facilities
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.
-----------	---

Report Purpose

The purpose of this report is for Council to consider awarding the contract for Cleaning Services for Shire Facilities as recommended in the Evaluation Panel Report.

Relevant Previous Decisions of Council

The procurement of Cleaning Services was approved by Council as part of the 2022/2023 Annual Budget.

Background

The Shire provides contract cleaning services to 44 facilities in its facilities portfolio. These include administration buildings, operations depot, community halls, sporting pavilions and public toilets. The services comprise scheduled cleaning as well as ad hoc and specialised services as required. The current contract is due to expire on 31 December 2022 and a tender was required to procure the services.

Community / Stakeholder Consultation

Consultation has occurred with internal stakeholders in relation to required service levels.

Submissions

The Request for Tender RFT 09/2022 – Cleaning Services – Serpentine Jarrahdale was advertised on Saturday, 24 September 2022 and closed at 2.00pm on Friday, 14 October 2022.

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

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



Two (2) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

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

Tender submissions were received from the following companies:

#	Company Name
1	Brightmark Group Pty Ltd
2	Iconic Property Services

Evaluation Panel

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

- Coordinator Facilities Maintenance;
- Senior Property and Facilities Officer;
- Bookings and Facilities Officer.

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 tenderers. Each member of the panel assessed the submissions separately.

Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	60%
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	15%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none">• Capacity to deliver the services including:• Key personnel / Professional skills;• Describe the key personnel who will be involved in the work, including past work of a similar nature.	15%
Demonstrated Understanding/Experience 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 tender submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment and prices are documented in **CONFIDENTIAL attachment 1**.

Following the assessment of all tender submissions, against the selection criteria and subsequent reference checks, the tender submitted by Iconic Property Services was assessed as being the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission made by Iconic Property Services 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.

Part 4 Division 2 r.20 of the *Local Government (Functions and General) Regulations 1996* allows a local government to make minor variations to the supply of goods or services required prior to entering into a contract subject to such variations being agreed with the tenderer.

Options and Implications

Option 1

That Council:

1. AWARDS Tender RFT 09/2022 – Cleaning Services – Serpentine Jarrahdale to Iconic Property Services in accordance with **CONFIDENTIAL attachment 1 and 2**, for an initial period of three (3) years (1 January 2023 till 31 December 2025) with an optional extension of one (1) year, plus one (1) year (Total five (5) years) at the Chief Executive Officers Discretion;
2. AUTHORISES the Chief Executive Officer to NEGOTIATE minor variations to the Scope of Works in accordance with **CONFIDENTIAL attachment 3**, with Iconic Property Services; and
3. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 09/2022 – Cleaning Services – Serpentine Jarrahdale pending AGREEMENT of any minor variations to the Scope of Works.

Option 2

That Council:

1. DOES NOT AWARD the contract; and
2. Requests the Chief Executive Officer to retender.

Option 3

That Council REASSESS and appoint an alternative tenderer.

Option 1 is recommended.



Conclusion

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

Therefore, it is recommended that Council support Option 1 and the contract be awarded to Iconic Property Services.

Attachments (available under separate cover)

- **10.2.4 – CONFIDENTIAL attachment 1** – RFT 09/2022 - Cleaning Services - Serpentine Jarrahdale - Evaluation Report (E22/13328)
- **10.2.4 – CONFIDENTIAL attachment 2** – RFT 09/2022 - Cleaning Services - Serpentine Jarrahdale - Pricing Schedule (E22/13329)
- **10.2.4 – CONFIDENTIAL attachment 3** - RFT 09/2022 - Cleaning Services - Serpentine Jarrahdale –Variation of requirements before entry into a contract (E22/14459)

Alignment with our Strategic Community Plan

Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
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

Funds for the Cleaning Services Contract have been allocated in the 2022/2023 Facilities Maintenance Budget in cost account 3510:6393. Both tender submissions received exceeded the current cleaning budget allocation.

Based on the tender price, expenditure for the 2022/2023 Financial Year is projected to exceed the current budget by approximately \$50,000. This could be mitigated through identifying potential savings in the infrastructure operating budget for 2022/2023. An additional \$100,000 per annum will be required for years two (2) and three (3) of the contact term. The 2023/2024 and 2024/2025 budgets will need to be increased to reflect the contract price.



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	Tender price exceeds allocated budget	Negotiate minor variations to scope of works Identify potential savings in Infrastructure operating budget	Financial	Likely	Minor	MODERATE	
2	Contract expiry prior to retender process	Nil	Organisational Performance	Almost	Moderate	HIGH	Endorse Officer recommendation
3	Alternative Contractor unable to provide level of service required	Nil	Organisational Performance	Likely	Moderate	SIGNIFICANT	Endorse Officer recommendation



Voting Requirements: Simple Majority

OCM280/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Duggin

That Council:

- 1. AWARDS Tender RFT 09/2022 – Cleaning Services – Serpentine Jarrahdale to Iconic Property Services in accordance with CONFIDENTIAL attachment 1 and 2, for an initial period of three (3) years (1 January 2023 till 31 December 2025) with an optional extension of one (1) year, plus one (1) year (Total five (5) years) at the Chief Executive Officers Discretion;**
- 2. AUTHORISES the Chief Executive Officer to NEGOTIATE minor variations to the Scope of Works in accordance with CONFIDENTIAL attachment 3, with Iconic Property Services; and**
- 3. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 09/2022 – Cleaning Services – Serpentine Jarrahdale pending AGREEMENT of any minor variations to the Scope of Works.**

CARRIED UNANIMOUSLY 9/0

**10.3 Corporate Services reports:**

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

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
-------------	--

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

Options and Implications

Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 October 2022 to 31 October 2022, totalling \$4,662,500.86.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 October 2022 to 31 October 2022, totalling \$4,662,500.86.

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 October 2022 (E22/14055)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 29 August 2022 to 27 September 2022 – Redacted (E22/14056)

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 October 2022 to 31 October 2022 totalled \$4,662,500.86.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	That Council does not accept the payments	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	

Voting Requirements: Simple Majority

OCM281/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Byas

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 October 2022 to 31 October 2022, totalling \$4,662,500.86 as contained in attachment 1.

CARRIED UNANIMOUSLY 9/0

**10.3.2 - Monthly Financial Report – September 2022 (SJ801)**

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

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
-------------	--

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 September 2022.

Relevant Previous Decisions of Council

Special Council Meeting – 25 July 2022 – SCM026/07/22 - COUNCIL RESOLUTION – extract

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

a) 10% of the amended budget; or

b) \$10,000 of the amended budget.

Whichever is greater.

In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at a point in time.

Community / Stakeholder Consultation

Nil.



Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of 30 September 2022.

The municipal surplus as at 30 September 2022 is \$30,289,188 which is favourable, compared to a budgeted surplus for the same period of \$24,991,445. The primary cause of this is a higher than anticipated opening position.

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

Operating Revenue

Rates

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

Operating Grants, Subsidies and Contributions

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

Fees and Charges

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

Interest Earnings

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

Other Revenue

Favourable variance of \$95,463 due primarily to:

- Higher wages were anticipated at the beginning of last year. Hence why, credit received from Local Government Insurance Scheme (LGIS) for workers compensation for 21/22- \$63,649
- Reimbursement from Department of Fire and Emergency Services for road flooding - \$28,370

Profit on Asset Disposal

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

Operating Expenses

Employee Costs

Favourable variance of \$269,815 due to vacant positions primarily in:

- Engineering : \$96,304
- Parks and Garden : \$71,700
- ICT : \$47,610



- Operations: \$43,077

Materials and Contracts

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

Utility Charges

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

Depreciation on Non-Current Assets

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

Insurance Expenses

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

Interest Expenses

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

Other Expenditure

Unfavourable variance of \$1,390,826 due primarily to:

- Refund of excess DCP credits for Byford Traditional DCP - \$1,388,693

Loss on Disposal of Assets

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

Other

Capital Expenditure

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

Refer to Capital Works Expenditure within attachment 1 for further details.

Non-Operating Grants, Subsidies and Contributions

Favourable variance of \$1,756,082 due primarily to unbudgeted Developer Contributions received:

- Byford DCP - \$359,248;
- Community Infrastructure DCP - \$136,020;
- West Mundijong DCP - \$840,974

Proceeds from Disposal of Assets

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

Repayment of Loans

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

Repayment of Leases

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

Transfers to/from Cash Backed Reserves (Restricted Assets)

Unfavourable variance to Transfer to Reserve of \$1,346,409 due primarily to unbudgeted Developer Contributions received:



- Byford DCP - \$359,248;
- Community Infrastructure DCP - \$136,020;
- West Mundijong DCP- \$840,974

Unfavourable variance to Transfer from Reserve of \$1,037,173 due primarily to:

- Refund of excess DCP credits for Byford Traditional DCP - \$1,388,639

Options and Implications

Option 1

That Council RECEIVES the Monthly Financial Report for September 2022 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 September 2022, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.2 - attachment 1** – Monthly Financial Report - September 2022 (E22/14099)

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 September 2022, the Shire's respective cash position was as follows:

Municipal Fund:	\$16,661,039
Trust Fund:	\$304,221



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for May leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	Accept Officer Recommendation

Voting Requirements: Simple Majority

OCM282/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strautins

That Council RECEIVES the Monthly Financial Report for September 2022 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 9/0



10.3.3 – September 2022 Quarterly Budget Review (SJ3940)

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.
-----------	---

Report Purpose

The purpose of this report is to present the quarterly review of the 2022/2023 Budget. A number of budget variations are proposed as part of this review.

Relevant Previous Decisions of Council

Special Council Meeting – 25 July 2022 – SCM026/07/22 – COUNCIL RESOLUTION - extract
The Council:

7. *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 2023 incorporating amendments as per the following table:*

<i>Description</i>	<i>Expenditure Type</i>	<i>Savings</i>
<i>Project: 80407 REDUCE "Kinsella Avenue Playground Upgrade – Lot 8011"</i>	<i>Municipal Funding – Reduce line item from 244,000 to 150,000</i>	<i>94,000</i>
<i>Project: 80398 AMENDS "Youth Services – Facilities and Safety Upgrades" to "Youth Services – Facilities and Critical Safety Upgrades and Facilities Planning</i>	<i>Municipal Funding – Reduce line item from 101,000 to 21,682</i>	<i>79,318</i>
<i>Project: 80414 DELETE "Abernethy Road Roundabouts, Median Trees and Rain Gardens"</i>	<i>Municipal Funding – Reduce line item from 73,000 to 0</i>	<i>73,000</i>
<i>FTE RETAIN existing staffing levels and arrangements for Youth Development Team, Provide \$25000 to provide for additional casual wages to ensure sufficient staffing levels to meet increasing demand for youth service provision.</i>	<i>Municipal Funding</i>	<i>19,546</i>



<i>Project: 80218 DELETE new spending against "New Bus Shelter Program" Note: RETAIN Carryover funds for 80218</i>	<i>Municipal Funding</i>	<i>27,000</i>
<i>REDUCE parks and gardens maintenance</i>		<i>50,000</i>
<i>REDUCE road safety initiatives</i>		<i>50,000</i>
<i>TOTAL:</i>		<i>392,864</i>

Ordinary Council Meeting – 18 July 2022 – OCM168/07/22 – COUNCIL RESOLUTION / Officer Recommendation

That Council AUTHORISES the Chief Executive Officer to process the repayment of the \$1,388,693.07 credit owed to Appley Holdings Ltd.

Background

Changes to the Annual Budget are required during the year as circumstances change from when the Annual Budget was adopted by Council at the beginning of the financial year. Amendments to the Annual Budget will ensure that tight fiscal control is maintained on the Shire's finances.

Community / Stakeholder Consultation

There has been no community / stakeholder consultation regarding this recommendation.

Statutory Environment

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

Comment

The 2022/23 Budget has been reviewed and approval is sought for the following budget adjustments for the reasons specified:

Capital Works

As part of the September quarterly review the following Capital projects have been identified as requiring adjustments to the current budget and require an additional total budget of \$102,207:



Account Number	Type	Account Description	Debit \$	Credit \$
6300-NEW-6600-0000	Increase Expenditure	Animal Control Specific Canopies for Rangers Vehicles – Capital Purchases	74,000	
6300-NEW-5021-0000	Increase Transfer from Reserve	Animal Control Specific Canopies for Rangers Vehicles – Transfer from Reserve – Fleet and Plant		20,000
<p>Reason: This expenditure is to purchase three (3) Animal Control specific canopies for the Ranger vehicles to mitigate multiple serious Officer safety issues, while simultaneously providing better animal welfare and aesthetic appeal as the face of the Shire.</p> <p>The proposed canopies would provide multiple enhancement, including ramps, to mitigate aggressive dog containment hazards, provide best practice welfare in transit for small to larger animals and provide storage for Ranger tools – eliminating projectile risk from items stored in vehicle.</p>				
Account Number	Type	Account Description	Debit \$	Credit \$
6600-80416-6600-0000	Increase Expenditure	Byford Skate Park Stage 2 – Capital Purchases	37,000	
<p>Reason: Funding Agreement between the Shire and Department of Local Government, Sport and Culture does not allow for grant funds to be used to fund internal project management costs related to this project. Additional funds required to fund this cost, which are estimated to be \$37,000 based on original business case.</p>				
Account Number	Type	Account Description	Debit \$	Credit \$
6300-80261-6600-0000	Increase Expenditure	Tipper Truck - Civil - Replace 51022 - Capital Purchase	26,190	
<p>Reason: Following an RFQ process, the quote supplied to purchase this vehicle was higher than anticipated.</p>				
Account Number	Type	Account Description	Debit \$	Credit \$
6300-80223-6600-0000	Increase Expenditure	Street Sweeper - Power Boom attachment - Capital Purchase	16,740	
<p>Reason: Funds required to purchase a power boom vacuum attachment for the Street Sweeper. This will allow for internal staff to perform drain cleaning.</p>				
Account Number	Type	Account Description	Debit \$	Credit \$
6300-80272-5021-0000	Decrease Transfer from Reserve	Toyota Camry Hybrid - Replace 51089 - Transfer from Reserve - Fleet and Plant	20,000	



Ordinary Council Meeting Minutes Monday, 21 November 2022

Account Number	Type	Account Description	Debit \$	Credit \$
6300-80372-6600-0000	Decrease Expenditure	Toyota Camry Hybrid - Replace 51089 - Capital Purchase		40,000
6300-80272-4600-0000	Increase Income	Toyota Camry Hybrid - Replace 51089 - Proceeds of Sale		11,723
Reason: Vehicle no longer required as Officer now has a car allowance instead. Furthermore, proceeds of sale on the previous vehicle higher than anticipated.				
Account Number	Type	Account Description	Debit \$	Credit \$
6000-89000-5204-0000	Increase Transfer to Reserve	Byford Developer Contributions - Transfer to Reserve - Byford DCP	359,248	
6000-89000-4908-0000	Increase Income	Byford Developer Contributions - Capital Contributions - Byford DCP		359,248
6000-89001-5210-0000	Increase Transfer to Reserve	Community Infrastructure DCP Contributions - Capital Contributions - Community Infrastructure DCP	136,020	
6000-89001-4909-0000	Increase Income	Community Infrastructure DCP Contributions- Transfer to Reserve - Community Infrastructure Reserve		136,020
6000-89003-5242-0000	Increase Transfer to Reserve	West Mundijong DCP Contributions - Capital Contributions - West Mundijong DCP	840,974	
6000-89003-4912-0000	Increase Income	West Mundijong DCP Contributions- Transfer to Reserve - West Mundijong DCP		840,974
Reason: Recognition of Developer Contributions funds received year to date as well as the corresponding transfer to Reserve.				

Operating Projects

The following operational needs have been identified as part of the September quarterly review. The result of these adjustments is a saving of \$102,207 which will be reallocated to facilitate the shortfall in funding required for capital project:

Account Number	Type	Account Description	Debit \$	Credit \$
2410-12100-6003-0000	Increase Expenditure	Fire and Emergency Management – Casual Wages	27,500	
Reason: Additional funds are required for a second firebreak inspector for the 2022/23 firebreak season.				



This additional expenditure brings the existing budget into alignment with the expenditure for firebreak inspections for the 2021/22 firebreak season and will enable the Emergency Services Department to achieve its goals under the Corporate Business Plan.

Account Number	Type	Account Description	Debit \$	Credit \$
5300-17300-4101-0000	Increase Income	General Purpose Funding - Grants Commission - Local Roads		87,848

Reason: The Shire has received higher than anticipated Financial Assistance Grants for 2022/23.

Account Number	Type	Account Description	Debit \$	Credit \$
4000-15011-6610-0000	Decrease Expenditure	Jarrahdale Trails Town Business Case – Carry forward Expenditure		7,454

Reason: Jarrahdale Trails Town Business Case has been completed and surplus funds are no longer required.

Account Number	Type	Account Description	Debit \$	Credit \$
4000-15013-6610-0000	Decrease Expenditure	Jarrahdale Trails Priority Plan – Carry forward Expenditure		30,000

Reason: Jarrahdale Trails Priority Plan is contingent on the Trails Audit project being completed, which is scheduled for completion by June 2023. Based on this timeline, the Jarrahdale Trails Priority Plan will not be able to be completed by June 2023.

Account Number	Type	Account Description	Debit \$	Credit \$
2400-12200-4700-0000	Increase Income	Ranger Services - Reimbursements		9,405

Reason: Shire received reimbursement of Animal Welfare in Emergencies training course provide to Rangers in 2021/22 under the Animal Welfare in Emergencies Grant Program.

Account Number	Type	Account Description	Debit \$	Credit \$
3140-13006-6230-0000	Increase Expenditure	Kargotich Road Design - Consultancy	65,623	



3140-13006-5042-0000	Increase Transfer from Reserve	Kargotich Road Design - Trf from Reserve - West Mundijong Industrial DCF		65,623
Reason: Funds required to undertake design and investigation works on Kargotich Road which falls within the scope of the West Mundijong DCP.				
Account Number	Type	Account Description	Debit \$	Credit \$
4300-15304-6392-0000	Increase Expenditure	Access and Inclusion Plan 2022-2027 - External Contractors	15,000	
4000-15000-6230-0000	Decrease Expenditure	Director Community Services - Consultancy		10,000
Reason: RFQ complete for Disability Access and Inclusion Plan 2023 – 2028 development as required by Disability Services Commission which has come in over budget, to be funded from Director Community Services consultancy as well as other general savings found in this review.				
Account Number	Type	Account Description	Debit \$	Credit \$
4400-15810-6131-0000	Increase Expenditure	Sport & Recreation Program – Program Activities	2,200	
4400-15810-4138-0000	Increase Income	Sport & Recreation Program - Grant – Operating – Department of Communities		2,200
Reason: Successful in securing “Promotion of Volunteering” grant. This will generate marketing and promotional materials to encourage and support volunteering locally.				
Account Number	Type	Account Description	Debit \$	Credit \$
5100-17210-6000-0000	Increase Expenditure	OneComm Project - Salaries	82,102	
5100-17210-6030-0000	Increase Expenditure	OneComm Project - Superannuation	12,529	
5100-17210-6020-0000	Increase Expenditure	OneComm Project - Annual Leave	7,139	
5100-17210-6010-0000	Increase Expenditure	OneComm Project - Sick Leave	3,569	
5100-17210-6050-0000	Increase Expenditure	OneComm Project - Training	1,000	
4700-10300-6000-0000	Decrease Expenditure	People and Culture - Salaries		82,102
4700-10300-6030-0000	Decrease Expenditure	People and Culture - Superannuation		12,529



4700-10300-6020-0000	Decrease Expenditure	People and Culture - Annual Leave		7,139
4700-10300-6010-0000	Decrease Expenditure	People and Culture - Sick Leave		3,569
4700-10300-6050-0000	Decrease Expenditure	People and Culture - Training		1,000
Reason: Move budget associated with HR Key User from People and Culture to OneComm project as the resource will be utilised as part of the OneComm consolidation project.				
Account Number	Type	Account Description	Debit \$	Credit \$
2200-12506-6912-0000	Increase Expenditure	Byford Developer Contributions - Refund	1,388,693	
2200-12506-5004-0000	Increase Transfer from Reserve	Byford Developer Contributions - Transfer from Reserve - Byford DCP		1,388,693
Reason: Refund of Excess DCP Credits as per Council resolution OCM168/07/22.				

Employee Costs

This year's budget included a salary increase for staff across the board of 1.5%. Recognising staff turnover and inflation costs, the CEO authorised a salary increase of 2.5% across the board for all staff except the CEO which Council determined the increase.

As at the end of September 2022, the current rate of inflation is 7.3%.

Given market conditions, attracting and retaining staff is a significant risk for the organisation as identified in the Risk Register and only becoming more challenging. The introduction of flexible work arrangements and a salary market review had some very positive impacts on reduction of staff turnover however, this has been overtaken now by cost-of-living increases.

The CEO recommends that staff (except the CEO, which should be determined by the Council) receive a one-off cost of living assistance payment prior to the end of the calendar year. This additional payment would be in the vicinity of \$240,000, which is offset by the savings already realised in the salary accounts across the organisation.

No budget adjustment is required in the current financial year due to expected savings in Employee Costs throughout the remainder of the financial year.

Other attraction and retention strategies will be developed as part of the new workforce plan being prepared.



Options and ImplicationsOption 1

That Council ADOPTS the September 2022 Quarterly Budget Review report and pursuant to section 6.8 of the *Local Government Act 1995*, APPROVES the schedule of variations to the 2022/23 Budget as contained within this report.

Option 2

That Council DOES NOT ADOPT the September 2022 Quarterly Budget Review report and pursuant to section 6.8 of the *Local Government Act 1995*, DOES NOT APPROVE the schedule of variations to the 2022/23 as contained within this report

Option 1 is recommended.

Conclusion

A Quarter 1 review of the Annual Budget has been completed. A list of budget variations requiring approval has been identified.

Attachments (available under separate cover)

Nil.

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

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.



Risk Implications

Risk has been assessed on the Officer Options 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 as well as being non compliance with Financial regulations.	The organisation undertakes a quarterly finance and costing review prior to making council recommendation. Law restricts expenditure when expenditure from municipal fund not included in annual budget unless authorised by resolution.	Financial	Unlikely	Moderate	MODERATE	Accept Officer recommendation (Option 1)

Voting Requirements: Absolute Majority pursuant to section 6.8 of the *Local Government Act 1995*

OCM283/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Byas

That Council **ADOPTS** the September 2022 Quarterly Budget Review report and pursuant to section 6.8 of the *Local Government Act 1995*, **APPROVES** the schedule of variations to the 2022/23 Budget as contained within this report and detailed below:

Account Number	Type	Account Description	Debit \$	Credit \$
6300-NEW-6600-0000	Increase Expenditure	Animal Pods For Rangers Utes – Capital Purchases	74,000	
6300-NEW-5021-0000	Increase Transfer	Animal Control Specific Canopies for Rangers Vehicles –		20,000



Continued

**Ordinary Council Meeting Minutes
Monday, 21 November 2022**

Account Number	Type	Account Description	Debit \$	Credit \$
	from Reserve	Transfer from Reserve – Fleet and Plant		
6600-80416-6600-0000	Increase Expenditure	Byford Skate Park Stage 2 – Capital Purchases	37,000	
6300-80261-6600-0000	Increase Expenditure	Tipper Truck - Civil - Replace 51022 - Capital Purchase	26,190	
6300-80223-6600-0000	Increase Expenditure	Street Sweeper- Power Boom attachment - Capital Purchase	16,740	
6300-80272-5021-0000	Decrease Transfer from Reserve	Toyota Camry Hybrid - Replace 51089 - Transfer from Reserve - Fleet and Plant	20,000	
6300-80372-6600-0000	Decrease Expenditure	Toyota Camry Hybrid - Replace 51089 - Capital Purchase		40,000
6300-80272-4600-0000	Increase Income	Toyota Camry Hybrid - Replace 51089 - Proceeds of Sale		11,723
6000-89000-5204-0000	Increase Transfer to Reserve	Byford Developer Contributions - Transfer to Reserve - Byford DCP	359,248	
6000-89000-4908-0000	Increase Income	Byford Developer Contributions - Capital Contributions - Byford DCP		359,248
6000-89001-5210-0000	Increase Transfer to Reserve	Community Infrastructure DCP Contributions - Capital Contributions - Community Infrastructure DCP	136,020	
6000-89001-4909-0000	Increase Income	Community Infrastructure DCP Contributions- Transfer to Reserve - Community Infrastructure Reserve		136,020
6000-89003-5242-0000	Increase Transfer to Reserve	West Mundijong DCP Contributions - Capital Contributions - West Mundijong DCP	840,974	
6000-89003-4912-0000	Increase Income	West Mundijong DCP Contributions- Transfer to Reserve - West Mundijong DCP		840,974
2410-12100-6003-0000	Increase Expenditure	Fire and Emergency Management – Casual Wages	27,500	



Continued

**Ordinary Council Meeting Minutes
Monday, 21 November 2022**

Account Number	Type	Account Description	Debit \$	Credit \$
5300-17300-4101-0000	Increase Income	General Purpose Funding - Grants Commission - Local Roads		87,848
4000-15011-6610-0000	Decrease Expenditure	Jarrahdale Trails Town Business Case – Carry forward Expenditure		7,454
4000-15013-6610-0000	Decrease Expenditure	Jarrahdale Trails Priority Plan – Carry forward Expenditure		30,000
2400-12200-4700-0000	Increase Income	Ranger Services - Reimbursements		9,405
3140-13006-6230-0000	Increase Expenditure	Kargotich Road Design - Consultancy	65,623	
3140-13006-5042-0000	Increase Transfer from Reserve	Kargotich Road Design - Trf from Reserve - West Mundijong Industrial DCF		65,623
4300-15304-6392-0000	Increase Expenditure	Access and Inclusion Plan 2022-2027 - External Contractors	15,000	
4000-15000-6230-0000	Decrease Expenditure	Director Community Services - Consultancy		10,000
4400-15810-6131-0000	Increase Expenditure	Sport & Recreation Program – Program Activities	2,200	
4400-15810-4138-0000	Increase Income	Sport & Recreation Program - Grant – Operating – Department of Communities		2,200
5100-17210-6000-0000	Increase Expenditure	OneComm Project - Salaries	82,102	
5100-17210-6030-0000	Increase Expenditure	OneComm Project - Superannuation	12,529	
5100-17210-6020-0000	Increase Expenditure	OneComm Project - Annual Leave	7,139	
5100-17210-6010-0000	Increase Expenditure	OneComm Project - Sick Leave	3,569	
5100-17210-6050-0000	Increase Expenditure	OneComm Project - Training	1,000	
4700-10300-6000-0000	Decrease Expenditure	People and Culture - Salaries		82,102
4700-10300-6030-0000	Decrease Expenditure	People and Culture - Superannuation		12,529



Continued

**Ordinary Council Meeting Minutes
Monday, 21 November 2022**

Account Number	Type	Account Description	Debit \$	Credit \$
4700-10300-6020-0000	Decrease Expenditure	People and Culture - Annual Leave		7,139
4700-10300-6010-0000	Decrease Expenditure	People and Culture - Sick Leave		3,569
4700-10300-6050-0000	Decrease Expenditure	People and Culture - Training		1,000
2200-12506-6912-0000	Increase Expenditure	Byford Developer Contributions - Refund	1,388,693	
2200-12506-5004-0000	Increase Transfer from Reserve	Byford Developer Contributions - Transfer from Reserve- Byford DCP		1,388,693

CARRIED UNANIMOUSLY 9/0



10.3.4 – Corporate Business Plan Performance Report – July to September 2022 (SJ940-3)

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

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

Report Purpose

The purpose of this report is to provide Council with a performance report against the 2022-26 Corporate Business Plan (CBP) for the period 1 July to 30 September 2022 and an amended CBP for consideration.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 August 2022 - OCM199/08/22 - COUNCIL RESOLUTION / Officer Recommendation
That Council:

- 1. ADOPTS the Long Term Financial Plan 2022-32 at attachment 1;*
- 2. ADOPTS the Corporate Business Plan 2022-26 at attachment 2; and*
- 3. NOTES the Chief Executive Officer will apply the Shire’s Corporate Branding in finalising the Corporate Business Plan for publication.*

Background

On 15 August 2022, Council adopted the Shire of Serpentine Jarrahdale Corporate Business Plan 2022-26 (OCM199/08/22).

The Corporate Business Plan 2022-26 is the Shire of Serpentine Jarrahdale’s four-year delivery program, aligned to the Shire’s Integrated Planning and Reporting Framework (i.e. Strategic Community Plan, Annual Budget, Long Term Financial Plan and other supporting strategies). The purpose of the plan is to operationalise the Community’s vision and the Shire’s strategic objectives through the establishment of actions that address each strategy contained within the Strategic Community Plan.

The Shire of Serpentine Jarrahdale has established periodic performance reporting against the 2022-26 Corporate Business Plan to provide Council and the Community with an update towards



the achievement of these actions, such as the delivery of key projects and the successful implementation of service level changes.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Local governments have a statutory obligation under s5.56(1) of the *Local Government Act 1995* (WA) ('the Act') to plan for the future of their district. Regulations have been made under s5.56(2) of the Act to briefly outline the minimum requirements to achieve this.

Regulations 19C and 19DA of the *Local Government (Administration) Regulations 1996* (WA) ('the Regulations') require a local government to ensure that a Strategic Community Plan and Corporate Business Plan are made for its district. Any amendments to a Corporate Business Plan must be adopted by absolute majority (Regulation 19DA(6)).

Guidelines for the monitoring and reporting against the Corporate Business Plan are outlined in the Integrated Planning and Reporting Framework and Guideline September 2016 issued by the Department of Local Government and Communities. The Guideline states, "*it is open to local governments to design complementary means of reporting progress and outcomes to the community*".



Comment

The Shire of Serpentine Jarrahdale has completed a performance report against the 2022-26 Corporate Business Plan for the period 1 July to 30 September 2022 ('the Report'). The Report is contained in **attachment 1** for the Council to note.




As this report relates to the period up to 30 September 2022, changes to projects that have occurred in- the period from 1 October 2022 will be reflected in subsequent reports.

Report Structure

Grouped under each key objective area of the Strategic Community Plan (People, Place, Prosperity, Progressive), the Report provides a narrative update against each respective action of the CBP's Delivery Program. To ensure consistency and to enable summary reporting, each action is also allocated a traffic light status in accordance with the following key:

Status	Selection Criteria
 On Track or Complete	Action is complete or on target.
 At Risk or Behind Target	<p>Minor issues have put achievement of the project due date or level of service at risk.</p> <p>or</p> <p>Minor issues have put the project/service behind target.</p> <p>The causes for this are being managed by routine procedures and the issues are likely to be resolved by the next reporting period.</p>



Status	Selection Criteria
 Critical	Major issues have prevented the service/project from commencing or continuing. The causes for this do/will require significant action to rectify and the issues are likely to be ongoing into future reporting periods
 On hold	Work is unable to commence due to a dependency (e.g. awaiting grant funding or completion of another project).
 Deferred or Not Proceeding	<p>Action is no longer proceeding within its planned year of the Corporate Business Plan but will be occurring within a future year of the Corporate Business Plan.</p> <p>Or</p> <p>Action is no longer proceeding within the timeframe of the current Corporate Business Plan. This may be due to a change in direction caused by external factors (e.g. loss of grant funding / change of government) or a change of direction by Council.</p>

Report Summary

The Report provides an update against 122 actions in the Corporate Business Plan. Statistics this period show:

- **84%** are on track or complete (103/122); and
- **16%** are at risk or behind target (19/122).

Key achievements and highlights this reporting period are as follows:

- Opening of the Serpentine Jarrahdale Library Service in Byford
- Commencement of the Mobile Library Service
- Opening of new day yards for users of the Darling Downs Equestrian Park – made possible through the Shire’s Infrastructure Fund
- Completion of access improvements to the Serpentine Bridge School
- Adoption of the 2022-23 Annual Budget, 2022-26 Corporate Business Plan and 2022-32 Long Term Financial Plan
- Completion of fencing at the Serpentine Sports Reserve
- Completion of restoration works to the Old Hopeland School Hall
- Adoption of the draft Shire Equine Facilities Master Plan and release for public comment
- Endorsement of the Local Heritage Survey
- Finalisation of the contract for the Serpentine Jarrahdale Community Recreation Centre Management Services
- Finalisation of the Byford Town Team project
- Opening of the SJ Reuse Shop at the Watkins Road Transfer Station and Recycling Centre
- Endorsement of the project plan for the Strategic Community Plan – Major Review
- Completion of the 2022 Community Perceptions Survey



- Published 12 engagement projects to Your Say SJ
- Completion of the Gordin Way Bus Bay Extension
- Installation of solar street lighting at Mundijong Road / Lampiter Drive
- Completion of the Equine Priority - Funding Opportunity Resource project



The **19** actions identified as **at risk or behind target** are:

- Drainage Material Disposal
- Community Activation Strategy
- Reconciliation Action Plan
- Mundijong Town Centre Precinct Structure Plan
- Building Services
- Bushfire and emergency management x 2
- Internal Audit
- Marcora Trail Upgrades
- Heritage Park Business Case
- Depot Accommodation Upgrades
- Keirnan Park Recreation Precinct
- Kargotich Road Upgrade
- Orton Road Upgrade
- Soldiers Road Upgrade
- Baseball dugouts at Briggs Park
- Bishop Road Upgrade
- Kinsella Avenue Playground Upgrade
- Watkins Road Waste Transfer Station Survey and Planning

Commentary pertaining to these actions is provided below.

Action 1:	<u>Drainage Material Disposal</u>	Status			
		Q1	Q2	Q3	Q4
	Find a disposal solution for the drainage material produced from operations (as opposed to disposal at landfill).				
Comment:	Use of hire screen to process drainage material delayed due to high level of rainfall throughout Q1. Material cannot be processed effectively if it is wet.				
Remedial Action:	Screen hire planned for Q2.				



	<u>Community Activation Strategy</u>	Status			
		Q1	Q2	Q3	Q4
Action 2:	Development of a strategy providing clear direction and targeted outcomes for the Community based on community feedback, demographic trends and best practice models.				
Comment:	2021 census data was collated into the engagement and background detail for the Activation Strategy consultation phase. Engagement surveys have been completed, and the Phase 1 Outcomes Report has been drafted for Officer review. Although Q1 targets have been met, it is unlikely that the project will be completed by Dec 2022 as previously anticipated. This is due to internal staff vacancies, including the Director role and ability to receive internal comment and endorsement prior to presentation to Council.				
Remedial Action:	Review the due date and milestones of the project at the mid-year CBP review.				

	<u>Reconciliation Action Plan</u>	Status			
		Q1	Q2	Q3	Q4
Action 3:	Develop a Reconciliation Action Plan.				
Comment:	<p>4 NAIDOC Week activities were provided in Q1:</p> <ul style="list-style-type: none"> - NAIDOC weaving bags workshop - Boorloo Aboriginal Cultural Experience: Serpentine Falls Walking Tour - Naidoc Event 'Get Up! Stand Up! Show Up!' <p>- NAIDOC Week 2022 - Movie event - "Wash my Soul in the River's Flow" (Rated PG)</p> <p>Unfortunately, the planned engagement with other local governments did not occur due to staff turnover and vacancies in the reporting period and as such the progress is behind target for Q1. Overall, the project to develop a RAP is still achievable by 30 June 2026.</p>				
Remedial Action:	Recommend amendment to project milestones as part of the half-yearly corporate business plan review.				

	<u>Mundijong Town Centre Precinct Structure Plan</u>	Status			
		Q1	Q2	Q3	Q4
Action 4:	Develop a Mundijong Town Centre Precinct Structure Plan				
Comment:	The Request for Quote was drafted and sent out to six consultants who had capability to deliver the project. The RFQ closed with no consultant submitting for the project.				



Remedial Action:	Proposed to report to November OCM recommending this project be deferred till next financial year and be postponed as an organisational KPI for this financial year accordingly.
-------------------------	--

Action 5:	<u>Building Services</u> Provide efficient and effective building compliance services	Status			
		Q1	Q2	Q3	Q4
		🟡			
Comment:	<p>The average days taken to determine a certified building application (predominantly dwellings) has risen from 4.94 in July to 7.7 days in September due to the vacancy of the Coordinator Building Services role at the end of July and the additional vacancy of the Development Services role at the end of August. The timeframe for determining uncertified applications (predominantly sheds, patios and pools) has increased from 10.19 days in July to 19.1 days in September.</p> <p>Backfilling these vacancies in Q2 will be essential to ensure building applications are assessed in a timely manner.</p>				
Remedial Action:	Coordinator Building Services proposed to start on 24 October. Development Services Support Officer role interviews to occur on 25 October.				

Action 6:	<u>Bushfire and emergency management (Emergency Services)</u> Develop and maintain effective emergency management arrangements for the local area and manage the risk of a bush fire incident through prevention, preparedness, response and recovery strategies	Status			
		Q1	Q2	Q3	Q4
		🟡			
Comment:	Staff turnover is affecting the ability to deliver on this critical action and is impacting on the ability to address/close out customer requests in a timely manner. Recruitment is underway but may impact on the delivery of this service leading into this critical time of year.				
Remedial Action:	Examining opportunities to supplement administration staff with temporary appointment for the recruitment process.				

Action 7:	<u>Bushfire and emergency management (Community)</u> Develop and maintain effective emergency management arrangements for the local area and manage the risk of a bush fire incident through prevention, preparedness, response and recovery strategies	Status			
		Q1	Q2	Q3	Q4
		🟡			
Comment:	The LEMC meeting scheduled for 13 September 2022 was rescheduled to 11 October 2022 due to Shire staff and Agencies participating the 4-day State Bushfire Exercise 12-15 September 2022. The Exercise was prepared and run by DFES, staged in the Shire of Serpentine Jarrahdale local government area				



	and provided staff and agencies with real time interactions at a Level 3 bushfire scenario.
Remedial Action:	The earliest available date to reschedule the LEMC meeting is 11 October 2022 and will allow for local level debrief of the exercise.

Action 8:	<u>Internal Audit</u> Ensure an independent, objective assurance and advisory designed to add value and improve the operations of the Shire.	Status			
		Q1	Q2	Q3	Q4
		●			
Comment:	<p>As of July 2022, the position of Internal Auditor is vacant.</p> <p>A report was presented to the August 2022 Meeting of the Audit, Risk and Governance Committee, which recommended that Council endorses the provision of audit services via external contractor and requests the Chief Executive Officer engage the services of an external contractor as required.</p> <p>This recommendation was endorsed by Council at its September 2022 meeting.</p> <p>The provision of audit services via an external contractor will be reported on in future Governance and Compliance performance reports.</p>				
Remedial Action:	As resolved by the Audit Committee and Council, procurement for an external contractor is underway.				

Action 9:	<u>Marcora Trail Upgrades</u> Trails upgrades to Marcora Trail (Carpark Improvements and maintenance works on the trail).	Status			
		Q1	Q2	Q3	Q4
		●			
Comment:	Scope of works and value being determined, in order to inform DBCA service agreement. Terms of draft agreement (excluding costs) is pending feedback from DBCA as such the planned milestone to provide the service agreement to Council by 30 September has not been met. The service agreement is estimated to be provided by DBCA to the Shire in early October.				
Remedial Action:	A resolution will be determined in accordance with the Project Management Framework which may include extending the project milestones and/or amending the expenditure of funds to consultancy.				

Action 10:	<u>Heritage Park Business Case</u> Development of Heritage Park Business Case.	Status			
		Q1	Q2	Q3	Q4
		●			
Comment:	Before progressing this project, it was decided to wait until the Jarrahdale Trail Town Business Case Year One Report was finalised, which was used to inform the project brief to send out to external consultants to quote.				



	<p>The numerous concept designs, conservation, and management plans, as well as operational reports developed over the year about the Heritage Park site informed the brief for the consultant.</p> <p>The departure of the Deputy CEO/Director Community Development and Organisational Development also delayed the progress of this project. It is unlikely that the business case will be finished by its due date of December 2022.</p>
Remedial Action:	Review project milestones at the mid-year Corporate Business Plan / Budget review (post recruitment of new Director).

Action 11:	<u>Depot Accommodation Upgrades</u> Refurbishment to the current Depot Accommodation.	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>Temporary staff relocations are under way, new buildings are in order and in fabrication. Office furniture has been ordered and ICT procurement under way.</p> <p>Current building is behind original schedule due to supplier issues.</p>				
Remedial Action:	Continue to manage the building fabrication process and close out of pending variations.				

Action 12:	<u>Keirnan Park Recreation Precinct (Construction of Stage 1A)</u> Construct Stage 1A of the Keirnan Park Sports Recreation Precinct – AFL/Cricket Ovals, Pavilion and supporting infrastructure (FAA with Dept. LG).	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>Construction stage is currently on hold until the Planning Phase is closed out.</p> <p>As part of the planning phase - detail design is progressing as a result of Stakeholder Reference Group consultation process close out for the civils, sports pavilion and BMX site.</p> <p>Securing water at the site remains a challenge.</p>				
Remedial Action:	Options are being considered through the Steering Group and Project Change board as part of the Shire's Project Management Framework.				

Action 13:	<u>Kargotich Road Upgrade</u> Upgrade section of Kargotich Road between Bishop Road and Rowley Road.	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>A status update on the Kargotich Road Upgrade project is as follows:</p> <ul style="list-style-type: none"> - Stage 1 (Rowley Rd to Thomas Rd): design is 85% complete - Stage 2 (Thomas Rd to Bishop Rd): design is 15% complete 				



	- Design and detailed investigation has revealed that extensive vegetation clearing, service relocation and land acquisition at the intersections will be required. The preliminary works including land acquisition and service relocation will delay the construction and require significant additional funding.
Remedial Action:	A resolution will be determined in accordance with the Project Management Framework which may include reducing the scope of works or staging the project.

Action 14:	<u>Orton Road Upgrade</u> Rehabilitate the existing pavement on Orton Road between Hopkinson and King Road.	Status			
		Q1	Q2	Q3	Q4
Comment:	Orton Road upgrade design is 15% complete. The detailed design and investigation have revealed that extensive vegetation clearing, and service relocation will be required. The preliminary works including service relocation will add to the construction timeframe and require additional funding over and above the available funding.				
Remedial Action:	A resolution will be determined in accordance with the Project Management Framework which may include reducing the scope of works or staging the project.				

Action 15:	<u>Soldiers Road Upgrade</u> Rehabilitate the existing pavement and improve intersections.	Status			
		Q1	Q2	Q3	Q4
Comment:	The Soldiers Road design is 15% complete and has revealed extensive vegetation clearing and service relocation will be required. The preliminary works including service relocation will add to the construction timeframe and will require additional funding over and above the approved budget.				
Remedial Action:	A resolution will be determined in accordance with the Project Management Framework which may include reducing the scope of works or staging the project.				

Action 16:	<u>Minor Facility Renewals</u> Baseball Dugouts at Briggs Park	Status			
		Q1	Q2	Q3	Q4
Comment:	The shelters are fabricated, and the concrete pad is laid. Installation will occur once the building permit is obtained (currently waiting on engineering certification).				
Remedial Action:	The contractor is in the process of supplying the engineering certification to enable the permit to be issued.				



Action 17:	<u>Bishop Road Upgrade</u> Bishop Rd SLK2.0 to SLK3.86 Shoulder Sealing (State Blackspot)	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>Design has been completed.</p> <p>High pressure gas pipeline identified under proposed widening.</p> <p>Liaising with ATCO Gas to ascertain implications to the project, anticipate response by end of October.</p> <p>Clearing Permit conditions and PTA approval for working within the railway corridor also currently being finalised.</p>				
Remedial Action:	Once implications are known, take necessary action in accordance with the Shire's Project Management Framework.				

Action 18:	<u>Parks and Gardens Renewal</u> Kinsella Avenue Playground Upgrade - Lot 8011	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>Officers are in the process of investigating resource capacity to undertake an audit of all Shire infrastructure/play equipment from an asset renewal and improvement point of view as resolved by Council at the July Special Council Meeting (budget adoption). As it is likely an external consultant will be required to undertake this work, a budget adjustment may be required for this purpose.</p> <p>The audit information will be collated to prioritise renewal and improvements based on the existing equipment condition, safety and overall provision of playgrounds throughout the Shire. This information will form the basis for Community consultation and to guide the development of a local playground improvement plan and report this back to Council, so as to inform an ongoing budget of playground renewal and improvements across the Shire.</p>				
Remedial Action:	Review at Q2 budget and recommend necessary amendments to Council.				

Action 19:	<u>Watkins Road Waste Transfer Station Survey and Planning</u> Masterplan for transfer station to inform long term capital development	Status			
		Q1	Q2	Q3	Q4
Comment:	It is recommended this project does not proceed until the Operations Centre Structure Review is complete. Project will commence this financial year.				
Remedial Action:	Review the timing of the project when the Corporate Business Plan is reviewed mid-year and consider timing that aligns with the review.				



Details of the **6** actions **complete** and **97** actions **on track** this reporting period are outlined in **attachment 1**.

Corporate Business Plan Amendments

To uphold the principle of an Integrated Planning and Reporting Framework and to ensure the Corporate Business Plan (CBP) remains aligned to the Shire's Annual Budget and other supporting strategies, Officers recommend Council amend the CBP following each quarterly budget review and corporate business plan performance reporting process. Conscious of the requirement to uphold the integrity of reporting against the CBP Key Performance Indicators, the following principles are applied when considering whether to amend the CBP:

1. If there is a Council resolution, projects may be amended to match. This can include amendments to project descriptions, start and finish dates, and milestones. It can also include the removal of a project and the addition of a project.
2. If the project has not commenced for a planned reason (such as awaiting grant funds, recruitment of a resource or the completion of another project), once this dependency is no longer the project can be updated to reflect its new timeline.
3. Any amendments made as a result of quarterly budget reviews are to be reflected.

In line with the above-mentioned principles, the following amendments to the Corporate Business Plan are proposed:

Under Principle One:

- Project milestones and funding for the 'Enterprise Resource Planning' Major Capital Project updated to reflect OCM234/09/22 to defer phase three and undertake a consolidation period.
- 'Road Renewal' Capital Works Program funding increased by \$30,000 for the Rowley Road Temporary Resurfacing Project (OCM254/10/22).
- The 'Internal Audit' service area has been incorporated into the 'Governance and Compliance' service area to align with the provision of audit services via an external contractor (OCM205/09/22).

Under Principle Two:

- Project milestones and funding for the 'Oakford Bush Fire Brigade Station' Major Capital Project updated following confirmation of the DFES supporting loan (refer OCM250/10/22). Note, further updates may be required as the planning phase progresses.

Under Principle Three:

As outlined in the July to September 2022 Budget Review at agenda item 10.3.3 of the November Ordinary Council Meeting:

- 'Plant and Fleet New' Capital Works Program funding increased by \$90,740 and 'Plant and Fleet Renewal' Capital Works Program funding decreased by \$13,810.
- Project funding for the Byford Skate Park (Construction of Stage 2) Major Capital Project increased by \$37,000 for internal project management costs.

These amendments are detailed in tracked changes at **attachment 2**.



Corporate Business Plan Key Performance Indicators

The Corporate Business Plan 2022-26 contains the following Key Performance Indicators:

1. 80% of strategic operating projects are completed by their due date
2. 80% of road projects planned to be constructed are delivered
3. Improvement is seen in all key result areas of the community perceptions survey
4. Improvement is seen in the Performance Index Score of the Employee Scorecard Survey
5. Financial Sustainability – maintain a financial health indicator above 70

A progress update on each KPI, including a projected end of year result, is provided below for the Council to note.

KPI 1: 80% of strategic operating projects are completed by their due date

Projected Result: 85% (17/20)

Comment:

The Corporate Business Plan 2022-26 contains 20 Strategic Operating Projects due between 1 July 2022 to 30 June 2023. As at 30 September 2022, 13 are on track, 1 is yet to commence, 3 are flagged as 'at risk / behind schedule' and 3 have been completed on time.

The projected result for this KPI is 85% (17/20), which assumes:

- The 13 projects currently 'on track', remain on track and are completed on time;
- The 1 project yet to commence (Masterplan of Trails Centre at Lot 814 Jarrahdale Road) is completed on time; and
- The remaining 3 projects flagged 'at risk / behind target' do not get back on track:
 - Community Activation Strategy
 - Heritage Park Business Case
 - Watkins Road Waste Transfer Station Survey and Planning

Note - the following Strategic Operating Projects that have been completed by their due dates are:

- Byford Town Teams (due 30 September 2022, completed 19 September 2022)
- Equine Priority - Funding Opportunity Resource (due 30 September 2022, completed 11 August 2022)
- Serpentine Jarrahdale Community Recreation Centre Operation and Management Arrangement (due 30 September 2022, completed 19 September 2022)

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

Projected Result: 96% (25/26)

Comment:

There are 8 major capital road projects and 18 minor capital road projects due to be constructed by 30 June 2023. Of these, 25 are 'on track' and 1 is 'at risk / behind schedule'.



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

Comment: The results of the 2022 survey will be provided to Council in December. Following this, the KPI result will be provided in the 2022-23 Q2 Report (approximately February 2023).

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

Comment: The staff engagement survey was released to staff in September 2022. Internal analysis and consultation on the results is currently underway. Following this, the KPI result will be provided in the 2022-23 Q2 Report (approximately February 2023)

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

Comment: A projected result will be provided in the 2022-23 Q4/End of Year Report (approximately September 2023)

Options and Implications

Option 1

That Council:

1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 July to 30 September 2022 as contained in this report and **attachment 1**.
2. ADOPTS the amendments to the Corporate Business Plan 2022-26 as outlined in this report and **attachment 2**.

There are no implications associated with this option.

Option 2

That Council:

1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 July to 30 September 2022 as contained in this report and **attachment 1**.
2. DOES NOT ADOPT the amendments to the Corporate Business Plan 2022-26 as outlined in this report and **attachment 2**.

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

Option 1 is recommended.

Conclusion

The performance reporting against the Corporate Business Plan this reporting period details 18 key achievements and of the 122 actions reported against, 16% are currently 'at risk or behind target' and 84% are on track. Capital projects behind target are being worked through in line with the Shire's Project Management Framework and the mid-year review of the corporate business plan post recruitment of the Director of Community Engagement should see the timeframes for strategic projects realigned to organisational capacity. Council can expect to receive separate reports on these matters at future meetings. The recruitment of staff in a tight and competitive labour market continues to present significant challenges.



Attachments (available under separate cover)

- **10.3.4 - attachment 1** – Corporate Business Plan Performance Report 1 July to 30 September 2022 (E22/14513)
- **10.3.4 - attachment 2** – Corporate Business Plan 2022-23 Quarter One Review – Tracked Changes (E22/13939)

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

There are no financial implications associated with the Officer Options.

Risk Implications

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with Option 1.						
2	If Council do not adopt the CBP, this will result in documents that are not aligned with the annual budget. This will create a fragmented environment for the Shire to operate in.	Existing Corporate Business Plan 2022-26 2022-23 Annual Budget	Organisational Performance	Unlikely	Moderate	MODERATE	Nil.



Continued

**Ordinary Council Meeting Minutes
Monday, 21 November 2022**

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

OCM284/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Duggin

That Council:

- 1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 July to 30 September 2022 as contained in this report and attachment 1.**
- 2. ADOPTS the amendments to the Corporate Business Plan 2022-26 as outlined in this report and attachment 2.**

CARRIED UNANIMOUSLY 9/0



10.3.5 - Award Request for Tender RFQ 17/2022 – Senior Project Manager (SJ3989)

Responsible Officer:	Manager Information, Communication and Technology
Senior Officer:	Director of 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.
-----------	---

Report Purpose

The purpose of this report is to enable Council to consider the recommendations from the Request for Quotation 17/2022 – Senior Project Manager and associated next steps.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 August 2022 - OCM200/08/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. DECLINES to accept all tenders received for RFT04/2022 as no tender was submitted that met the tender specifications.*
- 2. REQUESTS that the Chief Executive Officer advise the four companies that responded to the tender advising Council's decision.*
- 3. In accordance with Regulation 11 of the Local Government (Functions and General) Regulations 1996 and Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering AUTHORIZES the Chief Executive Officer to conduct a Request for Quote process through the Tenderlink Portal seeking submissions for the specification.*
- 4. REQUESTS that an evaluation report of the submissions received is presented to Council for consideration.*

Background

The Shire of Serpentine Jarrahdale reviewed its Information Systems Strategy in 2018. The Information Systems Strategy review, along with the Shire's Cloud Computing Strategy was presented to Council in September 2018.

Council subsequently approved the implementation of the TechnologyOne OneCouncil Enterprise Resource Planning (ERP) solution. This resulted in the Shire moving to a fully integrated ERP strategy using Cloud services (Software-as-a-Service) as the delivery platform.

In addition, Council approved a phased ERP implementation approach over several years with the use of pre-configured business processes to minimise cost and risk.



The implementation of the ERP solution commenced in January 2019. To date, the Shire has successfully implemented Phase 1 (Finance, Human Resources, Payroll, Safety and Supply Chain Management) and Phase 2 (Works & Assets, e-Recruitment, Enterprise Budgeting, Business Intelligence and Performance Planning for Local Government) and Phase 2.5 (Online Customer Request Management).

The Shire is currently implementing Phase 2.8 (Project Lifecycle Management, Contracts Management, Investment Prioritisation and Optimisation and Enterprise Content Management for Connected Content).

In 2018 the Shire contracted a Project Manager to manage the project.

The current contract expires on 22 September 2022.

On 2 June 2022 a tender was called seeking a Contractor to undertake the Project Management of the implementation of the Shire's ERP strategy, however the Shire declined to accept all tenders as no tender was submitted that met all specifications.

At the August 2022 Ordinary Council Meeting, Council authorised for a Request for Quotation to be advertised via the Tenderlink Portal, Request for Quotation RFQ 17/2022 – Senior Project Manager was advertised with the below findings being tabled.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Submissions

The Request for Quote RFQ 17/2022 – Senior Project Manager was advertised on Wednesday 7 September 2022 and closed at 2.00pm on Thursday 22 September 2022.

The Quote was advertised in the following papers:

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

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

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

Quote submissions were received from the following companies:

#	Company Name
1	Locum IT
2	Cirrus Networks (WA) Pty Ltd
3	Avec Global Pty Ltd



Evaluation Panel

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

- Manager ICT;
- Director Corporate Services; and
- Manager Governance and Strategy.

All members of the evaluation panel have made a conflict of interest declaration in writing. All panel members stated that they have a working relationship with Locum IT. 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	50%
Relevant experience with: <ul style="list-style-type: none">• Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years	20%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none">• Capacity to deliver the services including:• Key personnel / Professional skills;• Describe the key personnel who will be involved in the work, including past work of a similar nature.	20%
Demonstrated Understanding/Experience 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 quote submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment and prices are documented in **CONFIDENTIAL attachment 1**.

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

The quote evaluation panel therefore recommends the tender / quote submission made by **Locum IT** 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

Option 1

That Council:

1. AWARDS Tender RFQ 17/2022 – Senior Project Manager to Locum IT in accordance with **CONFIDENTIAL attachment 1**, for an initial period of two (2) years (1 December 2022 till 30 November 2024) with an option of a further six (6) extensions of six (6) months each extension (total of 5 years) at the Chief Executive Officer's discretion; and
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFQ 17/2022 – Senior Project Manager.

Option 2

That Council DOES NOT AWARD the contract and requote.

Option 3

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

Option 4

That Council REASSESS and appoint an alternative respondent.

Option 1 is recommended.

Conclusion

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

Therefore, it is recommended that Council support Option 1 and the contract be awarded to **Locum IT**.



Attachments (available under separate cover)

- **10.3.5 – CONFIDENTIAL attachment 1 – RFQ 17/2022 - Senior Project Manager - Evaluation Report (E22/12862)**

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
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

There are no immediate financial implications associated with this report. The expenditure associated with the tender is accounted for in the 2022-23 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	There is a risk to the project if no project manager is appointed in due course	The current supplier who did not submit a tender has indicated that the extenuating circumstances that resulted in them not submitting a tender have been resolved.	Organisational Performance	Rare	Major	MODERATE	
2	The OneComm project would not progress with the current project plan.	Procurement of project management services would be sought	Organisational Performance	Unlikely	Minor	Low	



3	The OneComm project would need to be closed.	A report to Council detailing the impact of permanently closing the project	Organisational Performance	Rare	Moderate	Moderate	
4	New project manager would not have the necessary skills.	Extending the project to allow for upskilling.	Organisational Performance	Possible	Moderate	Moderate	

Voting Requirements: Simple Majority

OCM285/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Duggin

That Council:

- AWARDS** Tender RFQ 17/2022 – Senior Project Manager to Locum IT in accordance with **CONFIDENTIAL** attachment 1, for an initial period of two (2) years (1 December 2022 till 30 November 2024) with an option of a further six (6) extensions of six (6) months each extension (total of 5 years) at the Chief Executive Officer's discretion; and
- AUTHORISES** the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFQ 17/2022 – Senior Project Manager.

CARRIED UNANIMOUSLY 9/0



10.4 Community Engagement reports:

10.4.1 - Local Emergency Management Committee Information Report (SJ716-02)	
Responsible Officer:	Acting Director Community Services
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

Information	For the Council / Committee to note.
-------------	--------------------------------------

Report Purpose

The purpose of this report is for Council to receive the minutes from the Shire of Serpentine Jarrahdale Local Emergency Management Committee (LEMC) meeting held on 11 October 2022.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 18 July 2022 – OCM176/07/22 - COUNCIL RESOLUTION / Officer Recommendation
That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held on 14 June 2022 contained in attachment 1.

Background

Section 38 of the *Emergency Management Act 2005* requires that the Shire of Serpentine Jarrahdale convene a Local Emergency Management Committee (LEMC). The Shire of Serpentine Jarrahdale LEMC operates under a Terms of Reference as endorsed by Council; however, the LEMC is not a Committee of Council as described in the *Local Government Act 1995*.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Emergency Management Act 2005

Section 38 local emergency management committees

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*



- (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

Section 39 Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

Comment

A LEMC meeting was held on 11 October 2022 with the minutes of the meeting at **attachment 1**. There are no recommendations for Council to consider at this time.

With a change of season, the Shire's bushfire risk profile has been updated. Based on BOM and AFAC Outlooks the risk profile is as follows:

Normal fire potential is expected for southern parts of Western Australia however, the western parts of the South West Land Division are experiencing below to very much below average root zone soil moisture, increasing the probability of early onset of southern fire season should rainfall deficits continue into spring. Furthermore, the September to November climate outlook is showing that median to below median rainfalls across the Jarrah Forest bioregion can be expected. Together with the forecast high chance of exceeding median maximum and minimum temperatures and existing rainfall deficiency, root zone soil moisture is expected to remain below average. Therefore, planned burning activities in these areas need to consider the potential for lower fuel moisture.

Agencies are continuing to manage community and business continuity impacts of the COVID-19 pandemic.

Preparations for the upcoming high threat season for bushfire is underway.

Options and Implications

Option 1

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 11 October 2022 contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 11 October 2022 contained in **attachment 1**.



Option 1 is recommended.

Conclusion

The minutes of the Local Emergency Management Committee meeting held 11 October 2022 are provided to Council for information.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Local Emergency Management Committee (LEMC) - Minutes – 11 October 2022 (E22/12595)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.2	Support local emergency services
Strategy 1.3.3	Enhance community safety

Financial Implications

There are no financial implications for Council receiving the minutes.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil						
2	That the LEMC members feel their contribution is not respected.	Nil	Reputation	Rare	Moderate	LOW	Nil



Continued

**Ordinary Council Meeting Minutes
Monday, 21 November 2022**

Voting Requirements: Simple Majority

OCM286/11/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Atwell

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 11 October 2022 contained in attachment 1.

CARRIED UNANIMOUSLY 9/0



Continued

Ordinary Council Meeting Minutes Monday, 21 November 2022

10.5 Executive Services reports:

Nil reports.



10.6 Confidential reports:

Councillor Coales declared an Impartiality Interest in item 10.6.1.

10.6.1 - CONFIDENTIAL – Allegation of breach of code of conduct SJ2022-1 (SJ3105)	
Disclosure of Officer’s Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

OCM287/11/22

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Dagostino

That the meeting be closed to members of the public while items 10.6.1 and 10.6.2 are discussed pursuant to section 5.23(2)(b) and (f) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 9/0

At 10:02pm, the meeting went behind closed doors.

Officers assisting the Meeting stopped the recording of the Meeting.

The following Officers left the meeting at 10:02pm:

- Ms R Steinki.....Acting Director Community Engagement
- Mr A TrosicDirector Development Services
- Mr R Najafzadeh.....Director Infrastructure Services
- Ms M Gibson.....Governance Officer – Council and Committees
(Minute Taker)

The Manager Governance and Strategy, Dr K Parker, assumed the role of the Minute Taker.

Councillor Strautins left the meeting at 10:12pm.

Councillor Strautins returned to the meeting at 10:14pm.

Councillor Atwell left the meeting at 10:56pm and immediately returned.

Voting Requirements: Simple Majority

OCM288/11/22

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Duggin

That Council **RESOLVES** the alleged breach dated 5 October 2022 related to the conduct of Cr Rob Coales is found to be not substantiated.

CARRIED 6/3

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

Councillors Atwell, Coales, Dagostino, Duggin, Mack and Strautins voted FOR the motion.

Councillors Rich, Byas and Strange voted AGAINST the motion.



Councillor Coales declared an Impartiality Interest in item 10.6.2.

10.6.2 - CONFIDENTIAL – Allegation of breach of code of conduct SJ2022-2 (SJ3105)

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

Voting Requirements: Simple Majority

OCM289/11/22

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Strautins

That Council RESOLVES the alleged breach dated 27 October 2022 related to the conduct of Cr Rob Coales is found to be not substantiated.

CARRIED 6/3

OCM290/11/22

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Strange

That the meeting be reopened to members of the public.

CARRIED UNANIMOUSLY 9/0

At 11:18pm, the doors were reopened and the public returned to the Gallery.

Ms M Gibson, Governance Officer – Council and Committees (Minute Taker), returned to the meeting at 11:18pm.

Officers assisting the Meeting resumed the recording of the Meeting.

Presiding Member, Councillor Rich advised the public gallery of the Council Resolutions for items 10.6.1 and 10.6.2.



Continued

**Ordinary Council Meeting Minutes
Monday, 21 November 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 11:19pm.

Officers assisting the Meeting stopped the recording of the Meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 12 December 2022.

..... Presiding Member – Councillor Rich

..... 16/12/2022 Date