



Shire of
Serpentine
Jarrahdale



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Minutes

7pm

Monday, 21 October 2024

Contact Us

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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



Ordinary Council Meeting Minutes Monday, 21 October 2024

Councillor Attendance Register

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

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

Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Cr Mazzini
21/10/24	OCM	✓	✓	✓	✓	✓	✓	✓
14/10/24	Q&A (OCM)	✓	A	✓	✓	✓	✓	✓
07/10/24	PCF	✓	✓	✓	✓	A	✓	✓
07/10/24	SCM	✓	✓	✓	✓	A	✓	✓
16/09/24	OCM	✓	✓	✓	✓	✓	✓	✓
09/09/24	Q&A (OCM)	✓	✓	✓	✓	A	✓	✓
02/09/24	PCF	✓	✓	✓	✓	✓	✓	✓
26/08/24	PCF	✓	✓	✓	✓	✓	✓	✓
19/08/24	OCM	✓	✓	A	✓	✓	✓	✓
12/08/24	Q&A (OCM)	✓	A	A	✓	✓	✓	✓
05/08/24	PCF	✓	✓	A	A	✓	✓	✓
29/07/24	WORKSHOP	✓	A	A	✓	✓	✓	✓
25/07/24	SCM	✓	✓	✓	✓	✓	✓	✓
22/07/24	PCF	A	✓	A	✓	✓	✓	✓
18/07/24	Q&A (SCM)	EP	✓	✓	✓	✓	✓	✓
15/07/24	OCM	A	✓	✓	✓	✓	✓	✓
08/07/24	Q&A	✓	✓	✓	✓	✓	✓	✓

**Ordinary Council Meeting Minutes
Monday, 21 October 2024**

Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Cr Mazzini
	(OCM)							
03/07/24	WORKSHOP	✓	✓	A	✓	✓	✓	A
26/06/24	WORKSHOP	✓	A	A	✓	LoA	✓	✓
24/06/24	PCF	✓	✓	A	✓	LoA	✓	✓
17/06/24	OCM	✓	✓	A	✓	LoA	✓	✓
17/06/24	Q&A (OCM)	✓	✓	A	✓	LoA	✓	✓
12/06/24	WORKSHOP	✓	A	A	✓	LoA	✓	✓
12/06/24	WORKSHOP	✓	A	A	✓	LoA	✓	✓
10/06/24	Q&A (OCM)	✓	✓	A	✓	A	✓	✓
05/06/24	WORKSHOP	✓	✓	A	✓	✓	✓	✓
29/05/24	WORKSHOP	A	✓	A	✓	✓	✓	✓
27/05/24	PCF	✓	✓	A	✓	✓	✓	✓
20/05/24	OCM	✓	✓	✓	✓	✓	✓	✓
20/05/24	Q&A (OCM)	✓	✓	✓	✓	✓	✓	✓
15/05/24	WORKSHOP	✓	A	✓	✓	✓	✓	A
13/05/24	Q&A (OCM)	✓	✓	✓	✓	✓	✓	✓
06/05/24	PCF	✓	✓	A	✓	✓	✓	✓
01/05/24	WORKSHOP	✓	✓	✓	✓	✓	✓	✓
29/04/24	WOKRSHOP	✓	✓	A	✓	✓	✓	✓
22/04/24	PCF	✓	✓	✓	✓	✓	✓	✓
17/04/24	WORKSHOP	✓	✓	✓	A	A	A	✓
15/04/24	OCM	✓	✓	✓	✓	✓	✓	✓
15/04/24	Q&A (OCM)	✓	✓	✓	✓	✓	✓	✓
08/04/24	Q&A (OCM)	✓	✓	✓	✓	✓	✓	✓



Ordinary Council Meeting Minutes Monday, 21 October 2024

Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Cr Mazzini
25/03/24	PCF	✓	A	A	✓	A	✓	✓
18/03/24	OCM	✓	✓	A	✓	✓	✓	
11/03/24	WORKSHOP	✓	✓	✓	✓	✓	✓	
11/03/24	Q&A (OCM)	✓	✓	A	✓	✓	✓	
06/03/24	WORKSHOP	✓	EPNG	✓	✓	✓	✓	
06/03/24	PCF (Special)	✓	EPNG	✓	✓	✓	✓	
28/02/24	WORKSHOP	✓	A	✓	✓	A	A	
26/02/24	PCF	✓	A	A	✓	✓	✓	
19/02/24	OCM	✓	A	✓	✓	✓	✓	
12/02/24	Q&A (OCM)	✓	✓	✓	✓	✓	✓	
05/02/24	PCF	✓	✓	A	✓	✓	✓	
29/01/24	PCF	✓	✓	✓	✓	✓	✓	

Key:

✓ - Attended

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted

EP - Electronic Participation



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

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

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



Ordinary Council Meeting Minutes Monday, 21 October 2024

Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 21 October 2024 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

President Coales declared the meeting open at 7.05pm and welcomed Councillors, Staff, and members of the gallery.

President Coales acknowledged the Noongar people of the Boodja – the land – that we gather on today. For thousands of years their connection to Country has provided knowledge, guidance, spirituality, and life. We pay our respects to this ongoing connection, as well as to their Elders past, present and emerging.

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

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

Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed.

Minutes

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

President: R Coales.....Presiding Member

Councillors: N Bishop

M Byas

T Duggin

S Mack

R Jerrett

C Mazzini

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

Mr R Najafzadeh.....Director Infrastructure Services

Mr A TrosicDirector Development Services

Mr F Sullivan Director Corporate Services

Mr B Oliver..... Director Community Engagement

Ms C Mortimer.....Manager Corporate Performance

Ms D Merritt.....Coordinator Governance (Minute Taker)

Leave of Absence: Nil.

Apologies: Nil.

Observers: 19



Presiding Member, President Coales, proposed a change to the order of the business to bring forward consideration of Urgent Business Item 11.1 to be the next matter considered.

OCM274/10/24

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Mazzini

That Council, in accordance with clause 3.4(2) of the *Standing Orders Local Law 2002 (as amended)*, change the order of business to bring forward Item 11.1 to be considered.

CARRIED UNANIMOUSLY 7/0

11.1 – Leave of Absence Request (SJ4381)

Elected Member:	President Coales
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> .

An application for a Leave of Absence, in accordance with section 2.25 of the *Local Government Act 1995*, was received via email from President Coales on 21 October 2024. President Coales is seeking a leave of absence for the period 27 October to 1 November 2024, inclusive.

In accordance with section 2.25(1) of the *Local Government Act 1995* (the Act), Council may, by resolution, grant leave of absence to a member. The decision to grant leave, or refusal to grant the leave and the reasons for that refusal, is to be recorded in the minutes of the meeting.

Should a leave of absence be granted, President Coales will be recorded as an apology for the meetings, workshops and forums missed, including the Policy Concept Forum on 28 October 2024.

Options

The provisions of the *Local Government Act 1995* provide two practical options to Council.

Option 1

That Council GRANT the leave of absence application made by President Coales for the period 27 October to 1 November 2024 inclusive.

Option 2

That Council REFUSES the leave of absence application made by President Coales for the period 27 October to 1 November 2024 inclusive, inclusive for the following reason:

Voting Requirements: Simple Majority

OCM275/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council GRANT the leave of absence application made by President Coales for the period 27 October to 1 November 2024 inclusive.

CARRIED UNANIMOUSLY 7/0



2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting – 16 September 2024

Questions asked by **Mrs Bond** at the Ordinary Council Meeting, Monday 16 September 2024. Correspondence was sent to Mrs Bond on 26 September 2024 (OC24/18197).

Question 1

How many telecommunication towers have been erected in the Shire? How many applications are pending? How many are erected close to homes, playgrounds, reserves and businesses and how many are 100 meters or less from these listed areas?

Response (Director Development Services)

The following towers are operational within the Shire:

- 83 Pony Place, Oakford - within 100m of dwelling
- Lot 5076 Kellet Drive, Darling Downs - not within 100m of dwelling
- Lot 600 Hopkinson Road, Hilbert - not within 100m of dwelling
- 49 Butcher Road, Darling Downs - within 100m of dwelling
- 797 South Western Highway, Byford - within 100m of dwelling
- 10 Charolais Court, Oakford - within 100m of dwelling
- 400 Kargotich Road, Oakford - not within 100m of dwelling
- 1099 Nicholson Road, Oakford - not within 100m of dwelling
- 928 Orton Road, Oldbury - not within 100m of dwelling
- 12 Dougall Street, Byford - not within 100m of dwelling
- 394 Robertson Road, Cardup - not within 100m of dwelling
- 264 Gossage Road, Cardup - within 100m of dwelling
- 402 Scott Road, Mundijong - not within 100m of dwelling
- Kingsbury Drive, Jarrahdale - not within 100m of dwelling
- 217 Shanley Road, Mardella - not within 100m of dwelling
- Lot 1 Shanley Road, Mardella - not within 100m of dwelling
- 40 Baldwin Road, Serpentine - not within 100m of dwelling
- 13 Richardson Street, Serpentine - within 100m of dwelling
- 1432 Karnup Road, Serpentine - within 100m of dwelling
- 3067 South Western Highway, Keysbrook - not within 100m of dwelling
- 4 Kingsbury Drive, Serpentine - within 100m of dwelling
- Huntley Mine, Keysbrook - not within 100m of dwelling



- 26 Jarrahdale Road, Jarrahdale - within 100m of dwelling
- 116 Munro Street, Jarrahdale - not within 100m of dwelling
- Mount Cooke - not within 100m of dwelling.

The following are proposed for operations within the Shire:

- 445 Abernethy Road, Byford - planning approval in place, to be constructed. within 100m of dwelling
- 245 Keirnan Street, Mundijong - Planning approval in place, under construction. Within 100m of dwelling
- 82 Malarky Road, Byford - future proposal.

There are no current proposals under planning assessment.

The move to 4G and 5G services places the requirement for most to be proximate to the residential, rural residential and/or rural communities aiming to be served.

Question 2

When are the lights on the intersection of Abernethy Road and Hopkinson Road going to be erected and what is the total cost?

Response (Director Infrastructure Services)

The Shire has engaged an electrical design consultant to prepare a lighting design for the new lights at the intersection of Abernethy Road and Hopkinson Road. The design work has been completed and the consultant has submitted the design to Western Power for their review and approval. The Shire is currently awaiting Western Power approval to proceed with the installation of the new lights.

Question 3

What, if any, action has been initiated regarding the talk fest about the Watkins Road tip, and how much of the \$40,000 dollars approved at the Ordinary Council Meeting in August by four Councillors has been spent and what is the breakdown?

Response (Director Infrastructure Services)

The communications plan for community engagement has been completed. As per the plan, the Waste Services Community Engagement Campaign will commence at the Lights, Sirens and Superheroes event in Mundijong on 4 October 2024 and will run for 6 weeks concluding on 18 November 2024. Engagement will include pop-up events at the Lights, Sirens and Superheroes event, plus Council in the Community on 26 October 2024.

Additionally, information will be sent to all households in the Shire to take part in a survey to understand community feedback regarding green and bulk waste collections, as well as appetite for the Waste Transfer Station to be reopened. The campaign will also be supported by online and traditional promotion. All the work to date has been completed by internal resources, and as such, the allocated \$40,000 budget has not been utilised so far.

A consultant will be engaged in November 2024 to analyse the survey data and provide a report which will be used to inform decision making for the future use of the Waste Transfer Station when a report is presented to Council in February 2025.



The allocated budget will be used to pay for the consultancy fees and other expenses.

Special Council Meeting – 7 October 2024

Questions asked by **Mr Bill Denholm** at the Special Council Meeting, Monday 7 October 2024. Correspondence was sent to Mr Denholm on 15 October 2024 (OC24/20239).

Question 3

Could I have a report on Shire Officer discussions with Netball WA, from January 2023 to now. Senior staff of Netball WA don't know what is going on at the Shire.

Response (Director Community Engagement)

The Shire engaged Otium Planning Group to develop the concept plan for Netball Courts, Stage 1C of Keirnan Park sporting complex. As part of this work, Otium Planning Group undertook consultation with relevant stakeholders including Netball WA. Otium Planning Group Pty Ltd have raised this project with Netball WA on a couple of occasions through Matt Hansen, Venue and Events Manager at Netball WA. Otium Planning Group initially met to discuss this project on 27 March 2024 and received additional information from Matt Hansen on 12 April 2024 regarding the Serpentine Jarrahdale breakdown of membership (including Byford and Mundijong). This information was used to inform the concept plan report for Netball Courts at Keirnan Park.

2.2 Public questions:

Public question time commenced at 7.09pm.

Vanessa Reynolds, Oakford, 6121

Question 1

- a) What were the fully inclusive associated costs of SJ Waste disposal from 1 October 2023 – 30 September 2024 including, green waste, hard waste, recycling, general rubbish, any other verge or booked collections, contractor fees, disposal fees, Kwinana Power Plant costs, shire fees, staff costs etc. I would like an itemised breakdown provided please.
- b) Were there any recovered costs (tip shop sales / recycled material payments – scrap metal etc) associated with this period? If so please itemise those also.

Response (Chief Executive Officer)

The Chief Executive Officer 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

- a) What were the fully inclusive associated costs of SJ Waste disposal during the last 52 weeks that the Watkins Road Transfer station was operating, including green waste, hard waste, recycling, general rubbish, any other verge or booked collections, contractor fees, disposal fees, Kwinana Power Plant costs, shire fees, staff costs etc. I would like an itemised breakdown provided please.



- b) Were there any recovered costs (tip shop sales / recycled material payments – scrap metal etc) associated with this period? If so please itemise those also.

Response (Chief Executive Officer)

The Chief Executive Officer 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.

John McEwan, Cardup, 6123

Question 1

On 1 June 2024, I took two samples from the V-drain running parallel to Robertson Rd because we suspected that the large volume of water had been dumped from PERMApole's hazardous waste dam.

In order to get advice on how we could progress getting the water tested, I contacted a Councillor, via email on 4 June, requesting a meeting regarding dumped water. The Councillor responded by asking whether it was with regard to water in the V-drain. I replied in the affirmative. I did not receive any further correspondence.

I tried again by contacting a second Councillor on 21 June. I did not receive any response whatsoever.

I set up a meeting with a Shire Officer, concerning my numerous complaints relating to noise, dust, breeches of working hours and the newly implemented rubbish that PERMAcast expects residents to accept as an online noise monitoring tool. At this meeting, I told him in confidence about water samples I had taken, showed him photos and asked him about getting the water tested. He provided a range of reasons for his inability to get the samples tested. Strangely enough, an hour after this meeting two PERMAcast employees were standing along the flooded Robertson Rd, presumably discussing the water that they had ignored for the past four weeks.

From my three experiences, do you think I, as a victim of a potentially serious environmental crime, have received the appropriate assistance in the dilemma I find myself in, given that the Shire was involved in the review and approval of the stormwater plans at 394 Robertson Road?

Response (Director Development Services)

Officers have and continue to action all complaints received regarding concerns associated with the approved development. Any resident concerns can be submitted to the Shire, and these will be investigated in accordance with Council's Compliance and Enforcement Policy. Your email of 3 October 2024 is currently in the process of being investigated as advised on 4 October 2024.

Question 2

In our submission in December 2023, related to PERMAcast's request for retrospective approval, we provided a detailed assessment of their Stormwater Plan, demonstrating the short comings of their calculations and the absolute inadequacy of their planning. Our submission was obviously ignored and the stormwater plan, was approved, with a few cosmetic amendments.



On 3 October, I provided photographic proof of the complete lack of planning and demonstrating that the stormwater plan was an abysmal failure.

To compound matters, whoever tried to correct the mess, created further havoc and mayhem for residents.

Are private residents allowed to release wastewater from their premises onto public or private land?

If not, why are the operations at 394 Robertson Road allowed to release a staggering volume of wastewater, potentially containing a range of toxins, onto public land, notwithstanding that this also flows onto private land, where it is very likely contacted by residents, including children and domestic animals?

Response (Director Development Services)

Private residents are not permitted to release wastewater from premises. Wastewater may pose a contamination risk to water resources or the environment and must therefore be fully treated as per State Government requirements.

Officers acknowledged your email of 3 October 2024 within 24 hours, advising that your complaint regarding alleged contaminated stormwater runoff would be investigated. Given the nature of the evidence that accompanied your complaint, it has been referred to the DWER industry licencing branch with a request for their investigation. Officers are also contacting nearby residents to offer water sampling of:

- 1. any drinking water source used within the main dwelling which is not mains water fed and;*
- 2. any groundwater extracted via bore and utilised for irrigation or stock watering.*

Question 3

In November 2023, DWER changed the classification of PERMAcast and deemed it was no longer a Prescribed Premise. From this date, the full responsibility of controlling this facility was placed on the Shire.

Since this date, I have made several complaints regarding the operation. The responses I received are as follows

1. I submitted photographs of dust on Saturday, 2 March (CS108948). The response I received from the Shire was that they sent the photographs to Mr Alberto Ferraro who advised that they are complying with their Dust Management Plan, but that day was very dry and windy.

Which is exactly our point – PERMAcast cannot control their dust when it is dry and windy, and they are too close to residences.

2. I was advised by the Shire that my noise complaints have been saved in a tracking folder and a team of proactive noise patrols will take measurements. To date, I have not received any feedback or results from the noise patrols.
3. I received an email on 10 June, stating shire officials visited the site to investigate the noise during a pour from stress bed 4. Unlike DWER who could not determine if the noise was tonal the shire officials confirmed that it is definitely tonal. I was advised that I would receive a detailed report. To date I have not received it.



4. We submitted our final of numerous noise complaints on 8th July. This coincides with the completion of PERMAcast's Metronet contract, stress bed 4 is not required for their current contracts.

On 29 September, I was advised by the Shire that my noise complaints have been closed because PERMAcast has made technical changes, and the plant is now quiet. No details of the technical changes were supplied.

The only change I am aware of is that stress bed 4 is not being operated, no doubt the noise will return when they start up operations again.

Do you consider that the actions taken and communication from the Shire are adequate in any of the instances I have described?

Response (Director Development Services)

The Environmental Protection Act 1986 makes pollution of the environment an offence, which the State Government environmental regulator, DWER, has statutory responsibilities over.

If you are unhappy with the Shire's service, you can lodge a formal complaint in accordance with the Shire's complaint policy.

Karen McEwan, Cardup, 6123

Question 1

Were PERMAcast granted permission to transport Fly Ash or a geopolymers concrete onto 394 Robertson Road?

Response (Director Development Services)

The Shire has not received any application seeking to use fly ash at the site.

Question 2

Does the geopolymers concrete production process include milling or breaking down of the fly ash clumps at 394 Robertson Road?

Response (Director Development Services)

The retrospective development approval issued by the Metro Outer Development Assessment Panel includes no mention of the use of fly ash.

Question 3

Does the use of fly ash by PERMAcast change its status as a non-prescribed operation?

Response (Director Development Services)

Officers would need detailed information to determine if separate development approval would be required, as currently there is no specific information as to what may be occurring. Alternatively, you can ask this question of DWER as they determine what are prescribed and non-prescribed premises.



Lia McEwan, Cardup, 6123

Question 1

Why has the Shire asked DWER whether PERMAcast can use fly ash or a geopolymer concrete at 394 Robertson Road, rather than making the decision themselves – since it is not a prescribed premise?

Response (Director Development Services)

Officers are not aware of any communication between the Shire and DWER regarding fly ash. If you would like to discuss this further, Officers are happy to meet with you to understand your concerns.

Question 2

Will PERMAcast be supplying the geopolymer concrete to other users?

Response (Director Development Services)

The Shire is not able to comment on the operations of PERMAcast.

Troy Malatesta, Cardup, 6123

Question 1

DWER advised Mr McEwan that they were in consultation with PERMAcast and the Shire in developing a comprehensive plan on how to control the dust from their variety of different tasks being conducted on site and how this dust is controlled.

Various tasks are:

- a. Sandblasting / water blasting their castings.
- b. Precast grinding / finishing of bridge beams.
- c. Precast form cleaning using pneumatic chipping equipment or compressed air blow guns.
- d. Cutting, drilling, surfacing, finishing of concrete product with chisels hammers / chippers

Please can you advise us where these activities are being conducted on the site whether the comprehensive plan has been drafted and approved. And if so, when will it be available to the public.

Response (Director Development Services)

The Dust Management Plan incorporates these issues and was an attachment to the MODAP agenda which considered the application. This is available as a public document.

OCM276/10/24

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Mack

Council APPROVES an extension to public question time by 15 minutes at 7.26pm

CARRIED UNANIMOUSLY 7/0



Question 2

According to the media, PERMAcast has entered into an agreement with an entity called Kapture, for a carbon capture process to be incorporated into their concrete.

We could not find any information about the actual process.

Are you able to describe how it is to be conducted, and what other chemicals and equipment are to be introduced to the site to facilitate this process?

Response (Director Development Services)

The Shire has not received any information or application for this activity.

Michelle Rich, Serpentine, 6125

Question 1

Is there a council policy pertaining to Shire Presidents being exempt from paying Shire rates?

Response (Director Corporate Services)

Officers are not aware of any such policy.

Question 2

Is there any open council resolutions exempting Shire Presidents from paying Shire rates?

Response (Director Corporate Services)

Officers are not aware of any such resolution.

Question 3

Have Councillors been briefed by Shire officers since October 2023 with regards to any past Shire President having any current or historical outstanding rates?

Response (Director Corporate Services)

No.

Bill Denholm, Byford, 6122

Question 1

Approximately how many hours work did the Shire employees do, in total, so that the arrangements put in place could occur, bunting, signage etc, for the sporting event at Mundijong Oval on 14 September 2024.

Response (Chief Executive Officer)

There were many staff from across the organisation working on Wednesday, Thursday and Friday prior to the event and then on Monday packing down. The specific number of hours will be taken on notice and provided to you in writing.



Question 2

Did the Peel Football League have to pay any money to the Shire for the usage of Mundijong Oval and Facilities, or did the facility hire come under the seasonal hire by the Centrals Senior Football Club, for the event on Saturday 14 September 2024. If so, for transparency reasons, how much?

Response (Director Corporate Services)

The Shire's seasonal fees and charges for Mundijong Centrals Football Club is from March to September. Given the event on the 14 September 2024 occurred within the seasonal hire period, no additional charges were applied.

Question 3

Did a current Senior Officer at the SJ Shire, involved in the arrangements of the events on Saturday 14 September at Mundijong Oval, previously work for City of Mandurah.

Response (Chief Executive Officer)

Many Officers from across the organisation were involved in ensuring that the activities that occurred on 14 September 2024 for both football and netball, went as well as they possibly could, given the age and capacity of the football and netball facilities at Mundijong. I am sorry if that impacted negatively on netball given netball had booked the facility as part of the seasonal hire arrangements and the Shire is grateful for the compromises made.

Final decisions regarding this day were made by Senior Officers, and I am happy to meet with you to go through those if you wish.

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

Michelle Rich, Serpentine, 6125

Question 4

I note that the Councillor gift register has not been updated to reflect Cr Duggin and Cr Mack attending a local Labor Party Election fundraiser. Was the attendance payment a gift, paid for by the ratepayers of the Shire of Serpentine Jarrahdale or self-funded by the individual councillors?

Response (Presiding Member)

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

Question 5

Can the Shire please provide a list of all Water Corporation owned or controlled bridge infrastructure on Shire controlled local roads including location, age, current weight restrictions, any known proposed weight restriction changes and width?

Response (Presiding Member)

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



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

Vanessa Reynolds, Oakford, 6121

Question 3

- a) Have there been any expenses incurred by any of the awards that have been applied for or received by the Shire in the past 12 months? This includes preparation of submissions, staff wages, Cr fees, tickets to events to receive awards etc?
- b) If so could I please have a full breakdown of the costs associated with each application or award.

Response (Presiding Member)

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

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

Dave Atwell, Mundijong, 6123

Question 1

Is it possible for the Shire to liaise with the appropriate body to request a change pertaining to Agenda Item 10.1.2 - Proposed Road Naming Application - Lot 9000, 142 Taylor Road, Mundijong that Road 3 (proposed Ranch Road) be changed to something more local as this is not an Australian term?

Response (Presiding Member)

Thank you for your question, and the Elected Members have heard your request.

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

As there was no further public questions, Public Question time concluded at 7.35pm.



3. Public statement time:

Public statement time commenced at 7.35pm.

John McEwan, Cardup, 6123

Good evening, Mr President, Councillors and Shire Officials,

My name is John McEwan, and as you know, I live 100 metres from 394 Robertson Road in a property we purchased nearly 24 years ago. An ideal place for us to raise our family and spend the rest of our lives, in a home and garden we love. As we head to the first quarter of the 21st century, apparently with 'advancing technology', coupled with a massive increase in population in the Byford area, one would expect the environmental regulation to follow suit, but this is just the contrary. Environmental issues are being treated similar to standards acceptable to those living in the industrial revolution.

The more I see and understand what is happening in my area, the more I understand the words of a Shire Councillor, who revealed that the crimes committed in relation to 394 Robertson Road are at least as big as those committed in the WA Inc controversy in 1991. I am unsure whether these will ever be investigated, but I hope, that in time, justice will be served.

A Shire Officer, who has since resigned from her position, advised us that very powerful entities were involved at 394 Robertson Road, and we had no chance of succeeding in our opposition to the development. She was of course right.

Very few houses used to come up for sale in our area, however over the past 6 months several families living on Karbro Road, including Norm and Ainsley Anderson, our next-door neighbours and friends, have sold up and left the area.

When the term "Heavy Industry" is removed and these industries are now called "General Industry", we are in trouble.

When several heavy industries are allowed to develop and operate on a small piece of land, close to residences, and designated for light industry, we are in trouble.

When the State Government allocates a company that has no licence to build or operate, and is illegally operating a heavy industry, and causing environmental and social issues, granted a \$100 million contract. We are in trouble.

When the piece of equipment that causes the most vibration, noise and distress is in fact owned by the Perth Transport Authority, according to the company's lawyer, we are in trouble.

We have good solid environmental regulations and laws, however without the political will to administer, apply the laws and regulations, they are completely useless.

A famous quote from by H Arandt perfectly describes the plan of action of the companies occupying 394 Robertson Road and complicit officials that deal with the breaches and approvals:

"...constant lying is not aimed at making the people believe a lie, but ensuring that no one believes anything anymore".

The speakers that will be following me are my daughter, Lia and her boyfriend Troy. They both completed Chemical Engineering degrees. My daughter completed a double degree, her second degree is in Finance. Troy has recently completed his PhD, in Sustainable Energy. They have assisted in our calculations and reviews of these operations.



Lia McEwan, Cardup, 6123

Good evening, Mr President, Councillors and Shire Officials,

My name is Lia McEwan, John and Karen McEwan are my parents. 440 Soldiers Road is my family home, and I have lived there for most of my life.

My statement is a continuation of my father's.

When all 9 councillors vote unanimously against the granting of retrospective approval for PERMAcast and the next week the Shire President voted against this ruling at the MODJAP meeting. And when asked to explain her actions, she replied, "You don't understand politics". We are in trouble

When piecemeal retrospective approvals are accepted, for the various operations at 394 Robertson Road, rather than considering the entire operation, which is a huge environmental catastrophe. We are in trouble.

When the Shire advises that requests for comment regarding retrospective approval for the laydown area has been sent to people living 500 metres away. Our home is one of the closest to 394 Robertson Road and is approximately 1 km away from the laydown area and we did not receive one. We are in trouble.

Were requests actually sent to anyone?

When a DWER Officer asks my parents to remove their concerns about Chromium (VI) from their statement in relation to PERMAcast. We are in trouble.

When an approval system is put in place, which ignores the wishes of the community and their representatives. When the majority of the approvers in that system, including the Presiding Member, do not live in our area, have not been elected by us, and hold high level positions in businesses that assist companies to get approvals, We are in trouble.

When MOJDAP is presented with overwhelming evidence of environmental and social issues, however the Presiding Member chooses to cast a deciding vote, allowing the Facility additional time. We are in trouble.

When the Presiding Member is removed from his position due to a conflict of interest, and yet their decision is allowed to remain. We are in trouble.

When DWER changes the classification of a company from 'Prescribed' to 'Not Prescribed' and asks my parents to pay \$35 to submit an FOI application, when they request the reason for this change. When their FOI application is refused by the same person that made the decision on the 'not Prescribed' issue. When their request for an internal review is conducted and again refused by the same person. When their request for an external review has taken over 12 months and they have not received a response to date because 'they are busy'. We are in trouble.

When a DWER officer advises my parents, that if this illegal company does not get approval and cannot operate, the State Government will lose \$50 million a day. We are in trouble.

I am horrified at what my family has had to go through and that the voices of the residents in this area are ignored, while the reports and statements from these companies are accepted as fact, without due diligence.

Thank you very much for listening.



Troy Malatesta, Cardup, 6123

Good evening, Mr President, Councillors and Shire Officials.

My name is Troy Malatesta. I stayed in the granny flat at 440 Soldiers Road, with Lia, for 2 years.

My statement is a continuation of Lia's.

When DWER advises that the dust issues raised by John McEwan are due to a prescribed operation (PERMApole), which uses highly toxic poisons in its operation, and the dust was not caused by the company seeking retrospective approval, (PERMAcast), although the photographs he submitted show dust over the latter's operation, but they advise that will send PERMApole a letter of warning. We are in trouble.

When DWER accepts cosmetic changes by the companies at 394 Robertson Road, that have no effect on the actual environmental issues. We are in trouble.

When DWER ignores tonality and accepts the noise compliance calculations that include the Bush Forever as an industrial area. An area from which the only noise should be from black cockatoos, who now unfortunately rarely inhabit the area. We are in trouble.

When the Company's Storm Water Management Plan is approved by DWER officials and the shire officers, without any checks conducted on the calculations and statements made in it, with no plans for monitoring the outcome. When the McEwans point out the issues to DWER officials but are ignored. When the McEwan's present a detailed statement demonstrating the impossibility of this Plan, to the Shire, but their statement is ignored. We are in trouble.

In fact, the same goes for all the documents and Plans provided by the Company.

When a MODJAP approver advises that the Company has to be allowed to work on a Saturday because it will lose 17%, despite the fact that this company does contract work, it is not a retailer. We are in trouble.

When the residents advise that work starts at 5:30 am and the PERMAcast lawyer advises that these workers are 'Admin' and that the early start is due to Toolbox Talks, and not one of the MODJAP panel queried these comments despite the fact that there are scores of employees arriving early, wearing high vis PPE, and a daily 1.5 hour Toolbox Talk is unusual. We are in trouble.

When the Company produces total garbage on its noise monitoring system, and the regulating bodies unquestioningly accept this rubbish, and expect residents to accept it as well. (According to the system, the noise is higher at night and when they are not operating). We are in trouble.

PERMAcast has now joined on the bandwagon of 'greenwashing'. One of its new projects includes an even more hazardous material than Portland cement – flyash.

Without the POLITICAL will to administer and apply the laws and regulations that are in place to protect communities, the laws are completely useless.

Thank you

Bill Denholm, Byford, 6122

This statement is in regard to events that occurred on Saturday, 14 October 2024 at Mundijong Oval.



A meeting was organised by Shire Officers on Wednesday, 11 September 2024 at 3.30pm between Shire, Senior Football (Peel Football League) and SJ Netball.

Luckily two netball committee members changed their work commitments, remember they are volunteers, to accommodate the others attending, mainly for transparency and clarity reasons.

Initially the netball community, local ratepayers, on their grand final day, were banned from using the facility toilets and the public carpark at the netball courts. This was to accommodate the Peel Football League. Netball was told to park on the street and a little gravel carpark to the west of the netball courts. Portaloo's were to be provided by the Shire at SJ ratepayers cost for the netball families.

The netball committee were extremely unhappy with these arrangements, as they had booked the facility months in advance and had paid for them. They had their annual life members morning tea on grand final day and to expect elderly people to use portaloo's was ridiculous. And park out on the road.

A subsequent meeting was arranged and when a question was raised regarding who was cleaning the portaloo's the idea was quickly dismissed. Netball was now allowed to use their toilets. That was the arrangement.

But on Saturday, things were not as arranged. Netball had no access to the ACROD toilets, which are situated in the Atwell Pavilion. They were fenced off by football, by temporary fencing. Photos were sent to Senior Shire Officers on Thursday and netball was assured they would be removed; the temporary fence panels that is. This did not occur. Netball had no ACROD parking provided. While on parking, netball decided to provide ACROD parking on the netball courts. We needed three bays. We also decided to park committee members on the courts to free up more parking space for the netball families. Not ideal, cars and children, but it was monitored and it worked safely.

Working on the figures supplied to the Shire Officers by the Peel Football League, which by the way are completely incorrect. 1,000 people attending football at \$13 per person. \$13,000 of generated income from the event went straight back to the Peel region, headquarters Ruston Park, Mandurah.

Remember, the SJ Shire junior footballers all go to South Fremantle and Perth Football clubs. This is their catchment zone. No junior football development in SJ involves Peel, only seniors.

So, in review, Peel Football League want to hold an event in SJ. Four games, eight teams, only one team playing is based in the SJ Shire. The local junior netballers and families, nearly all locals, ratepayers, who hired and paid for the facilities to play their grand finals are kicked out of using their parking and toilets.

How is it possible for visitors to come, do their event, no cost, take approximately \$13,000 gate fees back to their Shire and they get priority over our local ratepayers and children.

Karen McEwan, Cardup, 6123

Good evening, Mr President, Councillors and Officers.

The environmental regulators are failing us. Companies are prioritised over our health and the health of our environment. Alcoa's pollution of drinking water catchments with PFAS is a prime example.



Of the many, many concerns I have regarding the operations at 394 Robertson Road, tonight, I will bring two to your attention.

PermaPOLE uses CCA for the treatment of wood. CCA is made up of 25% copper, up to 45% chromium and up to 37% arsenic.

According to the licence issued by DWER, contaminated wastewater and run off water is stored in a lined dam. The drains and pathways by which the contaminated water reaches the dam are not lined. When the dam is reaching capacity, the water is to be treated with lime and ferrous sulphate to drop out the metals. The dam is then to be sampled and assayed, and if the water meets the DWER specified limits, it can be discharged into the council's drainage system ie onto public land and eventually through private properties to water catchment areas.

The co-precipitation of chromium, arsenic and copper is very difficult. In the literature, even in stirred beakers, in a laboratory, the levels specified by DWER, even in the best cases, could not be reached, despite using expensive oxidants such as hydrogen peroxide. It would be impossible to achieve these limits just by dumping chemicals into a dam.

This is a well-known and documented concern in the preserved timber industry, since treatment of CCA wastewater is an expensive process. Although it is not, for PERMApole.

I expressed my concerns about the process to DWER officers. We requested PERMApole dam analyses from DWER. We were advised that DWER does not collect these results. Our concerns were not checked and investigated.

This year, when we noticed that PERMApole had released water from their dam, we took samples from the Council drain system and took the samples to an environmental laboratory ourselves. The copper results came out as just lower than the limit, arsenic was around 10x higher than the limit and chromium was 60 to 80x higher than the limit.

Arsenic is poisonous even in small doses. The misinformation on PERMApole's website is irresponsible and they should be forced to correct or remove their statement on arsenic. Long-term exposure to arsenic from drinking water can cause cancer and skin lesions. In utero and early childhood exposure has been linked to negative impacts on cognitive development and early death of young adults.

Copper is poisonous. It is cumulative, which means that it is difficult for the human body to get rid of it. It builds up in the nervous system causing neurological problems. The body tries to get rid of it through the liver, resulting in liver damage.

The form of chromium in CCA is chromium (VI), which is the most toxic form of chromium. This is the most lethal of the three toxins. It is a carcinogen, a mutagen and is also cumulative. Chromium is able to cross the cell membrane and attack the DNA within the cell.

CCA is a serious pesticide. Even in small or trace doses, these chemicals can accumulate in biological systems. PERMApole should not be allowed to dispose of these chemicals into our water systems at any concentrations. All wastewater areas should be lined to ensure that these toxic contaminants are controlled.

PERMAcast has recently entered into a joint venture where they trialled replacing part or all Portland Cement in concrete, with fly ash from the Collie power plant. Professing that this is a low carbon, greener concrete.



Fly ash is burnt coal residue. Coal is well known for its dirtiness - it contains lots of toxic chemicals such as arsenic, barium, cadmium, nickel, lead, and many others - could be anything. In coal, these are chemically bonded into the coal. When coal is burnt at high temperatures, the total mass is reduced, therefore, the concentration of the toxic contaminants increase. The chemical bonds are broken down and the toxic chemicals can now leach out of the fly ash and pollute ground water.

PERMAcast already trialled the use of fly ash in July, one of the wettest months. Fly ash is a hazardous material and contains more toxins than cement. Furthermore, the process requires substantially more water (our ground water). The concrete may be greener but the components are not.

I request that the Council investigate and advise us of safety measures that will be put in place due to yet another hazard being introduced to this site.

PERMAcast's lawyer stated very clearly and several times that it is not a concrete producer. Yet the media coverage in relation to the production of this geopolymer and its other joint venture with Kapture insinuates that in fact it is.

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

Vanessa Reynolds, Oakford, 6121

It doesn't take a psychologist to see that the Let's Talk Rubbish Survey has been designed with a very clear outcome in mind.

This survey cannot provide an unbiased outcome with the way the questions have been articulated.

This survey does not provide the recipients with anywhere enough information to make educated decisions.

The survey states 7 times that the cost of the option to reopen the transfer station will cost approx. \$8m and will take at least 2 years and even mentions it twice in one question and response option. It also states that these costs are substantial / significant and reiterates the length of time that will be required to see any outcome and asking recipients to note the associated costs before answering the question, but it does not state anywhere what the current actions for disposal of waste cost.

Then in bold orange writing before the questions begin, it is again stated:

It is important for residents to note that if a redesign of the Watkins Transfer Station goes ahead, the rehabilitation works, and redesign will take at least 2 years to complete.

It doesn't mention that the bookable service is a 2 month wait and we are constantly paying for dumped rubbish to be disposed of, perhaps because people can't afford to pay more for rubbish removal, we don't have our own facility, or can't wait for a bookable service etc

It is stated that the survey is open to all residents and ratepayers. How is that going to give us an accurate indication of what is required? We are asking the opinion of people who may be transient, may not live in the area in 6 months or 2 years, or others that don't even pay for the services, some may be minors or may provide 10's of responses from one household.



The survey also refers to specific numbers of collections, tip passes and greenwaste vouchers, yet we are not provided any information on what is even being considered to be applied to the new service.

The survey also refers to different terminology when asking questions eg:

1. Please note remediation and redesign of the Watkins Transfer Station will take at least 2 years and will cost around \$8m.
2. Please note remediation of the Watkins Transfer Station will take at least 2 years and will cost around \$8m.
3. The costs associated with the rehabilitation and reconstruction, is expected to be around \$8m.

It also states that the cost of reopening the Watkins Transfer Station needs to be passed on to residents, but states nowhere if any Govt grants will be applied for, what the options being currently utilised already cost us annually which would no longer be required once the TS is opened.

Given that 2 redesign options were presented to council in August 24, are we to believe that the design costs are yet to be paid? If not – they are an expense that has been incurred no matter what option is selected.

Where was the question asking residents if by completing this survey they felt “heard”?

How is this survey genuinely seeking resident feedback?

How can anyone justify spending \$40k for the results of this and a delay of 5 months for making a decision.

If you really aren’t genuinely seeking resident feedback in order to actually undertake actions that align with that feedback, why bother wasting \$40k of our money and conducting it at all?

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

Bill Denholm, Byford, 6122

Made a statement acknowledging the Shire for hosting State Government political parties.

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

As there was no further public statements, Public Statement time concluded at 8.02pm.



4. Petitions and deputations:

Mr Stephen Elliott, Urban Resources, regarding item 10.1.6 Proposed Extension of Development Approval and Extraction Timeframe for 'Industry Extractive' - Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury (PA24/200)

Good evening, Councillors & Mayor

My name is Stephen Elliott, and I am the owner and general manager of Urban Resources. We are a sand mining and contracting company that specialises in sand extraction for use in the construction industry. We have been in business for 18 years and prior to that time I managed Rocla Quarry Products now owned by Hanson.

We have been engaged by Hanson to operate the proposed sand mine at Boomerang Road because of our experience in sand mining and we have successfully operated several other sand mines in the area on a similar basis.

The operation of a sand mine in close proximity to other residents and properties requires careful management, and Urban Resources has specialised in carrying out these types of operation with minimal disturbance to surrounding residents.

The proposal contains strict conditions that Urban Resources will adhere to ensure that the operational commitments made by us or imposed by the Council are carried out properly.

All environmental approvals are in place with State and Federal governments and the site has been ready to commence works for some time. This was delayed by market conditions and the years of Covid but demand within the Shire is now very high and the timing for extraction of this resource is immediate.

Housing development within the Shire has increased substantially and this has fuelled a requirement for sand to complete the new subdivisions west of the Mundijong township and with continued expansion in Byford. The sand from this site will be mainly used to complete those subdivisions and its close location to those areas will assist in containing the cost of development due to decreased cartage distances for sand requirements. The next available sand sources in other council areas are more than twice the distance from this area.

The State Planning Policy - Basic Raw Materials, identifies the site as a 'Key Extraction Area' being a regional resource. DEMIRS has confirmed the site's significance and supports the proposed extension.

Urban Resources has just completed the earthworks on the first stage of the "Mundi" subdivision west of Taylor Road and an award has already been given for a third and fourth stage. The sand for these works will come from the Boomerang Road site.

The extraction of this resource provides a significant benefit to the Shire as it grows and ask that you endorse this request for an approval to extend this Development Approval and timeframe for the Boomerang Road sand operation.



5. President's Report:

Good evening Elected Members, residents, and ratepayers. Welcome to the October 2024 Ordinary Council Meeting.

As we reach the end of an eventful year for the Shire, we are also reminded that we are heading towards Federal and State government elections.

As Shire President, it is my role to advocate for the Shire to get the best possible outcomes for our community.

It's a community that is growing rapidly every year.

By 2046 our population is projected to grow to more than 95,000, and in Byford alone, more than 400 babies were born in the year 2022-23.

It's an exciting time to be a part of this community, but rapid growth also brings challenges, particularly in terms of our community infrastructure.

That's why we must take every opportunity possible to advocate to government to help fund our key projects.

The past couple of months have seen us do just that.

At the end of September, Shire CEO Paul Martin and I played host to the leader of the Liberal Party in WA, Libby Mettam, and Paul Mansfield, Liberal candidate for Darling Range.

We took the opportunity to give Ms Mettam a tour of the Shire, taking in key advocacy projects such as the SJ Community Recreation Centre and the BMX track.

She was also 'lucky' enough to experience some of our worst roads in the process.

I would like to thank the community members who took time out of their day to support the Shire during the tour to represent basketball, netball, BMX and the proposed trails centre in Jarrahdale.

It was great to also host Leader of the Nationals in WA, Shane Love, and Nationals candidate for Darling Range, Morgan Byas, for another Shire tour a few days later.

I also met with Tait Marston the Liberal candidate for the new seat of Oakford and Sean Ayres, Liberal candidate for Burt, during the same week.

The level of genuine interest that all our visitors, regardless of political affiliation, showed in the Shire's projects and the challenges we face, was fantastic.

We're looking forward to further meetings with politicians from all sides to advance our advocacy objectives.

Last week we hosted the Premier and his ministers for the State Government's Cabinet in the Community.

It was a highly eventful day and another chance to raise awareness about the rapid growth challenges the Shire is facing.

The Shire CEO and I firstly held a meeting with the Premier, followed by an opportunity for us to present to Cabinet on our key advocacy projects.



Later that day, we headed to a wet and windy Briggs Park to sign a \$18.5 million State Government funding agreement for the Keirnan Park Recreation Precinct, with Minister Templeman.

This funding will be used to advance the development of the multi-use sports pavilion, car park, entry road, and ovals at the Keirnan Park site.

This funding is in addition to the \$3.5 million already secured from the State Government for planning and design.

It was heartening to hear Minister Templeman's positive remarks about the Shire, and about our presentation to Cabinet.

He even referred to Byford as the 'nappy valley' – for the reasons I spoke about a few moments ago!

I would like to offer my thanks to the Premier, Minister Templeman and the WA State Government for visiting our Shire.

It was a fantastic opportunity, and one that we really did make the most of.

As the Federal and State Government elections approach, it is my intention that we make the most of platforms such as these to get the best results possible for the Shire of Serpentine Jarrahdale community.

We'll keep this positive momentum and the conversations going as we start planning for the trip to Canberra next month.

On 16 October the Shire was recognised at the annual Volunteer Employer Recognition Award Ceremony hosted by Department of Fire and Emergency Services WA

The Shire was among 80-odd businesses and organisations from across WA celebrated for supporting our incredible emergency services volunteers.

We're proud to play a part in helping those who give so much to keep our community safe.

Finally, I would like to acknowledge that it is a year since I was voted in as the Shire of Serpentine Jarrahdale's first directly elected President.

During that time, I have worked to create stronger bonds between Council and the community.

The rebirth of the Council in the Community initiative has enabled an increase in community involvement and has proved extremely popular.

I have also overseen changes so residents and ratepayers can now ask questions or make statements without prior notice, fostering a culture of transparency and inclusivity.

The passing of motions en bloc is making decisions smoother and more responsive to community needs.

I will continue to speak up and advocate for a vibrant, caring and liveable Shire, a welcoming community where everyone feels at home.

Thank you.

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

Councillor Nathan Bishop declared an Impartiality Interest for Item 10.4.2 - Terms of Reference - Serpentine Jarrahdale / Cardup Career Fire Station Integration Working Group. The nature of the interest is that I am a member of the Oakford Bush Fire Brigade. The extent of my interest is the Oakford Brigade may form a part of the working group being considered; impartiality.

7. Confirmation of minutes of previous Council meeting(s):**7.1 Ordinary Council Meeting - 16 September 2024****OCM277/10/24****COUNCIL RESOLUTION****Moved Cr Duggin, seconded Cr Mack****That the minutes of the Ordinary Council Meeting held on 16 September 2024 be CONFIRMED (E24/13355).****CARRIED UNANIMOUSLY 7/0****7.2 Special Council Meeting - 7 October 2024****OCM278/10/24****COUNCIL RESOLUTION****Moved Cr Duggin, seconded Cr Mazzini****That the minutes of the Special Council Meeting held on 7 October 2024 be CONFIRMED (E24/14484)****CARRIED UNANIMOUSLY 7/0****8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meeting:**

Nil.

9. Motions of which notice has been given:

Nil.

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

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

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

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

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

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

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

On request from President Coales, item 10.1.2 was removed from the en bloc motion.

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

Report number	Report Title
10.1.1	Proposed Road Naming Application - Lot 26 Robertson Road, Whitby and Lot 23, 1408 South Western Highway, Whitby (PA24/502)
10.1.3	Proposed Minor Amendments to Local Planning Policy 1.5 - Exempt Development (SJ4444)
10.1.4	Proposed Local Planning Policy 4.22 - Development of Heritage Places and Areas - Jarrahdale Heritage Precinct (SJ2740-2)
10.1.7	Endorsement of Banksia Woodland Management Plan (SJ816)
10.1.8	Proposed Scheme Amendment No.8 to Local Planning Scheme No.3 - Normalisation of the Byford Central Local Structure Plan, the Lot 2 Nettleton Road, Byford Local Structure Plan, and the Marri Park Estate - Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan (PA24/587)
10.1.9	Proposed Metropolitan Region Scheme Amendment - South East and South West Districts Omnibus No. 5 - RLS/1028 - Request for Preliminary Comment (SJ1369-18)



Report number	Report Title
10.1.10	Project Plan to Investigate Options for a Shire Administration Presence in Byford (SJ2201-2)
10.1.11	Mobile Food Business Process and Policy review (SJ119)
10.3.1	Confirmation of Payment of Creditors – September 2024 (SJ801)
10.3.2	Monthly Financial Report – August 2024 (SJ4229)
10.3.3	Council Policy Updates for Livestreaming (SJ526-02)
10.4.1	Local Emergency Management Committee Information Report (SJ716)
10.5.1	Award Request for Tender– RFT 06/2024 - Supply and Delivery of Ferricrete - (SJ4475)
10.5.2	Rebates for Home Composting Systems

OCM279/10/24**COUNCIL RESOLUTION****Moved Cr Mazzini, seconded Cr Jerrett**

That the Officer Recommendations contained in Officer Reports 10.1.1, 10.1.3, 10.1.4, 10.1.7, 10.1.8, 10.1.9, 10.1.10, 10.1.11, 10.3.1, 10.3.2, 10.3.3, 10.4.1, 10.5.1 and 10.5.2 be ADOPTED en bloc at 8.17pm.

CARRIED UNANIMOUSLY 7/0

**10.1 Development Services reports:**

10.1.1 - Proposed Road Naming Application - Lot 26 Robertson Road, Whitby and Lot 23, 1408 South Western Highway, Whitby (PA24/502)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	McMullen Nolan Group Pty Ltd
Owner:	Gold Fusion Pty Ltd
Date of Receipt:	30 July 2024
Lot Area:	155ha
Local Planning Scheme No.3 Zoning:	'Urban Development' and 'Rural'
Metropolitan Region Scheme Zoning:	'Urban' and 'Urban Deferred'

Report Purpose

The purpose of this report is for Council to consider 18 new road names associated with subdivision of Lot 26 Robertson Road and Lot 23, 1408 South Western Highway, Whitby. Four alternative names are also presented to Council for endorsement in the instance Landgate do not support the preferred names.

This road naming proposal (**attachment 1**) is presented to Council for endorsement as this function is not able to be delegated in accordance with the legislative framework of the *Land Administration Act 1997*. Officers consider that the proposed road names are consistent with the approved theme of 'Timber Milling' for the Whitby Town Estate.

Officers recommend that Council endorse the proposed road names based on compliance with the Policies and Standards for Geographical Naming in Western Australia (Landgate Policy) and Local Planning Policy 1.7 - Road Naming (LPP 1.7).



Relevant Previous Decisions of Council

Ordinary Council Meeting - 10 November 2014 - OCM080/11/14 - COUNCIL RESOLUTION That Council approve the theme "Timber Milling" for the Whitby Town estate, Keirnan Street, Whitby.

Background

The subject sites are bound by Soldiers Road to the west, South Western Highway to the east and the Whitby Estate Area to the north and south. The area where the road names are to be applied are located within an 'Urban Development' zoned area according to the Shire's Local Planning Scheme No.3. The subject sites are depicted following:

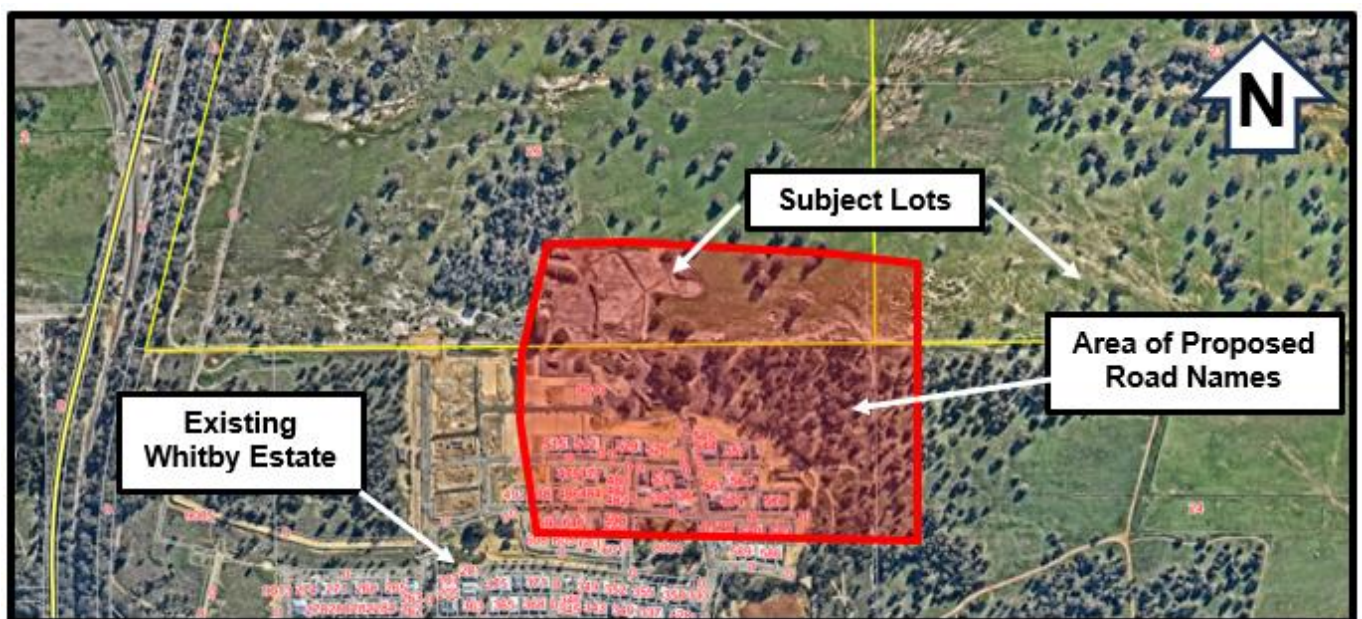


Figure 1: Aerial image of the site

Approval for the subject subdivision was granted by the Western Australian Planning Commission (WAPC) on 8 July 2022. The approved subdivision layout can be viewed following:

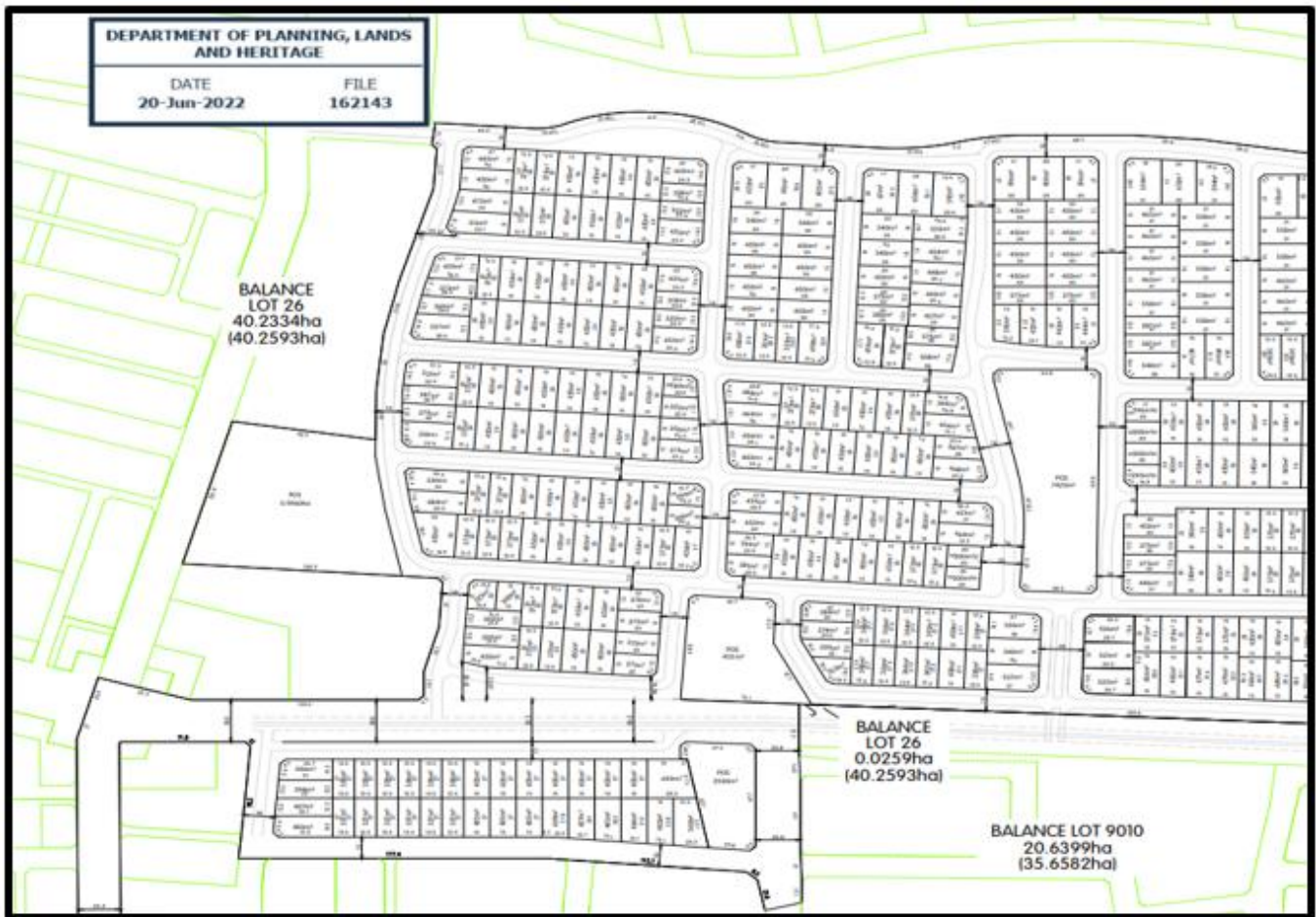


Figure 2 - Extract of approved subdivision plan

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

Proposal

The application (**attachment 1**) proposes the naming of the following 18 roads:

- Sawntimber Approach
- Jinker Avenue
- Sawdust Road
- Woodcutter Parade
- Firewood Promenade
- Whistle Road
- Pockets Street
- Linear Way
- Resin Way

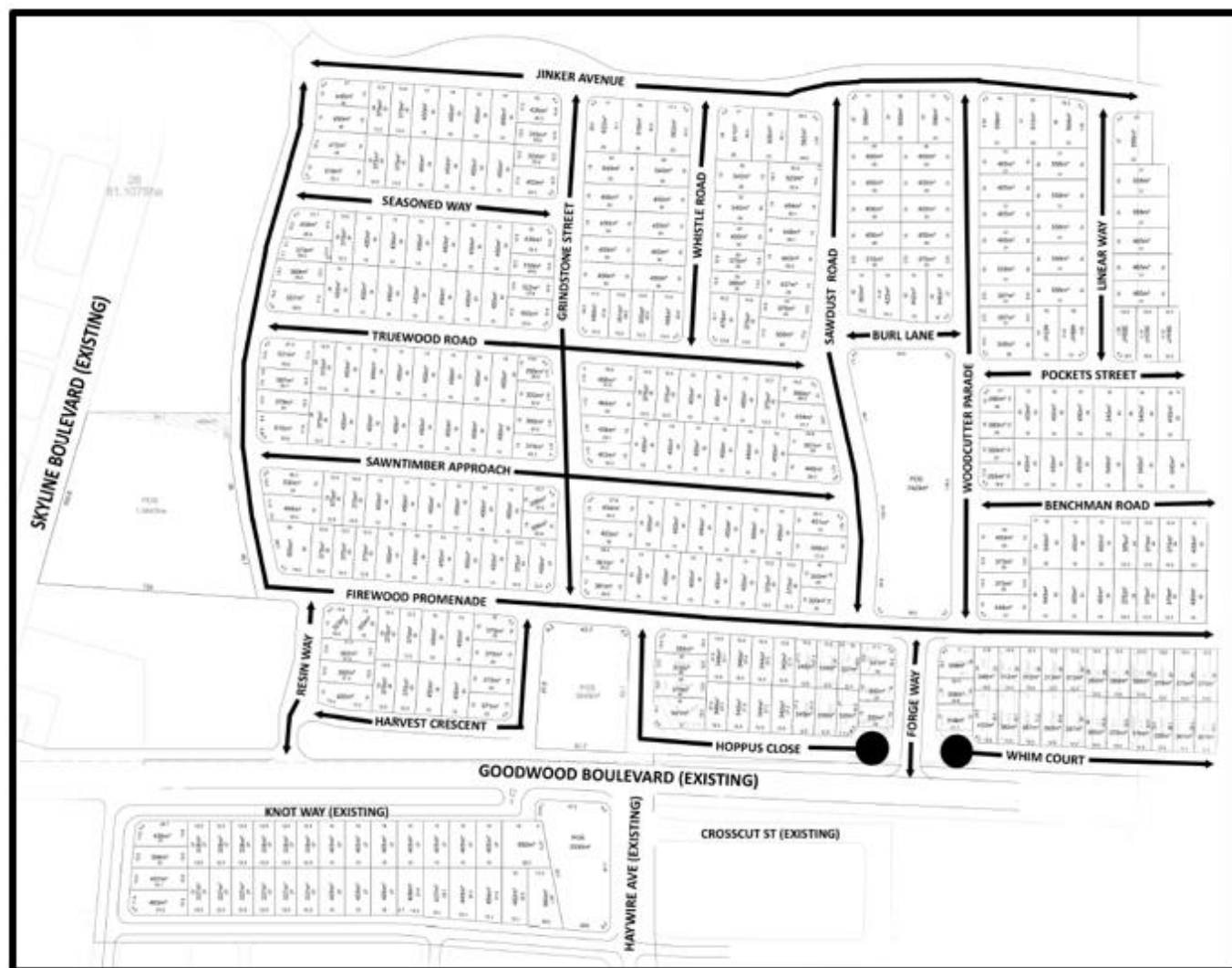


- Seasoned Way
- Truewood Road
- Hoppus Close
- Burl Lane
- Harvest Crescent
- Whim Court
- Benchman Road
- Grindstone Street
- Forge Way

The applicant has also submitted four names to be endorsed as second preference names in the event that Landgate does not accept the preferred names:

- Hauler
- Yard
- Roughsawn
- Tannin

The roads and proposed names are shown in the following plan:

**Figure 3 - Proposed road name layout**

Local Planning Policy 1.7 - Road Naming Policy (LPP1.7) indicates where more than four road names are proposed then a theme should be submitted to Council for approval. As such, a road name theme is required for this proposal. The proposed road names are in keeping with the approved theme of 'Timber Milling' for the Whitby Estate.


The proposed and backup names along with their description as provided by the applicant are detailed in the following table:

Road Name Table	
Proposed Preferred Names	Background
Road 1: Sawntimber Approach	Timber cuts from logs, which can take different shapes and sizes.
Road 2: Jinker Avenue	A log hauler drawn by a horse or bullock.
Road 3: Sawdust Road	By-product of woodworking operations such as sawing and milling.



Road Name Table	
Proposed Preferred Names	Background
Road 4: Woodcutter Parade	A professional who works in a timber yard.
Road 5: Firewood Promenade	A record on the WA State Library of an interview with Ernest Hedington and Saverio Bruzzese identified that a firewood business previously existed outside of Jarrahdale.
Road 6: Whistle Road	A signaling device used by trains and for employees of saw mills.
Road 7: Pockets Street	Gum production is a natural protection response to injury experienced by trees, especially in hardwoods and eucalyptus. The presence of pockets of gum can reduce the strength of timber.
Road 8: Linear Way	A measure of length that ignores the thickness and width of a piece of timber.
Road 9: Resin Way	A sticky exudate produced in specialised microscopic structures called resin ducts in some hardwood families.
Road 10: Seasoned Way	Timber dried to a stable moisture content of 10-15%.
Road 11: Truewood Road	Timber which is newly cut and still has a high moisture content.
Road 12: Hoppus Close	The Hoppus String Measure, was originally termed in 1738, also known as the quarter girth method. The Hoppus Method measures the girth under the bark at the centre of the log, by tape.
Road 13: Burl Lane	A burl is a tree growth in which the grain has grown in a deformed manner. It is commonly found in the form of a rounded outgrowth on a tree trunk or branch that is filled with small knots from dormant buds.
Road 14: Harvest Crescent	Gathering of a product from its growing location. This includes the harvesting of wood.
Road 15: Whim Court	'Whims' were large steam powered tractor like vehicles that were used to haul logs once sawn.



Road Name Table	
Proposed Preferred Names	Background
	 <p>Mr Wanliss of the Rockingham Timber Company was one of the first to use this method of transport. In the 'Enquirer' of the 16 August 1871, it is recorded that Mr. Wanliss imported from Melbourne, an eight-horsepower traction engine called the Thompson's Road Steamer and it arrived in WA aboard the schooner 'Azelia'. After its arrival, it was used by the company for general haulage concerned with the building of the line and also hauling materials to and from the mill. One of its jobs a few months later was to haul the new loco, the 'Governor Weld', from Perth to Rockingham where it was assembled. 1 October 1877 'enquirer' mentions, the Thompson's Road Steamer was stripped of its wheels and used to drive the saw-sharpening machinery in the mill at Jarrahdale.</p>
Road 16: Benchman Road	The sawyer in charge of a saw bench.
Road 17: Grindstone Street	Used to keep saw blades sharp.
Road 18: Forge Way	The manufacturing process involving the shaping of metal using localized compressive forces such as a hammer or a die.

Reserve Names	Background
Hauler	A steam-driven engine used in the bush to haul logs from the stump to the landing. They were a Western Australian invention and were used from the early part of the century until the mid-1930s when they were replaced with tractors.
Yard	A reference to a timber yard. A place to store timber for air drying and/or transport.



Reserve Names	Background
Roughsawn	Wood that has been cut from the log but not planed or surfaced, leaving it with a rough texture.
Tannin	Tannin is commonly referred to as Tannic acid. It contains compounds that are commonly present in plants, which differ in intensity between tree species. Tannins in hardwood timber are the natural properties of the timber itself and that stored within the internal grains of the timber. When moisture or water permeates through the timber it will bring these tannins to the surface, causing black or brownish stains.

Community / Stakeholder Consultation

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

Statutory EnvironmentLegislation

- *Land Administration Act 1997*

State Government Policies

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

Local Planning Framework

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

Planning Assessment

An assessment of the proposed road names against the provisions of LPP 1.7 is as follows:

Policy Assessment	
Policy Requirement	Officer Comment
Consideration of current and future street names	The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire. No duplicates in surrounding Local Government areas within 10km have been identified.
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area.



Policy Assessment	
Policy Requirement	Officer Comment
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed and reserve road names have been documented in the road name table earlier in this report.
Names shall not be offensive or likely to given offence, incongruous or commercial in nature	The proposed and reserve names are not considered to be offensive, inappropriate, or commercial in nature.
Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public	In terms of easiness to read, spell and pronounce, the names are simple to read or pronounce, and so would not cause complexities for emergency services, service providers or the travelling public.
Unduly long names and names that comprise of two or more words should generally be avoided	The proposed preferred names comprise of no more than ten letters in length and are no more than one word.
Proposals for road names shall include an appropriate road type suffix	<p>The proposed suffixes are considered appropriate and consistent with suffix definitions under the Landgate policy.</p> <p>Approach (App) - Roadway leading to an area of community interest (e.g. public open space, commercial area, beach etc.).</p> <p>Avenue (Av) - Broad roadway, usually planted on each side with trees.</p> <p>Court (Cy) - Short, enclosed roadway.</p> <p>Crescent (Cr) - Crescent-shaped thoroughfare, especially where both ends join the same thoroughfare.</p> <p>Parade (Pde) - Public promenade or roadway that has good pedestrian facilities along the side.</p> <p>Promenade (Prom) - Roadway like an avenue with plenty of facilities for the public to take a leisurely walk, a public place for walking.</p> <p>Road (Rd) - Open way or public passage primarily for vehicles.</p> <p>Street (St) - Public roadway in a town, city or urban area, especially a paved thoroughfare</p>



Policy Assessment	
Policy Requirement	Officer Comment
	with footpaths and buildings along one or both sides. Way (Way) - Roadway affording passage from one place to another. Usually not as straight as an avenue or street. The proposed suffixes are considered suitable as they generally are reflective of the proposed carriageway.
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	As shown on the road name plan earlier in this report, the road names are commensurate with the length of the road and are considered practical.

Based on the above, the recommended names are considered appropriate.

Options

Option 1

That Council:

1. ENDORSES the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the proposed road name as contained within **attachment 1** to Landgate for final approval:
 - a. Sawntimber Approach
 - b. Jinker Avenue
 - c. Sawdust Road
 - d. Woodcutter Parade
 - e. Firewood Promenade
 - f. Whistle Road
 - g. Pockets Street
 - h. Linear Way
 - i. Resin Way
 - j. Seasoned Way
 - k. Truewood Road
 - l. Hoppus Close
 - m. Burl Lane
 - n. Harvest Crescent
 - o. Whim Court



-
- p. Benchman Road
 - q. Grindstone Street
 - r. Forge Way
2. ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that the first preference names are not deemed acceptable by Landgate:
- a. Hauler
 - b. Yard
 - c. Roughsawn
 - d. Tannin

Option 2

That Council REFUSES TO ENDORSE the proposed road names and REQUESTS the applicant to consider different naming options.

Option 1 is recommended.

Conclusion

Council endorsement is sought for 18 proposed road names to be used within the approved subdivision at the subject site. The proposed names are considered consistent with the requirements of LPP1.7 and Landgate's road naming policy. It is therefore recommended that Council endorse the proposed names.

Attachments

- **10.1.1 - attachment 1** - Road Layout Plan (E24/13068)

Alignment with our Council Plan 2023-2033

Liveable
2. Improve maintenance and investment in roads and paths

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	Council not supporting the names causing a delay in the application, which could delay lot creation and residential land supply within the Shire.	Policies and Standards for Geographical naming in Western Australia Local Planning Policy 1.7 - Road Naming	Social / Community Outcomes	Possible	Moderate	MODERATE	Give reasons for decision

Voting Requirements: Simple Majority

OCM280/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council:

1. **ENDORSES** the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the proposed road name as contained within attachment 1 to Landgate for final approval:
 - a. Sawntimber Approach
 - b. Jinker Avenue
 - c. Sawdust Road
 - d. Woodcutter Parade
 - e. Firewood Promenade
 - f. Whistle Road
 - g. Pockets Street
 - h. Linear Way
 - i. Resin Way



- j. Seasoned Way
- k. Truewood Road
- l. Hoppus Close
- m. Burl Lane
- n. Harvest Crescent
- o. Whim Court
- p. Benchman Road
- q. Grindstone Street
- r. Forge Way

2. **ENDORSES** the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that the first preference names are not deemed acceptable by Landgate:

- a. Hauler
- b. Yard
- c. Roughsawn
- d. Tannin

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0



10.1.2 - Proposed Road Naming Application - Lot 9000, 142 Taylor Road, Mundijong (PA24/503)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	McMullen Nolan Group Pty Ltd
Owner:	Kerrboyle Pty Ltd
Date of Receipt:	30 July 2024
Lot Area:	155ha
Local Planning Scheme No.3 Zoning:	'Urban Development' and 'Rural'
Metropolitan Region Scheme Zoning:	'Urban' and 'Urban Deferred'

Report Purpose

The purpose of this report is for Council to consider an application for seven new road names associated with a subdivision of Lot 9000, 142 Taylor Road, Mundijong. The application also seeks approval for a new naming theme for the area. Three alternative names are presented to Council for endorsement in the instance Landgate do not support the preferred names.

This road naming proposal (**attachment 1**) is presented to Council for endorsement as this function is not able to be delegated in accordance with the legislative framework of the *Land Administration Act 1997*. Officers consider that these names are consistent with the proposed theme of local 'Agriculture, Product and Farming'.

Officers recommend that Council endorse the proposed road names and theme based on compliance with the Policies and Standards for Geographical Naming in Western Australia (Landgate Policy) and Local Planning Policy 1.7 - Road Naming (LPP 1.7).

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.



Background

The subject site is bound by Scott Road to the north, Taylor Road to the east and the West Mundijong Industrial Estate to the west. The area where the road names are to be applied is within an 'Urban Development' zoned area according to the Shire's Local Planning Scheme No. 3. (LPS3). The site has a 'Residential' zoning designation under the approved Mundijong Precinct E1 Local Structure Plan. The subject site is shown following:



Figure 1: Aerial image of the site

A portion of the subject site received subdivision approval by the Western Australian Planning Commission (WAPC) on 10 May 2024. This established seven new road extents. The west portion of the site has not been granted subdivision approval yet. The approved subdivision layout is shown following:

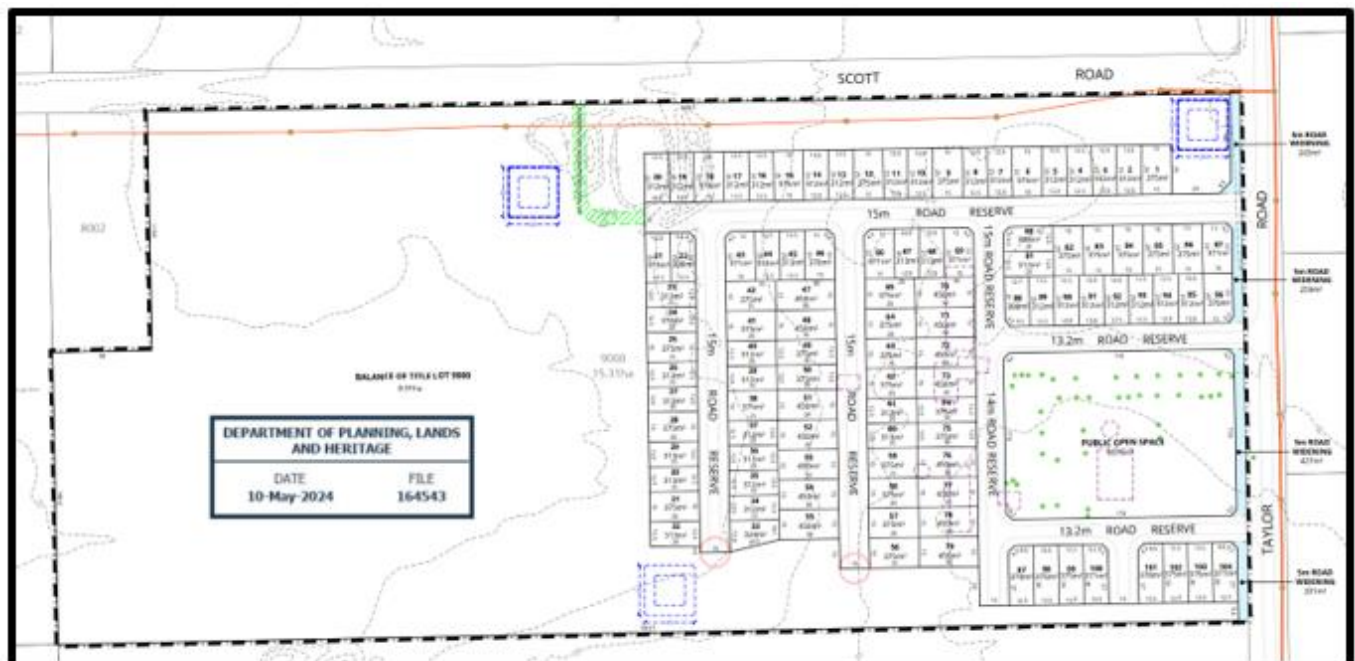


Figure 2: Extract of approved subdivision plan

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

Proposal

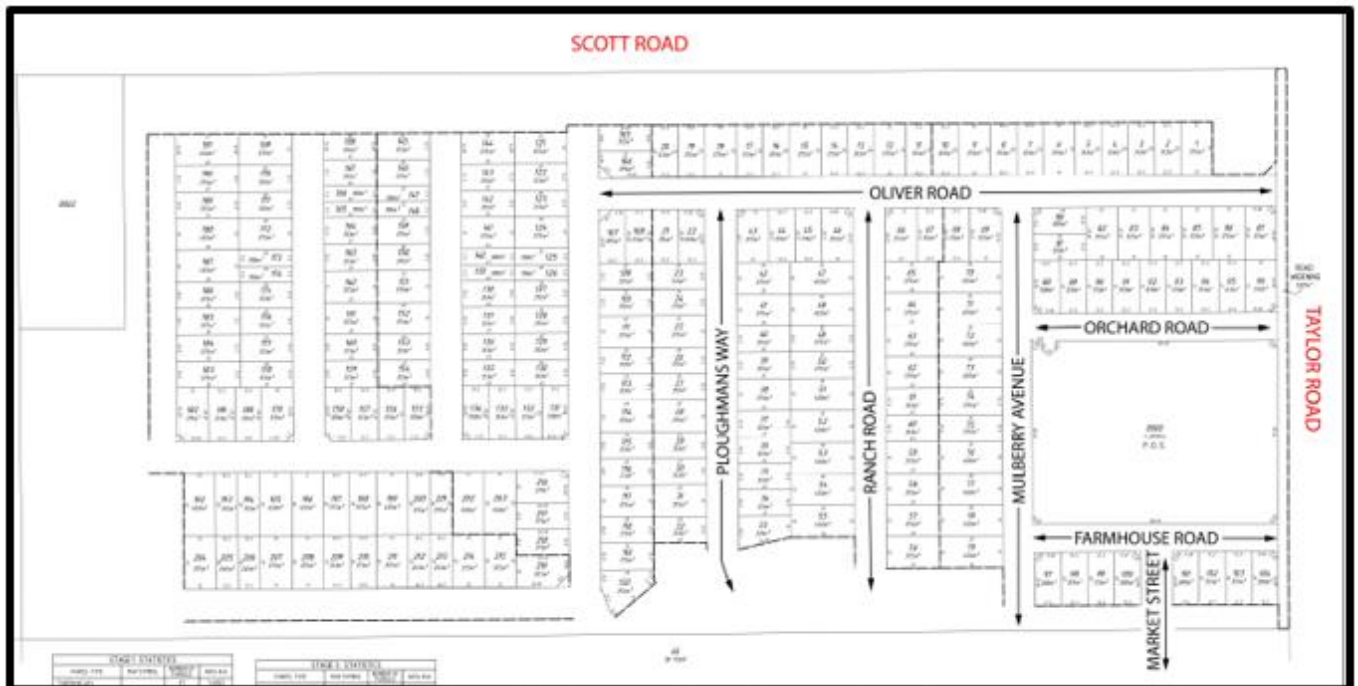
The subject application (**attachment 1**) proposes the naming of seven roads:

- Oliver Road
- Ploughmans Way
- Ranch Road
- Mulberry Avenue
- Orchard Road
- Farmhouse Road
- Market Street

These road names are associated with the proposed theme of local 'Agriculture, Product and Farming'. The applicant has also submitted three names to be endorsed as second preference names in the instance that Landgate does not accept the preferred names:

- Tractor
- Produce
- Pastoral

The proposed roads and names are shown following:

**Figure 3: Proposed road name layout**

The proposed and backup names along with their description as provided by the applicant are detailed in the following table:

Road Name Table	
Proposed Preferred Names	Background
Road 1: Oliver Road	A make of tractor that includes HG Crawler, Cletrac AD Crawler and Model 70c, just some that are on display in the Hugh Manning Tractor & Machinery Museum (Serpentine Tractor Museum). The Oliver HG Crawler (c.1947) on display in the Tractor Museum at Serpentine, was acquired from Jack Low, then manager of Serpentine Pastoral Co.
Road 2: Ploughmans Way	A man whose job is to direct a plough by leading a horse or other animal that is pulling it.
Road 3: Ranch Road	A ranch is an area of land, inclusive of various structures, given primarily to ranching. This is the practice of raising grazing livestock such as cattle and sheep which was common historically in Mundijong and its surrounds.
Road 4: Mulberry Avenue	A mulberry tree is a tree which has small purple berries which you can eat. Mulberry trees are commonplace on farms.
Road 5: Orchard Road	Enclosed land for the purpose of the cultivation of fruit trees and their produce.



Road Name Table	
Proposed Preferred Names	Background
Road 6: Farmhouse Road	A farmhouse is a building that serves as the primary quarters in a rural or agricultural setting. A farmhouse is intended to be preserved as part of this subdivision, to feature as a café and communal space within the public open space.
Road 7: Market Street	<p>The term 'market' could relate to market garden or a market itself. Market gardens are relatively small-scale operations where the farmer would live on the same lot that produces fruits, vegetables or flowers. These could be sold directly to consumers and restaurants.</p> <p>Mundijong has a historical market site at 121 Evelyn Street, which was used as a place that local cattle breeders were able to bring stock to be sold. Today, the markets exist as a community market location.</p>

Reserve Names	Background
Tractor	A tractor is a vehicle specifically designed to deliver a high tractive effort (or torque) at slow speeds, for the purposes of hauling a trailer or machinery such as that used in agriculture and farming.
Produce	A term describing the food items or other things that are grown as a result of farming or agricultural activities.
Pastoral	A term describing the use of land for the keeping or grazing of sheep or cattle. Dairy operations were especially prominent in Mundijong.

Community / Stakeholder Consultation

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

Statutory Environment

Legislation

- *Land Administration Act 1997*

State Government Policies

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

Local Planning Framework

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



Planning Assessment

Local Planning Policy 1.7 - Road Naming Policy (LPP1.7) indicates where more than four road names are proposed then a theme should be submitted to Council for approval. As such, a road name theme is required for this proposal. The applicant proposes a theme tied to the history of 'Agriculture, Produce and Farming'.

LPP1.7 indicates that historical road name themes, such as war casualties or pioneers of the area are often suitable themes. In this instance, the proposal relating to the agricultural and farming history of the Mundijong area is considered appropriate. As an emerging residential area, it is important that the rural past of Mundijong is reflected in its planning, which will assist in fostering a strong sense of place. This theme is therefore supported by Officers.

An assessment of the proposed road names against the provisions of LPP 1.7 is as follows:

Policy Assessment	
Policy Requirement	Officer Comment
Consideration of current and future street names	<p>The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire. No duplicates in surrounding Local Government areas within 10km have been identified.</p> <p>While there are no direct conflicts with names proposed, an initial review of the names on Landgate's website portal identified that the name 'Farmhouse' was identified as similar sounding to 'Furnace' Street in Byford. The applicant seeks approval for the name for the following reasons:</p> <ul style="list-style-type: none"><i>The Developer and the Shire have been working together to retain the existing farmhouse on site and renovate it into a café and community space. Therefore, there is a specific local link for the name and it has historic relevance.</i><i>The farmhouse is to become a central component in the surrounding 1ha Public Open Space that will create a vibrant community space for residents to enjoy.</i><i>The Public Open Space will also feature areas for play, local markets and events.</i> <p>Section 6.2 of Landgate's Policy indicates that the main purpose of avoiding similar sounding names is to ensure there is no confusion during an emergency situation or for essential services to access a site. Officers consider that the names 'Furnace' and 'Farmhouse' are dissimilar and that they would not result in any confusion of interpretation. Furthermore, the names are to be applied in different suburbs.</p> <p>In the event that Landgate does not support the name proposed, several alternative names are also suggested that</p>



Policy Assessment	
Policy Requirement	Officer Comment
	are suitable by way of theme and do not have any naming conflicts identified.
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area.
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed and reserve road names have been documented in the road name table earlier in this report.
Names shall not be offensive or likely to give offence, incongruous or commercial in nature	The proposed and reserve names are not considered to be offensive, incongruous, or commercial in nature.
Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public	In terms of easiness to read, spell and pronounce, the names are simple to read or pronounce, and so would not cause complexities for emergency services, service providers or the travelling public.
Unduly long names and names that comprise of two or more words should generally be avoided	The proposed preferred names comprise of no more than ten letters in length and are no more than one word.
Proposals for road names shall include an appropriate road type suffix	<p>The proposed suffixes are considered appropriate and consistent with suffix definitions under the Landgate policy.</p> <p>Avenue (Av) - Broad roadway, usually planted on each side with trees.</p> <p>Road (Rd) - Open way or public passage primarily for vehicles.</p> <p>Street (St) - Public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.</p> <p>Way (Way) - Roadway affording passage from one place to another. Usually not as straight as an avenue or street.</p> <p>The proposed suffixes are considered suitable as they generally are reflective of the proposed carriageway.</p>



Policy Assessment	
Policy Requirement	Officer Comment
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	As shown on the road name plan earlier in this report, the road names are commensurate with the length of the road and are considered practical.

Based on the above, the recommended names and theme are considered appropriate.

Options

Option 1

That Council:

1. ENDORSES the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the proposed road name as contained within **attachment 1** to Landgate for final approval:
 - a. Farmhouse Road
 - b. Mulberry Avenue
 - c. Orchard Road
 - d. Ranch Road
 - e. Ploughmans Way
 - f. Market Street
 - g. Oliver Road
2. ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that the first preference names are not deemed acceptable by Landgate:
 - a. Tractor
 - b. Produce
 - c. Pastoral
3. ENDORSES a general naming theme for Mundijong based upon the local 'agriculture, produce and farming' history of the area.

Option 2

That Council REFUSES TO ENDORSE the proposed road names and REQUESTS the applicant to consider different naming options.

Option 1 is recommended.

**Conclusion**

Council endorsement is sought for seven proposed road names to be used within the approved subdivision at the subject site. The proposed names are considered consistent with the requirements of LPP1.7 and Landgate's road naming policy. It is therefore recommended that Council endorse the proposed names.

Attachments

- **10.1.2 - attachment 1** - Road Layout Plan (E24/13346)

Alignment with our Council Plan 2023-2033

Liveable
2. Improve maintenance and investment in roads and paths

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	Council not supporting the names causing a delay in the application, which could delay lot creation and residential land supply within the Shire.	Policies and Standards for Geographical naming in Western Australia Local Planning Policy 1.7 - Road Naming	Social / Community Outcomes	Possible	Moderate	MODERATE	Give reasons for decision



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. ENDORSES the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the proposed road name as contained within attachment 1 to Landgate for final approval:
 - a. Farmhouse Road
 - b. Mulberry Avenue
 - c. Orchard Road
 - d. Ranch Road
 - e. Ploughmans Way
 - f. Market Street
 - g. Oliver Road
2. ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that the first preference names are not deemed acceptable by Landgate:
 - a. Tractor
 - b. Produce
 - c. Pastoral
3. ENDORSES a general naming theme for Mundijong based upon the local 'agriculture, produce and farming' history of the area.



OCM281/10/24

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Mack

That Council:

- 1. ENDORSES the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the proposed road name as contained within attachment 1 to Landgate for final approval:**
 - a. Farmhouse Road**
 - b. Mulberry Avenue**
 - c. Orchard Road**
 - d. Pastoral Road**
 - e. Ploughmans Way**
 - f. Market Street**
 - g. Oliver Road**
- 2. ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that the first preference names are not deemed acceptable by Landgate:**
 - a. Tractor**
 - b. Produce**
- 3. ENDORSES a general naming theme for Mundijong based upon the local ‘agriculture, produce and farming’ history of the area.**

CARRIED UNANIMOUSLY 7/0

Reason for difference

Better reflects the community of which the roads will represent.



10.1.3 - Proposed Minor Amendments to Local Planning Policy 1.5 - Exempt Development (SJ4444)	
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

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

The purpose of this report is for Council to consider the adoption of minor amendments to Local Planning Policy 1.5 - Exempt Development (LPP1.5) (**attachment 1**).

The amendments seek to provide additional exemptions from the requirement to obtain approval for the following types of development:

- Development associated with Electric Vehicle Charging Infrastructure (EV) based upon the Western Australian Planning Commission (WAPC) Position Statement - Electric Vehicle Charging Infrastructure;
- Development associated with the sale of produce which is grown on the land (farm gate sales); and
- Construction of internal fencing as distinguished from lot boundary fencing within the 'Rural Residential' zone.

The proposed minor amendments to LPP1.5 would remove the requirement to obtain development approval for certain types of minor development, which creates improved efficiencies and reduced regulatory burdens for the benefit of the community.

It is recommended that Council adopt the proposed minor amendments, as contained within **attachment 2**, in accordance with Part 2 Clause 5(2) of *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions).

The matter was previously presented to the September 2024 meeting, whereby it was deferred to enable further discussion at the October Policy Concept Forum meeting. This occurred on 7 October 2024.

Relevant Previous Decisions of Council

Ordinary Council Meeting 16 September 2024 - OCM247/09/24 - COUNCIL RESOLUTION
In accordance with Standing Orders Local Law 2002 (as Amended) clause 11.1(b), that the question be adjourned until the October Ordinary Council Meeting following discussion at the next Policy Concept Forum.



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

That Council:

- 1. ADOPTS amended Local Planning Policy 1.5 - Exempt Development as contained within attachment 2 in accordance with Clause 4(3)(b)(ii) of the Planning and Development (Local Planning Schemes) Regulations 2015.*
- 2. PUBLISHES a notification in the newspaper advising that Local Planning Policy 1.5 - Exempt Development has been adopted in accordance with Clause 4(4) of the Planning and Development (Local Planning Schemes) Regulations 2015.*

Background

Clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) lists uses and works that are exempt from the requirement to obtain development approval, subject to certain conditions. The Deemed Provisions also allow for a Local Government to exempt other uses or works within an LPP.

LPP1.5 was initially adopted by Council at its Ordinary Council Meeting held 26 September 2017 to provide exemptions for minor development to improve the efficiency of the planning process and ensure acceptable development outcomes are achieved. Since its initial adoption, LPP1.5 has been routinely reviewed and updated and currently provides an effective mechanism for streamlining the planning process. Further minor amendments are proposed to the LPP to keep in line with best practice and ensure its continued effectiveness. These relate to:

- Development associated with Electric Vehicle Charging Infrastructure (EV) based upon the Western Australian Planning Commission (WAPC) Position Statement - Electric Vehicle Charging Infrastructure;
- Development associated with the sale of produce which is grown on the land (farm gate sales); and
- Construction of internal fencing as distinguished from lot boundary fencing within the 'Rural Residential' zone.

Community / Stakeholder Consultation

Clause 5 (Part 2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that '*...the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.*'

It is considered that the proposed amendments to LPP1.5 are minor by virtue of the nature and scale of the development that would be exempt from requiring development approval. It is therefore recommended that advertising of the amendments is not undertaken. If adopted by Council, the revised LPP would be published in the Examiner Newspaper as well as on the Shire's website to ensure the community are aware of the exemptions put in place, and how these will assist them going forward.



Policy Concept Forum

Meeting Date	07 October 2024
Elected Members in Attendance	President Coales, Cr Bishop, Cr Byas, Cr Duggin, Cr Mack, Cr Mazzini

The proposed amendments to LPP1.5 were discussed, including the basis for the required for development approval to take place on higher order higher speed roads.

Statutory EnvironmentLegislation

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Local Planning Policy 1.5 - Exempted Development Policy

Planning AssessmentElectric Vehicle Charging Infrastructure

The exemption pertaining to EV charging infrastructure aims to reflect the recent WAPC Position Statement released on the matter. The Position Statement states *“Where EV charging infrastructure is considered incidental and unobtrusive, planning decision-makers should not require development approval.”* Using the guidance in the Position Statement, Officers have drafted exemption provisions for EV infrastructure in relation to land uses, preferred location, visual impacts, and potential impacts on vehicle and pedestrian movement networks.

In addition to the existing exemptions under the Deemed Provisions, it is proposed to exempt the following:

The installation or conversion of an existing/new car parking bay to an EV charging bay and EV charging infrastructure associated with the use of an EV vehicle within the following situations:

- Within Activity Centres;
- Within Civic Centres;
- Within Public Transit Stations;
- At Schools and Child Care Centres;
- At Service Stations and Road Houses;
- At Caravan Parks and Holiday Accommodations.

All EV charging infrastructure shall:

- Be incidental to the predominant use of the land;
- Not be located within LPS3 setback areas;
- Not impede pedestrian or vehicular sight lines (in accordance with the relevant Australian Standards); and



- Be of low illumination (in accordance with the relevant Australian Standards).

Definitions are also proposed to be included in the LPP for clarity as shown following:

“Electric vehicle (EV) means a battery electric vehicle, plug-in hybrid electric vehicle, or a fuel cell electric vehicle.

EV charging infrastructure means any outlet that provides electricity including general power outlets to charging stations that provides electrical currents to charge the battery in an electric vehicle.

EV charging bay means a parking bay that is serviced by EV charging infrastructure and is identified for EV charging

Words or expressions defined in the Position Statement: Electric Vehicle Charging Infrastructure 2024 have the same meaning in this Policy.”

It is worth noting that such EV infrastructure will be located primarily in car parking areas in public places such as train stations and shopping centre areas. The inclusion of the EV infrastructure is considered development under the definition of the *Planning and Development Act 2005* and thus is required to meet **all** the requirements of LPS3 including but not limited to car parking requirements, setbacks, and the retention of vegetation for it to be eligible for an exemption. Development approval would still be required for any infrastructure located on land in a heritage protected place.

It is considered that the proposed exemptions for EV infrastructure would support the transition to low and zero-emission vehicles whilst ensuring the amenity of the locality and the community is maintained.

Farm Gate Sales

In order to allow the sale of produce grown on a lot a definition of a ‘Farm Gate Stall’ has been introduced into LPP1.5. This is defined as “*a place, stand, vehicle or other thing which offers for sale to the general public, produce which is grown on the land, upon which the place, stand, or vehicle is located.*” The purpose of the new LPP1.5 provisions is to exempt such a structure from the requirement to obtain development approval.

This ancillary structure enables visitors to conveniently buy directly from a farm goods such as eggs, vegetables, honey, fruits, grains, jams, flowers etc.

Farm Gate Stalls are commonly located within the ‘Rural Residential’, ‘Rural Smallholdings’ and ‘Rural’ zones within the Shire. An example of such a structure is shown following:



Figure 1 - Farm Gate Stall Example

Officers consider Farm Gate Stalls to be a low impact development supporting local growers that should be exempt from requiring development approval, subject to certain conditions. It is worth noting that the sale of produce would still be required to obtain the relevant health approval (Food Stall Approval) if deemed exempt from requiring Development and Building Approvals.

The proposed provisions for Farm Gate Stalls to be exempt from requiring development approval are as follows:

- A Farm Gate Stall must be located in the 'Rural Residential', 'Rural Smallholding', or 'Rural' zone;
- No more than one Farm Gate Stall per lot;
- Must be incidental to the approved and/or permitted land use which is of a production nature;
- Limited to the sale of the produce produced on the land;
- The floor area does not exceed 10m²;
- The wall height does not exceed 2.4m;
- Located within the minimum setback areas under LPS3 (20m from the primary road);
- Parking can occur within the lot boundaries;
- A single sign no greater than 2m² located within the property boundary and not on the verge;
- Hours of operation of 7.00am - 7.00pm Monday - Saturday and 9.00am - 7.00pm Sunday and Public Holidays.
- The land does not comprise a place on the State Heritage Register or Scheme Heritage List; or
- The land is not adjacent to Primary Regional roads, Primary Distributor roads and/or Other Regional roads.

If a proposal does not meet the above, it is not to say such is prohibited, rather that it would need to seek development approval.



For example, where an applicant proposes farm gate sales fronting a major road, the Shire would request lodgement of a development application to ensure that it would not have an adverse impact on traffic safety. Within the Shire, South Western Highway and Thomas Road are Primary Distributors, while Regional Distributors include Kargotich Road, King Road, Rowley Road, Hopeland Road, Hopkinson Road, Mundijong Road, Soldiers Road, Karnup Road, Nettleton Road, Kingsbury Drive and Jarrahdale Road. Any farm gate stalls in these locations would require development approval given the volumes of traffic accommodated and the speed limit.

It is considered that the new provisions would ensure that farm gate stalls are appropriately located and at the same time present built forms befitting rural settings. Adopting the provisions of farm gate sales contained within attachment LPP 1.5 would exempt a low-risk development from the requirement to obtain development approval, as well as promoting agriculture and horticulture activities.

Internal Fencing

Currently, LPS3 under Schedule 4.1 for 'Rural Residential' zoned lots requires *"Lot boundary fencing shall be a minimum 75% visually permeable, to a maximum height of 1.8 metres from natural ground level and constructed of masonry, concrete, timber, wire, post and rail and/or post and wire (including chain mesh). The fencing shall be unobtrusive and sensitive to the objective of maintaining rural character and visual amenity"*. The purpose of this is to maintain the rural character of these areas, however, it can result in a lack of privacy for occupants.

There are currently no exemptions from the requirement to obtain development approval for internal fencing, inside the property boundaries, for the purposes of achieving privacy. Officers have consistently received enquiries from the community seeking guidance on construction of internal fencing for the purposes of protecting their privacy, containment of children and pets or wanting to create a landscaped garden around dwellings on larger lots. With further requests being made, it is timely to consider how to optimise the planning framework to facilitate development without requiring approval.

Officers consider internal fencing can be placed appropriately to result in a low impact development providing a level of privacy for occupants whilst complimenting the rural character. Internal fencing has been defined under the LPP as *"any fence not located within or on a boundary between different properties or other land used for public purposes such as roads, rights-of-way, paths or reserves within the care of the Shire of Serpentine."*

The proposed provisions for exempting internal fencing from the requirement to obtain development are shown following:

- Maximum height of 1.5m from Natural Ground Level;
- Constructed in materials such as brushwood and timber lap;
- Constructed in colorbond where finished in earthy colours (darker green, brown or greys) or a colour that matches the existing dwelling;
- Fibro fences are not acceptable;
- The fencing shall not be established between the dwelling and the primary public road;
- The fencing shall not be located within the setback areas listed under LPS3 (10m side and rear, 20m from the front); and
- Internal fenced areas shall not to be more than 10% of the lot area.



Officers consider that a 1.5m height would still achieve the intended privacy outcomes and at the same time result in a built form that does not visually impact the visual amenity of the locality. The height recommended is an available standard fence panel size, as depicted following:

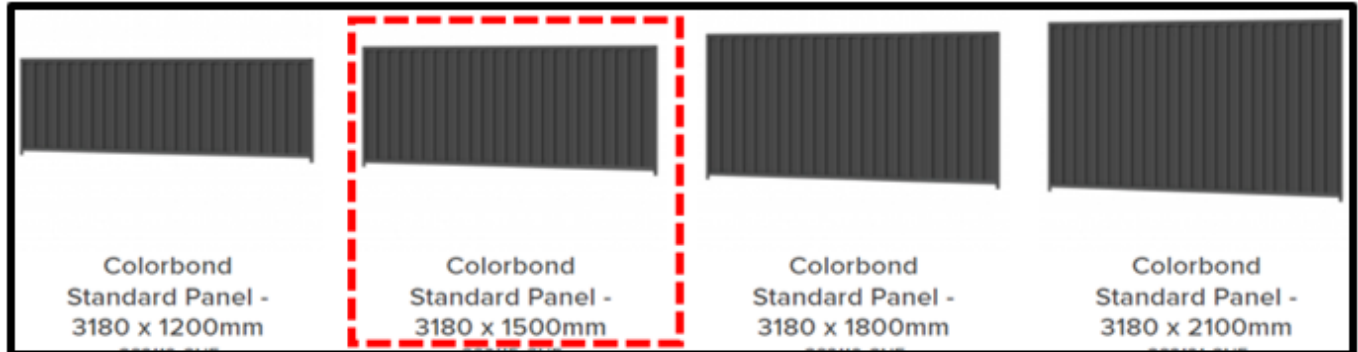
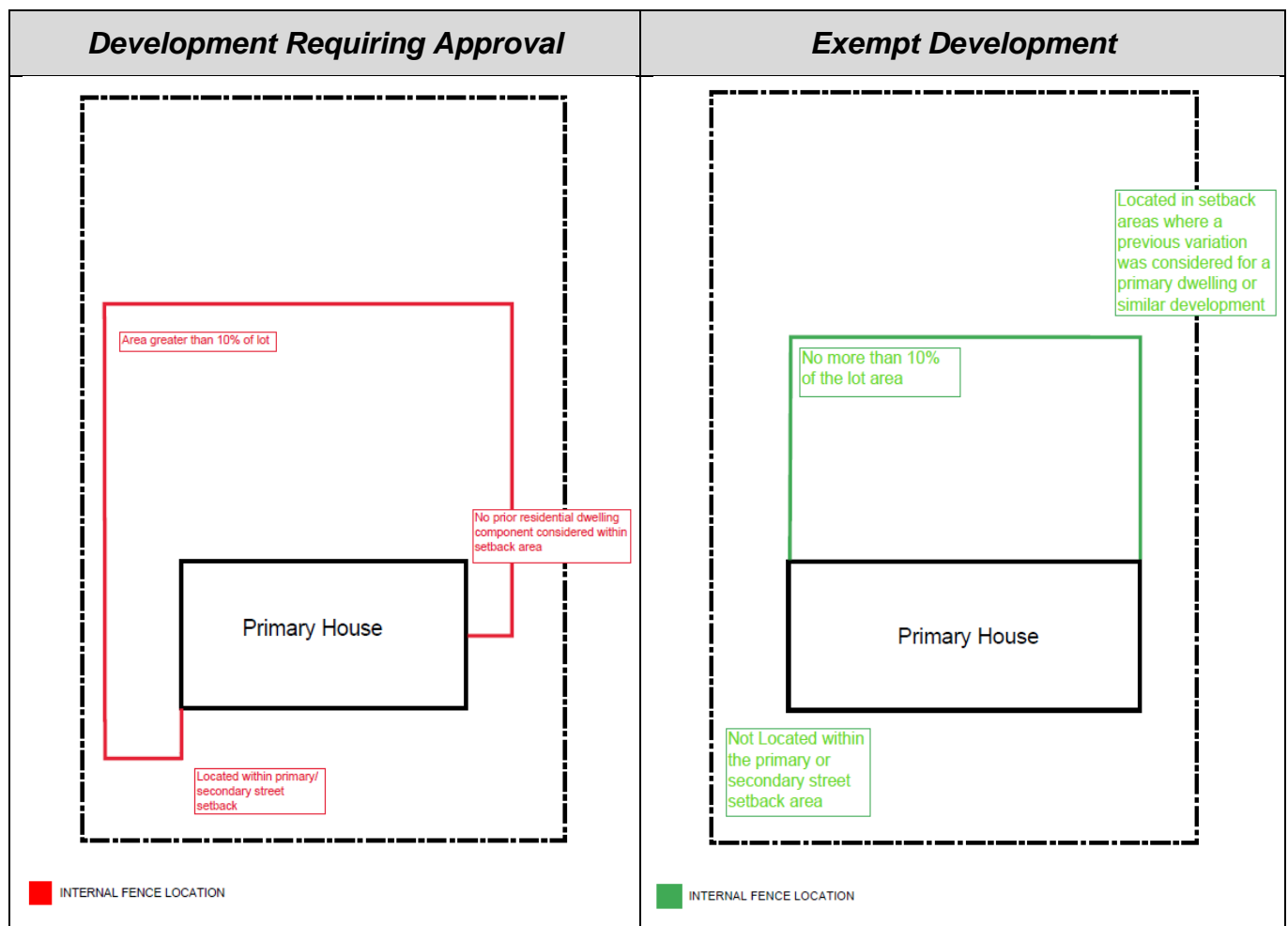
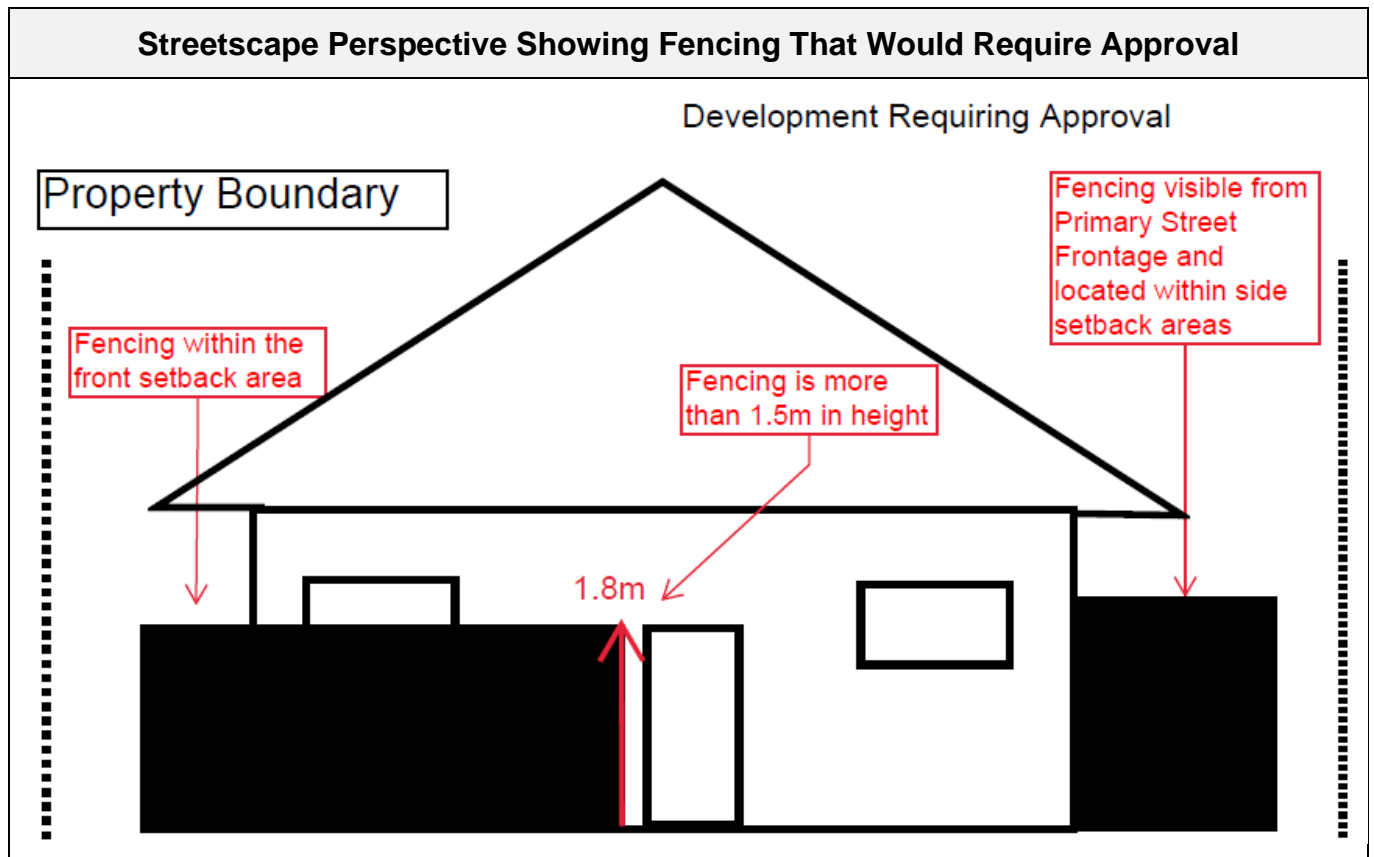


Figure 2 - List of Standard Colourbond Panels available

A total of 10% of the lot area is permitted to be fenced. This would allow a 4,000m² lot the ability to have a 400sqm (20m x 20m - approximate dwelling width x fence width) internally fenced area.

A set of acceptable and unacceptable figures are shown following and will be embedded within the policy to assist landowners with developing their proposals.





The intent of the fencing is not to create large compounds, where entire stretches of the property are fenced off, detracting from the rural character and streetscape amenity but to allow a modest enclosed garden area without the requirement to obtain development approval. Development approval would still be required for any fencing located on land in a heritage protected place under Schedule 2, Clause 61 of the Regulations

Options

Option 1

That Council:

1. ADOPTS as minor amendments to Local Planning Policy 1.5 - Exempt Development, the changes contained within **attachment 2**, in accordance with Clause 5(2) of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.
2. REQUESTS the Chief Executive Officer PUBLISHES a notification in the newspaper advising that the minor amendments to Local Planning Policy 1.5 - Exempt Development have been adopted in accordance with Clause 4 of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.



Option 2

That Council NOTES that the amendments are not minor and RESOLVES TO PREPARE the amendments to Local Planning Policy 1.5 - Exempt Development, as contained within **attachment 2**, and advertise these in accordance with Clause 4 of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.

Option 1 is recommended.

Conclusion

Amendments are proposed to LPP1.5 to provide exemptions from the requirement to obtain development approval for farm gate sales, internal fencing and EV proposals, subject to conditions. It is considered that the proposed amendments are minor and contribute to a more efficient planning framework. It is therefore recommended that the amended LPP is adopted without advertising.

Attachments

- **10.1.3 - attachment 1** - Existing Local Planning 1.5 - Exempted Development Policy (E24/8090)
- **10.1.3 - attachment 2** - Amended Local Planning Policy 1.5 - Exempt Development (E24/7883)
- **10.1.3 - attachment 3** - Position Statement: Electric Vehicle Charging Infrastructure (E24/8092)

Alignment with our Council Plan 2023-2033

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

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered the lowest strategic risk.						
2	If Council resolves not to proceed with the amendment to LPP 1.5, the planning framework would be requiring approval for minor low risk forms of development which would delay outcomes and impact on the most efficient resource allocation for the organisation.	Planning Framework	Organisational Performance	Unlikely	Moderate	MODERATE	Accept Option 1

Voting Requirements: Simple Majority

OCM282/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council:

1. **ADOPTS** as minor amendments to Local Planning Policy 1.5 - Exempt Development, the changes contained within attachment 2, in accordance with Clause 5(2) of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.
2. **REQUESTS** the Chief Executive Officer **PUBLISHES** a notification in the newspaper advising that the minor amendments to Local Planning Policy 1.5 - Exempt Development have been adopted in accordance with Clause 4 of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0

**10.1.4 - Proposed Local Planning Policy 4.22 - Development of Heritage Places and Areas - Jarrahdale Heritage Precinct (SJ2740-2)**

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

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

The purpose of this report is for Council to consider endorsing a draft Local Planning Policy 4.22 - Development of Heritage Places and Areas - Jarrahdale Heritage Precinct (LPP4.22) for public advertising. The purpose of the draft LPP4.22 is to ensure a suitable planning framework is in place under the Shire's new Local Planning Scheme No. 3 (LPS3), specific to supporting development within the Jarrahdale area which is reflective of the heritage of the area.

Under the former Town Planning Scheme No. 2 (TPS2), there is existed Scheme provisions that regulated land use and development according to protecting the heritage values of the area. Under the new Scheme, there is a need to introduce a local planning policy to provide for guidance in the exercise of discretion as it relates to the suitability of development according to the heritage values of the Jarrahdale area.

Heritage protection falls under Schedule 2 (Deemed Provisions), Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The public advertising process of draft LPP4.22 is required to be undertaken in accordance with Part 3 of the Deemed Provisions and Part 2, Clause 4 which relates to the creation of Local Planning Policies.

The draft LPP4.22 has been prepared based on the former provisions that existed in TPS2, and also reflecting the Department of Planning, Lands and Heritage's (DPLH) 'Guidelines for Preparing a Local Planning Policy for Local Heritage'.

Officers recommend Council adopt draft LPP4.22 as contained within **attachment 1** for the purposes of advertising. If Council adopts the draft LPP for public advertising, the community and relevant stakeholders will be invited to provide feedback. As such, this is an interim decision to commence the process and, following public advertising, the matter will be reported back to Council to consider the draft LPP for final consideration.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 19 September 2022 - OCM220/09/22 - COUNCIL RESOLUTION

That Council:

- 1. ENDORSES the Final Local Heritage Survey.*



2. *REQUESTS the Chief Executive Officer to advise the Heritage Council that the Shire has prepared a Local Heritage Survey in terms of Section 103 (1) of the Heritage Act 2018 and to provide a copy of the finalised Local Heritage Survey to the Heritage Council and the public in terms of Section 103(4).*

Background

The Jarrahdale Townsite has cultural heritage significance as an important timber milling town in Western Australia's history. The townsite was established in the 1870s with timber mills, housing, railways and a post office. The built form of the original town and subsequent phases of development are still present, which contribute to a range of tangible heritage values. These include an ongoing contribution to cultural value, elements with a good degree of authenticity and a precinct that is quite accessibly.

Jarrahdale was one of Western Australia's chief exporters of timber, and remains home to a vibrant community that developed along with its historical timber industry.



Figure 1 - Image of several timber mill workers cottages on Staff Street, Jarrahdale

Clause 8 of the Deemed Provisions identifies that places of cultural heritage significance that are worthy of built heritage conservation should be recognised in a 'heritage list' to be maintained by the Local Government. Furthermore, Clause 9 of the Deemed Provisions indicates that where it is considered that the cultural heritage significance applies to a broader area, then a 'heritage area' should be created by the Local Government.



Under the former TPS2, Appendix 7 (which listed places of natural beauty, historic buildings and objects of historical or scientific interest) included at No. 7 the Jarrahdale Timber town. Furthermore, at Appendix 8, the Jarrahdale Heritage and Townscape Precincts were listed. These included Scheme provisions under Clause 5.16 which aimed to regulate land use and development in order to recognise the Precincts' historic and townscape significance, and ensure retention of the character of the Precincts as a whole and the buildings within the Precincts.

These former Scheme listings are important, as under the new Scheme, the Deemed Provisions provide that:

13A. Heritage list and heritage areas under former Scheme

- (1) This clause applies if —
 - (a) this Scheme comes into operation on or after the day on which the *Planning Regulations Amendment Regulations 2020* Part 2 Division 2 comes into operation; and
 - (b) immediately before this Scheme came into operation, another local planning scheme (the **former Scheme**) applied to the Scheme area.
- (2) On and after the day on which this Scheme comes into operation —
 - (a) the heritage list established under the former Scheme continues under this Scheme and is taken to be the heritage list established under clause 8; and
 - (b) any heritage area that was designated under the former Scheme immediately before this Scheme comes into operation continues under this Scheme and is taken to be a heritage area designated under clause 9; and
 - (c) any local planning policy of a kind referred to in clause 9(2) in effect under the former Scheme immediately before this Scheme comes into operation continues under this Scheme and is taken to be a local planning policy in effect under Part 2 Division 2.

These provisions save the transition into the new Scheme, the equivalent Heritage List and Heritage Area designations as they pertain to Jarrahdale.

Whilst providing this transition, the new Scheme does not include the equivalent development standards that were contained within Clause 5.16 of TPS2. Further, under the new Scheme, Clause 9(2) of the Deemed Provisions provides that:



- (2) If the local government designates an area as a heritage area the local government must adopt for the area a local planning policy that sets out the following —
- (a) a map showing the boundaries of the heritage area;
 - (b) a statement about the heritage significance of the area;
 - (c) a record of places of heritage significance in the heritage area.

Accordingly, it is now time to prepare a LPP to provide guidance to landowners, Officers and the community on matters of development within the Jarrahdale Heritage Area.

The heritage area which is the subject of this draft LPP is the 'Jarrahdale Townsite Precinct Heritage Area', and is shown following:

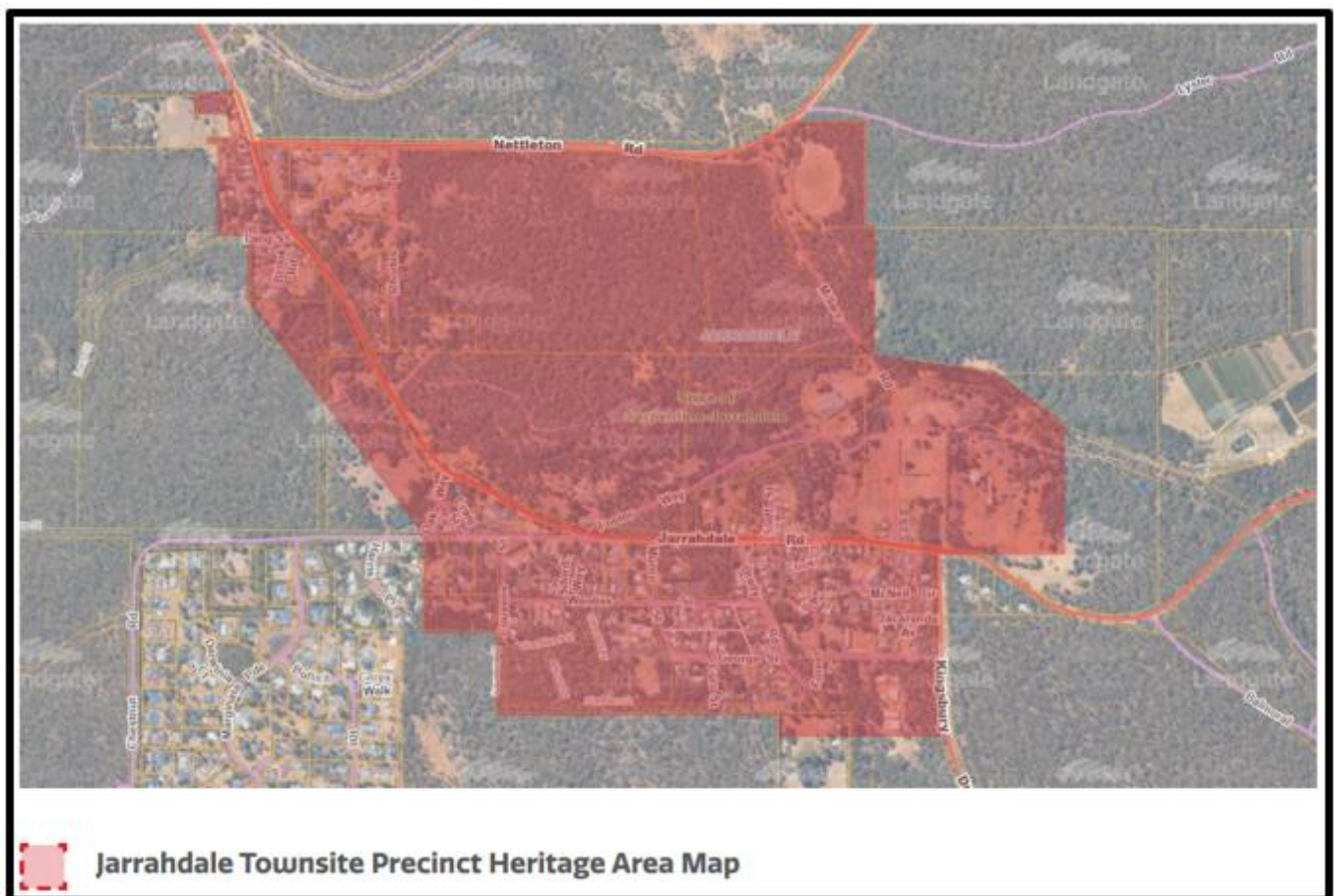


Figure 2: Extract from the Local Heritage Survey showing the subject heritage area

Community / Stakeholder Consultation

Clause 4 of the Deemed Provisions requires notice of a proposed LPP to be published and available for public comment. The following means of advertising are required to be undertaken according to the Deemed Provisions:

- Publishing the draft document on the Shire's website.
- Publishing notice of the draft document in the local newspaper.



- A copy of the draft document being available at the Shire's office.

Further to the above required means of advertising, given the policy area affects Jarrahdale residents broadly, it is considered appropriate for a public meet and greet session to be undertaken, to talk all matters heritage as they relate to the new proposed LPP. The purpose of this would be to inform and consult with members of the public on the draft LPP4.22. Should Council resolve to adopt draft LPP4.22 for advertising, Officers would arrange a suitable time and location for the meet and greet session.

Consultation with relevant Government Agencies would also occur. This would include DPLH and the Heritage Council. The results of all consultation would then be presented back to Council for its consideration in final adoption of the policy.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 3.5 - Historic Heritage Conservation (SPP3.5)
- State Planning Policy 7.0 - Design of the Built Environment (SPP7.0)
- State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes)

Local Planning Framework

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

Draft LPP4.22 Details

The draft LPP4.22 has been prepared in reflection of the previous TPS2 provisions and also taking account of DPLH's 'Guidelines for Preparing a Local Planning Policy for Local Heritage' (DPLH Guidelines). The DPLH Guidelines provide a sample text, which assists with the preparation, format and content of the Shire's own LPP. Draft LPP4.22 can be viewed in full in **attachment 1**.

Draft LPP has been prepared to ensure that Jarrahdale is preserved as a recognised place of cultural heritage significance. Heritage requirements can be complex to interpret for members of the public and, as such, the policy intends to create good clarity, clear pathways and set out the policy considerations for developing in the Jarrahdale Townsite heritage area.

Draft LPP states the following purposes:

1. *Ensure that development conserves, protects and celebrates places of cultural heritage significance in Jarrahdale;*
2. *Ensure that heritage considerations are given due regard in local planning decision making;*
3. *Provide improved certainty to landowners and the community about the planning processes for heritage places within the Jarrahdale Townsite; and*
4. *Clarify the format and content of accompanying material in accordance with Clauses 63(1)(d) and 63(3), Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.*



Key heritage terminology is also defined within the draft LPP and is listed as follows:

- *Fabric means all the physical material of the place.*
- *Impact means the manner in which proposed works will, or are likely to, affect the cultural heritage significance of a place, as assessed against the matrix at Schedule 1 of this policy.*
- *Local heritage place means a place that meets the definition of a heritage-protected place in clause 1A, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, with the exception of any place that is:*
 - *Entered in the State Register of Heritage Places under the Heritage Act 2018 section 42;*
 - *The subject of an order under the Heritage Act 2018 Part 4; or*
 - *The subject of a heritage agreement that has been certified under the Heritage Act 2018 section 90, to which the Heritage Council of Western Australia (HCWA) is a party.*

These places are dealt with by other legislation and are not therefore considered under this policy.

- *Significant fabric means fabric identified as contributing to the cultural heritage significance of the place.*
- *Cultural heritage significance means any heritage values including aesthetic, historic, scientific or social factors.*

The Shire's updated Local Heritage Survey was approved by Council in 2022, and also recognised the heritage area called the 'Jarrahdale Townsite Precinct Heritage Area'. This was consistent with the designation that lay within TPS2, which was still operational at the time.

The heritage area comprises a number of places listed on the updated Local Heritage Survey, as shown following:

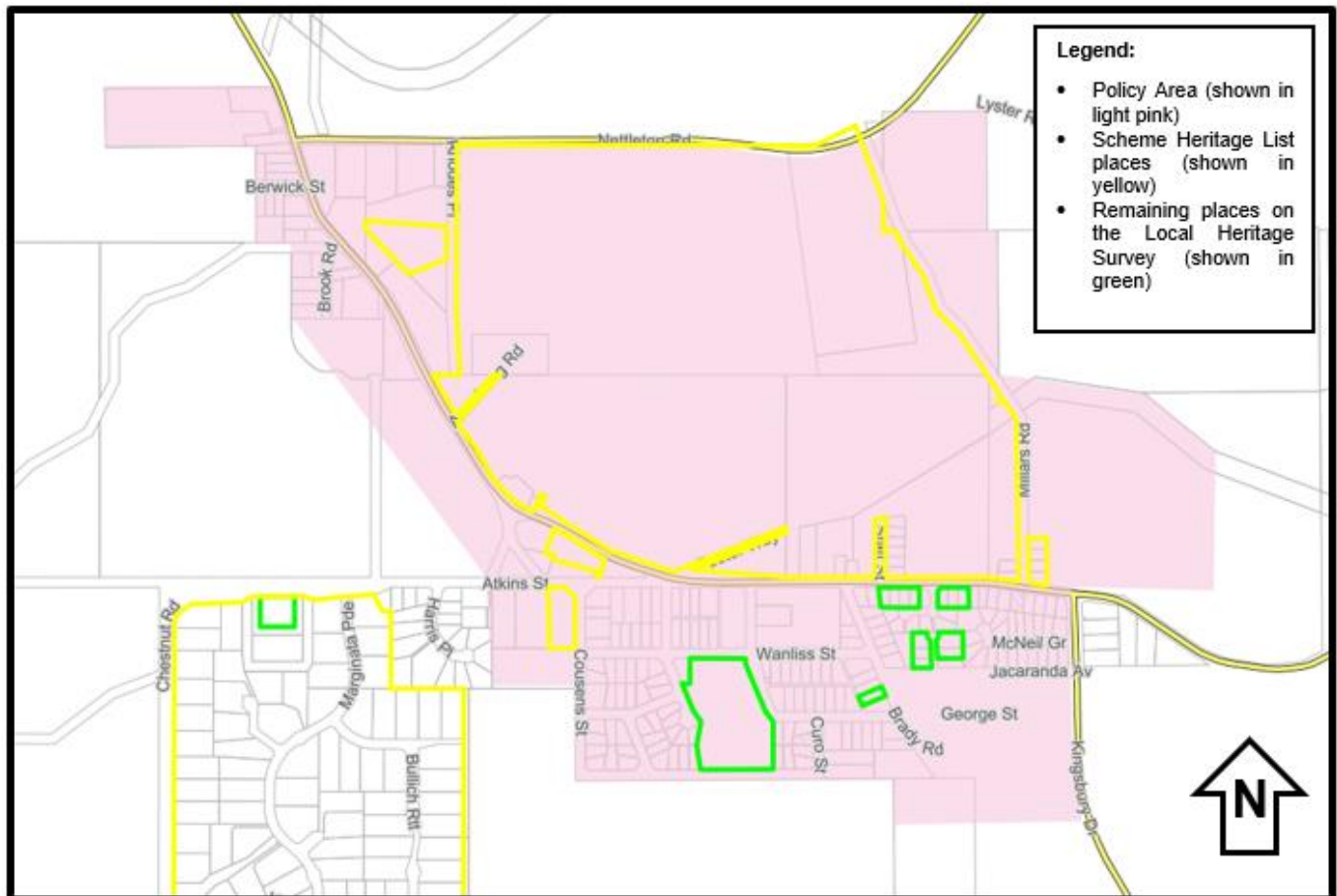


Figure 3: Applicable Policy Area

However, in terms of places on the Scheme Heritage List, only the following occur which are those that were listed under the former TPS2, and carried across:

- old sawmill
- workers cottages
- mill managers house
- company office
- former nursing post
- former post office
- former catholic convent and church
- Buckland's Cottage (Millbrook Cottage)
- Chestnuts
- Jarrahdale Tavern
- Gooralong Park and remains of flour mill
- Manjedal Brook
- Italian POW camp.



In reference to the previous image, the Scheme Heritage List places are shown in yellow, and those additional places shown in the Local Heritage Survey (which are not on the Scheme Heritage List) are shown in green.

Having this draft LPP in place affords a contemporary policy document to help guide protection and enhancement of the heritage area. It includes a set of provisions for places either on the Scheme List or Local Heritage Survey, as well as a set of provisions for all other places.

Regarding the first category, these places are regarded as having greater significance to the heritage area. Therefore, these places are subject to additional provisions that seek to ensure that development preserves the fabric of the place. Secondly, all other properties within the policy area are subject to a few minor variations to the R-Codes. The intent for these properties is to encourage changes to built form that maintain Jarrahdale's heritage character.

A summary of the policy and its provisions are therefore provided in the following table:

LPP4.22 Summary
1: Development Objectives:
Several objectives have been prepared for the policy. The purpose of these objectives is to provide key considerations for development in the heritage area. These objectives would be used to assess development especially when a development standard under section's 2 and 3 of the policy is varied. The objectives enable the Shire the use of discretion to approve proposed development that varies development standards, though which is determined to still maintain consistency with the cultural heritage significance of Jarrahdale broadly.
2: Development Standards - Jarrahdale Townscape
<p>Section 2 of the policy sets out provisions that vary the deemed-to-comply standards of State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes) for the following:</p> <ul style="list-style-type: none">• <i>Setback of carports and garages</i>• <i>Street walls and fences</i>• <i>Outbuildings</i> <p>The variations to the R-Code deemed-to-comply standards in this section apply to residential development on all properties within the policy area. All properties contribute to the broader character of the heritage area, whether or not listed or identified in the Local Heritage Survey. Therefore, these minor variations are not designed to be onerous, but rather reflect existing form of residential development. Officers consider this would ensure the existing character and amenity of the broader heritage area is maintained.</p>
3: Development Standards - State and Local Heritage Listed Properties, and Places on the Local Heritage Survey
This section of the policy sets out provisions that apply only to development on State and Local Heritage Listed Places, and Places on the Local Heritage Survey. These do not apply to the broader townscape heritage area. The provisions intend to protect and enhance the key buildings and places that contribute to the cultural heritage significance of Jarrahdale. A summary of each subsection has been provided as follows:



- *Demolition*

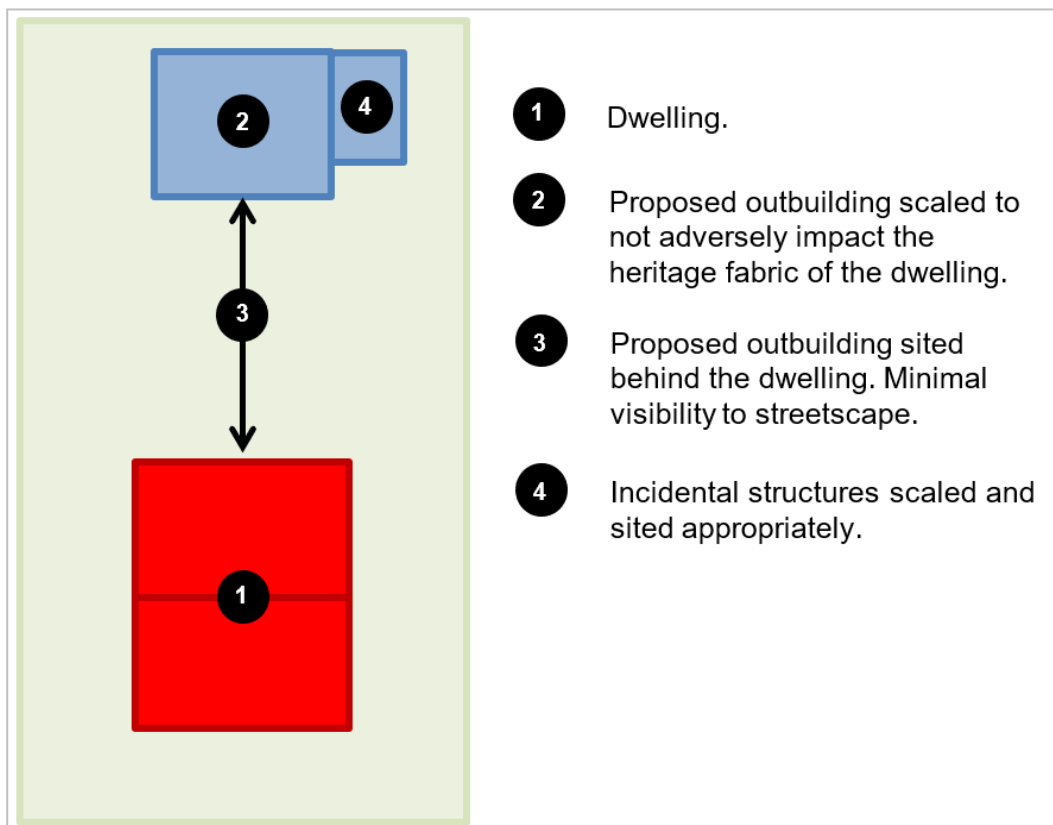
Demolition can have a great impact upon the preservation of cultural heritage values, especially when these places are partially or completely removed. This clause states the Shire's presumptive stance against demolition of such places and the limited instances when this may be permitted to occur.

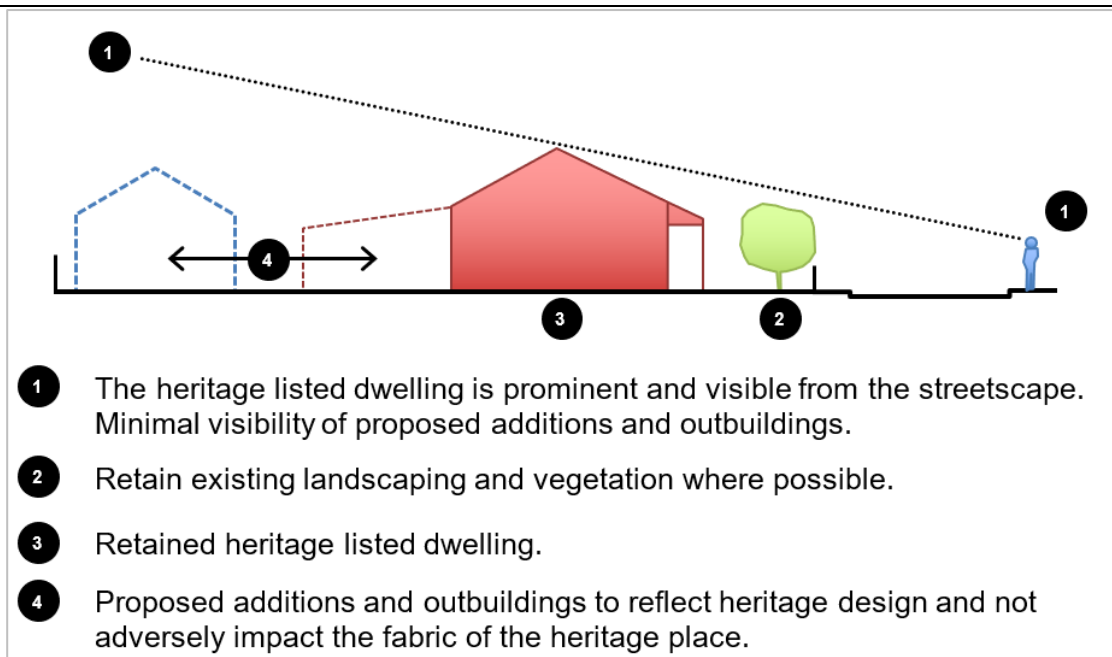
- *Conservation works*

As opposed to demolition, the Shire's preference is to conserve Jarrahdale's places of heritage value, which includes works to repair, maintain, restore and reconstruct buildings. This clause seeks to ensure that conservation works match architectural styles, materials with an emphasis on 'like for like' works that respect the fabric of that place.

- *New and incidental buildings*

New and incidental buildings can include dwellings, additions and extensions, outbuildings, patios, carports, verandas and water tanks. Poor design and location of new buildings can adversely impact the significant fabric of a place. The provisions in this section seek to provide Officers with the ability to manage this outcome. Figures have been prepared to summarise the desired outcomes as follows:





- *Colours and material finishes*

In this section, Officers recommend a list of colours and materials that should be adhered to for development on heritage places. This acknowledging that colours and material finishes are important in maintaining the significant fabric of the place.

- *External fixtures*

External fixtures can include but are not limited to solar panels, air conditioning units, utilities and antennas. New external fixtures are generally supported by the Shire, especially to increase the liveability of older houses. New external fixtures are often renewable energy related (i.e. solar panels), which also should be supported as they reflect the Shire's climate conscious objectives. Officers however have included provisions to ensure that the external fixtures do not impact on the significant fabric of places by way of design and location. This means they should be generally sensitive to their visual prominence and size, as viewed from the public realm.

- *Landscaping, site works and vehicle access.*

Jarrahdale has a unique and well-preserved landscape. These provisions acknowledge this and seek to ensure that the removal or impact to the landscape is minimised and managed.

- *Signage*

Signage is normally assessed under the Shire's Local Planning Policy 4.11 - Advertising. However, the provisions under this section have been prepared to ensure that signage is designed to not detract from the significant fabric of a heritage place.

- *Front fencing*

Fencing forms a key part of the fabric of Jarrahdale's cultural heritage significance. This is especially the case along Jarrahdale Road, which features many places with white picket fencing or similar designs. Typical modern front fencing would include limestone block walls with pillars and posts or railing.



This is not considered to reflect the existing design of fencing in Jarrahdale, so the provision limits the height of fencing and the material to post and wire, post and rail or wood picket fencing.

- *Planning-based incentives for variation of LPS3 requirements*

This section acknowledges that in some instances a variation to LPS3 requirements would result in a lesser impact to the fabric of a heritage place. Several instances where this applies are detailed.

4: Applications for Planning Approval - Accompanying Material

The purpose of this section is to provide clear requirements and expectations of information to assist with application lodgement. Of note are those instances when a Heritage Impact Statement (HIS) would be required. This is a detailed study prepared by a heritage consultant which describes and evaluates the likely impact of a proposal on the heritage significance of a place. It would also determine measures that are proposed to mitigate any adverse impacts and what benefits to that place can be achieved. These are to be required for development in all heritage listed places and places listed on the Local Heritage Survey, reflecting the stance of State Heritage Legislation.

5: Conditions of Approval

Where a development application for a heritage place is approved with conditions, those conditions may be used to secure the built heritage conservation of the place, in addition to any standard condition. LPP4.22 details that the main conditions relating to heritage preservation would be regarding archiving in the case of demolition and entering into heritage agreements.

Options

Option1

That Council ADOPTS, for the purposes of advertising, the Draft Local Planning Policy 4.22 - Development of Heritage Places and Areas - Jarrahdale Heritage Precinct in accordance with Clause 4(1) of the Deemed Provisions.

Option 2

That Council REFUSES to ADOPT, for the purposes of advertising, Draft Local Planning Policy 4.22 - Development of Heritage Places and Areas - Jarrahdale Heritage Precinct.

Option 1 is recommended.

Conclusion

LPP 4.22 has been drafted in response to the Shire's requirements under Clause 9 of the Deemed Provisions for the Jarrahdale Townsite Precinct Heritage Area. For the reasons detailed in the report, it is recommended that Council adopt the policy for public advertising.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Draft Local Planning Policy 4.22 - Development of Heritage Places and Areas - Jarrahdale Heritage Precinct (E24/8236)



Alignment with our Council Plan 2023-2033

Thriving	
1.	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
Connected	
4.	Facilitate an inclusive community that celebrates our history and diversity

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered the lowest strategic risk.						
2	If Council resolves not to adopt the draft LPP for community consultation, there is a risk that development could occur that is not in keeping with the heritage area’s character.	Planning Framework	Organisational Performance	Possible	Moderate	MODERATE	Accept Option 1.

Voting Requirements: Simple Majority

OCM282/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council **ADOPTS**, for the purposes of advertising, the Draft Local Planning Policy 4.22 - Development of Heritage Places and Areas - Jarrahdale Heritage Precinct in accordance with Clause 4(1) of the Deemed Provisions.

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0



10.1.5 - Proposed 'Industry Extractive' - Lots 4 and 5 King Road, Oldbury (PA23/700)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Rowe Group
Owner:	Aigle Royal Superannuation Pty Ltd
Date of Receipt:	27 February 2024
Lot Area:	28.51 ha
Local Planning Scheme No. 3 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for an 'Industry-Extractive' on Lots 4 and 5 King Road, Oldbury. The initial application lodged in February 2024 sought approval to allow extraction of approximately 124,000m³ of sand from Lot 5 over a period of five years. The application will also be seeking simultaneous approval of an Extractive Industry Licence (EIL).

The application was then changed to the following parameters:

- Limit the duration of approval to 12 months;
- Increase the northern setback to 30m from the boundary; and
- Reduce the volume of material extracted to approximately 96,180m³.

The sand extracted from the site will be used as earthworks associated with subdivisional works within the Shire and adjoining local authority areas. Access to the proposal would be via an existing crossover on Lot 4 King Road. No other works are proposed on Lot 4 which is already subject to a separate development approval and EIL for an 'Industry Extractive'.

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

**Relevant Previous Decisions of Council**

The previous Council decisions relating to this application are for Lot 4 King Road, Oldbury which forms part of this application by virtue of the access arrangement.

Ordinary Council Meeting - 27 November 2022 - OCM270/11/22 - COUNCIL RESOLUTION / Officer Recommendation

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.*

<i>Plans and Specifications</i>	Development Application received at the Shire Offices on 5 August 2021. Hydrology Investigation Report received at the Shire Offices on 5 August 2021.
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- 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.

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 4 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>
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- 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 comprises of Lot 4 and 5 which have an area of 14.25ha and 14.26ha respectively. The site is bound by King Road to the west, a poultry farm to the north and existing Extractive Industries to the south and west. The site and its surrounding context are shown following:

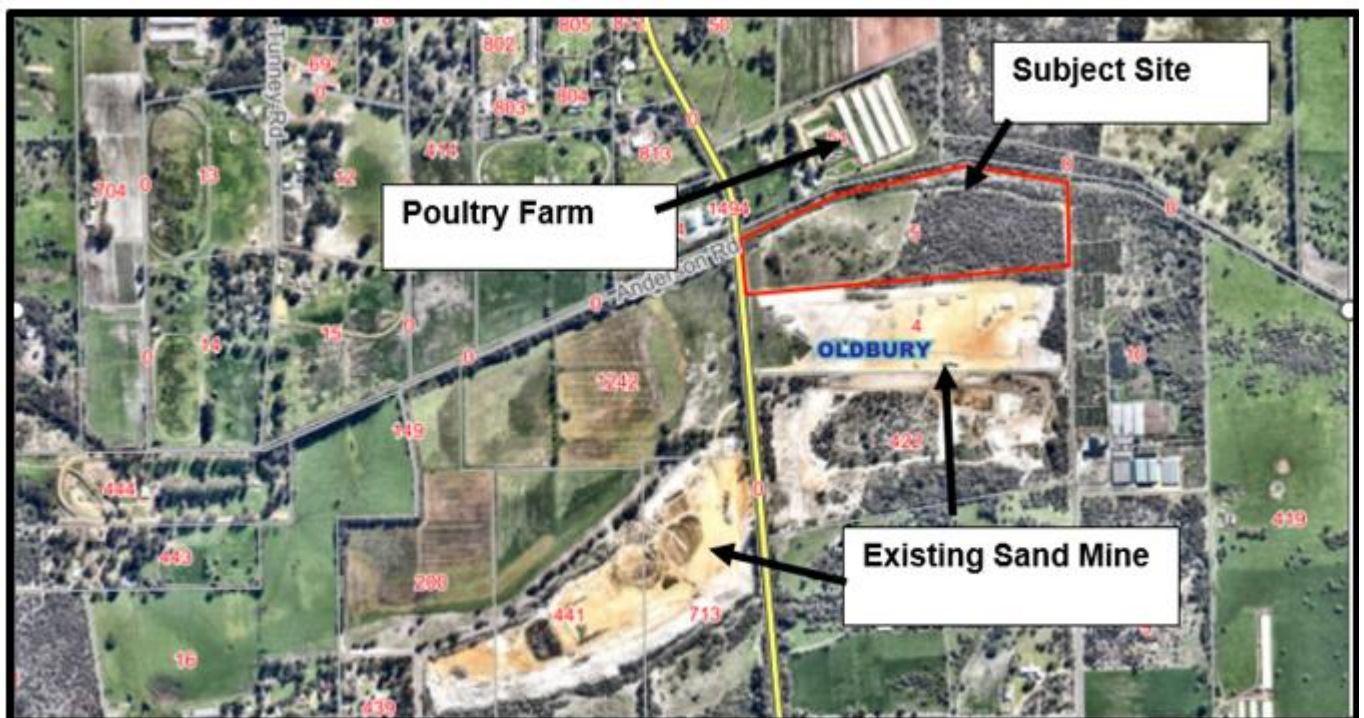


Figure 1 - Location Plan



The western portion of Lot 5 is cleared of vegetation. The eastern portion contains native vegetation comprising of a Banksia Woodland Threatened Ecological Community (TEC). Historically, the site has been cleared and used for pasture and agricultural purposes and vegetation has since regrown as shown in the aerial photographs shown following.

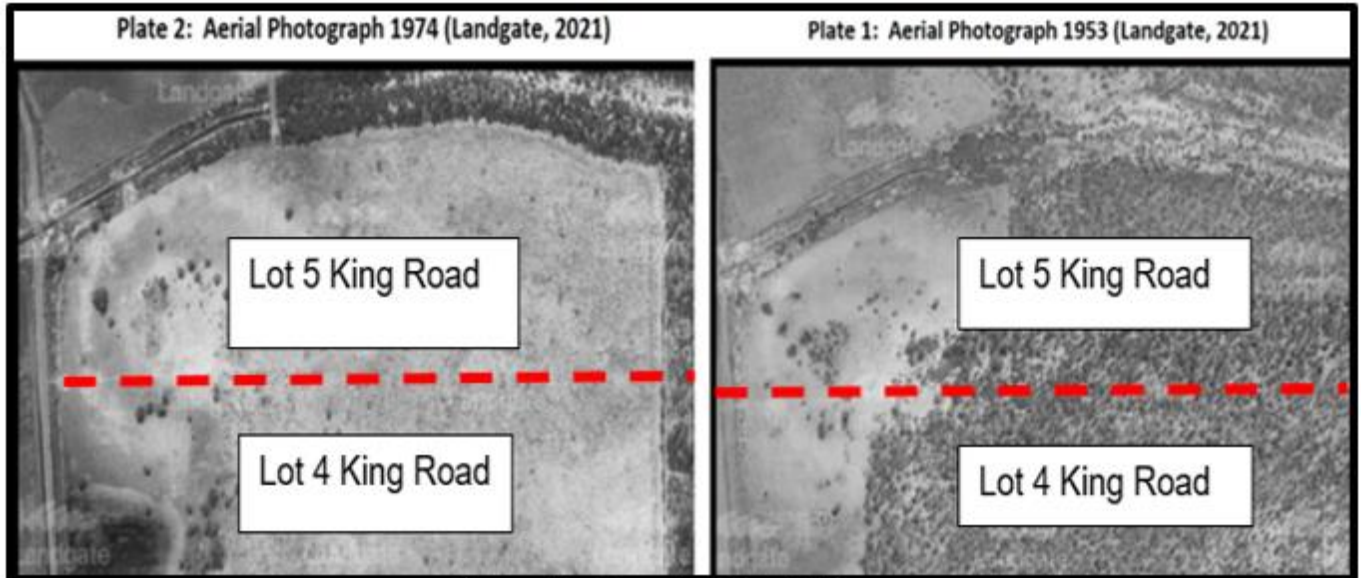


Figure 2 - Historical Aerial Photos

Proposed Development

The application seeks approval to extract approximately 96.180m³ of sand over a period of 12 months from the western portion of the site. The hours of operation would be between 7.00am to 5.00pm Monday to Friday. No processing of sand is proposed on-site however screening would be undertaken to remove organic and stone materials before the sand is taken offsite.

Whilst the application does not propose tree removal within the Banksia Woodland, it is proposed to remove approximately 0.4ha of remnant vegetation. A 20m buffer to the Banksia Woodland TEC is proposed as shown following:



Figure 3 - Separation from Banksia Woodland



The excavation area has a topographic range of approximately 19AHD to 24AHD. The maximum depth of extraction will range from 0.5m to 6m depending on groundwater levels and separation to the groundwater table. The finished surface level will be approximately 19m AHD, as demonstrated on the extraction plan above. The extraction of sand for Lot 5 is proposed to occur in a single stage.

Excavation Program:

The extraction of the sand would involve clearing topsoil followed by overburden and then the restoration of the land surface, to manage risk of sand drift. The method of extraction is described following:

- Removal of vegetation prior to excavation.
- Topsoil will be removed, recovered, and stockpiled for future spreading directly onto areas to be revegetated.
- Sand will then be excavated in stages from the floor of the pit to the natural ground level within the setback limits.
- Sand shall be excavated from the surface where practicable and loaded directly to a road truck by loader.
- Where necessary, the sand resource shall be screened using a portable screening plant to remove any organic material and stockpiled prior to loading into road trucks.
- Where possible, topsoil and overburden will be directly transferred from an area being cleared to an area to be rehabilitated;
- Trucks within the pit will be confined to a dedicated ring road that will be moved as required as the face progresses. The trucks will approach in an anticlockwise direction, so the driver is facing the loader.
- Reforming of the land will be undertaken by bulldozer, loader, and truck to form and respread topsoil.
- On completion, the land surface shall be graded to ensure final slopes do not exceed 1 in 2 (1:2) horizontal to vertical.
- The landform will be revegetated in accordance with the rehabilitation management plan.
- Rehabilitation post extraction to allow for the establishment of pastureland.

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

Community / Stakeholder Consultation

The application was advertised for a period of 28 days from 5 March 2024 to 2 April 2024 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, consisting of three letters of objections. The objections are discussed under the relevant headings of the report and are summarised following:

- Noise;
- Dust and air emissions;



- Traffic movements;
- Deterioration of roads from haulage trucks.

A full copy of the submissions together with the applicant's response and Officer commentary is contained within **attachment 2**.

Consultation with other Agencies or Consultants

Department of Water and Environmental Regulation (DWER)

Government Agency Response:

DWER did not object to the proposal but provided advice on the following key issues and recommendations:

Surface Water

The Birrega Main Drain (BMD) runs along the northern boundary of Lot 5 King Road. The Development Application – Extractive Industry (Sand) Lot 4 and Lot 5 King Road, Oldbury (Rowe Group, 2023), proposes a separation distance of 10m between the property boundary of Lot 5 and extraction activities.

In accordance with Water Quality Protection Note 15 Basic Raw Materials Extraction (WQPN 15 (DWER, 2019) and previous advice from the Department to the proponent (29 April 2022), a minimum setback of 30m is required between the banks of the BMD and the excavation area:

- *“Mining pits must be situated at least 30m away from the top of the waterway banks. For larger waterways, a bigger buffer may be appropriate.*
- *Roads, processing sites, stockpiles and other infrastructure should be away from the riparian zone, or at least 30m away from the top of the waterway bank.”*

In addition, a portion of the proposed development is within the 1 in 100 (1%) annual exceedance probability (AEP) floodplain (see Attachment 1). WQPN 15 states that basic raw materials extraction should be above the 1% AEP flood level. Implementation of a 30m buffer will place operations on Lot 5 outside of the 1% AEP floodplain.

The proposed footprint area is to be amended to include a 30m setback from the banks of the BMD to any proposed activity.

Native Vegetation

- *Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or 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 granted Clearing Permit CPS 9406/1 on 23 June 2023 to Aigle Royal Superannuation Pty Ltd to clear 7.05 hectares of native vegetation at Lot 4 on Diagram 48008 (King Road), Oldbury for the purpose of sand extraction. The permit is subject to revegetation conditions.*



- The Department notes that historical clearing of native vegetation has occurred in the proposed development area, outside of the area authorised to be cleared under CPS 9406/1. It appears unlikely that an exemption applies to the extent of clearing undertaken.
- Please note that the Department does not issue retrospective clearing permits for areas that have been historically cleared, and the matter has been referred to the Department's Compliance and Enforcement Division for potential investigation. Should any further clearing be proposed, a clearing permit would be required.
- Similarly, should the area retain any regenerative capacity and require clearing in the future to maintain the proposed end land use, a clearing permit would be required.

Groundwater

- The property is located within the Serpentine Groundwater Area (Jandakot Mound 2 sub area) which is proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction (for example, for dust suppression) would be subject to licensing by the Department.
- An application to apply for a groundwater licence will be subject to water availability at the time. No guarantee of availability can be determined until an application has been received. An application would also be subject to assessment in accordance with relevant policies and guidelines.

It should be noted that groundwater in this area is approaching full allocation resulting in limited resource being available for new applications. Alternative sources of water may need to be sought to satisfy any non-potable water requirements or the applicant can seek a water trade agreement from another groundwater user in the area.

Contaminated Sites

- The Department's Contaminated Sites Branch (CS) understands that Shire of Serpentine Jarrahdale Application 23-700 seeks development approval for Sand Extraction (Industry-Extractive) across both Lots 4 and 5 King Road, Oldbury.
- Land comprising Lots 4 and 5 on Diagram 48008 (the site) has not been reported to the Department as a known or suspected contaminated site, and is not classified under the Contaminated Sites Act 2003 (CS Act).
- Land adjacent to the site (south), comprising Lot 422 on Plan 202731, was classified under the CS Act as possibly contaminated – investigation required on 8 November 2010 and a memorial (reference number L482082ML) was placed on the certificate of title.
- Lot 422 has been used for historical sand extraction, and as an abrasive blasting and metal coating premises, which are land uses that have the potential to cause contamination, as specified in the guideline Assessment and Management of Contaminated Sites (DWER, 2021). In 2009, analysis of water and sediments within an unlined wastewater pond at the site found that the pond was impacted with elevated levels of metals and tributyltin. Further investigations are required to assess potential risks to groundwater at Lot 422.

Groundwater flow direction in the area is towards the east, and as the site lies cross-gradient from the wastewater pond at Lot 422, it appears unlikely that any potential groundwater impacts from the adjacent land would affect the proposed development. The Department notes that the proposed sand extraction levels allow for a separation distance of at least 500 mm from maximum groundwater levels, and as such dewatering is not proposed.



Acid Sulfate Soils

- *Acid sulfate soil risk mapping shows that the site lies within an area identified as having a moderate to low risk of acid sulfate soils occurring within three metres of the natural soil surface, but high to moderate risk of acid sulfate soils beyond three metres below the natural soil surface.*
- *Given that the proposal does not propose dewatering or excavation within less than 500 mm of the maximum groundwater level, the Department advises that an acid sulfate soils condition is not considered necessary in this instance.*

Flood

- *The Birrega and Oaklands Flood Modelling and Drainage Study shows that the general area is affected by shallow overland flooding during major events with the 1 in 100 (1%) AEP flood level estimated to be approximately 19.8 m AHD (see Attachment 1).*
- *More importantly, a portion of the proposed development is located within the 1% AEP floodplain. When proposed development (i.e. filling, building, etc) is located within the floodplain the Department assesses proposals based on their individual merits. Some of the factors examined include depth of flooding, velocity of flow, its obstructive impact on flow, possible structural and potential flood damage, difficulty/safety in evacuation during major floods and its regional benefit.*
- *With regards to the proposed development, the following comments with regard to major flooding are provided:*
- *The Lot is located on relatively high ground with flows falling to both the west and east from King Road.*
- *The proposal will not obstruct flows and the minor loss of catchment / flood storage will not detrimentally affect the general flooding regime of the area.*
- *The Lot may become isolated during major flood events with floodwaters overtopping access roads to the property.*
- *Should the proposed development be accepted, minimum habitable floor levels of 20.3 m AHD are recommended to ensure adequate flood protection into the future.*

Industry Regulation

- *The application states that the proposed sand extraction operations relates to the extraction of material as clean fill for construction of land and subdivisions and that no processing of sand will occur at the site. Further, it is understood that the application does not propose the extraction of mineral sands. Therefore, based on the information provided, the proposed operations are unlikely to trigger any categories under Schedule 1 of the Environmental Protection Regulations 1987 causing the site to become a prescribed premises.*
- *However, please be advised that should the applicant amend the proposal to process sand on-site (screen, wash, crush, grind, mill, size or separate) then different categories may apply:*

Officer Comment

These recommendations are discussed within the relevant sections of the report. In relation to groundwater, Officers support the proposed 0.5m separation from groundwater.



Given that the proposal does not propose dewatering or excavation within less than 0.5m of the maximum groundwater level, DWER advises that an acid sulphate soils condition is not considered necessary in this instance.

It is worth noting that the proposed finished ground level of the operation achieving a minimum of 0.5m separation from maximum groundwater would be the consistent the final ground water separation levels that were approved on Lot 4 consistent with DWER advice.

Water Corporation**Government Agency Response:**

The application was referred to Water Corporation who raised no objections and the following advice was provided :

The property is remote from water and wastewater services and the Corporation therefore has no objection to the proposal proceeding.

Officer Comment:

Noted. This advice has been provided to the applicant.

Department of Biodiversity ,Conservation and Attractions (DBCA**Government Agency Response:**

The Department of Biodiversity Conservation and Attractions - Swan Region Office has no comments on the application.

Officer Comment

Noted.

Department of Energy, Mines, Industry Regulation and Safety (DEMIRS)**Government Agency Response:**

DEMIRS raised no objections and the following advice was provided:

DEMIRS has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.

Officer Comment

Noted.

Statutory EnvironmentLegislation

- *Planning and Development Act 2005;*



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

State Government Policies

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

Local Planning Framework

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

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

Metropolitan Region Scheme (MRS)

The subject land is zoned Rural under the MRS. Extractive industries in the rural zone under the MRS are the subject of a 'clause 32' resolution, requiring a determination to be made both under the Local Planning Scheme No. 3 and the MRS. Accordingly, it is a requirement that Council provide a recommendation to the WAPC who will determine the application under the provisions of the MRS. with Council separately determining the application under the LPS3.

Local Planning Scheme No. 3 (LPS3)

The subject site is zoned 'Rural' under Local Planning Scheme No. 3. The proposal falls within the land use of 'Industry Extractive' defined under LPS3 as:

"Industry Extractive - means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes -

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;*
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration."*



An 'Industry Extractive' land use is an 'A' use in the 'Rural' zone meaning that the use is not permitted unless Council has exercised its discretion to permit the use after community consultation has been undertaken.

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

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

Whilst the proposal is not strictly considered a 'rural use', extractive industries of this nature are typically located in rural areas due to the location of the sand resources. The application details that the resource is to be used within the development of the Byford Town Centre and areas within the Shire and as such provides a direct benefit to the local community. It is considered that the proposal can be undertaken alongside rural uses and once extraction is completed rural uses could occur on the site.

The subject site is located within both Special Control Area 4 - Extractive Industries (SCA4) and Special Control Area 5 - Separation Distances (SCA5) of LPS3. The objectives of these Special Control areas is to protect the operation of extractive industries and designate separation distances to sensitive premises (i.e. dwellings). The latter is discussed within the Amenity section of the report.

State Planning Policy No. 2.1 – Peel-Harvey Coastal Plain Catchment

The subject site is located within the Peel-Harvey catchment area. This policy aims to ensure that changes to land use within the catchment to the Peel-Harvey Estuarine System are controlled so as to avoid and minimise environmental damage. Land uses which are likely to drain towards the Peel-Harvey Estuarine System should be managed to reduce or eliminate nutrient export from the land.

The application details that bore data reflects that the average groundwater level in the locality is approximately 18.8 AHD to 18.4 AHD with groundwater flowing in a northeast direction. The excavation proposes to lower the natural surface of the site to a finished level of approximately 19.3 AHD, 500m above groundwater. As previously stated, DWER have stated that this is unlikely to result in any potential groundwater impacts post development. It is considered that the proposal is compatible with the objectives of SPP2.1.

Statement of Planning Policy 2.4 - Basic Raw Materials (SPP2.4)

SPP2.4 is designed to facilitate the exaction of basic raw materials and sets out the matters which are to be considered by the WAPC and local governments in considering zoning, subdivision and development applications for extractive industries. SPP2.4 identifies policy areas for extraction of basic raw materials in various local government areas.



These policy areas are categorised as priority resource locations, key extraction areas and extraction areas based on their regional significance.

The objectives of this policy are:

- *the location and extent of known basic raw material resources;*
- *protect priority resource locations, key extraction areas and extraction areas from being developed for incompatible land uses which could limit future exploitation;*
- *ensure that the use and development of land for the extraction of basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after extraction;*
- *provides a consistent planning approval process for extractive industry proposals including the early consideration of sequential land uses.*

The subject site is not identified as either a priority resource location, a key extraction area or an extraction area under the policy. However, the policy allows extraction of basic raw materials on any rural land subject to the proposal complying with planning and environmental requirements.

Officers have considered that the proponent can adequately address the environmental requirements through the proper implementation of dust, noise, traffic and flora management plans, as well as conditions that regulate these aspects and impose contributions to road impacts. Officers are satisfied that the proposed extraction of sand will not result in land degradation and will not have a detrimental impact on the amenity of the locality. The management plans will form part of the planning approval if the application is approved. It is considered that the proposal is compatible with the objectives of SPP2.4.

SPP 2.4 requires an appropriate separation between extractive industries and sensitive land uses in accordance with the *Environmental Protection Authorities ('EPA') Separation Distances between Industrial and Sensitive Land Uses Guidance Statement No. 3* to protect community health, safety and amenity. This will be discussed in the amenity section of the report.

State Planning Policy 2.5 - Rural Planning (SPP2.5)

The purpose of this policy is to protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome. Within the Perth and Peel Region, it is recognised that rural land will become more contested as land is required for other purposes including mineral sand mining.

It is considered that once the resource has been extracted and the site rehabilitated, the land could be used in the future for productive rural uses. The application details that the site will be returned to pasture once extraction is complete, consistent with the aims of SPP2.5.

Officers have considered that the proponent can adequately address the environmental requirements through the implementation of dust, noise, traffic and flora management plans that have been submitted with the application. Officers are satisfied that the proposed extraction of sand will not result in land degradation and will not have a detrimental impact on the amenity of the locality. The management plans will form part of the planning approval if the application is approved. It is considered that the proposal is compatible with the objectives of SPP2.5.



Local Planning Policy 4.10 - Extractive Industries (Including Extraction of Mineral Sand and Other Minerals) (LPP4.10)

LPP4.10 sets out requirements when assessing an application for an Extractive Industry. Under the policy if the 'Acceptable Development' criteria are met, an application is considered appropriate. If a proposal does not meet the Acceptable Development criteria, the applicant must demonstrate how the proposal meets the 'Performance Criteria'. A full assessment is contained within the Technical Assessment. The proposal is consistent with the 'Acceptable Development' except for AD1.5.1 as the development is located in proximity to heavy haulage routes. This matter will be discussed further in the traffic section of the report.

Amenity

The Environmental Protection Authority Guidance Statement Note 3 - Separation Distances between Industrial and Sensitive Land Uses (Guidance Statement) sets out generic separation distances between industries and sensitive receptors. The recommended separation distance between extractive industries and sensitive receptors is between 300m and 500m depending on the size of the operation.

There are six sensitive receptors located within a 500m radius of the site as shown following:

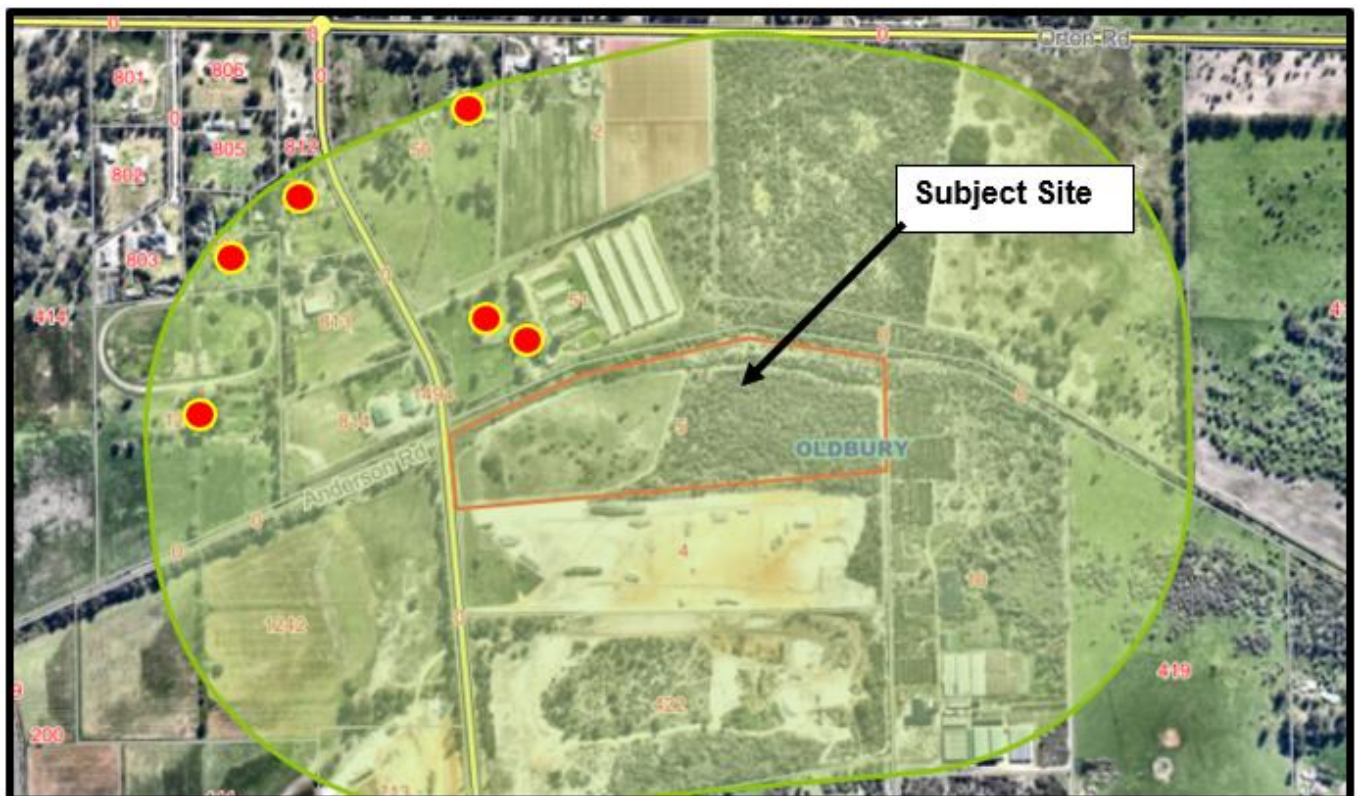


Figure 4 - Location of Sensitive Receptors

Location of sensitive receptors

Where sensitive receptors are located within the separation distance, technical reports are required to demonstrate how specific impacts as referenced in the Guidance Statement are proposed to be managed. The Guidance Statement identifies impacts from Industry Extractive as noise and dust.



Noise:

To address noise impacts the applicant submitted an initial Environmental Noise Assessment (ENA) **attachment 4** as submitted as part of the application to determine whether noise generated from the development complies with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The ENA identified the main noise sources from the development to be vehicle movements to and from the site and noise from plant and machinery including excavators, loaders and tippers.

After an initial assessment of the ENA, Officers identified issues pertaining to the calculation of Assigned levels for adjoining properties. Officers also sought clarity on construction site activities that would be exempt from assessment under the Regulation 7. In consultation with Officers, the applicant subsequently submitted an updated ENA (**attachment 5**) to address concerns raised.

To assess the robustness of the submitted noise assessment to ensure the risk associated with the development has been properly assessed in view of concerns raised, Officers engaged an independent expert consultant (Reverberate) to peer review the updated noise assessment which can be viewed as **attachment 6**.

The peer review view concluded similar concerns pertaining to noise impacts, particularly impacts on adjoining sensitive receptors, particularly dwellings at 259 King Road.

Based on the results of the peer review, the updated ENA was also referred to the Department of Water and Environmental Regulation Noise Branch (ENB) for review. A submission from ENB can be viewed within **attachment 7**. Advice from ENB raised concerns on the assigned levels applied, methodology and concluded that the acoustic report cannot be said to demonstrate the proposal will not result in unacceptable noise impacts.

For the purposes of this report, Officers have assessed the updated ENA report shown following:

The ENA firstly determines the assigned noise levels which is the baseline noise level that should be applied. There are different levels depending on the nature of the noise being:

- a. LA10 (generally applicable to “steady-state” noise sources present for 10% of the representative assessment period of 4 hours);
- b. LA1 (for short-term noise sources present for less than 10% and more than 1% of the time) and;
- c. LAMax (incidental noise sources present for less than 1% of the time).

The ENA details the baseline assigned levels shown following.



Premises Receiving Noise	Time Of Day	Assigned Level (dB)		
		LA10	LA1	L _{Amax}
All Receivers Noise sensitive premises: highly sensitive area ¹	0700 to 1900 hours Monday to Saturday (Day)	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays (Sunday)	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days (Evening)	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
Commercial Premises	All hours	60	75	80
Industrial and Utility Premises	All hours	65	80	90

1. *highly sensitive area* means that area (if any) of noise sensitive premises comprising —
(a) a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
(b) any other part of the premises within 15 metres of that building or that part of the building.

Figure 5 - Baseline Assigned Levels

An 'influencing factor' is then calculated. This relates to an increase to the assigned level on the basis of the existence of significant roads, commercial or industrial zoned land within an inner circle (100 metre radius) and an outer circle (450 metre radius) of noise sensitive premises. For the purposes of the ENA, noise sensitive premises are presented following :



Premises Receiving Noise	Time Of Day	Assigned Level (dB)		
		LA10	LA1	LAmax
R4 & R5 +0 dB IF Noise sensitive premises: highly sensitive area ¹	0700 to 1900 hours Monday to Saturday (Day)	45	55	65
	0900 to 1900 hours Sunday and public holidays (Sunday)	40	50	65
	1900 to 2200 hours all days (Evening)	40	50	55
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	35	45	55
R6 +3 dB IF Noise sensitive premises: highly sensitive area ¹	0700 to 1900 hours Monday to Saturday (Day)	48	58	68
	0900 to 1900 hours Sunday and public holidays (Sunday)	43	53	68
	1900 to 2200 hours all days (Evening)	43	53	58
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	38	48	58
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
R1 (Packaging) under Schedule 1 Part A 3d R2, R3 & R7 (Processing/Production) under schedule 1 Part A 3a Any building associated with above would be considered as a Caretaker to Premises Industrial and Utility Premises	All hours	65	80	90

Figure 7 - Assigned Levels

The ENA deemed receptors R1, R2, R3, and R7, containing the Packaging Sheds, Poultry Farm dwellings, Transport Depot and Industry Extractive respectively to be industrial and utility premises and therefore were assigned accordingly.

The ENA modelled predicted noise levels received at the nearest sensitive receptors using three different scenarios.

**Scenario 1:**

Construction phase of the startup operation which involves removal of topsoil/overburden and construction of noise bunds to the north and north-east of site. Ground works involves the use of up to three front end wheeled loaders and haulage trucks.

Scenario 2:

Early stages of extractive operations to the south of site which involves ground being lowered to approximately two metres with the use of three front end wheeled loaders and haulage trucks concurrently operational in this area.

Scenario 3:

Later Stage normal extractive operations the ground level being lowered to approximately up to maximum of 6 metres to the northeast of site with three front end wheeled loaders and haulage trucks concurrently operating predominately in north-western area.

The following tables are extracted from the revised ENA, displaying the modelled noise levels for the three scenarios:

5.1. Scenario 1

Table 5-1 provides the noise levels for Scenario 1, for the construction phase of start-up operations. Intrusive characteristics are expected; so noise levels are adjusted by +5 dB for possible tonal characteristics.

Table 5-1: Scenario 1 Assessment, dB(A)

Receiver	Predicted	Adjusted*
R1 – 274 King Rd	55	60
R2 – 259 King Rd	58	63
R3 – 244 King Rd	45	50
R4 – 28 Anderson Rd	44	49
R5 – 228 King Rd	44	49
R6 – 371 King Rd	37	42
R7 – 558 Gossage Rd	40	45

* Adjusted by + 5 dB for tonality



5.2. Scenario 2

The results for the Early Stage Normal Operations Scenario are provided in *Table 5-2*. Intrusive characteristics are expected, so noise levels are adjusted by +5 dB for possible tonal characteristics and compared against the daytime assigned levels.

Table 5-2: Scenario 2 Predicted Levels, dB(A)

Receiver	Predicted	Adjusted*	Daytime Assigned Level	Assessment
R1 – 274 King Rd	49	54	65	Complies
R2 – 259 King Rd	50	55	65	Complies
R3 – 244 King Rd	43	48	65	Complies
R4 – 28 Anderson Rd	43	48	45	+3 dB
R5 – 228 King Rd	40	45	45	Complies
R6 – 371 King Rd	39	44	48	Complies
R7 – 558 Gossage Rd	42	47	65	Complies

* Adjusted by + 5 dB for tonality

5.3. Scenario 3

The results for the Later Stage Normal Operations Scenario are provided in *Table 5-3*. Intrusive characteristics are expected, so noise levels are adjusted by +5 dB for possible tonal characteristics and compared against the daytime assigned levels.

Table 5-3: Scenario 3 Predicted Levels, dB(A)

Receiver	Predicted	Adjusted*	Daytime Assigned Level	Assessment
R1 – 274 King Rd	50	55	65	Complies
R2 – 259 King Rd	53	58	65	Complies
R3 – 244 King Rd	43	48	65	Complies
R4 – 28 Anderson Rd	41	46	45	+1 dB
R5 – 228 King Rd	41	46	45	+1 dB
R6 – 371 King Rd	37	42	48	Complies
R7 – 558 Gossage Rd	40	45	65	Complies

* Adjusted by + 5 dB for tonality



As can be seen in the tables above, modelled results demonstrate that two receptors will receive noise above the assigned levels. Noise received at the sensitive receptor (dwelling) at R4 exceeds the assigned levels under the Regulations for Scenario 2 and Scenario 3 which modelled noise emissions from the early stages and later stages of extractive operations as described above. The sensitive receptor R5 would also receive noise that exceeds the assigned levels for Scenario 3.

The ENA states that due to the close proximity of the noise sensitive receivers to the north of the industry extractive, compliance may not be practicable at all times. To reduce the noise levels to as low as is reasonably practicable, the ENA recommends the construction of noise bunds using the topsoil and overburden as follows:

- *“Boundary bunds to the north and north westerly boundaries located at the highest level atop the natural ground. Height of boundary bunds should be as high as is reasonably practicable to a minimum of 3.5 metres. This are to be considered to be carried out in the initial construction phase.*
- *Additional noise mitigation measures to reduce the noise levels of the Front End Loaders by 3 dB. This can be achieved by the installation of an acoustic muffler to exhaust, orientation of exhaust to south/south west, consideration of close fitting acoustic curtains/panels creation of smaller noise bunds in close proximity to the FEL’s.”*

In addition to the construction of noise bunds, the ENA recommends the following noise management strategies to achieve compliance:

- *“Orientation of the mobile plant so as the exhaust (noisiest side) is pointing to the south/south east to limit noise emissions;*
- *Make use of radio communication between wheeled loader and road truck operators to allow for positioning and loading of trucks without the use of horn signals as far as practicable;*
- *Installation of an acoustic muffler to exhaust loaders and consideration of close fitting acoustic curtains/panels;*
- *Mobile plant tonal reversing alarm alternatives should be considered where deemed safe (i.e. broadband);*
- *Selection of the quietest plant possible;*
- *Ensure that trucks are not exiting and entering the site at the same time where practicable, so as to minimise noise impact at nearby receivers;*
- *There is to be only three haulage trucks operational on site at any one time where practicable;*
- *Purchasing staff need clear policy guidelines for procurement of new plant to ensure that noise levels do not increase over time;*
- *Maintenance staff may need to implement a maintenance programme to prevent noise levels increasing over time.”*

The ENA states that the implementation of the noise management and mitigation strategies as stated above predicts a significant reduction in the noise impact at all nearby receivers as seen in the table following. A marginal +1dB exceedance at most is predicted at the dwellings associated with the poultry farm at R2/R2A.

**Peer Review:**

As previously stated, Officers engaged a suitably qualified expert to peer review the ENA. A summary of the Peer Review comments are detailed following:

Peer Review - Assigned Levels

- Incorrect Assigned Level at R2 - 259 King Road - should be 49dB and 65dB.
- Incorrect classification of R2 - should be Rural and not Industrial in Nature.
- Incorrect Assigned Level at R1 and R7.

Peer Review - Noise from trucks

- Incorrect sound power levels from trucks.

Peer Review - Noise Control Recommendations

- Bunds appear to be insufficient to enable compliance with the Noise Regulations.
- Mobile plant orientation away from the north has not been demonstrated to be practical at this site.
- No discussion of what horn operation would remain on site, and the noise impact of that source.

DWER Environmental Noise Branch Advice

As stated above the Environmental Acoustic Assessment report was reviewed by DWER noise branch. The submission from DNB identified the site based scientific study contained in the noise report had not demonstrated that a lesser distance will not result in unacceptable impacts due to the following reasons:

- application of appropriate adjusted assigned levels for the receivers, particularly in relation to R2;
- non-compliance with the assigned levels by as much as 14 dB based on existing modelling;
- lack of detail or modelled evidence that any amelioration methods employed will result in compliance e.g. proposed noise bund; and
- No computer modelling was undertaken to verify the modelled noise results.

As a result of the concerns raised above, the applicant then revised the application and amended the proposal by reducing the scale and extraction period of the project. The proposal now seeks to extract 96,180m³ of sand over a period of 12 months in lieu of the initially proposed 124,000m³ of sand over a period of five years.

Officers consider that the new proposal can be supported on the basis that potential impacts would be restricted to a shorter period. In addition, an increased northern boundary setback of 30m in lieu of 20m would reasonably reduce impacts at the sensitive receivers. It is the Shire's expectation that the proposal would be operated in a way that would not negatively impact on the locality. Officers also note that no objections were raised by occupants of the sensitive receivers at 259 King Road (Poultry Farm).

Despite the reduced scale and anticipated reduced impacts, Officers recommend that a condition is imposed requiring a Noise Management Plan (NMP) to be prepared and approved prior to the commencement of operations, demonstrating how noise levels would be continually managed in order to minimise exceedances to the assigned noise levels.



The NMP should also address noise attenuation to all sensitive areas identified in the ENA and recommendations made. The applicant would also be required to submit details of the proposed temporary bund for noise attenuation purposes prior to commencing the development.

Visual Impact:

The planning framework seeks to protect and enhance the character and amenity of the rural landscape. The site generally presents a flat undulating landscape as shown following:



Figure 8 - View looking North from King Road



Figure 9 - View looking south from King Road



It is considered that the works would be visible by road users travelling along King Road in both directions. The Environmental Management Plan which can be viewed within **attachment 8** details the proposed actions to visual impacts as follows:

- The sand extraction operation will not be undertaken at night and security lighting will be restricted to the site facilities and machinery storage area, if required;
- Security lighting will be angled away from King Road;
- The haul and access road will be on the southern boundary;
- Progressive rehabilitation will be undertaken when the cut and fill reach finished levels; and
- The fill area will be seeded as soon as possible after the sand and topsoil has been spread.

Notwithstanding the measures discussed in the table above, Officers still consider that the development is likely to be visually prominent due to the close proximity to King Road. Officers consider that this can be reduced by setting back the excavation area and through the provision of landscaping along the boundary. Consistent with the Extractive Industries Local Law, the applicant has amended to the proposal to ensure a 40m setback.

To ensure that development does not have an adverse visual impact on passing traffic and the general locality, Officers recommend a condition of approval requiring the applicant to submit and updated site plan showing a minimum setback of 40 metres from King Road. Officers also consider that further screening would ensure that development does not have an adverse visual impact and therefore have recommended a Landscaping Plan to require vegetation along the western boundary.

Dust

The proposal has the potential to generate dust during all stages including the removal of overburden, stripping of topsoil, sand excavation, loading and stockpiling. Dust may also be generated by vehicles using the access roads within mining areas. Dust has the potential to adversely impact amenity particularly due to the strong easterly and westerly winds prevalent in the locality.

The application states that the industry extractive will need to be operated in such manner that reduces the dust moving off-site and putting in dust monitoring units at the property boundaries that will assist in managing dust. All operations will be undertaken in accordance with a Dust and Noise Management Plan to be prepared as part of the extractive industry licence. Officers consider dust management to be a very important amenity issue, which needs to be robustly managed.

During the consultation period concerns were raised regarding potential dust nuisance. Based on this, Officers consider that the application has not addressed how to appropriately manage dust impacts. To ensure that the proposal does not adversely impact on the locality and adjoining sensitive receptor, a site-specific Dust Management Plan (DMP) is required to be prepared prior to works occurring, in accordance with the Department of Water and Environment Regulation's Dust Guidelines document. The DMP should detail the utilisation of water carts and sprinklers, for dust suppression. This will need to detail how groundwater can be secured, and the systems in place to establish and maintain sprinklers and watering regimes of the likely dust source areas. It must also identify dust management and monitoring practices through the review of ongoing mining activities.



In addition, the non-sealed surface of the access way will generate dust from the movement of semi-trailers entering and exiting the site. In order to reduce and manage the impact of dust to acceptable levels, Officers have recommended that the first 20m of the access road be constructed and sealed to the minimum standard of the Shire as detailed in the IPWEA Subdivisional Guidelines.

Officers consider that dust can be appropriately managed through the preparation, approval and implementation of the Dust Management Plan.

Traffic

Access to and from the site is proposed via King Road utilising an existing driveway at the southern boundary of Lot 4. The proposed route for semi-trailer vehicles would include King Road, Orton Road, Kargotich Road and Abernethy Road as shown in the Figure below:

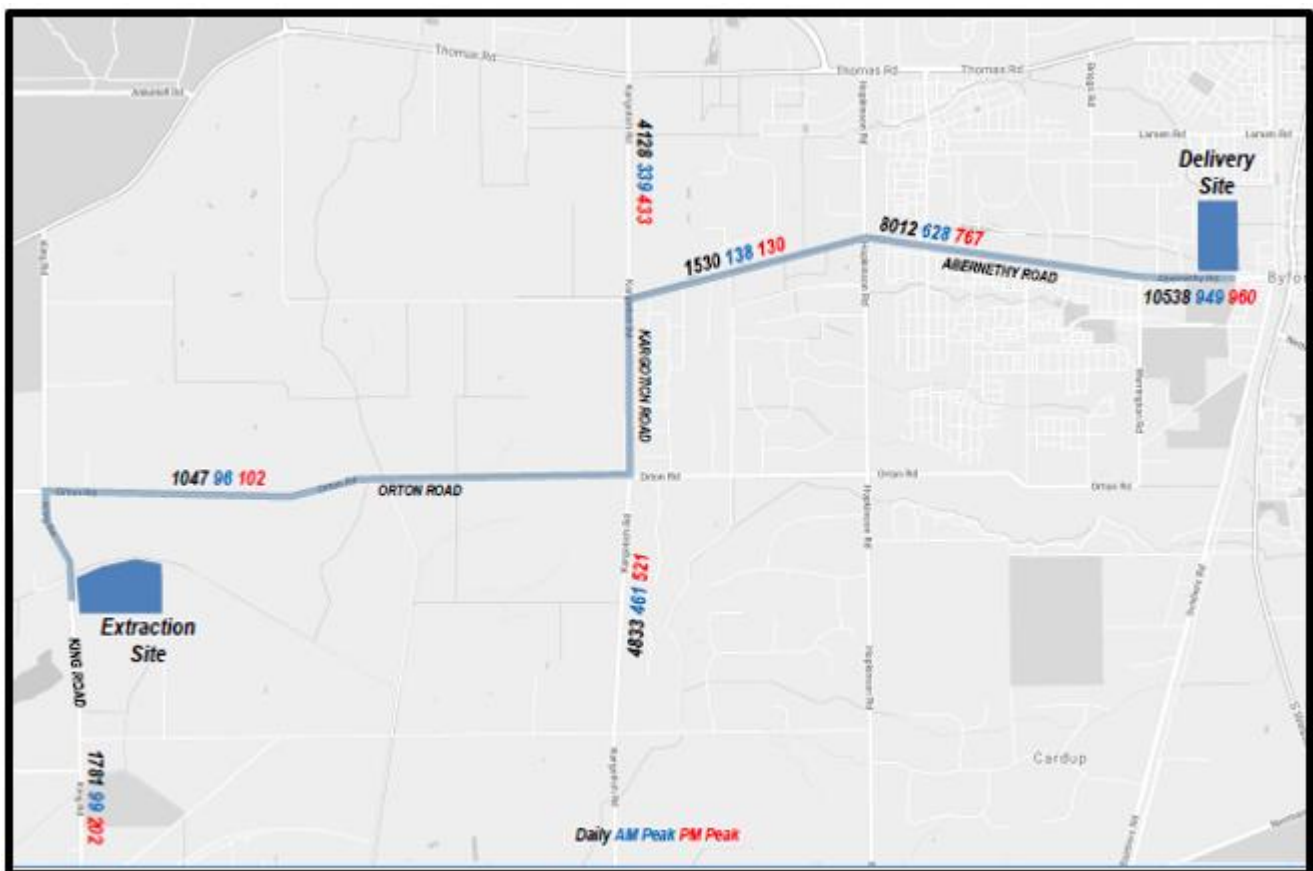


Figure 10 - Haulage Route

During the consultation period, concerns were raised in relation to the impact of the development on traffic in the surrounding area and the capacity of the surrounding road network to cater for the vehicles accessing the site. The submitters were also concerned with the increase of trucks on King Road and the impact this would have on the safety of road users. In that regard, the applicant has submitted a Transport Impact Statement (TIS) which can be viewed within **attachment 9**. The TIS assessed traffic generated by the proposal, to consider impacts on the proposed use of Orton Road.

With regard to operations along the haulage route, a condition is recommended to not permit use of Abernethy Road between Hopkinson Rd and South Western Highway, between the hours of 8am and 9am and 2:30pm and 3:30pm, Monday to Friday on school days.



This recognises the complexity of road and pedestrian movements that occur through the concentration of morning and afternoon peak traffic periods coupled with pedestrians crossing Abernethy Road, in order to access the schools within the town centre.

Vehicle movements

The TIS states that the development will generate approximately 88 semi-trailer truck trips per day (44 inbound movement and 44 outbound movements) to and from Lot 5 via the existing crossover on Lot 4 King Road. The hourly traffic generation is estimated to be four to five truck trips per hour.

King Road is designated as a 'Primary Distributor Road' under the Shire's Local Planning Scheme, and operates under the sign-posted speed limit of 80km/h in the vicinity of the site. King Road has the capacity to cater for approximately 6,000 vehicles per day (vpd).

The TIS makes reference to the Western Australian Planning Commission's Transport Assessment Guidelines for Development (Vol. 4), which states that:

"Where a traffic increase as a result of a proposed development is less than 10% of the current road capacity, it would not normally have a material impact."

Officers note that the proposed traffic would generate less than 10% and is therefore not considered to adversely impact upon the local road network by way of volume.

Road deterioration:

Notwithstanding the compliance, additional vehicle movements generated by the development accelerates the deterioration of the condition of the Shire's local roads. The key issue therefore remains that road deterioration will inevitably occur over the 12 months of movement along the local road network and particularly during winter periods where the road asset is vulnerable to potholing and edge deterioration.

Local Planning Policy 4.10 Extractive Industries (Including Extraction of Mineral Sand and other Minerals) allows the Shire to consider road maintenance through such arrangements as follows:

AD 1.5.3

Development where a road maintenance agreement has been entered into with the Shire prior to operation, or where financial contributions have been made to ensure the upgrading of roads where necessary to improve the standard of access'.

With the policy being given due regard as part of this application, and to address the road safety issue resulting from the accelerated depreciation of the road network due to additional vehicle movements generated by the development, a condition is recommended. Officers recommend a condition for a contribution to be paid annually in arrears, based upon actual vehicle movements, to be used to address the accelerated decline in the pavement life of the road.

Based on the planning framework, it has been shown to be a reasonable condition, with a proper planning purpose to require an annual contribution to account for those local roads whereby an accelerated deterioration occurs. Such monies are reserved and utilised at the point whereby such local roads need intervention to maintain a safe asset condition. This is aligned to the WALGA user guide that is used across the sector for this issue.



Environmental Considerations

Removal of Vegetation

The application proposes to removal of approximately 4,000m² of native vegetation Banksia Wood. This area identified for vegetation removal abuts the 20m buffer for the Banksia Woodland.

During the consultation period, concerns were raised in regard to the clearing of native vegetation and its impact on the landscape. The application has provided information that a detailed Flora and Vegetation Survey for Lot 5 was undertaken in 2021, which concluded that threatened or priority species were not recorded on site. Officers consider that the resource to be extracted from the proposed area to be cleared has not been justified and would likely impact upon the environmental values of the adjoining larger Banksia Woodland patch.

The submission from DWER acknowledges that a clearing permit has also been issued for the vegetation covered by the proposed excavation area which mainly comprises of Banksia Woodlands on Lot 4 only. As the application seeks approval for a new development area on Lot 5 King Road, a clearing permit from DWER would be required as the current permit does not include the new proposed areas.

Rehabilitation and Management

The applicant has not provided a Rehabilitation Management Plan for the site at this stage. However, an EMP outlines information that will assist in the site being rehabilitated over time to achieve final and full rehabilitation once the extraction on the site has ceased. The applicant has provided that upon completion of the sand extraction, all facilities and equipment will be removed and the site being rehabilitated to returning the land to its pre-mining use through the implementation of broad actions to be undertaken for the rehabilitation process as follows:

- *Use of topsoil to improve the quality of the area to be rehabilitated;*
- *Rehabilitation to be undertaken the first winter after spreading or topsoil to avoid compaction;*
- *Areas to be rehabilitated will be planted with pasture seeds, including perennial legumes, perennial pasture and annual pasture;*
- *The rehabilitation areas to be seeded at a rate of 2-5kg/ha, species dependent fertiliser to be used will be low nitrogen, phosphorous and potassium with trace elements;*
- *Red-legged earth mites and blue oat mites will be managed with insecticide if required;*
- *Completion is when*
 - *90% coverage by pasture species;*
 - *Likelihood that the pasture will be self-sustaining; and*
 - *No WoNS, Declared Pests or Castor Oil Plant present on the site.*

Officers have considered such rehabilitation measures can be implemented through the conditions of a planning approval. The management plan will be required to outline the process of revegetation and biodiversity management that is to be continued over the site to ensure that it is rehabilitated over time to achieve final and full rehabilitation once the extraction on the site has ceased.

**Extractive Industries Local Law**

Under the Shire of Serpentine Jarrahdale Local Law: Extractive Industry, all such operations are required to obtain a license prior to the operations occurring. The criteria within the Local Law is generally assessed through the planning process. Key considerations are identified as amenity impacts, consultation and traffic impacts, which are all required to be assessed.

Officers do not have delegation to issue an Extractive Industry Licence; rather Council is required to determine this. Officers recommend Council approve the issue of a license conditionally as part of this process, for a period of 12 months.

Options**Option 1**

That Council:

1. APPROVES the development application for the 'Industry Extractive' at Lots 4 and 5 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.

Plans and Specifications	P1 - P4 Development Plans received on 12 September 2024 P5 - Environmental Noise Assessment dated 23 December 2023 P6 - Updated Environmental Noise Assessment dated 28 May 2024 P7 - Transport Impact Statement dated 19 January 2024 P8 - Environmental Management Plan dated 31 July 2023
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- b. This approval is valid for a period of 12 months from the date of this approval and is limited to a total extraction volume of 96,180m³ of sand, within the area identified on the approved plans.
 - c. Within 60 days of the date of this approval, the applicant shall submit an updated excavation site plan showing a minimum 40m setback from the King Road reserve boundary, to the satisfaction of the Shire of Serpentine Jarrahdale. This must be approved prior to operations commencing.
 - d. The landowner shall submit an internal compliance audit to the Shire by 31 June 2025. The annual report shall include an internal compliance audit of all the development and licence approval conditions and management plans. The report shall also provide details relating to complaints and complaint responses, and all proactive and reactive interventions taken to address issues raised or identified.
 - e. The operator shall ensure that:
 - (i) All trucks accessing the site and all mechanical equipment used on-site shall be fitted with or carry a spill kit containing absorbent booms, granules, pads and heavy duty waste bag, sufficient to clean and fully remove accidental spill of fuel and other hydrocarbons (for example, hydraulic fluids) from each truck or piece of equipment;
 - (ii) Spill kits are replenished immediately following a spill event and contaminated soils removed and appropriately disposed of;



- (iii) Any fuel or other hydrocarbon leakages or spills shall be cleaned up immediately and in any event within 12 hours of a leak or spill; and
- (iv) The operator of any mechanical equipment used onsite shall, prior to commencement of extraction activity on the site and throughout the term of this approval, undergo practical instruction and training in the use of the spill kit.
- f. The hours of operation of the 'Industry Extractive' are restricted to 7:00am to 5.00pm Monday to Friday only, excluding Public Holidays.
- g. Prior to any extraction, the applicant shall prepare and submit to the Shire a site-specific Dust Management Plan prepared by a suitably qualified consultant demonstrating the dust management measures to be put in place. The Plan must be approved by the Shire prior to the commencement of any operations. The Plan shall include measures to minimise dust generated from the development to ensure that dust levels comply at all times with Department of Water and Environmental Regulation Environmental Protection (Ambient Air) Measures. Once approved, the development shall be undertaken in accordance with the Dust Management Plan.
- h. 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.
- i. 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.
- j. Prior to the commencement of development, details of the proposed temporary bund for noise attenuation purposes shall be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.
- k. Prior to commencement of site works, a Bushfire Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale.
- l. 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.
- m. 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 approved Rehabilitation Management Plan. All rehabilitation must be completed by six months following completion of the 12 month time limited development.
- n. The finished ground level of the operation shall achieve a minimum of 0.5m separation from maximum groundwater and shall not be below of 20.3 m AHD.
- o. The landowner shall pay a 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, 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.

- p. The road haulage route shall be limited to King Road to Orton Road to Kargotich Road and to Abernethy Road, and vice versa, only.
 - q. The section of Abernethy Road between Hopkinson Road and South Western Highway is not to be used between 8am and 9am and 2:30pm to 3:30pm on school days.
2. APPROVES an Extractive Industry Licence at Lot 5 King Road. Oldbury contained within **attachment 10** under the Shire of Serpentine Jarrahdale Extractive Industries Local Law and the Shire's development approval conditions.
 3. AUTHORISES the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.

Option 2

That Council REFUSES the development and extractive industry license application, due to concerns pertaining to noise impacts on nearby sensitive dwellings.

Option 1 is recommended.

Conclusion

The application seeks approval for the extraction of sand for 12 months period. The proposal is considered to generally align with the planning framework and otherwise be consistent with existing development in the locality. The proposal will provide a resource that is required locally for development. The local area is growing rapidly and the increased urban development within the south eastern corridor requires sand fill due to the topography characterised by low lying areas prone to flooding. The reduced 12 month time period to extract the sand will ensure there are no ongoing amenity concerns in relation to noise emitted from the site.

Officers have assessed the application and are satisfied that development issues such as road impact, dust, noise, and rehabilitation of the site can be adequately managed through the application of proper planning conditions. For the reasons outlined and discussed within the report, the proposal is supported by Officers.

Attachments

- **10.1.5 - attachment 1** - Application Details (E24/13448)
- **10.1.5 - attachment 2** - Summary of Submissions (E24/6504)
- **10.1.5 - attachment 3** - Technical Assessment (E24/6488)
- **10.1.5 - attachment 4** - Environmental Noise Assessment (E24/6501)
- **10.1.5 - attachment 5** - Updated Environmental Noise Assessment (E24/13384)
- **10.1.5 - attachment 6** - Peer Review Noise Management (E24/13385)
- **10.1.5 - attachment 7** - DWER Noise Assessment (E24/13438)
- **10.1.5 - attachment 8** - Environmental Management Plan (E24/7038)



- **10.1.5 - attachment 9** - Traffic Impact Statement (E24/6499)
- **10.1.5 - attachment 10** - Extractive Industry Licence Application (E24/13529)

Alignment with our Council Plan 2023-2033

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options:

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 considered the lowest risk possible.						
2	That Council refuses the development application for the 'Industry Extractive' and the decision is appealed to the SAT, causing financial costs on the Shire.	Planning Framework	Financial	Possible	Minor	MODERATE	Valid planning reasons for refusal.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. APPROVES the development application for the 'Industry Extractive' at Lots 4 and 5 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.



Plans and Specifications	P1– P4 Development Plans received on 12 September 2024 P5 - Environmental Noise Assessment dated 23 December 2023 P6 - Updated Environmental Noise Assessment dated 28 May 2024 P7 - Transport Impact Statement dated 19 January 2024 P8 - Environmental Management Plan dated 31 July 2023
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- b. This approval is valid for a period of 12 months from the date of this approval and is limited to a total extraction volume of 96,180m³ of sand, within the area identified on the approved plans.
- c. Within 60 days of the date of this approval, the applicant shall submit an updated excavation site plan showing a minimum 40m setback from the King Road reserve boundary, to the satisfaction of the Shire of Serpentine Jarrahdale. This must be approved prior to operations commencing.
- d. The landowner shall submit an internal compliance audit to the Shire by 31 June 2025. The annual report shall include an internal compliance audit of all the development and licence approval conditions and management plans. The report shall also provide details relating to complaints and complaint responses, and all proactive and reactive interventions taken to address issues raised or identified.
- e. The operator shall ensure that:
 - (i) All trucks accessing the site and all mechanical equipment used on-site shall be fitted with or carry a spill kit containing absorbent booms, granules, pads and heavy duty waste bag, sufficient to clean and fully remove accidental spill of fuel and other hydrocarbons (for example, hydraulic fluids) from each truck or piece of equipment;
 - (ii) Spill kits are replenished immediately following a spill event and contaminated soils removed and appropriately disposed of;
 - (iii) Any fuel or other hydrocarbon leakages or spills shall be cleaned up immediately and in any event within 12 hours of a leak or spill; and
 - (iv) The operator of any mechanical equipment used onsite shall, prior to commencement of extraction activity on the site and throughout the term of this approval, undergo practical instruction and training in the use of the spill kit.
- f. The hours of operation of the 'Industry Extractive' are restricted to 7:00am to 5:00pm Monday to Friday only, excluding Public Holidays.
- g. Prior to any extraction, the applicant shall prepare and submit to the Shire a site-specific Dust Management Plan prepared by a suitably qualified consultant demonstrating the dust management measures to be put in place. The Plan must be approved by the Shire prior to the commencement of any operations. The Plan shall include measures to minimise dust generated from the development to ensure that dust levels comply at all times with Department of Water and Environmental Regulation Environmental Protection (Ambient Air) Measures. Once approved, the development shall be undertaken in accordance with the Dust Management Plan.
- h. 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.

- i. 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.
 - j. Prior to the commencement of development, details of the proposed temporary bund for noise attenuation purposes shall be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.
 - k. Prior to commencement of site works, a Bushfire Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale.
 - l. 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.
 - m. 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 approved Rehabilitation Management Plan. All rehabilitation must be completed by six months following completion of the 12 month time limited development.
 - n. The finished ground level of the operation shall achieve a minimum of 0.5m separation from maximum groundwater and shall not be below of 20.3 m AHD.
 - o. The landowner shall pay a 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, 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.
 - p. The road haulage route shall be limited to King Road to Orton Road to Kargotich Road and to Abernethy Road, and vice versa, only.
 - q. The section of Abernethy Road between Hopkinson Road and South Western Highway is not to be used between 8am and 9am and 2:30pm to 3:30pm on school days.
2. APPROVES an Extractive Industry Licence at Lot 5 King Road. Oldbury contained within attachment 10 under the Shire of Serpentine Jarrahdale Extractive Industries Local Law and the Shire's development approval conditions.
 3. AUTHORISES the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.

**OCM283/10/24****COUNCIL RESOLUTION****Moved Cr Duggin, seconded Cr Jerrett****That Council:**

- 1. APPROVES the development application for the ‘Industry Extractive’ at Lots 4 and 5 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.**

Plans and Specifications	P1– P4 Development Plans received on 12 September 2024 P5 - Environmental Noise Assessment dated 23 December 2023 P6 - Updated Environmental Noise Assessment dated 28 May 2024 P7 - Transport Impact Statement dated 19 January 2024 P8 - Environmental Management Plan dated 31 July 2023
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- b. This approval is valid for a period of 12 months from the date of this approval and is limited to a total extraction volume of 96,180m³ of sand, within the area identified on the approved plans.**
- c. Within 60 days of the date of this approval, the applicant shall submit an updated excavation site plan showing a minimum 40m setback from the King Road reserve boundary, to the satisfaction of the Shire of Serpentine Jarrahdale. This must be approved prior to operations commencing.**
- d. The landowner shall submit an internal compliance audit to the Shire by 31 June 2025. The annual report shall include an internal compliance audit of all the development and licence approval conditions and management plans. The report shall also provide details relating to complaints and complaint responses, and all proactive and reactive interventions taken to address issues raised or identified.**
- e. The operator shall ensure that:**
- (i) All trucks accessing the site and all mechanical equipment used on-site shall be fitted with or carry a spill kit containing absorbent booms, granules, pads and heavy duty waste bag, sufficient to clean and fully remove accidental spill of fuel and other hydrocarbons (for example, hydraulic fluids) from each truck or piece of equipment;**
 - (ii) Spill kits are replenished immediately following a spill event and contaminated soils removed and appropriately disposed of;**
 - (iii) Any fuel or other hydrocarbon leakages or spills shall be cleaned up immediately and in any event within 12 hours of a leak or spill; and**
 - (iv) The operator of any mechanical equipment used onsite shall, prior to commencement of extraction activity on the site and throughout the term of**



this approval, undergo practical instruction and training in the use of the spill kit.

- f. The hours of operation of the 'Industry Extractive' are restricted to 7:00am to 5.00pm Monday to Friday only, excluding Public Holidays.
- g. Prior to any extraction, the applicant shall prepare and submit to the Shire a site-specific Dust Management Plan prepared by a suitably qualified consultant demonstrating the dust management measures to be put in place. The Plan must be approved by the Shire prior to the commencement of any operations. The Plan shall include measures to minimise dust generated from the development to ensure that dust levels comply at all times with Department of Water and Environmental Regulation Environmental Protection (Ambient Air) Measures. Once approved, the development shall be undertaken in accordance with the Dust Management Plan.
- h. 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.
- i. 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.
- j. Prior to the commencement of development, details of the proposed temporary bund for noise attenuation purposes shall be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.
- k. Prior to commencement of site works, a Bushfire Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale.
- l. 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.
- m. 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 approved Rehabilitation Management Plan. All rehabilitation must be completed by six months following completion of the 12 month time limited development.
- n. The finished ground level of the operation shall achieve a minimum of 0.5m separation from maximum groundwater and shall not be below of 20.3 m AHD.
- o. The landowner shall pay a 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, 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.

- p. The road haulage route shall be limited to King Road to Thomas Road to South Western Highway to Abernethy Road, and vice versa, only.
 - q. The section of Abernethy Road between Hopkinson Road and South Western Highway is not to be used between 8am and 9am and 2:30pm to 3:30pm on school days.
2. **APPROVES** an Extractive Industry Licence at Lot 5 King Road. Oldbury contained within attachment 10 under the Shire of Serpentine Jarrahdale Extractive Industries Local Law and the Shire's development approval conditions.
 3. **AUTHORISES** the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.

CARRIED UNANIMOUSLY 7/0

Reason for difference:

To remove sand trucks from our rural roads, dangerous intersections and high density urban roads, and have them travel on majority arterial roads which are safer and better designed for this purpose.

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

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Hatch Consulting
Owner:	Hanson Construction Materials Pty Ltd, Raymond A Tilbury, Kenneth G and Lorette Ditchfield
Date of Receipt:	25 June 2024
Lot Area:	32.32ha
Local Planning Scheme No. 3 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to determine a development application requesting an extension of time to substantially commence an existing approval for 'Industry-Extractive' operations and an Extractive Industry Licence (EIL) on Lot 6 Banksia Road, and Lots 300 and 301 Boomerang Road, Oldbury.

The extension will facilitate extraction of approximately two million tonnes of 'Bassendean' sand within 15.2ha of the proposed extraction area. The sand will be primarily used for facilitating earthworks for residential development within in the Shire of Serpentine Jarrahdale and southern regions of Perth.

The site is subject to a previous 'Industry-Extractive' approval under Town Planning Scheme No. 2 (TPS2) obtained by Rocla Pty Ltd, which is now known as Hanson Construction Materials Pty Ltd (Hanson). This was secured via a SAT process, with the SAT approval dated 17 March 2015 and subject to 38 conditions. The SAT decision is within **attachment 1**.



Under this SAT approval, Condition 1 states that: “*This approval is valid for a period of 10 years expiring on 6 December 2024*”. Since the approval, no development has commenced on site and as such the applicant pursuant to Clause 77(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions), is seeking to amend Condition 1 in order to extend the validity of the planning approval and extraction licence by five years (approval till 2029).

A conditional clearing permit was granted from the Department of Water and Environmental Regulation (DWER) (**attachment 2**) under the *Environmental Protection Act 1986* to clear no 11.6 hectares of native vegetation which is valid until 7 August 2034. In addition, a works approval within **attachment 3** has also been obtained from the DWER, which is valid until 5 October 2026.

The report is presented to Council as sixteen objections and a letter of concern from the City of Kwinana were received during the consultation process. Officers do not have delegated authority to determine development applications where five or more objections are received that cannot be satisfied by way of amendments or through the imposition of Conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications. The report addresses the community concerns that have been raised by residents and the City of Kwinana in relation to potential impacts associated with the proposal.

The application specifically requests an extension of time and does not propose any increase in the extraction area beyond what was previously approved, nor does it seek to intensify any of the associated approved activities, such as truck movements or the clearing of native vegetation. Officers consider that the proposal to extend the approval to extract resources meets the current planning framework and can be supported.

In addition to the conditions of the SAT approval which will continue if the extension is granted, Officers consider there is the potential for additional deterioration of local road assets. It is therefore recommended, commensurate with the planning framework, that this extension of time be subject to a condition that ensures monetary contribution reflective of the advanced deterioration of the local road network. This will reserve such funds to enable asset renewal that will be required as a result of the extended operational timeframe.

It is considered that through the proper implementation of the conditions potential impacts associated with the extraction of sand can be appropriately managed, and that the extension be conditionally approved and extractive industry licence granted.

Relevant Previous Decisions of Council

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

That Council:

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

Condition 8:

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



terms of reference for the committee and the frequency of committee meetings. Once approved the plan is to be implemented in its entirety.

Condition 17:

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

Approved routes:

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

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

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

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

That Council:

- 1. Approves the application to amend the planning approval granted by Council on 24 March 2014 by modifying the wording of conditions 3, 4, 6, 13, 14, 17, 22, 23, 24 and advice note 3 to read as follows:*
 - a) Condition 3 - "Vegetation buffers/setbacks of:*
 - i) 40 metres from the northern, southern and western lot Boundaries of Lot 6 Banksia Road and from the northern and southern lot boundaries of Lots 300 and 301 Boomerang Road; and*
 - ii) 20 metres from the firebreak on the eastern boundary of Lot 301, are to be established to the satisfaction of Director Engineering."*
 - b) Condition 4 - Operating hours are restricted to Monday to Friday 7am to 5pm only. Operations on Saturdays, Sundays and Public Holidays are not permitted.*
 - c) Condition 6 - The applicant shall not undertake any screening or washing of excavated material on the development site'.*
 - d) Condition 13 - All driveways shall be constructed using road base quality material and bitumen sealed to limit dust generation and to ensure that no visible dust or material from the site extends beyond the site boundary. Such sealing shall extend a minimum of 60 metres from any public road into the subject site.*
 - e) Condition 14 - Prior to the commencement of development on site, details of the upgrading of:*



- *The intersection of Banksia and Boomerang Roads; and*
- *Boomerang Road between Banksia Road and the existing crossover, shall be submitted to and approved by the Director Engineering and thereafter implemented."*

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

Approved routes:

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

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

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

j) *Advice note 3*

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

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

That Council:

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



PLANNING

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

COMPLIANCE

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

ENGINEERING

10. *At the completion of each stage of mining operations, the landowner shall ensure that all sand faces, non-operational stock piles and bund walls are safe and stable and must provide a report from a certified Geotechnical Engineer to verify their short, medium and long term stability.*
11. *Crossovers to be constructed in accordance with the Shire of Serpentine Jarrahdale standard industrial crossover specifications and be located and maintained to the satisfaction of the Director Engineering.*
12. *A loop road shall connect the crossover to the main vehicle access within the site to reduce risk of vehicle conflict and enable unimpeded entry and exit for trucks.*
13. *All driveways shall be constructed using road base quality material and bitumen sealed to limit dust generation and to ensure that no visible dust or material from the site extends*



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

14. Prior to the commencement of development on site, details of the upgrading of Banksia Road and Boomerang Road and the existing crossover shall be submitted to and approved by Director Engineering and thereafter implemented, prior to the commencement of excavation.
15. Prior to the commencement of development on site, details of the upgrading of the existing crossover shall be submitted to and approved by Director Engineering and thereafter implemented.
16. Where damage is caused to the road pavement and/or bitumen seal adjacent to the access as a result of heavy haulage operations from the subject site, such damage shall be rectified at the applicant's expense and to the satisfaction of the Council's Director Engineering.
17. Haulage vehicles going to and from the subject site and delivery sites are to use Boomerang Road, Banksia Road, Lydon Road and Coyle Road only.

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

Approved routes:

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

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

ENVIRONMENTAL

18. Prior to commencement of operations, a Rehabilitation and Restoration Management Plan is to be submitted to and approved by Director Engineering and thereafter implemented.
19. The landowner is to maintain buffers identified in the Environmental Management Plan between the top of all quarry pits and the property boundary and indigenous vegetation within this buffer is to be protected where possible, including where safe and practical the diversion of fire breaks around existing indigenous vegetation. Screening vegetation is to be established within the 20 metre buffer of all property boundaries to the satisfaction of the Shire.
20. The landowner is not to commence excavation of Stage 2 until they have received written confirmation from the Shire that screen planting in the identified buffer areas and any batter slope stabilisation have been established to the satisfaction of the Shire.
21. The landowner is not to commence Stage 3 until they have received written confirmation from the Shire that Stage 1 has been rehabilitated and revegetated to the satisfaction of the Shire.



22. *The landowner must complete the rehabilitation and revegetation of each subsequent stage within two years of commencing excavation of any preceding stage.*
23. *Prior to the commencement of excavation activities, the identified ecological corridor is to be fenced to protect the vegetation. Such fencing is to consist of post and wire or post and rail and to be located on the external edge of the buffer area identified in the Environmental Management Plan. Rehabilitation of the ecological corridor activity is to commence within one year of the commencement of extractive industry operations and is to be completed to the satisfaction of the Shire prior to the commencement of Stage 6.*
24. *Rehabilitation of the ecological corridor as an offset to the proposed extractive industry operations activity is to commence within one year of the commencement of mining operations and is to be completed to the satisfaction of the Shire prior to the commencement of Stage 6.*
25. *Where extractive industry activities involve the use of machinery including stockpiling, the use of access ways, storage and haulages, are located within close proximity (30 metres or less) to the buffer and exclusion areas, rehabilitation areas or any other sensitive area, the landowner shall utilise post and wire fencing flagged with brightly coloured survey tape or flags, to prevent encroachment by machinery or any other materials that could damage the vegetation.*

Noise:

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

Dust:

27. *The applicant shall implement dust management measures (including but not limited to dust monitoring) in accordance with the approved Environmental Management Plan (including Dust Management Plan) and Extractive Industry License Application, so as to minimize dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.*
28. *During periods of inactivity when excavation is not being undertaken, the applicant must ensure, prior to and during the period of inactivity as required, that the access road to all trafficable areas and other operational areas on the site, are watered down or treated in a manner which prevents or minimises the generation of visible dust crossing beyond the boundaries of the site.*
29. *Dust monitoring is to be undertaken at the commencement of each stage of development. Plans of the monitoring stations including locations and periods of monitoring are to be submitted to and approved by Director Planning and thereafter implemented.*
30. *The results and assessment of the monitoring are to be submitted to the Shire. If required, additional management measures shall be implemented to the satisfaction of Director Planning.*

Hazardous Chemicals:

31. *A hardstand refuelling area bunded and drained constructed in accordance with relevant Australian Standards. The refuelling area is to be drained to a pollutant receptor to prevent*



any spilled fuel entering the natural ground shall be provided on site to the satisfaction of the Director Engineering. All refuelling shall take place within this hardstand area.

32. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Serpentine Jarrahdale Shire.
33. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site. The landowner shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and safely dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds.

Acid Sulfate Risk:

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

EMERGENCY MANAGEMENT

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

ADVICE NOTES

1. Site compliance inspections will be carried out every six months to check compliance with the extractive industry licence and any other approvals granted for the site.
2. Separate approval may need to be obtained from the Department of Water for a bore licence.
3. The use of a Restricted Access Vehicle (RAV) as defined by the Western Australian Road Traffic (vehicle standards) Regulations 2002 or the Western Australian Road Traffic (vehicle standards) Rules 2002 are not permitted.



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

This proposal was subject to an appeal and final hearing of the SAT, whereby SAT determined to approve the proposal subject to 38 conditions.

Background

Existing Development

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



Figure 1 - Location Plan

Approved Development

The existing approval allows extraction of approximately two-million tonnes of Bassendean sand in six stages and clearing of 11.6ha of vegetation within the 15ha extraction area. The SAT approved excavation staging plan is shown following:

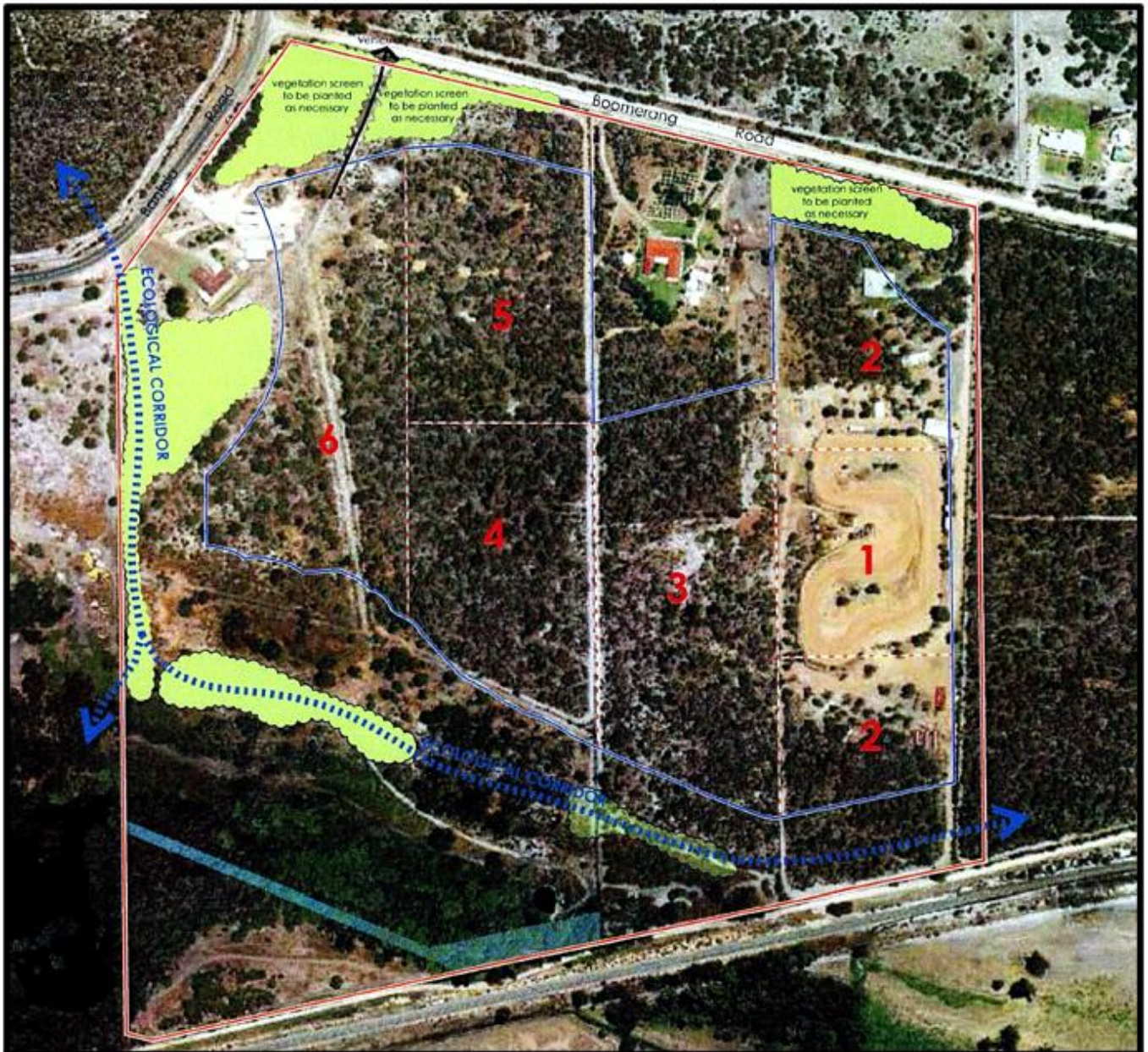


Figure 2 - Approved Staging Plan

Proposed Development

The application seeks approval to amend Condition 1 of the existing approval to allow extraction of sand material within Stages 1 - 4 (Figure 3) for an additional period of five years. The application does not seek to change or intensify any component of the approved development other than reducing the time to extraction and stages from six to four stages. The application is currently approved to extract approximately two million tonnes of sand at approximately 500,000 tonnes per annum. The sand resource which is between two and twenty metres deep from a 15.2ha extraction area.

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



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

The revised stages are depicted following:

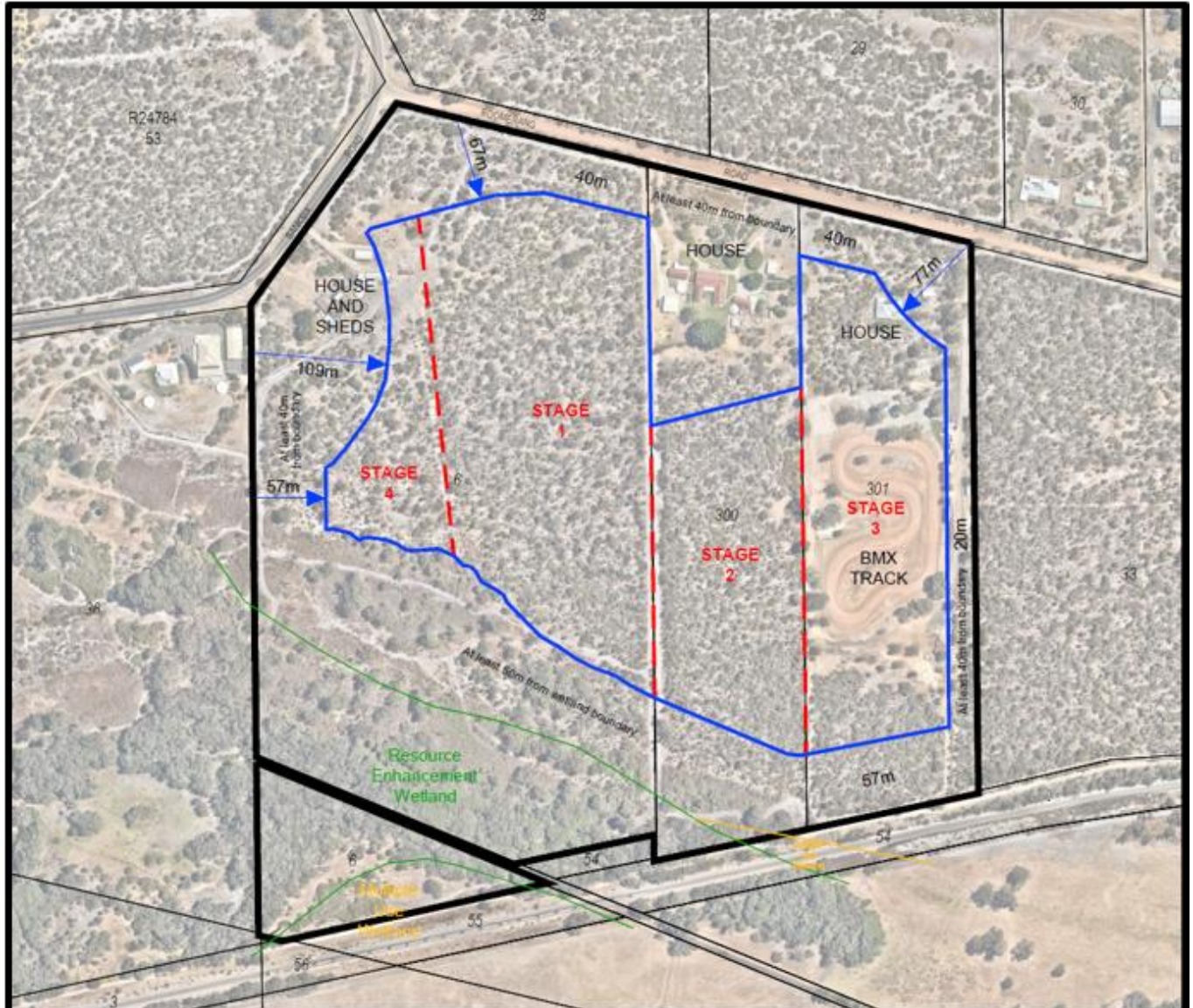


Figure 3 - New Staging Plan

As depicted in the figure above a small portion of land located in the south-west corner of Lot 6 and part Lot 300, is categorised as a Resource Enhancement Wetland (REW). In addition, a portion of a Multiple Use Wetland (MUW) extends into the lower corner of Lots 300 and 301. The wetlands are excluded from the excavation area and a 50m buffer has been applied in accordance with the *Environmental Protection Act 1986* and the *Guidelines for the Determinations of Wetland Buffers 2005*.

The site has a ridge line located in the central to northern portions of Lots 6, 300 and 301 that runs east to west with a maximum elevation of 39 metres Australian Height Datum (m AHD).



The land falls in a south-west direction towards the wetlands (abutting the southern boundary) to a height of approximately 11m AHD. The proposed sand extraction area has a topographic range of approximately 18m AHD to 39 m AHD as shown in the image following. The maximum depth of soil extraction activities is 18m AHD.



Figure 4 - Contour Plan

Excavation Program:

The extraction of the sand would be staged to enable sequencing of vegetation clearing, topsoil removal followed by overburden and then the restoration of the land surface. The sequence in the extraction of sand from the site is outlined below:

- Native vegetation clearing and topsoil removal will be conducted in stages as the excavation progresses. It is estimated that 4 to 6 hectares will be cleared initially with 3 to 5 hectares cleared annually thereafter depending upon the demand for the sand resource.
- All clearing will be conducted using a rake and wheeled loader.
- Excavation will commence on the eastern side of Lot 6 and move easterly towards Lots 300 and 301.
- Overburden will be removed and stored for future land rehabilitation through backfill and placement.
- The sand resource is typically screened using a portable screening plant to remove any organic material and stockpiled prior to tipping directly into road trucks for transportation to stockpile areas.



- No washing of excavated material will be undertaken on the site during the excavation works. A DWER works approval and screening licence has been issued to undertake these works.
- Reforming of the land is carried out using a bulldozer or loader to push the topsoil and overburden.
- On completion, the land surface will be graded to ensure the final slopes will not exceed 1 in 3 horizontals to vertical in accordance with *Shire of Serpentine Jarrahdale Extractive Industries Local Law 1999*.
- On completion of each stage the landowner/operator shall ensure that all sand faces, non-operational stockpiles, and bund walls are safe and stable.
- The landform will be revegetated in accordance with the approved site restoration Rehabilitation Management Plan.
- Following extraction, rehabilitation will be progressed to allow for the establishment of Banksia woodland restoration in cleared areas and a net increase of Banksia woodland species density to increase future foraging habitat within the local area.

Plans details showing the site figures, staging plan the general locality of the proposal is contained within **attachment 4**.

Community / Stakeholder Consultation

The application was advertised for a period of 28 days from 4 July 2024 to 1 August 2024 to surrounding landowners within a 1km radius of the subject site, in accordance with LPP1.4 - Advertising Development Applications. The application was also advertised on the Shire's website including a sign on site for the same period.

At the conclusion of the advertising period, 17 submissions consisting of 15 objections, two in support and one letter from the City of Kwinana raising concerns were received. The objections and concerns are discussed under the relevant headings of the report and are summarised into the following issues:

- Noise impacts;
- Dust and air emissions impacts;
- Impacts on Safety and Health;
- Traffic and suitability of local roads to cater for additional traffic;
- Clearing of vegetation and impacts on flora and fauna;
- Clearing of endangered Banksia Woodlands of the Swan Coastal Plain;
- Impact on Black Cockatoo habitat and potential nesting hollows;
- Impact on the environment, wetlands, groundwater and surface water;
- Validity of Environmental approvals; and
- Devaluation of nearby properties.

In relation to devaluation of property values, this is not a relevant or valid planning matter and has not been considered.



A full copy of the submissions together with the applicant's response is contained within **attachment 5**.

A Community Consultation Framework (CCF) is required to be prepared to guide the applicant's engagement with the local community as a part of the sand mining operations, consistent with the previous SAT determination. To establish the CCF, the applicant is required to submit Terms of Reference (ToR) to be approved by the Shire, forming the basis of the CCF plan. The draft ToR would need to be presented to Council for its consideration.

The following Condition was imposed as part of this decision:

"The landowner is to submit to the Shire of Serpentine Jarrahdale, by 31 March 2015, a plan for a Community Consultation Framework. The plan shall feature but not be limited to, formation of a committee comprising the relevant landowner, community representatives from the Shire of Serpentine Jarrahdale and City of Kwinana and government agency representatives, terms of reference for the committee and the frequency of committee meetings. Once approved the plan is to be implemented in its entirety."

The applicant provided information if the application is approved, they will engage a consultancy company that specialises in community consultation to establish an appropriate CCF plan. The proponent will ensure that the consultants are aware of the requirements of the condition, and that a subsequent report to Council would be needed.

Consultation with other Agencies or Consultants

Department of Water and Environmental Regulation (DWER)

Government Agency Response

The application was referred to DWER who raised no objections in principle but provided advice on the following key issues, recommendations and advice that should be addressed:

Industry Regulation

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

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

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

Category The proposed operation is categorised as a Prescribed Premises under Schedule 1 of the Regulations for the following categories:

<i>Category Description</i>	<i>Production or Design Capacity</i>
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<i>12 Screening, etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated 50000 tonnes or more per year.</i>	
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On 6 October 2021, a works approval was granted to Hanson Construction Materials Pty Ltd (works approval Holder) for Hanson Oldbury Sand Quarry (the premises) located within Lot 6 on Diagram 47557, Lot 300 on Diagram 75682 and Lot 301 on Diagram 75682, Boomerang Road (the site). The works approval authorised construction and time limited operation of a category 12 prescribed activity (screening of material) at the premises.

An appeal from City of Kwinana was submitted in relation to W6163/2018/1 on 28 October 2021, which raised concerns that the conditions on the works approval were inadequate to regulate the risks from dust and impacts to groundwater quality and levels. On 12 April 2022, the Department was advised that the appeals lodged under sections 102(3)(a) of the EP Act in objection to the conditions imposed on works approval W6163/2018/1 had been determined by the Minister. The Minister determined to allow the appeal in part and requested the department amend W6163/2018/1 to include additional dust monitoring conditions.

The amended works approval was issued on 1 June 2022 subject to conditions and expires on 05 October 2026. The works approval authorises (subject to conditions) construction and time-limited operations (for 180 days) only. A licence is required for long term operation of the premises following the time-limited operational phase authorised under the works approval. The Applicant will be required to submit a licence application for assessment prior to the completion of the time-limited operations phase.

The purpose of a works approval is to allow the Department to assess the environmental acceptability of a proposal's potential to cause emissions and discharges during construction and operation. Note that any works approval or licence issued under Part V of the EP Act will only regulate emissions associated with the crushing and screening operation (such as dust, noise and contaminated stormwater). It does not extend to the environmental impacts of extracting the material from the ground or transport off-site.

Native Vegetation

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 granted Clearing Permit CPS 4935/2 on 29 January 2019 to Hanson Construction Materials Pty Ltd to clear 11.6 hectares of native vegetation at this location for the purposes of sand extraction. The permit is subject to conditions relating to the avoidance, minimising and reducing the impacts and extend of clearing, weed control, site restoration, hydrological management, monetary contributions and offsets (conservation covenant).

A copy of the clearing permit and associated decision report is available from <https://ftp.dwer.wa.gov.au/permit/>. This clearing permit is sufficient to cover the clearing proposed in relation to this planning advice.

**Groundwater Licence**

The property is located within the Serpentine Groundwater Area (Jandakot Mound 2 sub area) which is proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction would be subject to licensing by the Department.

It should be noted that groundwater in this area is near to fully allocated resulting in no resource being available for new applications. Alternative sources of water will likely need to be sought to satisfy any non-potable water requirements (including for dust suppression) or the applicant can seek a water trade agreement from another groundwater user in the area.

Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals. In the event that the applicant determines that a works approval or licence application is required under Part V of the Environmental Protection Act 1986 (EP Act), the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process.

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

Further advice from DWER

“An officer from our native vegetation regulation branch and they are permitted to clear the approved area until 6 December 2024. Duration of the permit is until 7 August 2034 to allow completion of restoration requirements. Therefore, if they plan to clear after 6 December 2024, an amendment to the permit is required. Forms are found here NV-F04 Application for an amendment (Form C4) (www.wa.gov.au) and can be submitted online via Environment Online”

Officer Comment

Noted. Officers note the advice in relation to licensing requirements, native vegetation clearing and groundwater. The submission does not raise any specific objection to the proposal so long as it does not present any expansion to the existing approvals.

Department of Energy, Mines, Industry Regulation and Safety (DEMIRS)**Government Agency Response:**

The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has assessed this proposal with respect to mineral and petroleum resources, geothermal energy, and basic raw materials and makes the following comments.

- The area is a recognised SPP2.4 extraction site for sand. DEMIRS has approved this area previously and maintains the same assessment in favour of sand extraction at this site.*
- DEMIRS lodges no objections to the above extension of term for the EIL.*

Officer Comment

Noted. Officers note DEMIRS confirming that the site is one of a small number of regional significant sand resources within the South Metropolitan region.



The importance of this sand resource has been recognized in the review of SPP 2.4 - Basic Raw Materials. These comments are discussed within the relevant sections of the report.

Water Corporation**Government Agency Response:**

The application was referred to Water Corporation who raised no objections and the following advice was provided:

- Water Corporation does not object to the extension of the extractive industry development application as our infrastructure does not appear to be impacted.
- The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.
- Please provide the above comments to the landowner, developer and/or their representative. Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact us.

Officer Comment:

Noted. This advice has been provided to the applicant.

Department of Biodiversity Conservation and Attractions (DBCA)**Government Agency Response:**

DBCA provide the following comments as follows:

Threatened Ecology Community (TEC) - Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)

- *An occurrence of the critically endangered TEC, Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain) occurs 90 metres to the south of the proposal, separated by the Kwinana /Mundijong rail line*
- *The Department of Water and Environmental Regulation's (DWER) Native Vegetation Clearing Permit (CPS 4935/1) decision report outlines that the proponent undertook a hydrological assessment and groundwater profile monitoring to identify potential impacts on the TEC, and that Condition 9 requires the applicant to adhere to the groundwater profile monitoring document and the management and contingency measures contained in the document if the groundwater level trigger is breached.*
- *The Commonwealth Environment Protection and Biodiversity and Conservation Act's (EPBC Act) approval for the project (EPBC 2010/5622) also has condition 1E for the protection of Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain) TEC which requires the proponent to comply with and implement the Hydrology Management Monitoring Plan and Restoration Management Plan.*



- *It is noted that The Environmental Management Plan (EMP) Revision 3 June 2024 outlines that the DWER required Hydrology Management Strategy Plan will be implemented, that the groundwater levels at the southern edge of the site will be monitored for the duration of the clearing and revegetation program, and if groundwater trigger levels are exceeded for more than two sampling events consecutively, contingency measures will be implemented and DWER will be advised of the breaches within two weeks.*
- *The EMP states that groundwater levels will be monitored on a quarterly basis, whereas the Development Approval Report (March 2024) commits to monthly monitoring of groundwater and twice-yearly water quality monitoring. The required frequency of groundwater monitoring and the adequacy of the proposed contingency measures should be discussed with DWER.*
- *It is DBCA's expectation that the proposal will comply with Condition 9 of the DWER Native Vegetation Clearing Permit (CPS 4935/10) and Condition 1E of the EPBC Approval 2010/5622.*

Resource Enhancement Wetland (UFI14705)

- *It is noted that the proposal provides a 50-metre buffer to the resource enhancement wetland located on the southern portion of Lot 6.*

Officer Comment

Noted. The site plan for the proposal shows that the Resource Enhancement Wetland (REW) is excluded from the excavation area. These comments are discussed within the relevant sections of the report.

Department of Public Transport Authority (PTA)**Government Agency Response:**

PTA did not object to the extension of time and provided the following conditions and advice:

- *No part of the development is to encroach into the rail corridor. This includes any part of the development below ground level.*

Justification for condition - Condition confirms no structures, footings, building anchors, excavation works, building supports, car parking, service, landscaping etc are permitted within the rail corridor.

No vehicles are permitted within the rail corridor at any time.

Justification for condition - Condition confirms that construction equipment, such as front-end loaders, excavators, dozers, dump trucks, bobcats, utility vehicles and any other equipment are permitted on rail corridor.

Drainage (including stormwater) must not be discharged into the railway corridor. **Justification for condition** - Protect the function of the rail corridor.

- *No clearing of Native vegetation is permitted in the rail corridor.*
- *Dust suppression methods must be used during the performance of any construction works to the satisfaction of the Public Transport Authority (PTA).* **Justification for condition** - Protect the function of the rail corridor.



*Effective hygiene and biosecurity management must be in place to ensure there is no spread of weeds or diseases into rail corridor land to the satisfaction of the Public Transport Authority (PTA). **Justification for condition** - Condition ensures the protection of the rail corridor its maintenance as well as the protection of significant flora and fauna within the rail corridor.*

Advice

- (a) In the instance where the developer requires access to, or across, the rail corridor to enable construction works, a separate application must be submitted to Arc's Third-Party Projects for assessment.

Officer Comment

Noted. The application does not intend to discharge or utilise any area of the rail corridor for works. The proposal is also setback more than 50m from the rail corridor to achieve separation from the existing REW

Main Roads Western Australia (MRWA)

Government Agency Response:

The application was referred to MRWA who raised no objections, and the following advice was provided:

Should the Shire be of the mind to approve the development application subject to conditions, including but not limited to, the requirement for upgrades to the intersection of Banksia Road and Boomerang Road, and Boomerang Road to the proposed crossover to Lot 6:

Advice

- a) *The applicant is required to submit the following drawings prepared by Porter Consulting Engineers, dated August 2017, to Main Roads Traffic Services branch for approval:*
- i. Roadworks Plan - Drawing No. 16-1-3/400, Rev No. B*
 - ii. Road Longitudinal Sections - Boomerang Road and Site Access Road - Drawing No. 16-1-3/410, Rev No. B*
 - iii. Road Intersection Details - Drawing No. 16-1-3/420, Rev No. B*
 - iv. Road Cross Section - Drawing No. 16-1-3/430, Rev No. A*
 - v. Signs and Pavement Marking - Drawing No. 16-1-3/450, Rev No. E*
 - vi. Standard Details - Drawing No. 16-1-3/600, Rev No. B*
 - vii. Turning Movements Plan - Sheet 2 - Drawing No. 16-1-3/901, Rev. A*

Main Roads encourages local government in liaising with applicants to promote and capitalise on our pre-lodgement consultation service, prior to lodgement of planning proposals, especially where development plans involve land adjacent to or have the potential to impact on the State road network.



Officer Comment:

Noted. This advice provided with regards to road upgrades, internal turning circles and deterioration costs has been included as a condition of approval.

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (LPS3)
- Shire of Serpentine Jarrahdale Local Planning Strategy (LPS).
- Local Planning Policy 1.3 - Amendments and Extensions to Existing Approvals Policy (LPP1.3)
- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4).
- Local Planning Policy 4.10 - Extractive Industries (Including Extraction of Mineral Sand and Other Minerals)
- Local Planning Policy LPP27 - Biodiversity Planning

Planning Assessment

Deemed Provisions

Clause 77(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) provides as follows:

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



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

In respect of such an application, 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.*

Local Planning Policy 1.3 Amendments and Extensions to Existing Approval Policy (LPP1.3)

The policy provides guidance on the assessment of applications seeking to extend the period within which a development approval must be substantially commenced, outlining the key criteria for such assessments. In reviewing the application, Officers must determine whether the use or development remains consistent with the following provisions, in accordance with Clause 2 of the policy. These provisions stem from the [2017] WASAT 138 case, SAT set out the criteria for granting extensions of time, based on the following:

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

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

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

The proposal is considered to meet the abovementioned framework and can be considered for approval.

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within the technical assessment **attachment 6**.



As previously stated, the application has also undergone a SAT reconsideration, which approved the development under the provisions of section 31 of the *State Administrative Tribunal Act 2004*. As such conditions imposed by the SAT have been replicated within the Officer recommendation.

Metropolitan Region Scheme (MRS)

The subject land is zoned Rural under the MRS. Extractive industries in the Rural zone under the MRS are the subject of a 'clause 32' resolution, requiring a determination to be made under both the LPS3 and MRS.

In addition, Council will provide a recommendation to the WAPC who will determine the extension of time application under the provisions of the MRS, with Council separately determining the application under the LPS3.

Local Planning Scheme No. 3 (LPS3)

The subject site is zoned 'Rural' under Local Planning Scheme No.3. The proposal falls within the land use of 'Industry Extractive' defined under LPS3 as

"Industry Extractive - means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes -

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration."

The development is considered to meet this definition as it entails the extraction of sand from the site, which is basic raw material. An 'Industry Extractive' land use is an 'A' use in the 'Rural' zone meaning that the use is not permitted unless Council has exercised its discretion to permit the use after community consultation has been undertaken.

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

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

Whilst the proposal is not strictly considered a 'rural use', extractive industries are typically located in rural areas due to the location of the raw materials minerals. It is considered that the proposal would not impact the ability of the land to be used for rural uses in the future.



In this case the applicant has provided information at the end of the mining operations the site will be rehabilitated to increase the quality and quantity of native species and restore the post sand extracted sites with an ecosystem closely resembling the pre-mined species composition of Banksia woodland.

The subject site is located within Special Control Area 4 - Basic Raw Material (SCA4) of LPS3. The objectives of SCA4 are to identify the location of extractive industries, protect the operation of extractive industries and designate separation distances to properties with extractive industries. The site was considered to provide the SCA4 buffer zone to the extraction area upon the gazettal of LPS3 as shown following:

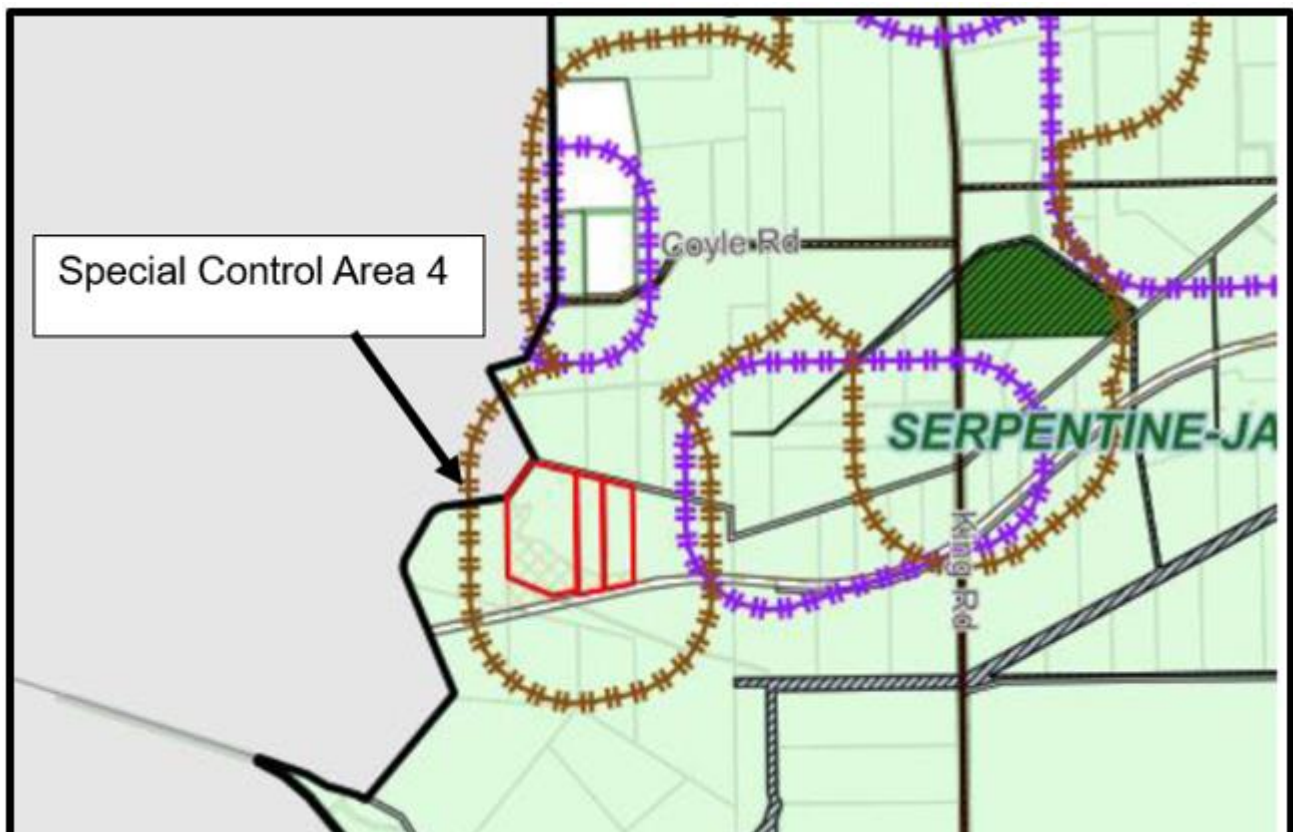


Figure 5 - Special Control Area 4

The application details that the land would be rehabilitated to the pre-mined species composition of Banksia woodland and pastureland with a productive capacity that would fully support future rural land uses. In terms preserving of the rural landscape, the excavation area is proposed to be rehabilitated once works have been completed. The rehabilitation also includes the planting of native vegetation to stabilise the site and to also ensure for an alignment with the existing rural landscape.

The excavation area also excludes an area of remnant vegetation located to the north and west of the subject site as shown in the approved staging plan above. The proposal identifies a portion of the area to the west as the ecological corridor which is to be fenced off and protected. The ecological link is considered to be an important feature to be retained which reflects the rural landscape and is a key feature of the character of the locality. Once rehabilitation has been completed there is opportunity to enhance connectivity between the undisturbed quality existing remnant vegetation and introduced native vegetation.



The proposed extension of the validity of the approval is considered to meet the objectives for the Rural area under the LPS3.

State Planning Policy 2.1 (SPP2.1) Peel-Harvey Coastal Plain Catchment

The subject site is located within the Peel-Harvey catchment area. The policy ensures that changes to land use within the catchment to the Peel-Harvey Estuary System are controlled to avoid and minimise environmental damage. Land uses which are likely to drain towards the Peel-Harvey Estuarine System, should be managed to reduce or eliminate nutrient export from the land.

The coastal plain catchment will not be impacted by the proposed sand extraction. The proposed sand extraction area has a topographic range of approximately 18m to 39m AHD. Groundwater elevation at the site ranges from approximately 14m to 16m AHD. The excavation proposes to lower natural surface topography to a finished floor level of approximately 18m AHD.

As such the maximum depth of soil extraction activities will not exceed a minimum 2 m vertical buffer distance from the water-table premised upon by the Department of Water, Environment and Regulation policy requiring 2m of undisturbed profile between the likely future maximum water-table and the proposed surface level. Officers are satisfied that the proposed extension of the validity of the approval still aligns with the intentions of SPP2.1. Condition 36 of the existing approval requires annual monitoring of the groundwater levels to ensure that that a minimum 2 metre clearance is maintained between excavation floor and highest known groundwater.

Statement of Planning Policy 2.4 - Basic Raw Materials (SPP2.4)

SPP2.4 is designed to facilitate the exaction of basic raw materials and sets out the matters which are to be taken into account by the WAPC and Local Governments in considering development applications for extractive industries. The policy identifies areas for extraction of basic raw materials, these areas are categorised as priority resource locations, key extraction areas and extraction areas based on their regional significance.

The objectives of this policy are:

- *the location and extent of known basic raw material resources;*
- *protect priority resource locations, key extraction areas and extraction areas from being developed for incompatible land uses which could limit future exploitation;*
- *ensure that the use and development of land for the extraction of basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after extraction;*
- *provides a consistent planning approval process for extractive industry proposals including the early consideration of sequential land uses.*

The subject site is identified as being within a 'Key Extraction Area' as shown below which is specified as being an area of recognised regional resources providing for the long-term supply of basic raw materials that is recognised by the State Government under the policy.



Figure 6 - Extract of Basic Raw Material map

DEMIRS in its formal submission has confirmed the site's significance and in support of extension of the validity of the approval. The subject sites contain high quality sands of "strategic regional significance".

The policy also states that these key extraction areas should be protected in relevant local planning schemes to ensure that extraction does not adversely affect the environment or amenity in the locality of the operation during or after extraction.

The application can adequately address the environmental requirements through the implementation of dust, noise, traffic, and flora management plans, via way of conditions that regulate these aspects. It is also considered that the proposed sand extraction will not result in land degradation nor adversely affect the amenity of the locality. These management plans will form part of the planning approval if the application is approved. As such, the extraction of the sand resource is deemed to generally align with the objectives of SPP 2.4, supporting the proposed extension of time.

State Planning Policy No. 2.9 - Water Resources

SPP 2.9 seeks to protect water resources and to minimise export of nutrient and non-nutrient contaminants entering water resources. As discussed above the sand extraction operations are not proposed to breach a 2m vertical buffer between excavations and the water-table and hence no dewatering is anticipated.

During the consultation period concerns were raised that the volume of groundwater to be abstracted, and dewatering required, would potentially impact on the availability of and quality of groundwater for domestic and rural uses.



The applicant has provided information that they are committed to continuously monitor potential impacts on surface and groundwater through investigations and modelling of the groundwater. Precautions to ensure groundwater is not adversely impacted by extraction operations include following mitigation measures:

- Survey control of quarry floor to ensure accurate recording of separation distance;
- Monthly monitoring of the groundwater levels;
- Staged rehabilitation program.

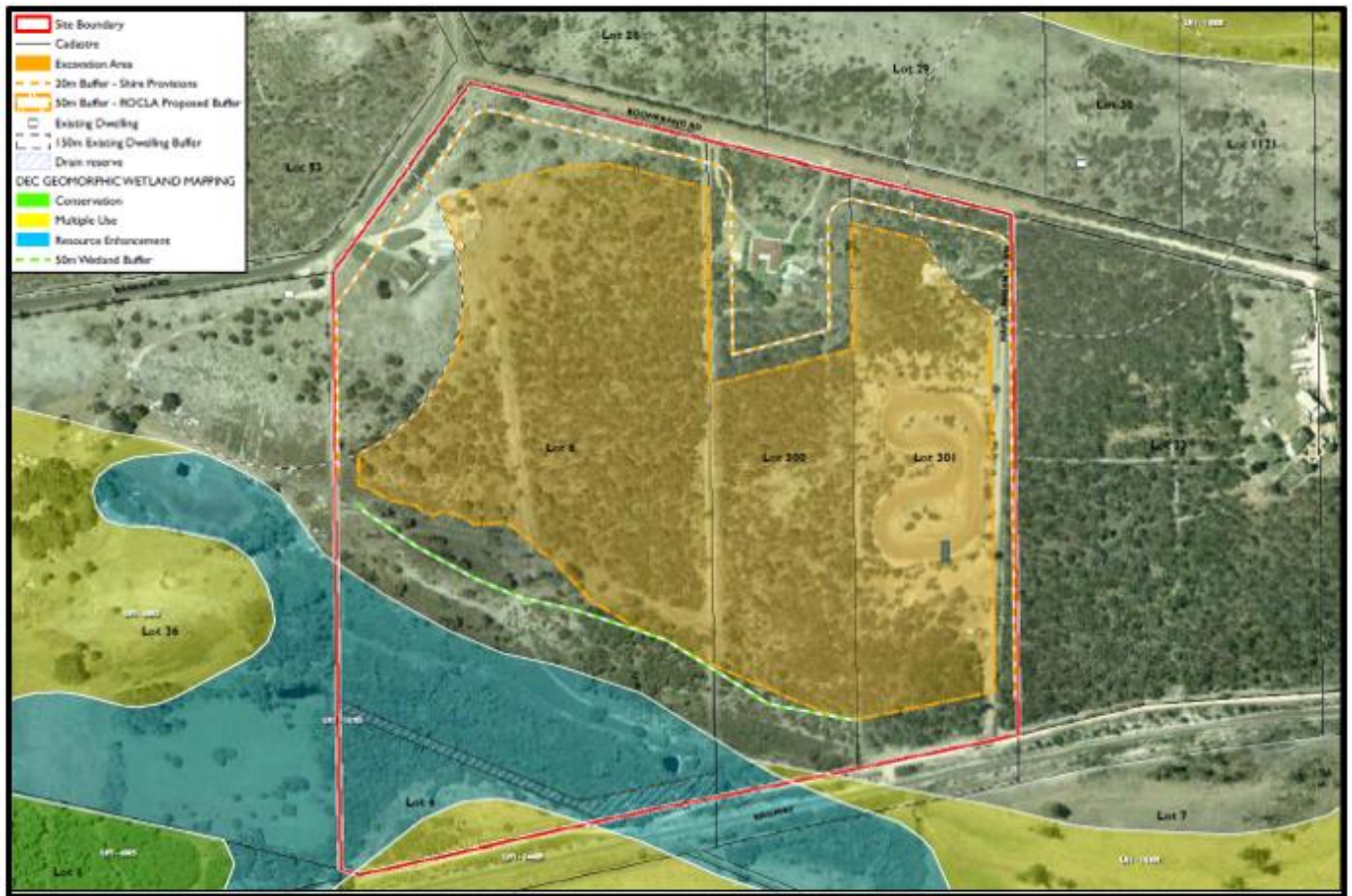
Officers consider that monitoring and management measures to prevent adverse impacts to local groundwater and surface water should be ongoing to ensure that adjoining users who also draw groundwater from the same aquifer are not adversely impacted upon. Monitoring of water levels and water quality is an essential tool to allow mitigation of potential impacts caused by the mining operations and also to ensure the actual impacts are not greater than predicted.

The DWER's Native Vegetation Clearing Permit (CPS 4935/1) decision report outlines that the proponent undertook a hydrological assessment and groundwater profile monitoring to identify potential impacts on the ecological values of the area, and that Condition 9 of the permit requires the applicant to adhere to the groundwater profile monitoring document and the management and contingency measures contained in the document if the groundwater level trigger is breached.

The Groundwater Modelling Assessment **attachment 7** submitted with the application and approved as part of the previous approval provides a commitment to undertake groundwater monitoring as part of the operations and ensure finished floor levels for the excavation area are maintained with a 2m separation to groundwater levels. Officers are satisfied the implementation of groundwater monitoring and maintenance of a 2m separation to groundwater levels, combined with the annual audit process would ensure the groundwater is not unduly impacted. The monitoring of ground water is expected to be in respect of condition 36 requirements set through the SAT process.

Wetlands

A small portion of land located in the south-west corner of Lot 6 and part Lot 300 is categorised as a Resource Enhancement Wetland (REW: UFI14705). In addition, a portion of a Multiple Use (MUW: UFI 14409) categorised wetland extends into the lower corner of Lots 300 and 301. as seen in the figure following:

**Figure 7 - Excavation Area and Buffers**

During the consultation period, concerns were raised that the project would result in a reduced water table potentially impacting negatively on the wetlands. The application details that the site has been designed and will be operated to minimise surface water flow changes and ensure that potential contaminants are not released into the wetland. The wetland is excluded from the excavation area and a 50m buffer to the resource enhancement wetland be maintained between the wetland and excavation areas of the mine as shown in the staging plan above.

DBCA's expectation is that the proposal will comply with the requirements of the clearing permit which requires no direct disturbance to any REW. Officers are satisfied that the project would not adversely impact on the wetland and the existing water courses and drainage lines if the buffers are maintained as presented in the application.

The groundwater model predicted that clearing of vegetation at the will result in a ground water increase at the site and at REW wetlands. Monitoring groundwater levels as proposed in the assessment will ensure that groundwater trigger level values are addressed by suitable management strategies such as revegetation, planting tees between the wetland and the excavation or groundwater obstruction bores.

In line with the previous approval and in respect of the condition requirements set through the SAT process, Officers are satisfied that the proposal is not likely to adversely impact on the ground water resource and wetlands.



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. The site is designated as bushfire prone however a Bushfire Management Plan (BMP) has not been provided. SPP3.7 was not gazetted in 2013 when then initial approval was granted.

It is considered that bushfire risk can be appropriately managed and as such a condition is recommended requiring an BMP to be provided demonstrating compliance with SPP3.7 and the *Guidelines for Planning in Bushfire Prone Areas*. A condition of approval in respect of the condition requirements set through the SAT process has been replicated from the previous approval requiring the applicant to submit a Fire and Emergency Management Plan to be prepared and submitted to the Shire for approval.

Shire's Local Planning Policy No 2.7- Biodiversity Planning (LPP2.7)

LPP2.7 recognises the need to protect, restore and manage the Shire's landscapes and biodiversity. The relevant objective of the policy is to protect, maintain and improve the viability of habitats, ecological communities, flora and fauna, and genetic diversity. The long-lasting biodiversity impact that extraction industries can have on a landscape and its potential impacts on flora and fauna is an important planning consideration.

Flora

The proposal currently requires the clearing of 11.2ha of native vegetation to facilitate extraction of the sand resource. The area of extraction is predominantly Banksia woodland (*Banksia attenuata* and *Banksia menziesii*) in a Very Good condition surrounded by different vegetation complexes in various degrees of degradation due to weed invasion and land use disturbances.

During the consultation period, concerns were raised in regard to the clearing of native vegetation and its impact on the landscape feature of the ridgeline and natural nesting habitats for local wildlife including the protected Black Cockatoo.

The application details that a survey assessment for the presence of rare or priority flora for Lot 6 Banksia Road was undertaken by (GHD) in 2005 and a subsequent Level 1 flora and vegetation survey undertaken by RPS in 2008 to include Lots 300 and 301, thereby encompassing the entire sand extraction area. The assessment was against a criterion of rarity, biodiversity, representatives of flora and vegetation condition.

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

Currently DWER have provided a clearing permit that allows the proponent to clear 11.6ha hectares of native vegetation at this location for the purposes of the sand extraction. The permit is subject to conditions relating to the avoidance, minimising and reducing the impacts and extend of clearing, weed control, site restoration, hydrological management, monetary contributions and offsets (conservation covenant).

As such it is expected that the site is operated in conformity with the necessary and relevant legislations that ensures that environmental issues raised with the clearing permit and work approval are sufficiently addressed. Furthermore, the submission from DWER acknowledges that a clearing permit is currently valid and the proponent may commence until is expiration.



DWER has further advised that the applicant, as part of a separate process, would be required to lodge an amendment to the clearing permit if clearing is proposed to be undertaken after the expiring date provided in the clearing permit.

The applicant has been made aware that clearing after 6 December 2024 would be subject to an amendment to the permit being lodged and approved by DWER. It is the Shire's expectation that the applicant would comply with the requirements of the clearing permit and the Works Approval.

Fauna

Concerns were also raised regarding clearing of native vegetation comprising potential black cockatoo forging habitat and potential nesting hollows. Previous surveys undertaken by RPS identified habitat trees for black cockatoos within the proposal area.

Impacts on fauna are assessed under principle (b) of the Native Vegetation Clearing Regulations, which states:

Principle (b) – Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.

The DWER have advised that a clearing permit is in place, thus assessing this aspect of the clearing. The clearing permit details the applicant is required to provide an offset in the form of monetary contribution towards purchase of land containing remnant vegetation that included a habitat of three black cockatoos in order to mitigate the impacts of clearing vegetation. The applicant has also provided information that staged clearing of the site, through the staged mining process, will allow for fauna movement away from proposed mining operations and clearing.

A condition has been recommended that the proposal will be operated in conformity with the clearing permit requirements.

Traffic movements

Vehicle access to and from the site is proposed via Boomerang Road utilising a proposed crossover located to the northern end of Lot 6 approximately 100m from Banksia Road.

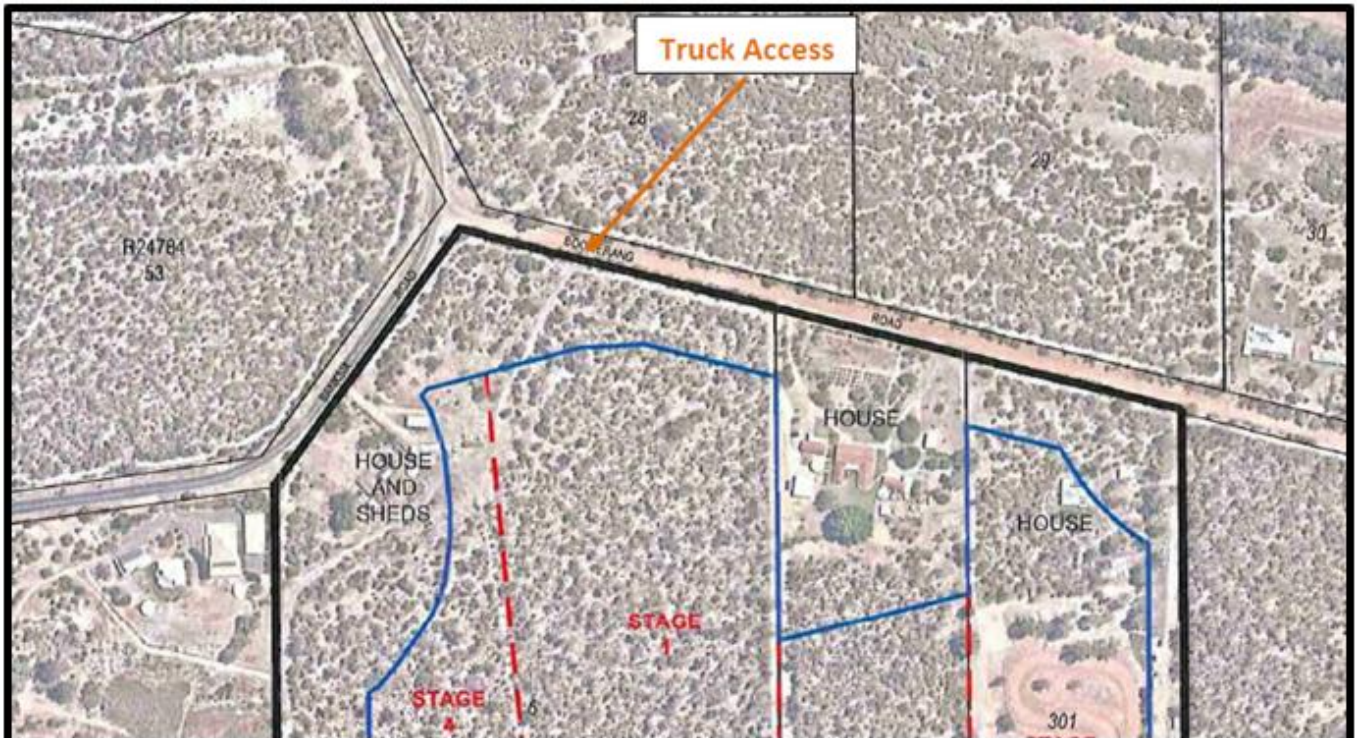


Figure 8 - Vehicle Access Point

Conditional requirements set through the SAT process, provided the approved haulage route for vehicles going to and from the subject site as follows:

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

During the consultation period, concerns were raised in relation to the potential impacts as a result of an increase in traffic movements, the impact the increased traffic would have on the safety of road users and the capacity of the roads to cater for increased heavy traffic volumes. The submitters were also concerned with the increase of trucks impacting on the safety of road users including the school bus route.

As part of the initial approval, Condition 14 requires the applicant to upgrade the intersection of Banksia and Boomerang Roads, and Boomerang Road between Banksia Road and the proposed crossover on Lot 6 prior to the commencement of development on-site. The applicant has provided information that the condition for road upgrades can be implemented in its entirety if Council approves the extension of the planning approval and extraction licence.

To address traffic concerns, the applicant submitted a Traffic Impact Statement (TIS) which can be viewed within **attachment 8**. The TIS states the haulage vehicles used in conjunction with the development would vary from standard light vehicles for staff, with larger vehicles being single unit trucks (typically 10-12.5m long) with the majority and the largest of heavy vehicles being 19m long semi-trailers. These would be as-of-right vehicles not exceeding 19m in length vehicles which are legally permitted to use any public road without the requirement for a licence or approval from Main Roads Western Australia (MRWA).



The TIA states approximately 70 loaded truck movements are expected to exit the site each day and an equivalent number of movements for returning empty trucks spread across a workday. The expected traffic flows are in the table shown following:

Table 5-1: Expected Traffic Flows

Vehicle Type	Vehicles per Day (vpd)	Vehicles per Hour (vph)
Full Truck Movements	70	7-8
Empty Truck Movements	70	7-8
Staff	6	3 (Only at start/end of workday)
Total	146	~15 (Trucks only)

The proposed operations are expected to generate approximately 146 two-way vehicular trips per day with up to approximately 15 two-way truck movements per hour (7-8 laden trips leaving the quarry and 7-8 empty trucks entering the quarry) as presented in the table shown following:

Table 5-2: Traffic Flow Impacts

Road	Current Traffic Flows (vpd)	Increase	Expected Traffic Flows
Boomerang Road	50	+146	195
Banksia Road	250	+146	395
Lydon Road	250	+146	395
Coyle Road	515	+146	660
King Road	2,400	+146	2545

The TIA presents that the daily hourly traffic generation is estimated to be 7 to 8 truck trips per hour. The heavy vehicle proportion of these sections of road are expected to increase as follows.

- from approximately 13.7% to 31.9% on Coyle Road
- from approximately 11.7% to 16.6% on King Road

There are no concerns with the capability of the road network being able to accommodate the volume of traffic generated, subject to the upgrades taking place.

Based on the information above, the development will generate approximately 8 truck movements per hour over the day. The Western Australian Planning Commission's Transport Assessment Guidelines for Development (Vol. 4) states that, *"Where a traffic increase as a result of a proposed development is less than 10% of the current road capacity, it would not normally have a material impact."*

The traffic volumes associated with the development on the approved vehicle route has been assessed as under the 10% 'material impact' threshold. To this end, noting the vehicles are a type permitted on the road and considering the additional vehicle movements are low in context to the existing capacity of the road network, Officers consider the development will not adversely impact upon the vehicle route proposed to be taken by the developer which has been approved by SAT.



Notwithstanding the proposed upgrades of the road, the development will result in road deterioration. This is as a result of fully loaded vehicles leaving the site and the unladen weight of vehicles returning. The intensification of this provides deterioration on road assets over periods of time, as more vehicles utilise the roads the further the deterioration will increase. As such, ongoing maintenance costs of the use of the road network for vehicles associated with the development needs to be considered as part of this extension request, for such to be considered consistent with orderly, proper and safe planning.

Local Planning Policy 4.10 - Extractive Industries (LPP4.10) (Including Extraction of Mineral Sand and other Minerals) allows the Shire to consider road maintenance through such arrangements as follows:

AD 1.5.3

Development where a road maintenance agreement has been entered into with the Shire prior to operation, or where financial contributions have been made to ensure the upgrading of roads where necessary to improve the standard of access’.

With the policy being given due regard as part of this application seeking to extend the time to commence approval, a further condition is recommended that ensures the advanced deterioration of the local road network is offset by a relevant monetary contribution to the Shire, reflective of the planning framework that provides for this to occur. This will reserve such funds to enable asset renewal that will be required as a result of the extended operational timeframe.

The condition will require by 31 July each year the applicant submitting a road audit demonstrating the actual vehicle movements generated by the development over the previous 12-month period. This will then be used as the basis for the calculation of an equitable contribution based on the actual usage of local roads. The condition is 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’.

Officers consider that with the road maintenance condition, it is also considered that the proposal will address what is otherwise a current gap in the original approval that was granted.

Concerns have been raised by the City of Kwinana with regards to the intersection upgrade of Lydon Street and Banksia Road not being considered by the applicant. The applicant has been made aware of the City of Kwinana’s concerns and will be required to liaise with their Officers on the appropriate measures required for the sections of road which the development will be required to utilise to exit and enter the development.

Officers consider that traffic generated by the proposal would not adversely impact on network and consider that the extension to the validity of the approval can be granted in respect of the condition requirements set through the SAT process.



Local Planning Policy 4.10 - Extractive Industries Policy:

The proposed development is subject to the provisions of LPP4.10 as an extractive industry relating to the extraction of sand. The policy requires five key areas to be addressed in the assessment of an application for an Extractive Industry, being: amenity, environment, buffers, visual impact and transport. The policy provides acceptable development standards for proposals to demonstrate compliance against and where compliance isn't or can't be achieved the policy provides performance criteria that much be met. A full assessment of the policy measures is contained within **attachment 6**. The proposal is considered consistent with the 'Acceptable Development' except for the following provision.

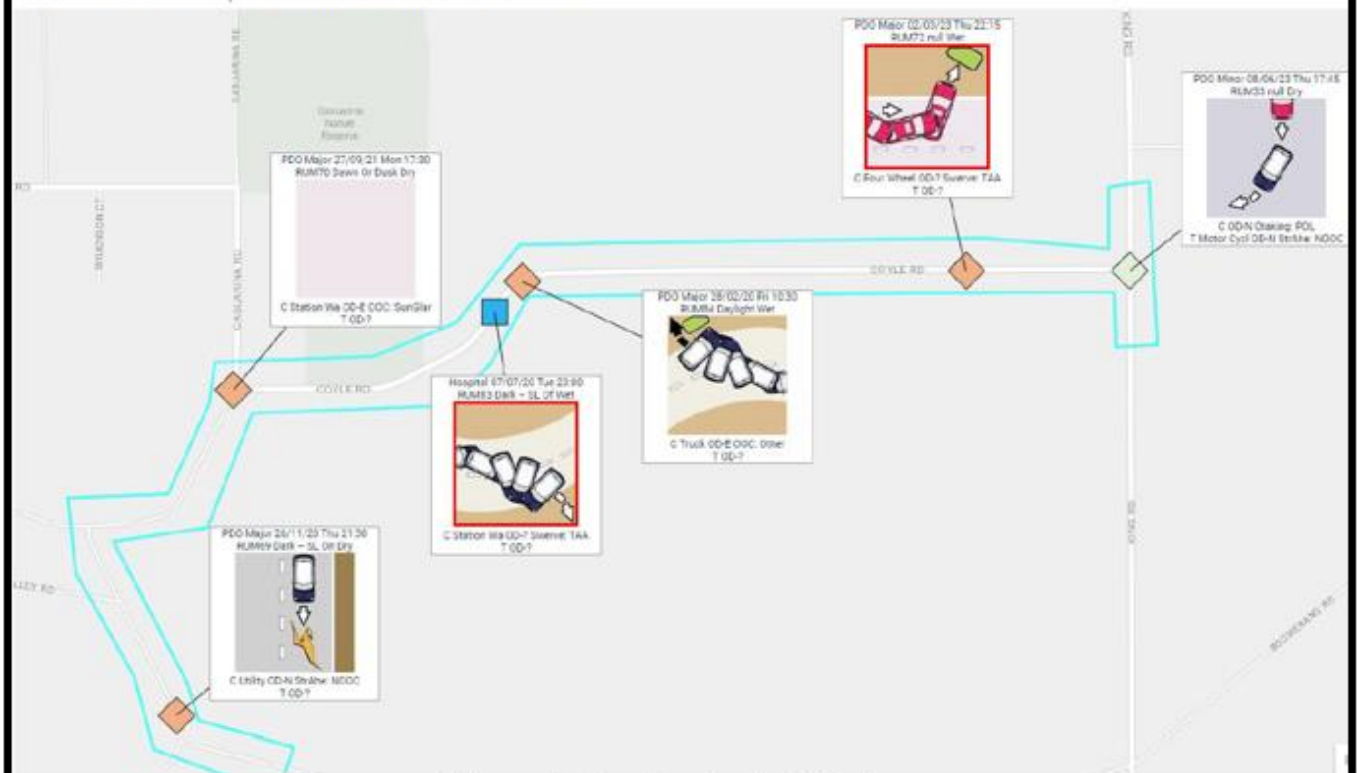
AD1.5.2 Development which does not utilise school bus routes for haulage purposes.

The haulage route overlaps with an existing school bus route. There are several pick up and drop off points on Banksia road, Boomerang road, Coyle road and King road. The objectives of the policy must be considered to determine if the non-compliance is acceptable. The relevant objectives of the policy in relation to the sharing of a route with a school bus service are:

- Extractive industries are located in the most appropriate areas of the Shire;
- Extractive industries are sited and operated to meet the varied needs of the community;
- Extraction occurs where the available haulage routes and road hierarchy are satisfactory or can be upgraded to support an extractive industry without affecting the sustainability of the transport resource.

Officers consider that although the proposal shares a route with a local school bus service, the vehicles proposed to be used in conjunction with the development are as-of-right vehicles rather than heavy haulage vehicles. As a result, the risk of collision or incompatibility with other road is much lower than a proposal seeking to use heavy haulage vehicles. With the proposed road maintenance condition, it is also considered that the proposal will address what is otherwise a current gap in the original approval that was granted.

To address safety the TIA includes a review of the Main Roads WA Crash Analysis Reporting System. The report shows that there have been six reported crashes on the proposed route from the site to Thomas Road. Three have occurred on Coyle Road, one on Banksia Road and two at the intersection of Coyle Road at the intersections at either end as shown following:

**Figure 10-1: Crashes in the Vicinity of the Site****Figure 9 - Crashes in the Vicinity**

Based on the low levels of crash incidences presented, it is considered that the proposed operations are not likely to exacerbate the crash risk at the subject site or on the surrounding road network. The applicant has provided that proposed operations will be during daylight conditions when usually sight lines are very clear for the haulage truck drivers. In addition, the site have an operational management plan in place, and this will specify further safety requirements for drivers, such as radio check-ins to ensure the safest use of the proposed route by these vehicles.

The proposed development is considered to meet the objectives of LPP4.10, in addition to the road maintenance condition being provided.

Amenity

During the consultation period, neighbouring residents raised concerns in relation to noise impacts of the proposal on the residential amenity of the area. Concerns relate to the level of noise that would result from truck movements noise generated from the site, by trucks, loaders, screening plant.

Environmental Protection Authority (EPA) - Guidance Statement No.3

The Environmental Protection Authority Guidance Statement Note 3 - Separation Distances between Industrial and Sensitive Land Uses (Guidance Statement) provides guidance on generic separation distances between industries and sensitive land uses. The purpose of these separation distances is to avoid or minimise the potential for land use conflicts. The recommended separation distance between extractive industry and sensitive land uses is between 300-500m depending on the size of the operation.



Cause 2.3 of the document defines a sensitive land use as:

“Land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings”.

The sensitive receptors within the 500m radius are depicted in the diagram following:

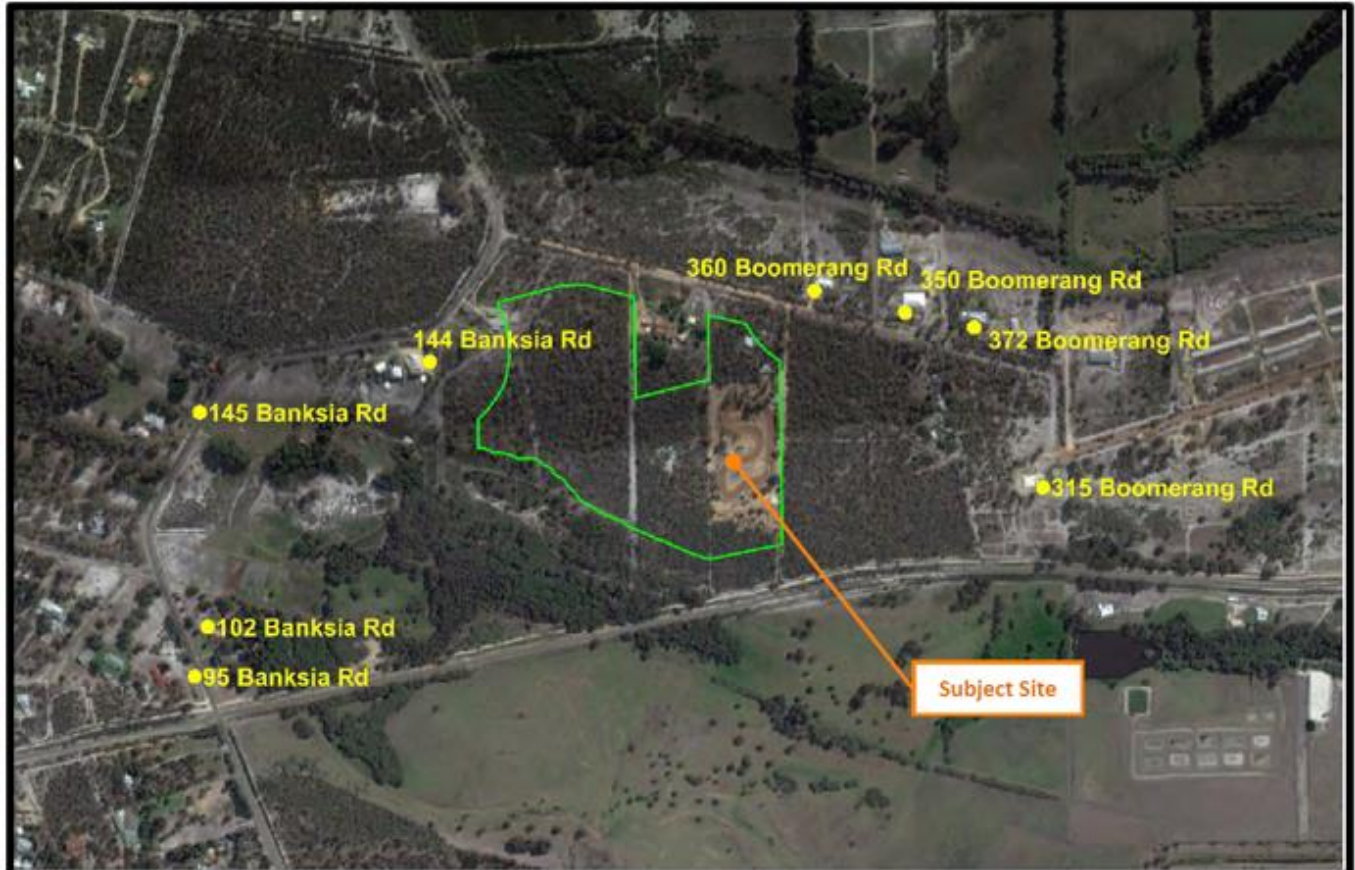


Figure 10 - Sensitive Receptor Locations

There are eight sensitive receptors within the generic 500m separation distance. Two of the sensitive receptors to the south (95 and 145 Banksia Road) are within the City of Kwinana. Where sensitive receptors are located within the separation distance, technical reports are required to be provided to demonstrate how specific impacts (dust and noise) proposed to be managed.

Noise

Noise from an extractive industry has the potential to impact on the health of residents and amenity of a rural environment by way of noise. The project noise limits are based on the *Environmental Protection (Noise) Regulations 1997* (Regulations).

The Regulations set out the maximum allowable noise levels that may be received at nearby sensitive receptors. In this case, computer modelling Sound PLAN LLC was used to predict noise levels at the nearest sensitive receptors and to generate noise contours surrounding the operations.



An Environmental Noise Assessment (ENA) was submitted as part of the application (**attachment 9**) to determine whether noise generated from the development complies with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The ENA identifies the main noise sources from the development to be dozer for topsoil removal, front end loader for extraction and loading, mobile screen and vehicle movements to and from the site.

The ENA firstly determines the assigned noise levels which is the baseline noise level that should be applied. The ENA details the baseline assigned levels from Noise Regulations shown following:

Premises Receiving Noise	Time Of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area ¹	0700 to 1900 hours Monday to Saturday (Day)	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays (Sunday)	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days (Evening)	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
Commercial Premises	All hours	60	75	80
Industrial and Utility Premises	All hours	65	80	90

Figure 11 - Base Line Levels

An 'influencing factor' is then calculated. This relates to an increase to the assigned level on the basis of the existence of significant roads, commercial or industrial zoned land within an inner circle (100 metre radius) and an outer circle (450 metre radius) of noise sensitive premises.

Based on the above, the assigned levels at each of the noise sensitive receivers, as shown in Figure 11 during the times when the sand extraction is operational is shown in Figure 12 below:



Address	Percentage Industrial Land		Assigned Level (dB)		
	100m	450m	L _{A10}	L _{A1}	L _{Amax}
95 Banksia Road, Wellard	0	0	45	55	65
102 Banksia Road, Oldbury	0	0	45	55	65
144 Banksia Road, Wellard	0	14	46	56	66
145 Banksia Road, Oldbury	0	0	45	55	65
315 Boomerang Road, Oldbury	0	0	45	55	65
350 Boomerang Road, Oldbury	0	4	45	55	65
360 Boomerang Road, Oldbury	0	7	46	56	66
372 Boomerang Road, Oldbury	0	16	47	57	67

Figure 12 - Assigned Levels

The ENA details that noise levels at all the sensitive receptors were given an influencing factor of +5db due to the plant likely to contain annoying characteristics, in this case tonality. It is noted that no influencing factor has been added to the receivers with an industrial land due to the low percentages.

Table 4-2 below presents the noise emissions results modelled for the four stages of the extraction works assuming a front-end loader and a screen operating simultaneously.

Receiver	Adjusted* Noise Level L _{A10} dB				Criterion L _{A10} dB
	Stage 1	Stage 2	Stage 3	Stage 4	
95 Banksia Road, Wellard	27	44	31	39	45
102 Banksia Road, Oldbury	28	45	30	40	45
144 Banksia Road, Wellard	40	52	36	46	46
145 Banksia Road, Oldbury	29	41	29	31	45
315 Boomerang Road, Oldbury	25	39	37	38	45
350 Boomerang Road, Oldbury	28	40	40	45	45
360 Boomerang Road, Oldbury	30	42	42	40	46
372 Boomerang Road, Oldbury	33	45	44	38	47

Notes: *Adjusted +5 dB for tonality

Figure 13 - Adjusted Levels



The ENA predicted noise level at each sensitive receiver from the truck movements, which includes the extraction plant operating, is provided in Figure 9 following.

Receiver	Predicted Noise Level L _{A1} dB	Criterion L _{A1} dB
95 Banksia Road, Wellard	39	55
102 Banksia Road, Oldbury	40	55
144 Banksia Road, Wellard	48	56
145 Banksia Road, Oldbury	38	55
315 Boomerang Road, Oldbury	36	55
350 Boomerang Road, Oldbury	37	55
360 Boomerang Road, Oldbury	39	56
372 Boomerang Road, Oldbury	42	57

Figure 14 - Truck Movement Noise

The ENA details that it is expected that between two and four trucks per hour will access the quarry, load at the pit and exit the site. Based on this, the time that truck noise will be present is less than 10% of any 4-hour period and therefore it is the LA1 criterion that is relevant in this scenario.

The ENA details that predicted noise levels exceeded the assigned level by 2 dB at 144 Banksia Road, Wellard during Stage 2. To address this and mitigate potential noise impact a 3m high noise wall is proposed:



Figure 15 - Noise Wall to 144 Banksia Road

The predicted noise levels for each stage, assuming the noise bund has been constructed were modelled and the result presented in *Figures 5-2 to 5-5* of the ENA. The results show that the assigned levels are met during the daytime period at the closest point to the nearest noise sensitive receiver. As detailed in the assessment, Compliance was demonstrated assuming construction of a temporary noise bund at the top of the quarry for Stage 2 works. The report also recommended that additional best practices should be implemented to minimise noise impacts where practicable:

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

The application demonstrates that noise emissions can therefore be managed within the acceptable levels of the Noise Regulations. Furthermore, Condition 28 of the current approval requires the applicant to submit details of the proposed temporary bund for noise attenuation purposes to be submitted to and approved by the Shire prior to commencement of operations. It is the Shire's expectation that the applicant would comply with the condition requirements of the noise condition set through the SAT process.

In addition, and as discussed above, the site will be subject Community Consultation Framework (CCF) which provides a framework and process for complaints to be put in place. It is the Officers expectation that the proposal will be managed in a way that would not adversely impact the community with regards to noise and amenity.

Dust

An extractive industry has the potential to generate dust during stages of the operation. Dust may also be generated by vehicles using the access road between the unsealed Boomerang Road and the excavation area.



Concerns were raised by the residents in regard to dust pollution potentially emanating from the site. Submissions include concerns regarding the appropriate management of dust, as well as concerns regarding the potential impact of dust on potable water in water tanks, health of nearby residents due to sand and dust build up.

The application details dust management and monitoring practices contained within the Works Approval and the Environmental Management Plan (EMP) within **attachment 10**. The plan was prepared to ensure that emissions do not adversely affect environmental values or the health, welfare and amenity of people and land uses. The EMP included dust management, monitoring and reporting provisions which have been summarised following:

- Dust monitoring station set up along the north-western boundary of the excavation area at commencement of Stage 1 and monitored for a period of three months.
- Assessment of results to assess dust levels and complaints to determine whether further management action is required.
- Dust from traffic on unsealed roads managed by width and length of internal roads, restricted vehicle movements to defined roads and operational areas, watering down, use of dust suppressants and vegetation cover or applied periodically to specific areas, limiting speed of vehicles and road maintenance.
- Dust from operational and non-operational areas of the site managed by locating stockpiles away from lot boundaries, dust control of stockpiles, boundary wind fencing, use of water carts, establishment of screening vegetation, surface treatments, minimising disturbed or open areas, defining “no go” buffer areas.
- Monitoring and reporting will be addressed within the compliance reporting to be undertaken as part of the annual audit. The annual audit is submitted to the Shire for assessment to ensure the approved EMP is complied with.
- Each Stage is proposed to be rehabilitated when excavation has been completed and operations will cease during adverse weather conditions.

The applicant has provided the following strategies that will be undertaken to minimise dust generation during unfavourable times.

- Check all trucks are appropriately covered and that earthmoving machinery is operating in areas that are wet and/or where water is being applied.
- Increase the water application rates over all exposed excavation areas and internal roads.
- Reduce the level of earthmoving activity if evaporation rates are drying the fill quicker than watering can be applied.
- Apply a suitable physical dust suppressant to any inactive areas and cease all work if extreme weather conditions are causing dust suppression techniques to be ineffective in controlling the dust.

For the site a water cart with a holding capacity of 15,000 litres is required under the works approval. This is not dissimilar to the practices that have been adopted in other mining or construction sites and can be effectively implemented to control dust impacts.

Based on the information provided, the application demonstrates that dust and emissions can be appropriately managed via conditions and management practises. In addition, the condition in the current approval sets out the requirement to fully implement the dust management and monitoring measures. The conditions have been replicated in the recommendation.



Visual Amenity

To protect and enhance the landscape character and amenity of rural landscape likely to be impacted by mining operations, LPP 4.10 requires a Visual Impact Assessment (VIA) to be undertaken in accordance with the *“Visual Landscape Planning in Western Australia - a manual for evaluation, assessment, siting and design” Western Australian Planning Commission, 2007*. A VIA requires consideration to be given to a proposal from a number of different vantage points and have regard to both the proposed staging of the development proposal and any mitigation measures proposed to reduce potential visual impacts, eg screening, planting etc.

The clearing of the native vegetation will temporarily alter the appearance of the natural environment. Visual impact will be on road users travelling along Banksia Road and Boomerang Road and to the rural properties to the south of the railway line.

During the consultation period, concerns have been raised by the local residents in regard to the potential impact the proposed use will have on the rural nature of the locality and the landscape feature of the ridgeline.

The application details management strategies and actions that will be utilised across the site to minimise the visual impact of the sand extraction. The application proposes to maintain a minimum 40 m vegetation buffer from Boomerang and Banksia Roads to the north and north-west of the excavation area to assist in screening the majority of the operations from the road. In addition, the applicant provided that the location of the proposed extraction will maintain the northern, eastern and western elevations of the ridgeline which will assist in addressing visual impact from these locations.

The EMP details that visual amenity of the site can be managed by staging of works, progressive restoration, minimising open ground, use of wind fencing, vegetation screening maintaining vegetation buffers and monitoring growth and plant survival rates within restored areas.

The application has provided information that as part of the existing approvals the proponent has already carried out planting of screening vegetation along the boundary of Lot 36 boundary to improve the visual amenity and along the boundary of Lot 6 to create an ecological corridor. The applicant considers that the existing vegetation combined with the proposed vegetation of each stage will assist in addressing the appearance of the landform alteration from the southern perspectives.

With the existing approvals, Condition 9 requires the applicant to submit Visual Impact Assessment compliance reports.

Revegetation and Rehabilitation

The long-lasting biodiversity impact that an extractive industry proposal can have on a landscape is an important planning consideration. During the consultation period, concerns were raised in regard to the rehabilitation of the site, the long-term use of the site and the ability for the Shire to enforce the effective management and rehabilitation processes which have been proposed in the application.

The Environmental Management Plan (EMP) outlines actions to be undertaken for the rehabilitation process which includes progressive replanting, revegetation, erosion control and monitoring. The plan outlines actions to be undertaken for the mine rehabilitation which considers the long-term stability and sustainability of the landforms, soil hydrology of the site and the re-establishment of ecosystem capacity to provide habitat.



The management plan also outlines the process of revegetation and biodiversity management that is to be continued over the site to ensure that it is rehabilitated over time to achieve final and full rehabilitation once the mining operations on the site has ceased.

The key provisions of the EMP are as follows:

- Clearing and commencement of rehabilitation is proposed to occur in autumn each year.
- Establishing a north-west ecological corridor along the boundary of Lot 6 is a priority rehabilitation task. Hanson have already undertaken the establishment of the north-west ecological corridor with the planting of *Eucalyptus marginata* in July 2009.
- The proposed rehabilitation program will consist of application of topsoil to a depth of approximately 10 cm to the rehabilitation areas and seeding.
- Where possible topsoil and overburden will be directly transferred from an area being cleared to an area to be rehabilitated. Where this is not possible, the topsoil and overburden will be stored in low piles for future use in rehabilitation.
- The levelled topsoil will be cross ripped to a depth of 50 to 80 cm with wing shaped lines. This is intended to eliminate the compaction created in the soil profile during the excavation process.
- A supplementary seed mix containing species which do not regenerate readily from the replaced topsoil will be distributed over the rehabilitation area by hand.
- Slopes are shaped and battered with retained topsoil. These will then be spread with vegetative debris, which acts as a barrier to wind erosion and maximises microhabitats.
- Assessment of the success of the rehabilitation works will be undertaken annually with additional supplementary seeding, planting or re-broadcasting of seed applied in the subsequent winter if considered necessary.
- Brushing with larger logs (remaining following the regrowth clearing) will occur on the perimeter of rehabilitation sites to decrease the potential for erosion and vehicle movement.

The EMP details that the applicant is committed to revegetate the site at the completion of each stage to ensure that the site will revert back to the pre-excavation indigenous *Banksia* Woodlands. The rehabilitation areas will be monitored to allow early detection of locations requiring additional attention. The commitment to rehabilitation is covered by Condition 2 of the SAT approval. A condition has been recommended which will require the rehabilitation of the site to the requirements of the Shire in conjunction to the ENA.

Extractive Industry Licence

Under the Shire of Serpentine Jarrahdale Local Law: Extractive Industry, all such operations are required to obtain a license prior to the operations occurring. The criteria within the Local Law is generally assessed through the planning process. Key considerations are identified as amenity impacts, consultation and traffic impacts, which are all required to be assessed.

As Officers do not have delegation to extend an Extractive Industry License, Officers recommend Council approve the issue of a license conditionally as part of this process for a further five years till 25 October 2029, and authorise the Chief Executive Officer to sign the licence.



Options**Option 1**

That Council:

1. APPROVES the application seeking an Extension of Development Approval and Extraction Timeframe for 'Industry Extractive' - Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury subject to the following conditions:

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

Plans and Specifications	P1 – P3 - Development Application Plans (Staging Plan) received on 25 June 2024 P4 - Transport Impact Statement dated May 2024 P5 - Environmental Management Plan dated 21 June 2024 P6 - Environmental Noise Assessment dated 11 September 2024
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- b. This approval is valid for a period of five years expiring on 21 October 2029.
- c. Except to the extent inconsistent with any other conditions set out hereunder, all development on the site shall comply with the Environmental Management Plan and Extractive Industry Licence application as approved by the Shire of Serpentine Jarrahdale and any subsequent amendments to them as may be agreed in writing between the Shire and the applicant.
- d. Vegetation buffers/setbacks of:
- (i) 40 metres from the northern, southern and western lot boundaries of Lot 6 Banksia Road and from the northern and southern lot boundaries of Lots 300 and 301 Boomerang Road; and
 - (ii) 20 metres from the firebreak on the eastern boundary of Lot 301 are to be established to the satisfaction of the Shire of Serpentine Jarrahdale.
- e. Operating hours are restricted to 7:00am to 5:00pm Monday to Saturday.
- f. Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be located so that they are screened from view from any adjacent roads or properties to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. The applicant shall not undertake any washing of excavated material on the development site.
- h. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties.
- i. The landowner is to submit to the Shire of Serpentine Jarrahdale, by 30 November 2024, a plan for a Community Consultation Framework. The plan shall feature but not be limited



to, formation of a committee comprising the relevant landowner, community representatives from the Shire of Serpentine-Jarrahdale and City of Kwinana and government agency representatives, terms of reference for the committee and the frequency of committee meetings. Once approved the plan is to be implemented in its entirety for the life and duration of the development inclusive of rehabilitation periods thereafter.

- j. The landowner shall submit an Annual Compliance Assessment Report to the Shire of Serpentine-Jarrahdale by 31 December each year. The Annual Compliance Assessment Report shall include an internal compliance audit of the Environmental Management Plan, Community Consultation Framework and all the development and licence approval conditions and management plans, complaints and complaint responses.
- k. At the completion of each stage of mining operations, the landowner shall ensure that all sand faces, non-operational stockpiles and bund walls are safe and stable and must provide a report from a certified Geotechnical Engineer to verify their short-, medium- and long-term stability.
- l. Crossovers to be constructed in accordance with the Shire of Serpentine-Jarrahdale standard industrial crossover specifications and be located and maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- m. A loop road shall connect the crossover to the main vehicle access within the site to reduce risk of vehicle conflict and unimpeded entry and exit for trucks.
- n. All driveways shall be constructed using road base quality material and bitumen sealed to limit dust generation and to ensure that no visible dust or material from the site extends beyond the site boundary. Such sealing shall extend a minimum of 60 metres from any public road into the subject site.
- o. Prior to the commencement of development on-site, details of the upgrading of:
 - (i) the intersection of Banksia and Boomerang Roads; and
 - (ii) Boomerang Road between Banksia Road and the existing crossover shall be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.
- p. Prior to the commencement of development on-site, details of the upgrading of the existing crossover shall be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.
- q. Where damage is caused to the road pavement and/or bitumen seal adjacent to the access as a result of heavy haulage operations from the subject site, such damage shall be rectified at the applicant's expense and to the satisfaction of the Shire.
- r. Haulage vehicles going to and from the subject site and delivery sites are to use Boomerang Road, Banksia Road, Lydon Road and Coyle Road only.

Approved routes:



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

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

- s. All vehicles and equipment (used for or in association with on-site excavation activities) fitted with reversing beepers must not be used on-site unless the reversing beepers are in the nature of a low frequency beeper or buzzer.
- t. During all stages of development, internal roads must be designed and constructed so that haulage trucks can enter the site, access relevant stockpiles, undergo loading and exit the site without the use of reverse gear.
- u. Prior to commencement of operations, a Rehabilitation and Restoration Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.
- v. The landowner is to maintain buffers identified in the Environmental Management Plan between the top of all quarry pits and the property boundary, and indigenous vegetation within this buffer is to be protected where possible, including where safe and practical, the diversion of fire breaks around existing indigenous vegetation. Screening vegetation is to be established within the 20-metre buffer of all property boundaries to the satisfaction of the Shire of Serpentine Jarrahdale.
- w. The landowner is not to commence excavation of Stage 2 until they have received written confirmation from the Shire of Serpentine Jarrahdale that screen planting in the identified buffer areas and any batter slope stabilisation have been established to the satisfaction of the Shire.
- x. The landowner is not to commence Stage 3 until they have received written confirmation from the Shire of Serpentine Jarrahdale that Stage 1 has been rehabilitated and revegetated to the satisfaction of the Shire.
- y. The landowner must complete the rehabilitation and revegetation of each preceding stage within three years of commencing excavation of any subsequent stage.
- z. Prior to the commencement of excavation activities, the identified ecological corridor along the boundaries of Lot 6 and Lot 36 linking the south-western wetland to Lot 53 Banksia Road is to be fenced to protect the vegetation. Such fencing is to consist of post and wire or post and rail and to be located on the external edge of the buffer area identified in the Environmental Management Plan.
- aa. Rehabilitation of the ecological corridor along the boundaries of Lot 6 and Lot 36 linking the south-western wetland to Lot 53 Banksia Road as an offset to the proposed extractive industry operations activity is to commence within one year of the commencement of mining operations and is to be completed to the satisfaction of the Shire of Serpentine Jarrahdale prior to the commencement of Stage 4.
- ab. Where extractive industry activities involve the use of machinery including stockpiling, the use of accessways, storage and haulages, are located within close proximity (30 metres



or less) to the buffer and exclusion areas, rehabilitation areas or any other sensitive area, the landowner shall utilise post and wire fencing flagged with brightly coloured survey tape or flags, to prevent encroachment by machinery or any other materials that could damage the vegetation.

- ac. Prior to the commencement of development, details of the proposed temporary bund for noise attenuation purposes shall be submitted to and approved by Shire of Serpentine Jarrahdale and thereafter implemented.
- ad. The applicant shall implement dust management measures (including but not limited to dust monitoring) in accordance with the approved Environmental Management Plan (including Dust Management Plan) and Extractive Industry Licence Application, so as to minimise dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.
- ae. During periods of inactivity when excavation is not being undertaken, the applicant must ensure, prior to and during the period of inactivity as required, that the access road to all trafficable areas and other operational areas on the site are watered down or treated in a manner which prevents or minimises the generation of visible dust crossing beyond the boundaries of the site.
- af. Dust monitoring is to be undertaken at the commencement of each stage of development. Plans of the monitoring stations including locations and periods of monitoring are to be submitted to and approved by Shire of Serpentine Jarrahdale and thereafter implemented.
- ag. The results and assessment of the monitoring are to be submitted to the Shire of Serpentine-Jarrahdale. If required, additional management measures shall be implemented to the satisfaction of the Shire.
- ah. A hardstand refuelling area is to be provided on-site, which is bunded and drained constructed in accordance with relevant Australian Standards. The refuelling area is to be drained to a pollutant receptor to prevent any spilled fuel entering the natural ground shall be provided on-site to the satisfaction of the Shire of Serpentine Jarrahdale. All refuelling shall take place within this hardstand area.
- ai. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale.
- aj. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site. The landowner shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and safely dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds.
- ak. On-site testing and monitoring of groundwater levels within the excavation area is to be undertaken during winter and spring of each year of excavation to:
 - (i) confirm depth to groundwater table and ensure that a minimum 2 metre clearance is maintained between excavation floor and highest known groundwater;



- (ii) to verify that any potential contaminants not limited to acid sulfates are not liberated from the dunal systems as a result of mining activities; and
 - (iii) ensure management actions in accordance with the Department of Environment Regulation's guidelines 'Treatment and management of disturbed acid sulfate soils' and 'General Guidance on Managing Acid Sulfate Soils'.
- al. Prior to commencement of operations, a Fire and Emergency Management Plan is to be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. In addition to the standard requirements of the Fire and Emergency Management Plan, suitable management measures are required to enable emergency access both during and after hours and for the 5,000L of diesel fuel stored on the site. All firebreaks and gates are to conform to the requirements of Councils' firebreak notice and the Fire and Emergency Management Plan and be installed prior to commencement of operations.
- am. All firebreaks and gates are to conform to the requirements of Councils' firebreak notice and the Fire and Emergency Management Plan and be installed prior to commencement of operations.
- an. By 31 July each year in which the development operates, the landowner shall pay an annual contribution to the Shire reflective of the road pavement asset deterioration associated with the development. The contribution is to be based upon a Road Deterioration Impact Audit which is to be submitted by 1 July each year, documenting the number of vehicles generated by the development based on verified surveyor certificate of such vehicle movements. The contribution is to be calculated in accordance with WALGA User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, utilising Figure 4, ESA per vehicle for increasing payload'.
2. APPROVES an Extractive Industry Licence at Lot 6 Banksia Road and Lots 300 & 301 Boomerang Road, Oldbury contained within **attachment 11** under the Shire of Serpentine Jarrahdale Extractive Industries Local Law subject to the following Condition:
- a. The landowner/licensee shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and the Shire's development approval Conditions for an extractive Industry at Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury
3. AUTHORISES the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.

Option 2

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

- a. The level of noise impacts is considered to represent an adverse impact on the amenity of the area;
- b. The level of dust impacts is considered to represent an adverse impact on the amenity of the area.



Option 1 is recommended.

Conclusion

This application seeks approval for the extension of time to extraction of a sand identified under SPP 2.4 Basic Raw Materials. The proposal is considered to generally align with the planning framework and otherwise be consistent with existing development in the locality. The proposal will provide a resource that is increasingly required locally and throughout the State for development. The local area is growing rapidly and the increased urban development within the south-eastern corridor requires sand fill due to the topography characterised by low lying areas prone to flooding.

Officers have assessed the application and are satisfied that development issues such as road impact, dust, noise, and rehabilitation of the site can be adequately managed through the application of proper planning conditions. Management plans in place under the approvals are sufficient to ensure the amenity of the area will be protected and recommend approval.

As such it is recommended that the proponent be issued with a five (5) year development approval and a five (5) year licence.

Attachments (available under separate cover)

- **10.1.6 - attachment 1** - SAT Decision (E24/13259)
- **10.1.6 - attachment 2** - Clearing Permit (E24/13256)
- **10.1.6 - attachment 3** - Works Approval (E24/13261)
- **10.1.6 - attachment 4** - Staging and Locality Plans (E24/13275)
- **10.1.6 - attachment 5** - Summary of Submissions (E24/12822)
- **10.1.6 - attachment 6** - Technical Assessment (E24/13423)
- **10.1.6 - attachment 7** - Ground Water Modelling Assessment (E24/13330)
- **10.1.6 - attachment 8** - Traffic Impact Assessment (E24/13093)
- **10.1.6 - attachment 9** - Environmental Noise Assessment (E24/13276)
- **10.1.6 - attachment 10** - Environmental Management Plan (E24/13280)
- **10.1.6 - attachment 11** - Extractive Industry Licence Application (E24/13426)

Alignment with our Council Plan 2023-2033

Thriving	
1.	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
2.	Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
Liveable	
2.	Improve maintenance and investment in roads and paths

Financial Implications

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

**Risk Implications**

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is considered to be the lowest risk option.						
2	That Council refuses the development application for extension of development and approval for the 'Industry Extractive' and the decision is appealed to the SAT, which requires independent planning representation in order to defend the decision.	Shire of Serpentine Jarrahdale Local Planning Scheme No. 3	Financial	Possible	Moderate	MODERATE	Accept option 1.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. APPROVES the application seeking an Extension of Development Approval and Extraction Timeframe for 'Industry Extractive' - Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury subject to the following conditions:
 - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other Conditions of this consent.

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- b. This approval is valid for a period of five years expiring on 21 October 2029.



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



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

Approved routes:

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

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

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



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



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

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



- am. All firebreaks and gates are to conform to the requirements of Councils' firebreak notice and the Fire and Emergency Management Plan and be installed prior to commencement of operations.
 - an. By 31 July each year in which the development operates, the landowner shall pay an annual contribution to the Shire reflective of the road pavement asset deterioration associated with the development. The contribution is to be based upon a Road Deterioration Impact Audit which is to be submitted by 1 July each year, documenting the number of vehicles generated by the development based on verified surveyor certificate of such vehicle movements. The contribution is to be calculated in accordance with WALGA User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, utilising Figure 4, ESA per vehicle for increasing payload'.
2. APPROVES an Extractive Industry Licence at Lot 6 Banksia Road and Lots 300 & 301 Boomerang Road, Oldbury contained within attachment 11 under the Shire of Serpentine Jarrahdale Extractive Industries Local Law subject to the following Condition:
- a. The landowner/licensee shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and the Shire's development approval Conditions for an extractive Industry at Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury
3. AUTHORISES the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.



OCM284/10/24

COUNCIL RESOLUTION

Moved Cr Jerrett, seconded Cr Bishop

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

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

CARRIED 6/1

In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:

*Councillors Bishop, Byas, Duggin, Jerrett, Mazzini, Mack voted FOR the motion.
President Coales voted AGAINST the motion.*

Reason for difference:

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



10.1.7 - Endorsement of Banksia Woodland Management Plan (SJ816)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to request Council to endorse the Banksia Woodland Management Plan (**attachment 1**) following a public comment period of 28 days. Nine responses were received. The comments and feedback received are presented in **attachment 2** along with a summary of recommended changes to the draft Management Plan.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting - 15 July 2024 - OCM184/07/24 - COUNCIL RESOLUTION - Officer Recommendation:</i> <i>That Council:</i> <i>1. RESOLVES to release the draft Banksia Woodland Management Plan for public comment for a period of 28 days.</i> <i>2. REQUESTS that the Chief Executive Officer present, following the public comment period, the revised Banksia Woodland Management Plan back to Council (inclusive of recommended changes emanating from community consultation) for endorsement.</i>
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Background

The Shire has a number of individual Management Plans for natural area reserves, published on its website. Many of these Management Plans are more than ten years old, and the actions within the Plans require updating. In the meantime, the best practice style for a Management Plan has also changed.

The Banksia Woodland Management Plan presents a new style for managing the Shire's natural reserves. The reserves are grouped according to vegetation complex into four Management Plans; for banksia woodland, marri woodland, clay-based wetlands and scarp/plateau forest, with the Banksia Woodland Management Plan being the first produced.

The Banksia Woodland Management Plan contains information relevant to managing any area of banksia woodland, plus Action Plans for the nine Shire reserves which contain banksia woodland. These reserves are:

- Brickwood Reserve (Briggs Park), Byford



- King Road Pony Club Reserve, Oldbury
- Serpentine Sports Reserve (Paul Robinson Reserve), Serpentine
- Yangedi Airfield Reserve, Hopeland
- Bella Cumming Reserve, Mundijong
- Tonkin Street Flora Reserve, Mundijong
- Craghill Way Reserve, Oakford
- Pony Place Reserve (Oakford Community Centre), Oakford
- Wattle Road Nature Reserve, Serpentine

Community / Stakeholder Consultation

A community consultation program was carried out. Nine written submissions were received. The comments and feedback received are presented in **attachment 2** along with a summary of recommended changes to the draft Banksia Woodland Management Plan.

The key points of feedback are identified following:

- The Shire should ensure it coordinates its reserve management efforts with those of other agencies and stakeholders who have abutting or nearby land to such Shire reserves;
- Road verges around natural reserves should be managed very carefully to ensure they present a low risk of fire source ignition, and weed carrier;
- The Shire should take all available opportunities to expand natural reserves;
- The Shire should allocate additional resourcing to help improve the management of natural reserves;
- The timeframe of the management plan may be too long at 10 years;
- Local community groups will need greater levels of support to help implement the plan, including Landcare SJ;
- Flora and fauna surveys should be required more frequently;
- More biodiversity connectivity should take place;
- Drainage management needs to be considered in terms of water not being drained away from natural area. Water being captured and kept in close proximity to natural areas build resilience in coping with the sudden reduction in average annual rainfall, and this need to inform approaches to drainage management;
- Enhanced management approaches are needed in terms of weed control, and this should limit the use of chemical herbicides.

In response to the feedback received, Officers recommend the following modifications:

- include the requirement for liaison with other landholders;
- include fuel control on adjacent road verges;
- include keeping up to date with the latest research around fuel load and weed management;
- clarify references to volunteers in section 4.3.2.5;
- update perspectives on bushland as nature-built infrastructure;



- update management zones of Brickwood Reserve;
- expand sections on weed management.

Statutory Environment

Nil.

Comment

Four Shire natural area reserves which contain banksia woodland have had individual Management Plans prepared and adopted by Council: Brickwood Reserve (second edition 2016), King Road Pony Club Reserve (2011), Serpentine Sports Reserve (second edition 2021), and Yangedi Airfield Reserve (2011). The reserve Management Plans are written in an outdated style, going into great detail on the reserve's characteristics, threats, history and uses, and containing many detailed actions that mostly address balancing competing priorities for the use of the reserve.

The current best practice format for reserve Management Plans is to group together all of the reserves in one area under a single Management Plan. This format is used by the Department of Biodiversity, Conservation and Attractions, and is proposed to be used for the Shire's natural area reserves.

The Shire's natural area reserves are proposed to be grouped according to vegetation complex into four Management Plans, for banksia woodland, marri woodland, clay-based wetlands and scarp/plateau forest. The Banksia Woodland Management Plan is the first to be produced.

Some of the reserves (Brickwood Reserve, Serpentine Sports Reserve, Yangedi Airfield Reserve, King Road Pony Club Reserve, Craghill Way Reserve, and Wattle Road Nature Reserve) contain more than one vegetation type. The Banksia Woodland Management Plan addresses the areas of banksia woodland, while the other vegetation types (marri woodland and/or clay-based wetlands) will be covered under other Management Plans.

The Banksia Woodland Management Plan contains information relevant to managing any area of banksia woodland, plus Action Plans for the nine Shire reserves which contain banksia woodland. The concept is that the first part of the Management Plan can be used by anyone wishing to manage an area of banksia woodland, while the nine Action Plans are brief enough to be easily used by Shire staff responsible for managing the reserve and user groups. The Management Plan is intended as an environmental management plan for the natural areas of each reserve, as other uses of the reserves are managed by leases, licences and/or memoranda of understanding with the user groups.

The section of the Banksia Woodland Management Plan that can be used for any area of banksia woodland covers the characteristics of banksia woodland and the threats and pressures that apply. This is followed by a brief description of the Shire reserves that contain banksia woodland and an Action Plan that is applicable to any area of banksia woodland.

Appendices contain lists of flora and fauna found in the banksia woodland reserves, and a general fire management strategy for banksia woodland.

The individual reserve Action Plans contain a number of maps detailing the reserve's location, management zones, soils, biodiversity and water resources, lists specific threats and pressures, and details the reserve's user groups and infrastructure. This is followed by an Action Plan specific to the reserve and a fire management strategy.



Community input is essential for the protection and conservation of the Shire's natural area reserves. While banksia woodland is protected under Federal legislation, many reserves have areas under lease or licence to user groups with an interest in the management of the reserve. Input from the user groups and community ensures that stakeholders are engaged in the management of an important natural asset.

OptionsOption 1

That Council ENDORSES the Banksia Woodland Management Plan (**attachment 1**) subject to the schedule of modifications provided at **attachment 3**.

Option 2

That Council does not endorse the Banksia Woodland Management Plan.

Option 1 is recommended.

Conclusion

The Banksia Woodland Management Plan contains information relevant to managing any area of banksia woodland, plus Action Plans for the nine Shire reserves which contain banksia woodland. While banksia woodland is protected under Federal legislation, many reserves have areas under lease or licence to user groups with an interest in the management of the reserve. Input from the user groups and community ensures that stakeholders are engaged in the management of an important natural asset.

Attachments (available under separate cover)

- **10.1.7 - attachment 1** - Banksia Woodland Management Plan (E24/7941)
- **10.1.7 - attachment 2** - Summary of Submissions (E24/12243)
- **10.1.7 - attachment 3** - Schedule of Modifications (E24/14211)

Alignment with our Council Plan 2023-2033

Liveable	
3.	Preserve and enhance our natural places, parks, trails and reserves
4.	Invest in facilities and amenities to meet current and future needs
Connected	
3.	Empower the community to engage with the Shire and collaborate on matters that are important to them

Financial Implications

While some of the actions in the Management Plan are covered in existing programs, others have a cost attached that will be the subject of business cases in future budgets.

**Risk Implications**

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council receives negative comments regarding endorsement of the Banksia Woodland Management Plan from a section of the community.	Council has existing management plans for four of the nine reserves which will continue to represent Council's position.	Reputation	Unlikely	Insignificant	LOW	Public engagement designed to garner community support.
2	Council does not agree to endorse the Banksia Woodland Management Plan, delaying best practice management of the nine natural area reserves.	Council has existing management plans for four of the nine reserves which will continue to represent Council's position.	Organisational Performance	Unlikely	Minor	LOW	Implement the existing management plans.

Voting Requirements: Simple Majority

OCM285/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council ENDORSES the Banksia Woodland Management Plan (attachment 1) subject to the schedule of modifications provided at attachment 3.

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0

**10.1.8 - Proposed Scheme Amendment No.8 to Local Planning Scheme No.3 - Normalisation of the Byford Central Local Structure Plan, the Lot 2 Nettleton Road, Byford Local Structure Plan, and the Marri Park Estate - Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan (PA24/587)**

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

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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Proponent:	Shire of Serpentine Jarrahdale
Owner:	Various
Local Planning Scheme No. 3 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

Report Purpose

The purpose of this report is to consider Proposed Scheme Amendment No. 8 to Local Planning Scheme No. 3 to normalise areas of developed structure plans within the Byford locality. These are:

- the Byford Central Local Structure Plan area;
- the Lot 2 Nettleton Road, Byford Local Structure Plan area, and;
- the Marri Park Estate - Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan area.

These local structure plans are proposed to be normalised into LPS3 by rezoning the land from the Urban Development zone to the Residential zone (with various R-Codes), and reserving the land as Public Open Space or Local Road reserves, pursuant to Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

Council is also requested to determine whether the amendment is a 'basic', 'standard' or 'complex' amendment pursuant to Regulation 34 of the Regulations.

Officers recommend that Council adopt the Proposed Scheme Amendment as a 'basic' amendment and recommend that the Proposed Scheme Amendment be approved.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.



Background

The subject land contains various portions of land located within the following built out structure planned areas:

1. the Byford Central Local Structure Plan area;
2. the Lot 2 Nettleton Road, Byford Local Structure Plan area and;
3. the Marri Park Estate - Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan areas

These are shown in Figure 1 following.

These portions of land reflect residential areas which have been subdivided and developed in accordance with these three local structure plans over time.

Therefore, these areas currently accommodate residential, public open space and road reserve land designations, as a result of various subdivisions which have been granted approval by the Western Australian Planning Commission (WAPC), and have gained subdivision clearance.

These areas are currently zoned Urban Development under LPS3, however, as urban development has occurred in these areas in accordance with the local structure plans, it is now appropriate for these land uses to be normalised within LPS3. These subject areas are not identified to change land use within the Shire's current planning framework, being identified as residential under the Byford District Structure Plan, local structure plans, and the Local Planning Strategy.



Figure 1 - Proposed Amendment No. 8 Subject Site

Community / Stakeholder Consultation

As the Proposed Scheme Amendment is considered by Officers to be a 'basic' amendment, advertising is not required to be undertaken in accordance with Part 5 Division 4 Regulation 57 of the Regulations.



Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy
- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Byford District Structure Plan
- Byford Central Local Structure Plan
- Lot 2 Nettleton Road, Byford Local Structure Plan
- Marri Park Estate – Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan

Planning Assessment

Classification of Proposed Scheme Amendment

The Proposed Scheme Amendment seeks to rezone / reserve the subject land as Residential, Public Open Space, and Local Road, consistent with the WAPC approved Byford Central Local Structure Plan, the Lot 2 Nettleton Road, Byford Local Structure Plan, and the Marri Park Estate - Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan.

The Proposed Scheme Amendment meets the definition of a basic amendment under Part 5 Division 1 Regulation 34 of the Regulations and is classified as a basic amendment for the following reason:

- (vii) *“an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan.”*

Planning Framework

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

The subject site is identified as Urban under the South Metropolitan Peel Sub-Regional Planning Framework. The Framework defines Urban as land identified for urban use, such as residential and associated activity and bulky goods/light industry employment centres, recreation and open space. The proposed Scheme Amendment to rezone land from Urban Development to the Residential zone, and reserve land as Public Open Space or Local Road is consistent with the Urban designation under the Framework.



Local Planning Strategy

The Shire's Local Planning Strategy was approved by the Western Australian Planning Commission on 18 March 2022. The subject site is identified as Urban Settlements under the Local Planning Strategy. The proposed rezoning and reservation of the subject site is consistent with the intent of the Urban Settlements area.

Metropolitan Region Scheme

The subject site is zoned as Urban under the Metropolitan Region Scheme (MRS). An Urban zoned area under the MRS refers to an area in which a range of activities are undertaken, including residential, commercial, recreational, and light industry. This Scheme Amendment proposes to rezone lots to the Residential zone, and reserve land as Public Open Space or Local Road reserves, and is therefore consistent with the Urban zoning under the MRS.

Shire of Serpentine Jarrahdale Local Planning Scheme No. 3

The Shire's Local Planning Scheme No.3 was approved by the Western Australian Planning Commission and gazetted on 22 September 2023. The subject site is currently zoned as Urban Development under Local Planning Scheme No. 3. This Urban Development zoning was intended as an interim zoning pending the subdivision and development of the subject site in accordance with the respective local structure plans that are approved over the land. The land has since been subdivided and developed and as such, the local structure plans are no longer required to guide development and the land can be appropriately zoned and reserved under LPS3.

Byford District Structure Plan

The Shire's Byford District Structure Plan (DSP) was approved by the Western Australian Planning Commission (WAPC) on 30 May 2023. The DSP identifies the subject area as Residential (with varying density ranges) and Public Open Space. Land uses have been further identified within the three applicable local structure plans, consistent with the DSP.



Figure 2 - Byford District Structure Plan

State Planning Policy 3.7 Planning in Bushfire Prone Areas

A portion of the subject site is identified as a Bushfire Prone Area. Bushfire hazard was considered as part of the Byford Central Local Structure Plan, Lot 2 Nettleton Road, Byford Local Structure Plan, and the Marri Park Estate – Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan. Detailed bushfire attack level (BAL) assessments and bushfire management plans have also been conducted for the consequent subdivision applications, in accordance with State Planning Policy 3.7 Planning in Bushfire Prone Areas and the Guidelines. The Proposed Scheme Amendment seeks to normalise the zonings and reserves identified for the subject site under the local structure plans, and therefore does not propose an intensification of the land further to that approved under the local structure plans and subdivision approvals.

Proposed Scheme Amendment

The amendment proposes to zone and reserve the subject land as Residential (with R-Codes), Public Open Space, and Local Road, consistent with the approved local structure plans, subdivision and development which has already occurred. The proposed normalisation of portions of these local structure plans within the scheme will therefore finalise the planning framework as intended.



The normalisation of these structure plans within LSP3 will allow for residential lots to be allocated a specific R-Code residential density under LPS3. The residential lots, which have been created through approved subdivisions, are currently identified within the Urban Development zone, with no R-Code designated under the scheme. The normalisation of these structure plans and the allocation of R-Codes within LPS3 will clarify and prescribe development requirements for each lot under the scheme and allow the local structure plans to no longer be required. This will improve the efficiency and implementation of the planning framework.

Byford Central Local Structure Plan

The Byford Central Local Structure Plan was updated and amended by the WAPC on 16 October 2014, shown following. The LSP identifies areas of Residential (R25 and R30), Public Open Space, and several Neighbourhood Nodes. This LSP area has been subdivided and developed in accordance with this local structure plan.



Figure 3 - Byford Central Local Structure Plan

The majority of the Byford Central Local Structure Plan site has already been normalised within the scheme and is zoned as Residential (R20 and R30), and reserved as Public Open Space and Local Road. However, a small portion within the southeast of the LSP site is currently zoned Urban Development, shown below in Figure 4 in red. This area is identified as Residential R25 under the LSP. As this area has now been fully subdivided and developed in alignment with the local structure plan, this portion of land is proposed to be normalised into the scheme as Residential R25 and Local Road in accordance with the LSP.



Figure 4 - Byford Central LSP - Scheme Amendment Area

The southwestern triangular portion of land, shown in red below, is intended to be constructed in the future as an extension of Indigo Parkway. This portion of land is identified as a local road within the local structure plan, however, some other northern portions of the future Indigo Parkway are currently zoned as Residential under the Scheme. It is therefore proposed that this portion of Urban Development land also be reserved as Local Road to align with the future Indigo Parkway link, from Larsen Road to Briggs Road.

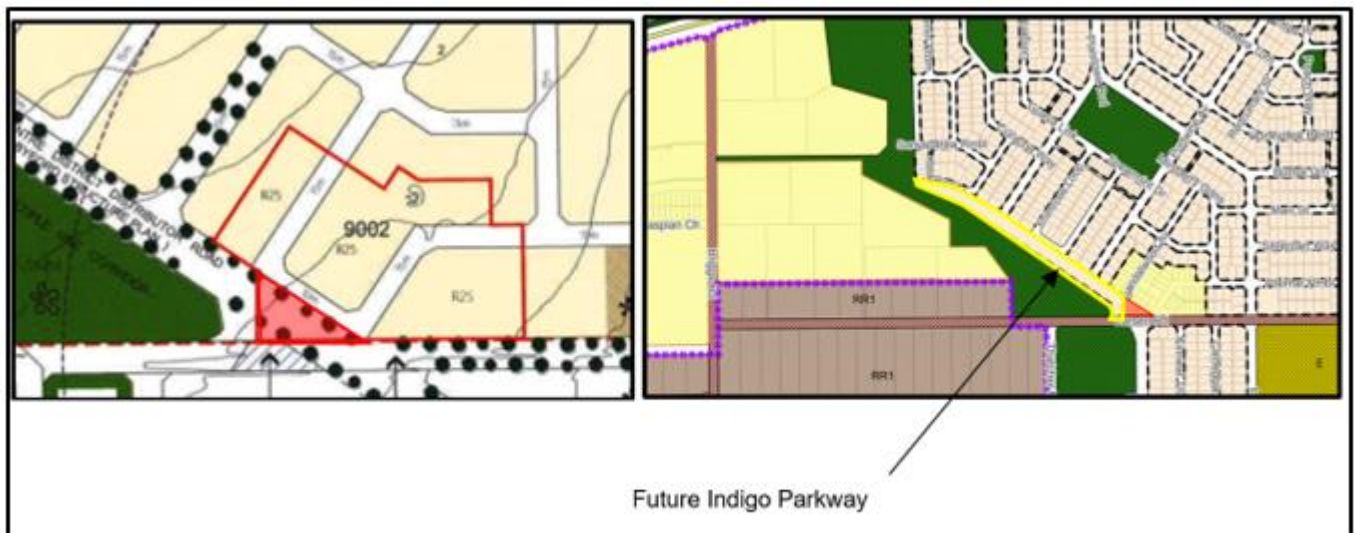


Figure 5 - Future Indigo Parkway

Lot 2 Nettleton Road, Byford Local Structure Plan

The Lot 2 Nettleton Road, Byford Local Structure Plan was approved by the WAPC on 27 February 2015. The LSP identifies areas of Residential (R40-R60) and Public Open Space. This LSP area has been subdivided and developed in accordance with this local structure plan.



Figure 6 - Lot 2 Nettleton Road, Byford Local Structure Plan

The majority of the Lot 2 Nettleton Road, Byford Local Structure Plan site has been normalised within the Scheme and is zoned and reserved as Residential (with varying R-Codes), Public Open Space and Local Road. The areas identified in red in the image following have not yet been normalised within the scheme, and are currently zoned as Urban Development. These areas have been subdivided and developed in alignment with this local structure plan, and are now proposed to be normalised within the scheme.

The portions of land shown in yellow below are identified as Residential under the local structure plan, however, these two portions of land have since been reserved and developed as Public Open Space through subdivision approvals WAPC references 160032 and 157749. Therefore, this land should be reserved as Public Open Space.

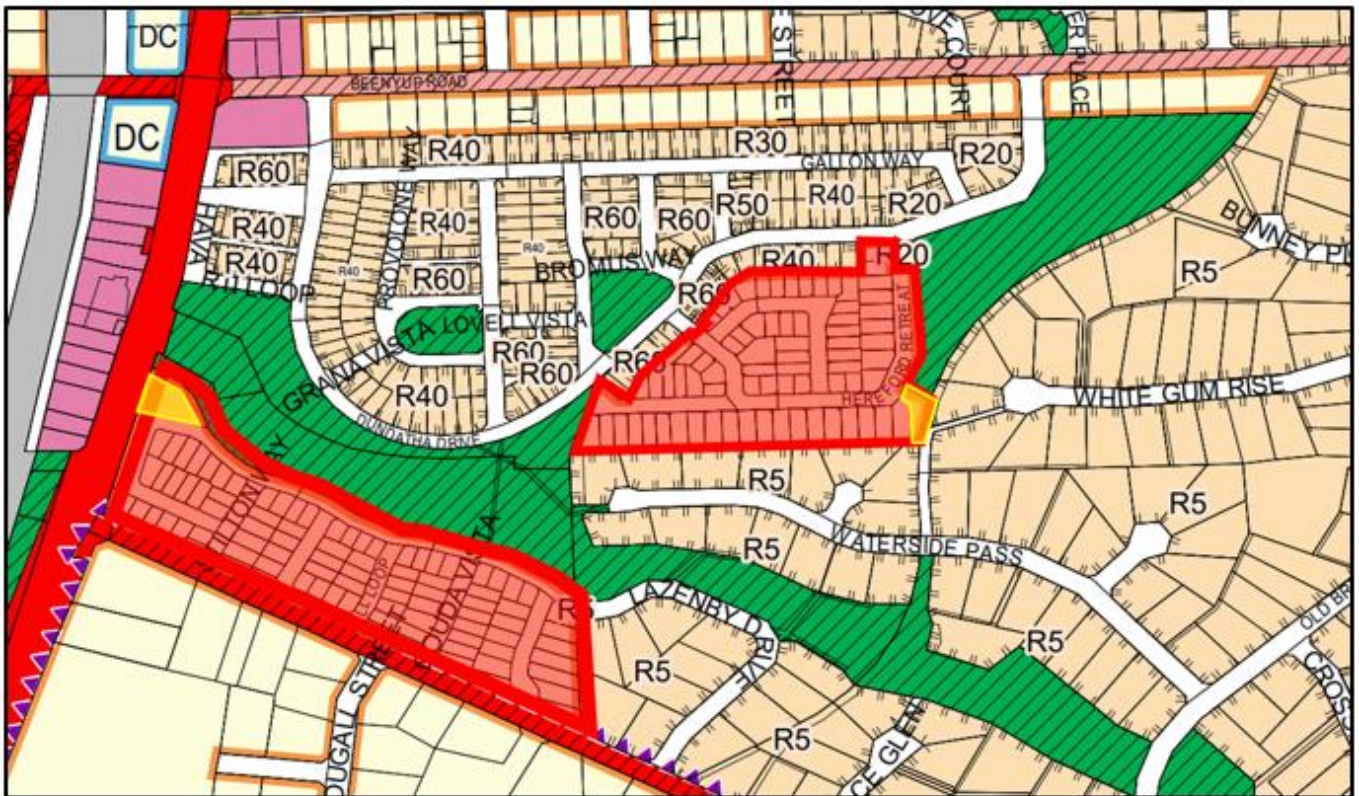


Figure 7 - Lot 2 Nettleton Road, Byford LSP - Scheme Amendment Areas

As the LSP prescribes a density range (R40-R60) for the above areas, density code plans have been prepared through subdivision approvals WAPC references 157749 and 160032, identifying specific R-Codes for each lot, as shown in Figure 8 and 9 below. The normalisation therefore proposes to rezone these lots as Residential with the applicable R-Code densities as prescribed by these density code plans. Road reserves created through subdivision must also be reserved as Local Road, including the lot currently zoned as Residential R20, which is now a constructed road, shown in Figure 10 below.



Figure 8 - Density Code Plan for Subdivision Approval WAPC 160032



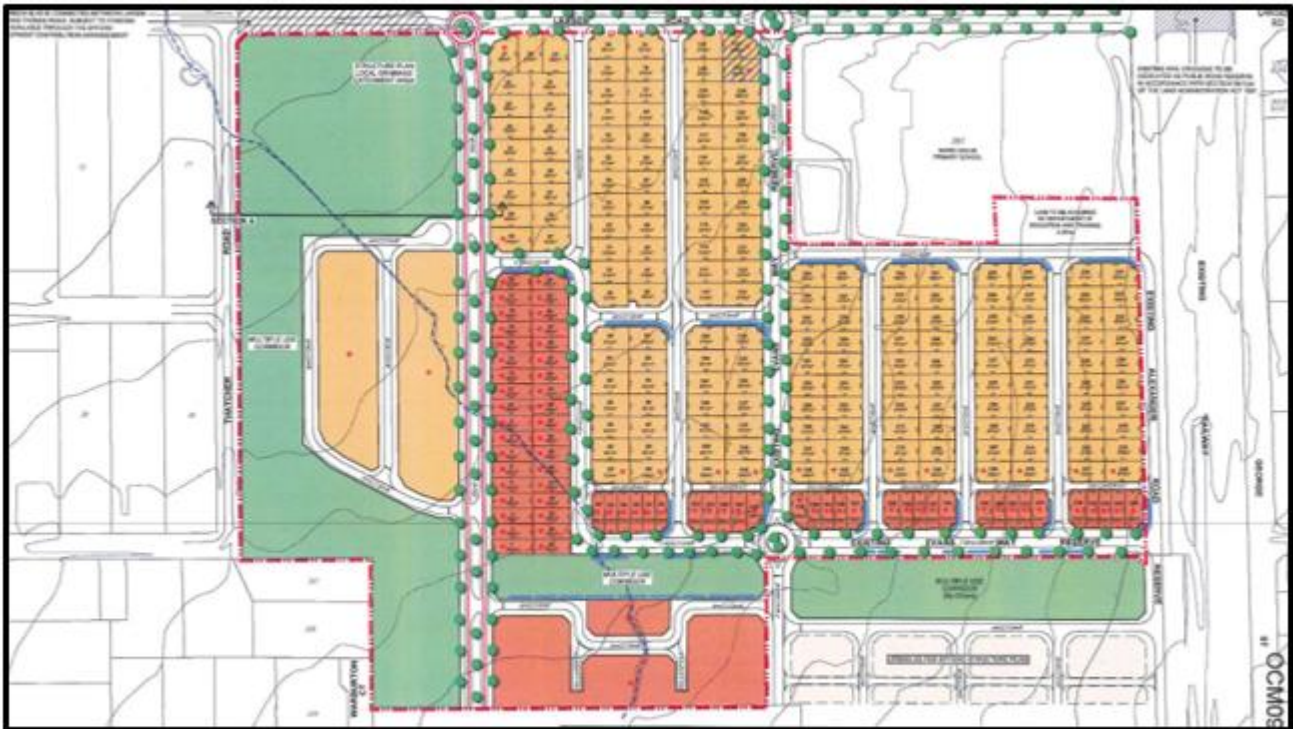
Figure 9 - Density Code Plan for Subdivision Approval WAPC 1157749



Figure 10 - Area to be reserved as Local Road

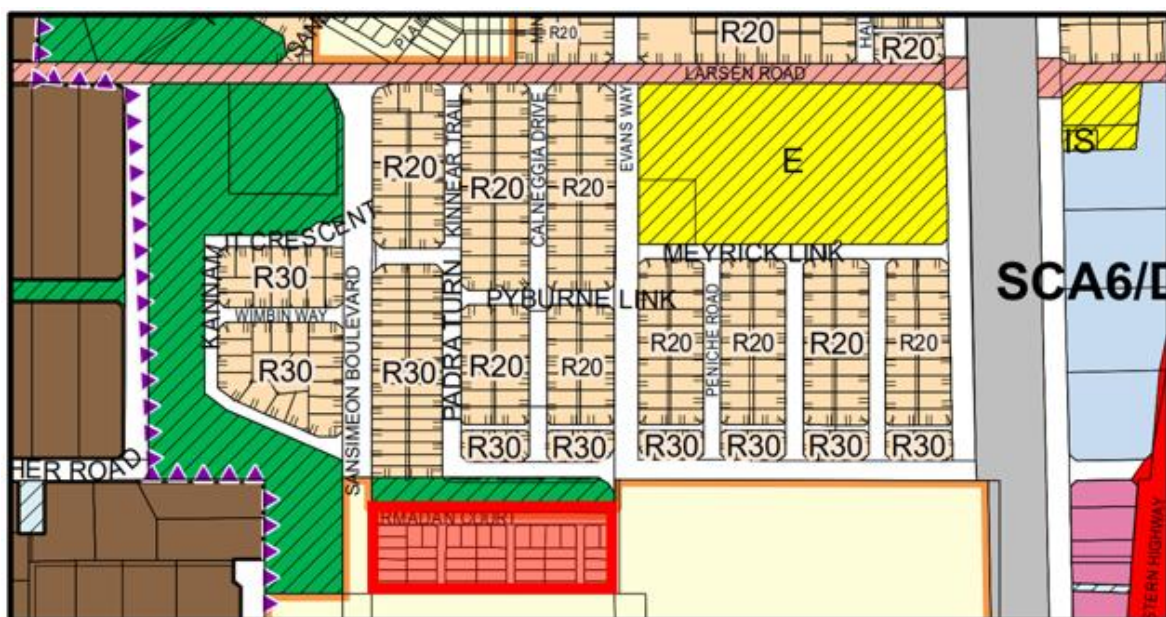
Marri Park Estate – Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan

The Marri Park Estate – Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan was approved by the WAPC on 12 July 2012. The LSP identifies areas of Residential (R20 and R30) and Public Open Space. This LSP area has been subdivided and developed in accordance with this local structure plan.



**Figure 11 - Marri Park Estate
Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan**

The majority of the Marri Park Estate - Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan site has been normalised within the Scheme and is zoned and reserved as Residential (with varying R-Codes), Public Open Space, Education, and Local Road. The southernmost portion of the Local Structure Plan site has not yet been normalised within the scheme, shown in red below, and is zoned as Urban Development. This area has now been subdivided and developed in accordance with the LSP. Therefore, these lots should be rezoned as Residential R30 and reserved as Local Road, in accordance with the LSP.



**Figure 12 - Marri Park Estate - Lot 3 Larsen Road and
Lot 3 Alexander Road Local Structure Plan - Scheme Amendment Area**



Proposed Scheme Amendment Maps

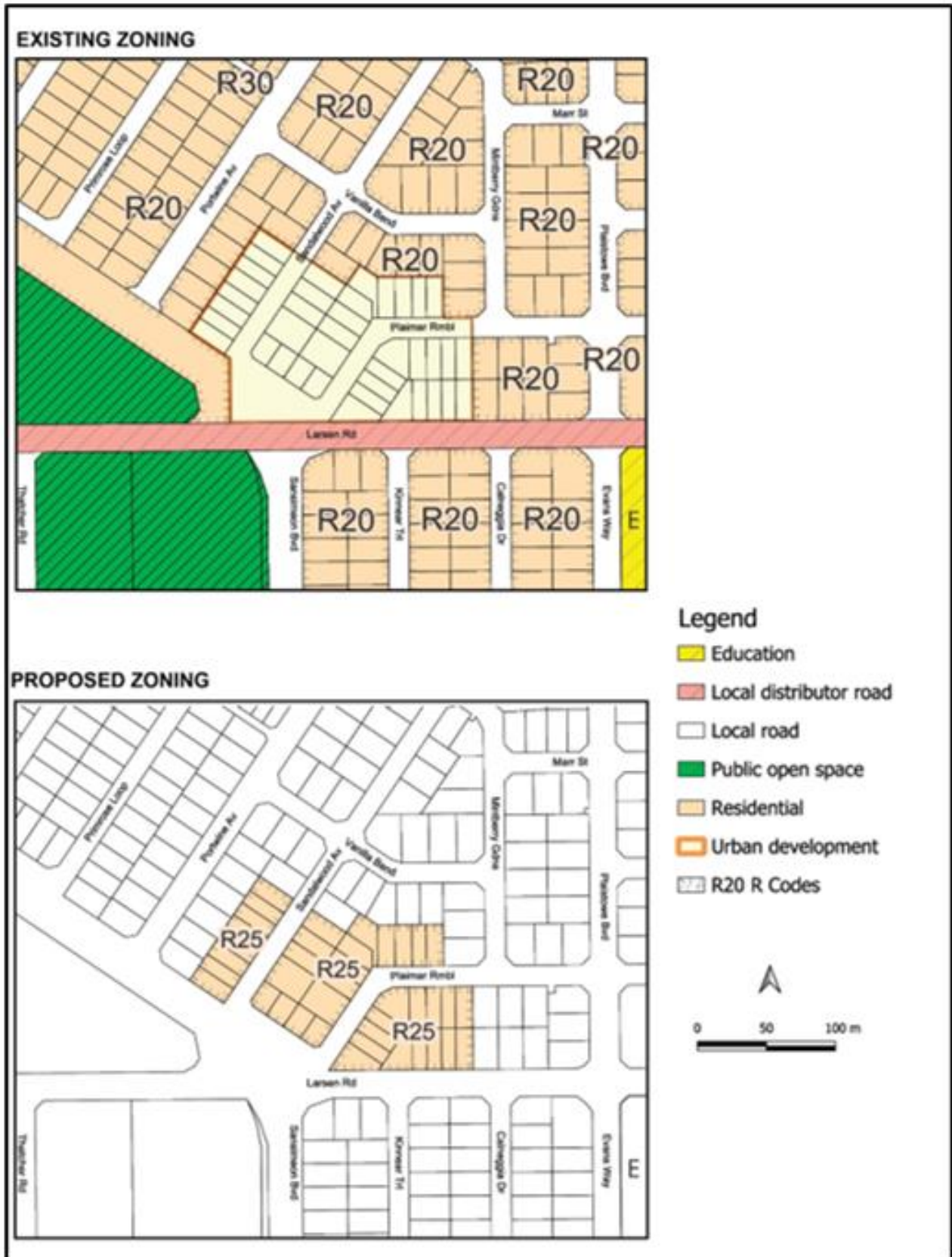
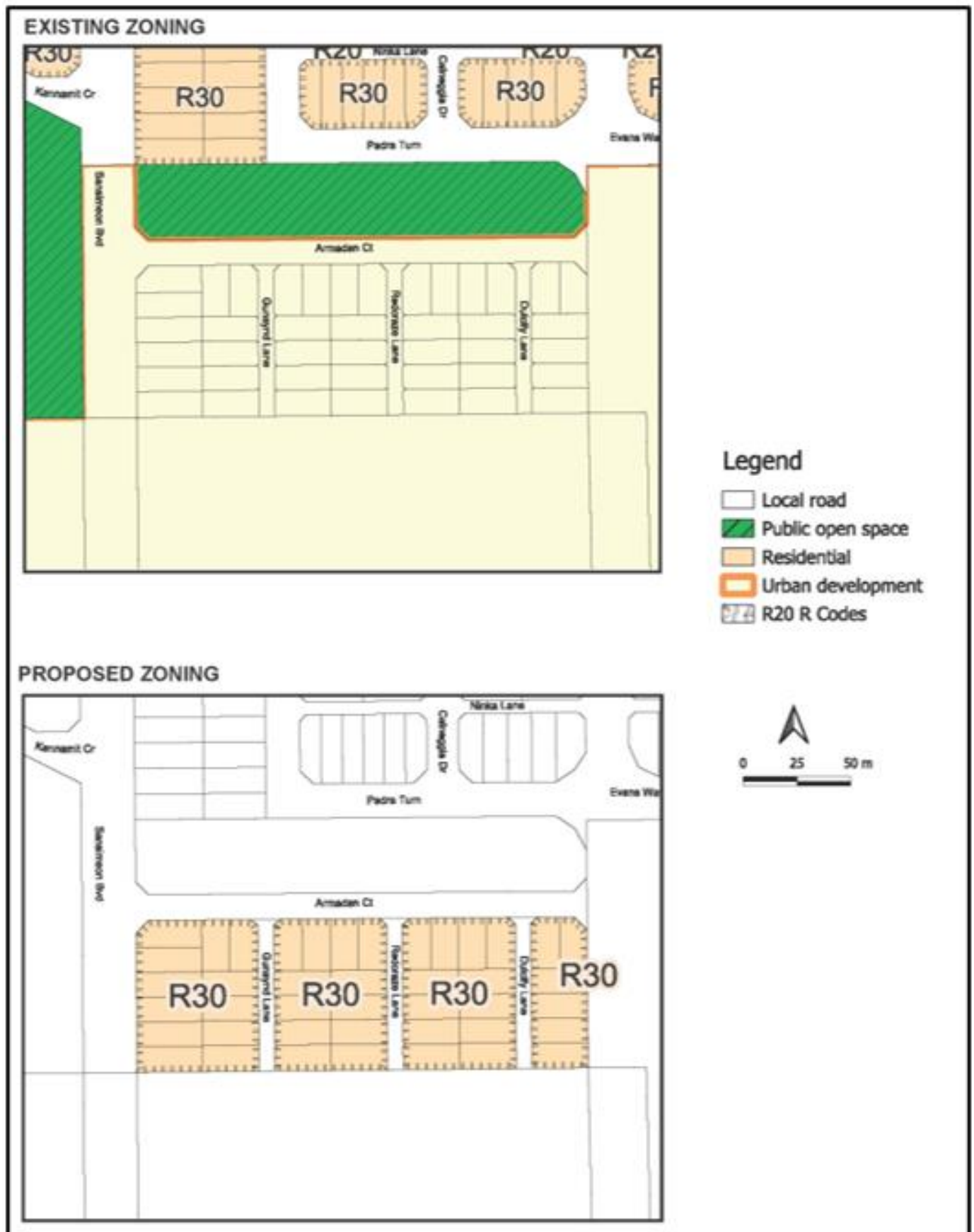


Figure 13 - Proposed Normalisation of the Byford Central Local Structure Plan – Scheme Map



**Figure 14 - Proposed Normalisation of the Marri Park Estate
Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan – Scheme Map**

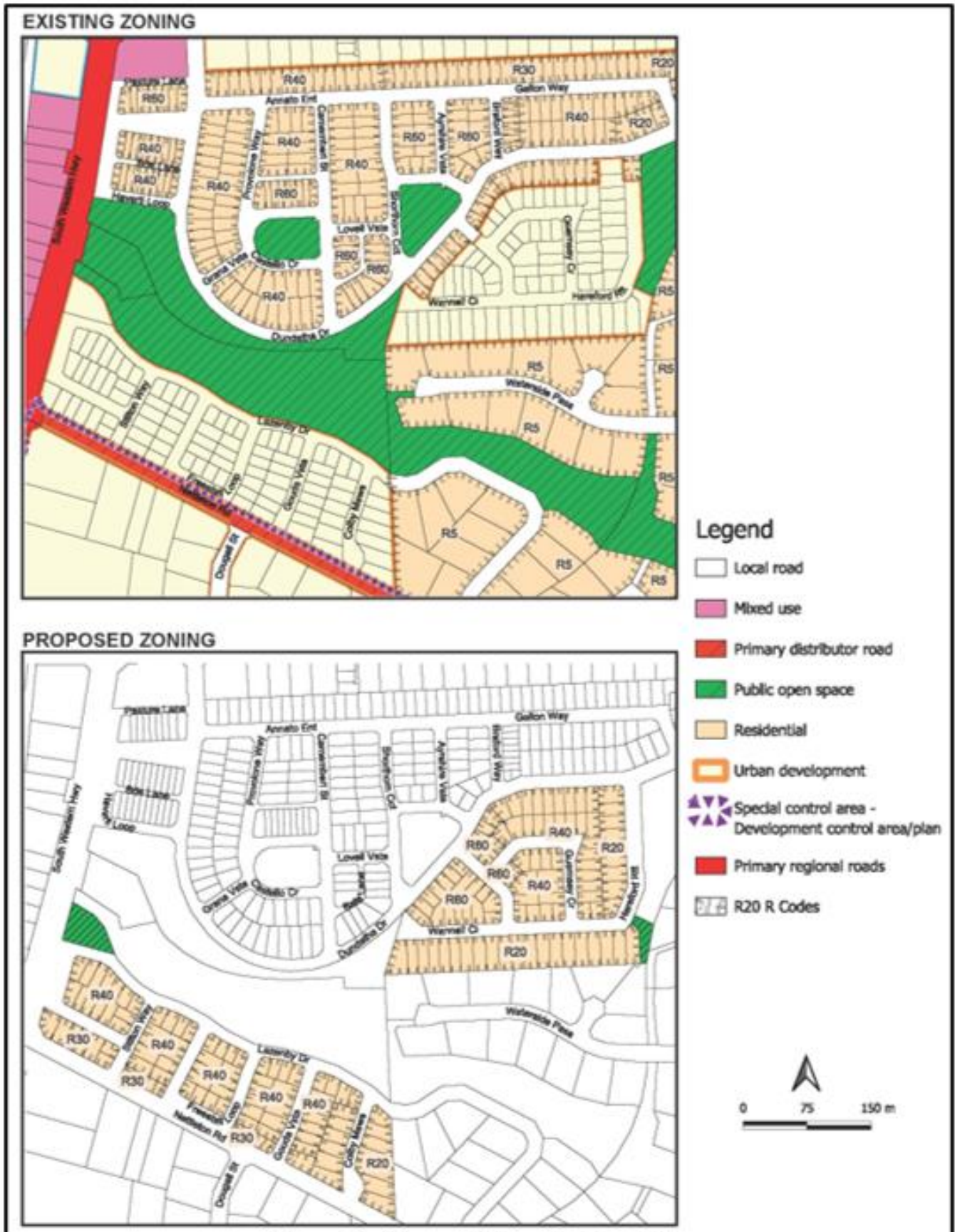


Figure 15 - Proposed Normalisation of the
Lot 2 Nettleton Road, Byford Local Structure Plan - Scheme Map



Options

Option 1

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to ADOPT the proposed Scheme Amendment No.8 to Local Planning Scheme No. 3 - Normalisation of the Byford Central Local Structure Plan, the Lot 2 Nettleton Road, Byford Local Structure Plan, and the Marri Park Estate – Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan as contained in **attachment 1** as follows:
 - a. Amend the Scheme Map to zone and reserve the Urban Development zoned portions of land within the Byford Central Local Structure Plan, the Lot 2 Nettleton Road, Byford Local Structure Plan, and the Marri Park Estate – Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan as Residential, Public Open Space and Local Road in accordance with the land uses identified within the above mentioned local structure plans.
2. Pursuant to Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DETERMINE the proposed Scheme Amendment to be a 'Basic' amendment in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - a. "an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan."
3. Pursuant to Regulation 58(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES a copy of the proposed Scheme Amendment No. 8 to Local Planning Scheme No. 3 - Normalisation of the Byford Central Local Structure Plan, the Lot 2 Nettleton Road, Byford Local Structure Plan, and the Marri Park Estate - Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan as contained in **attachment 1**, to the Western Australian Planning Commission for final approval.

Option 2

That Council, pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to NOT ADOPT the proposed Scheme Amendment No. 8 to Local Planning Scheme No. 3 - Normalisation of the Byford Central Local Structure Plan, the Lot 2 Nettleton Road, Byford Local Structure Plan, and the Marri Park Estate - Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan.

Option 1 is recommended.

**Conclusion**

The proposed Scheme Amendment seeks to normalise portions of land located within the Byford Central Local Structure Plan, the Lot 2 Nettleton Road, Byford Local Structure Plan, and the Marri Park Estate – Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan into the Shire's Local Planning Scheme No.3 by rezoning areas of land from Urban Development to the Residential zone (with applicable R-Codes), and reserving land as Public Open Space and Local Roads. The proposed Scheme Amendment is consistent with the State and local planning framework and the existing land uses, subdivision, and development at the subject site. The normalisation of this area of land into Local Planning Scheme No.3 would complete the planning framework for this area and enable the land use permissibility and development controls for the applicable zones within the Scheme to apply to these areas.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** - Proposed Scheme Amendment No. 8 Report (E24/13066)

Alignment with our Council Plan 2023-2033

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

Financial Implications

There are no financial implications relating to this matter.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is the lowest strategic risk option.						
2	That Council resolves to NOT ADOPT the proposed Scheme Amendment, which maintains a less clear planning framework that impacts new proposals being attracted to this part of the Shire.	Planning framework.	Social Community Outcomes /	Possible	Moderate	MODERATE	Accept Officer recommendation.

Voting Requirements: Simple Majority



OCM286/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to ADOPT the proposed Scheme Amendment No.8 to Local Planning Scheme No.3 – Normalisation of the Byford Central Local Structure Plan, the Lot 2 Nettleton Road, Byford Local Structure Plan, and the Marri Park Estate – Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan as contained in attachment 1 as follows:
 - a. Amend the Scheme Map to zone and reserve the Urban Development zoned portions of land within the Byford Central Local Structure Plan, the Lot 2 Nettleton Road, Byford Local Structure Plan, and the Marri Park Estate – Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan as Residential, Public Open Space and Local Road in accordance with the land uses identified within the above mentioned local structure plans.
2. Pursuant to Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DETERMINE the proposed Scheme Amendment to be a 'Basic' amendment in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - a. "an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan."
3. Pursuant to Regulation 58(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES a copy of the proposed Scheme Amendment No. 8 to Local Planning Scheme No. 3 - Normalisation of the Byford Central Local Structure Plan, the Lot 2 Nettleton Road, Byford Local Structure Plan, and the Marri Park Estate - Lot 3 Larsen Road and Lot 3 Alexander Road Local Structure Plan as contained in attachment 1, to the Western Australian Planning Commission for final approval.

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0

**10.1.9 - Proposed Metropolitan Region Scheme Amendment - South East and South West Districts Omnibus No. 5 - RLS/1028 - Request for Preliminary Comment (SJ1369-18)**

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Western Australian Planning Commission
Owner:	Various
Date of Receipt:	26 August 2024
Lot Area:	Various
Local Planning Scheme No. 3 Zoning:	Various
Metropolitan Region Scheme Zoning:	Various

Report Purpose

The purpose of this report is for Council to consider the request received from the Western Australian Planning Commission (WAPC) to provide preliminary comment on the proposed Metropolitan Region Scheme (MRS) Amendment - South East and South West Districts Omnibus No. 5. Officers recommend Council provide preliminary comments of support in accordance with the strategic planning framework.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The WAPC have requested the Shire to provide preliminary comment on a proposed omnibus MRS Amendment which includes 26 separate proposals in the Cities of Armadale, Cockburn, Gosnells, Rockingham and the Shire of Serpentine Jarrahdale. The purpose of the amendment is to update various zones and reservations in the south-east and south-west districts of the Metropolitan Region Scheme (MRS) area.



Proposals in the amendment include small scale amendments to the MRS which do not warrant consideration as individual amendments, the rationalisation of zones and reservations to match cadastral boundaries, updates to reflect infrastructure and buildings as constructed, and other general updates to ensure the MRS is kept up-to date as the statutory plan for the metropolitan area. There are four proposals included within the proposed omnibus MRS Amendment that are located within the Shire. These four proposals will be discussed further within the planning assessment section of this report.

Community / Stakeholder Consultation

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

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy
- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Byford District Structure Plan

Planning Assessment

The following four proposals are included as part of the proposed MRS Amendment and relate to land within the Shire of Serpentine Jarrahdale.

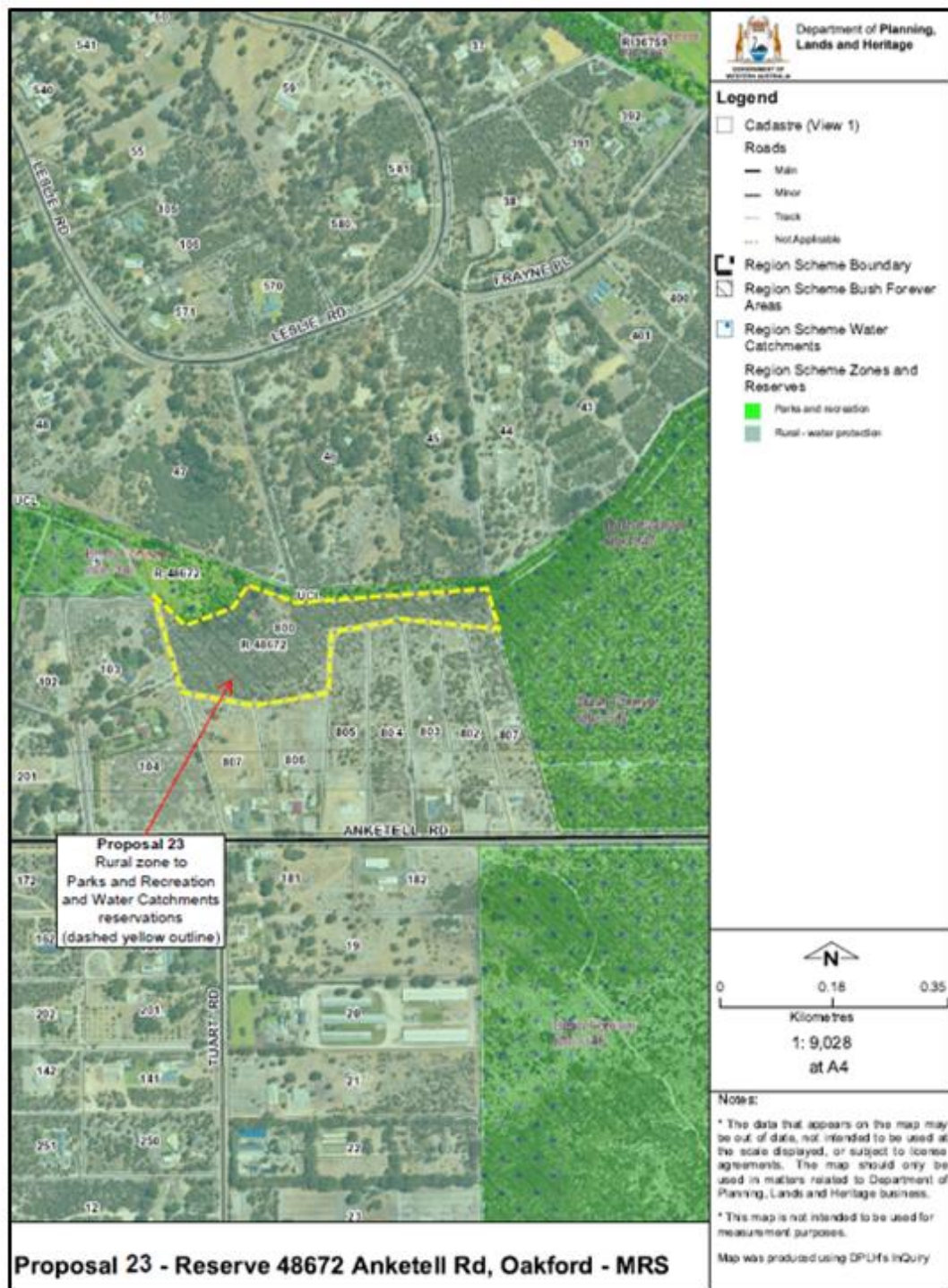
Proposal 23

Oakford: To transfer part of Lot 800/Reserve 48672 Anketell Road from the Rural zone to the Parks and Recreation and Water Catchments reservations.

A portion of Lot 800 Anketell Road, Oakford is currently reserved as Parks and Recreation under the MRS and a portion of the lot is zoned as Rural. The whole of the subject lot is identified as Bush Forever Area 347 and is identified as Reserve 48672. The subject lot is extensively covered by native vegetation, which is reflective of the Bush Forever designation of the lot. The proposal seeks to transfer the Rural zoned part of Reserve 48672, which has an area of approximately 4.9 hectares, to the Parks and Recreation reservation and for this area to also be included in the Water Catchments reservation. The proposed Parks and Recreation reservation of the whole of Lot 800 is consistent with this land being part of Bush Forever Area 347 and Reserve 48672.



Officers consider this proposed MRS Amendment to be appropriate and logical, given the subject lot is included within Reserve 48672, is designated as a Bush Forever site, and is comprised of extensive native vegetation. Officers support the Rural zoned portion of Lot 800 being reserved as Parks and Recreation under the MRS.

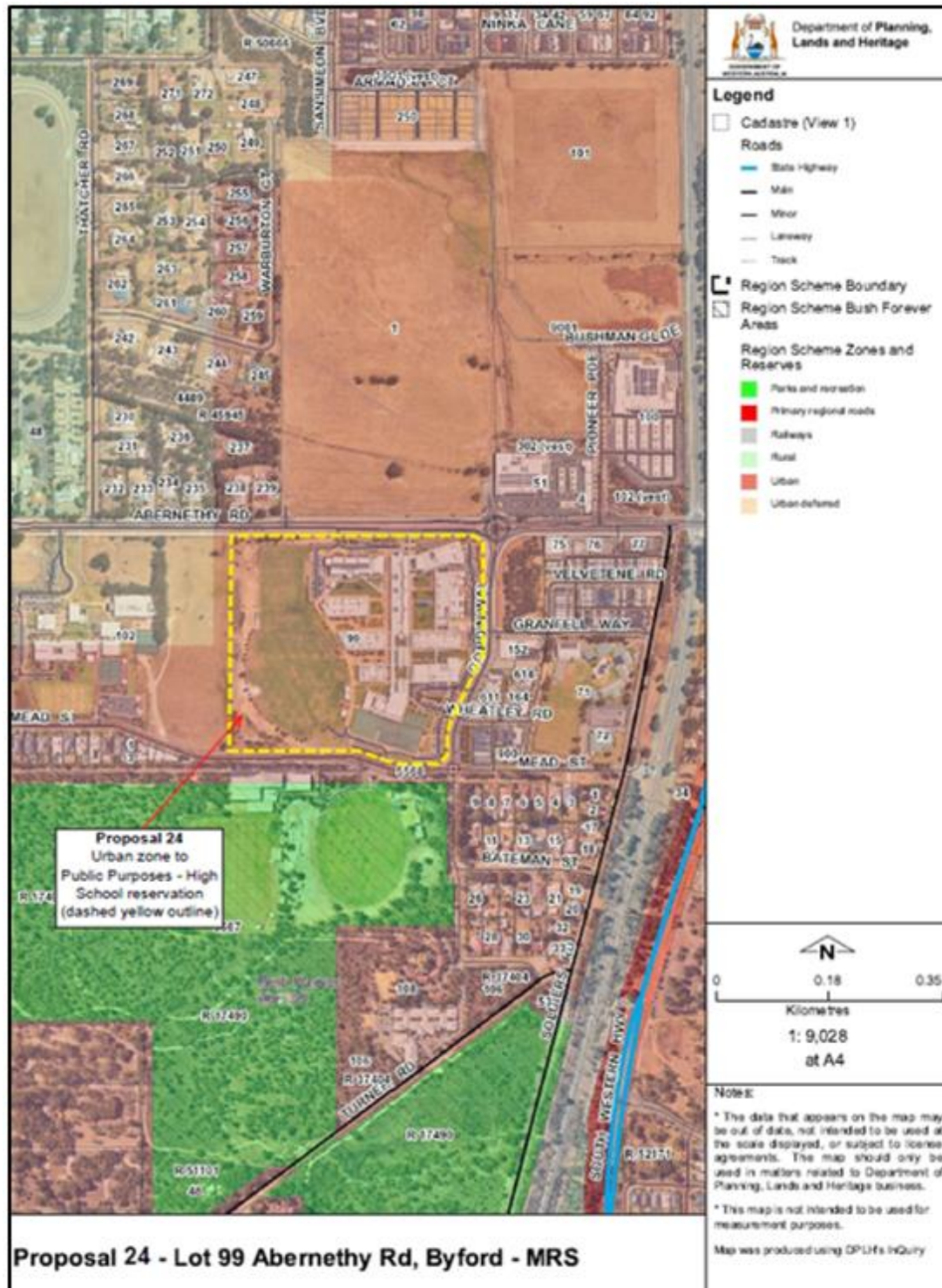


Proposal 24

Byford: To transfer Lot 99 Abernethy Road from the Urban zone to the Public Purposes - High School reservation.



Lot 99 Abernethy Road, Byford is the site of the Byford Secondary College and is proposed to be reserved as Public Purposes - High School under the MRS, consistent with this current use of the site. The subject site is reserved as Public Purposes - Education local scheme reserve under the Shire's Local Planning Scheme No. 3. The subject site is also identified as a public purpose high school site under the Shire's Byford District Structure Plan. The proposed MRS Amendment is therefore consistent with the Shire's planning framework for the subject site and the current use of the site as the Byford Secondary College and is supported by Officers.

**Figure 2 - MRS Amendment Proposal 24**

**Proposal 25**

Byford: To transfer Lot 246/Reserve 51963 Beenyup Road from the Rural zone to the Parks and Recreation reservation.

Lot 246 Beenyup Road, Karrakup is currently zoned as Rural under the MRS. The subject site is identified as Reserve 51963 and is currently reserved as Public Open Space local scheme reserve under the Shire's Local Planning Scheme No.3. The Department of Biodiversity, Conservation and Attractions has requested that Reserve 51963 be transferred to the Parks and Recreation reservation, as it forms part of the Wungong Regional Park. Officers support the proposed MRS Amendment to reserve the subject lot as Parks and Recreation under the MRS as it is consistent with the Shire's planning framework for the subject site.

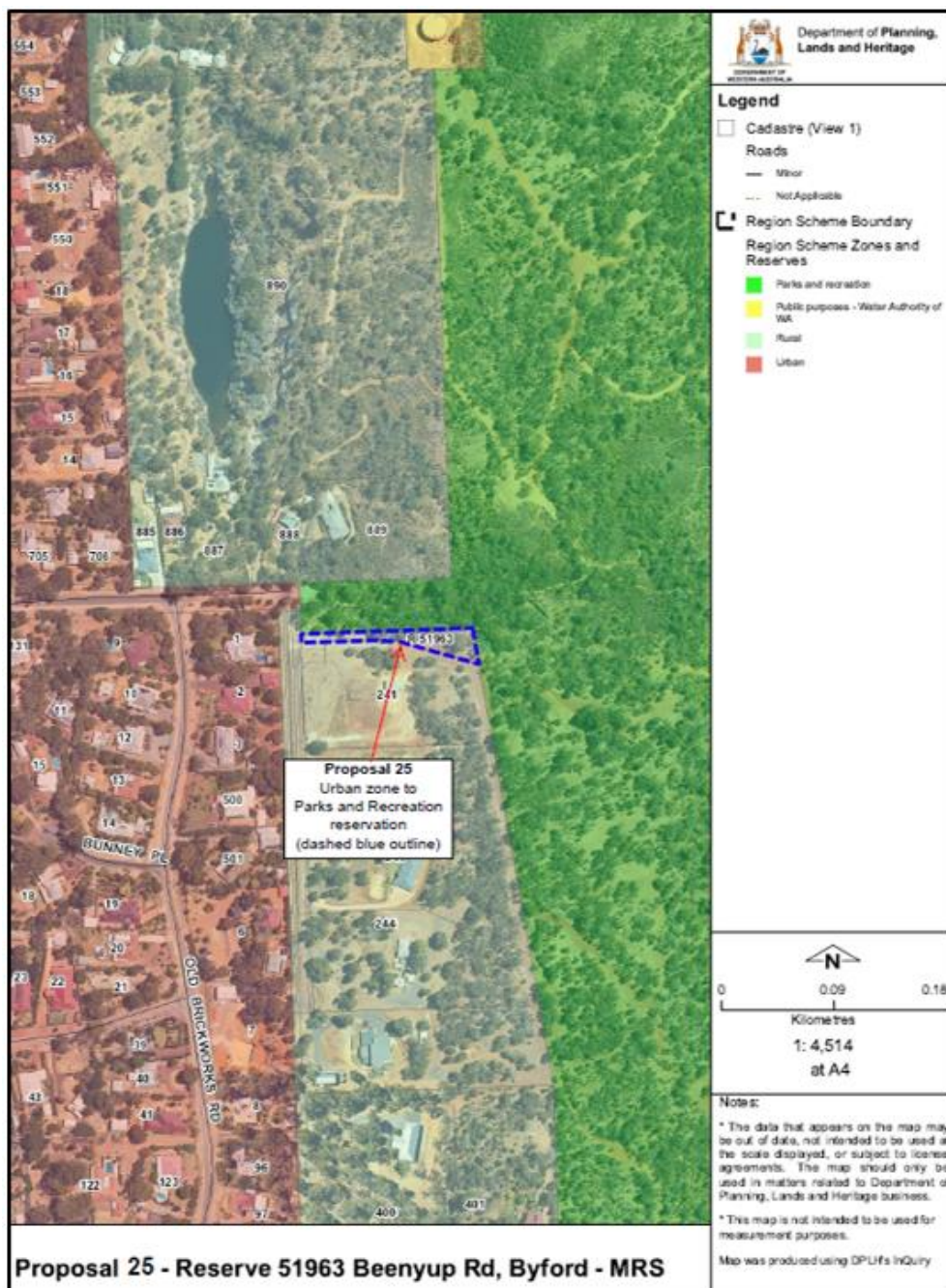


Figure 3 - MRS Amendment Proposal 25



Proposal 26

Mardella: To transfer part of Lot 803 South Western Highway from the Rural zone to the Primary Regional Roads reservation.

The proposal seeks to transfer approximately 1,680 square metres of land within the road reserve for South Western Highway to the Primary Regional Roads reservation. This portion of land is currently reserved as a Primary Distributor Road local scheme reserve under the Shire's Local Planning Scheme No.3. Officers support the proposed MRS Amendment as it is consistent with the Shire's planning framework for the subject site and the future planning for the Tonkin Highway extension to connect to South Western Highway.

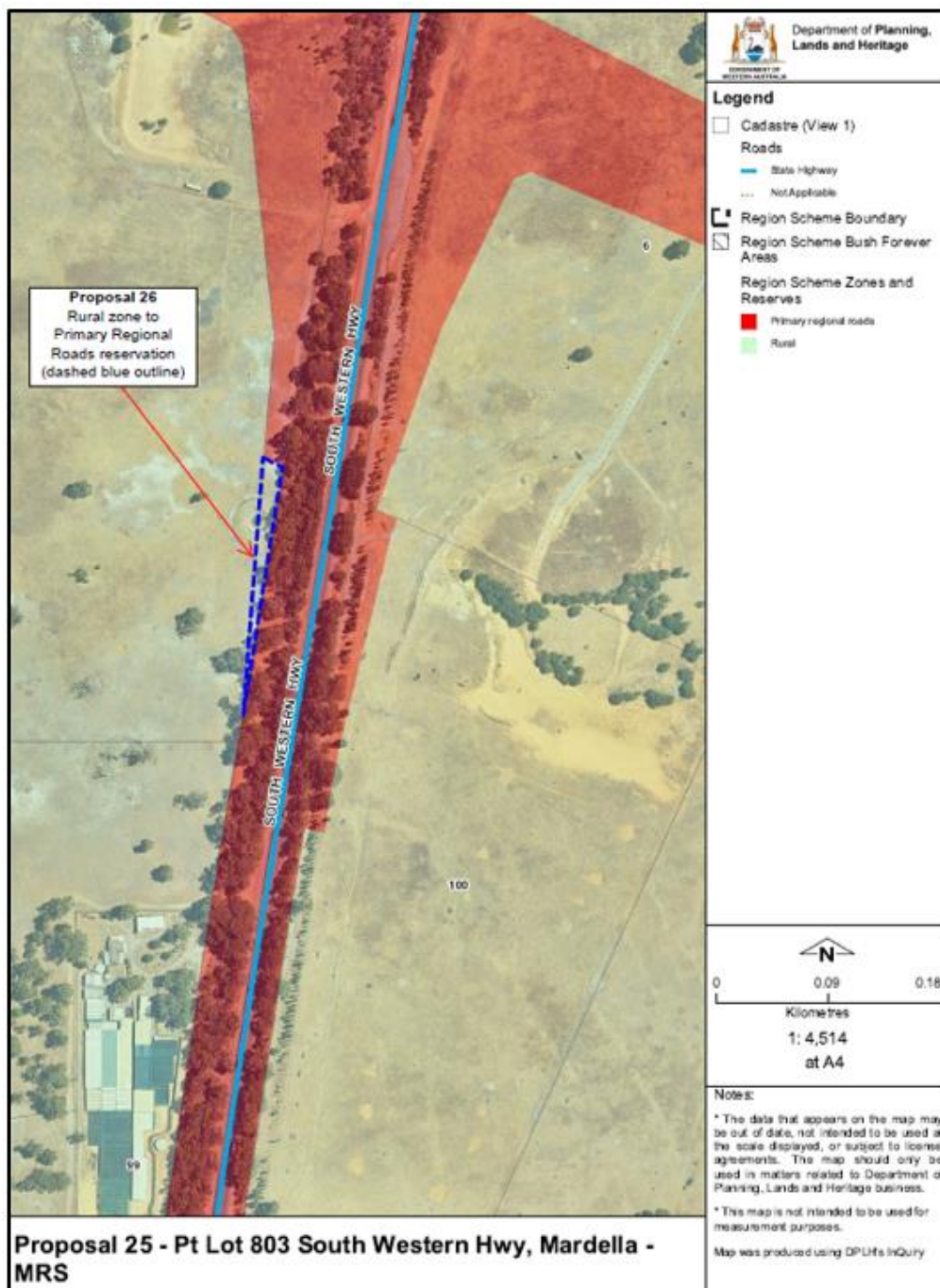


Figure 4 - MRS Amendment Proposal 26



While supportive of the proposals, Officers also point out the previous requests that were made at the Ordinary Council meetings of 15 July 2024 and 16 September 2024. These requested that:

1. The portion of Rural zoned land, between the Industry zoning of the West Mundijong Industrial Area and the Planning Control Area for the Freight Rail Deviation, be entirely zoned Industry (**attachment 3**). This would remove the 'gap' of Rural zoned land, and enable coordinated planning and delivery of the overall industrial area; and
2. Lot 500 (#10) Lampiter Drive, Mardella be rezoned from 'Parks & Recreation' reservation to 'Rural' zone (**attachment 4**), reflective of the Shire's purchasing of that land in 2019.

These are shown following:

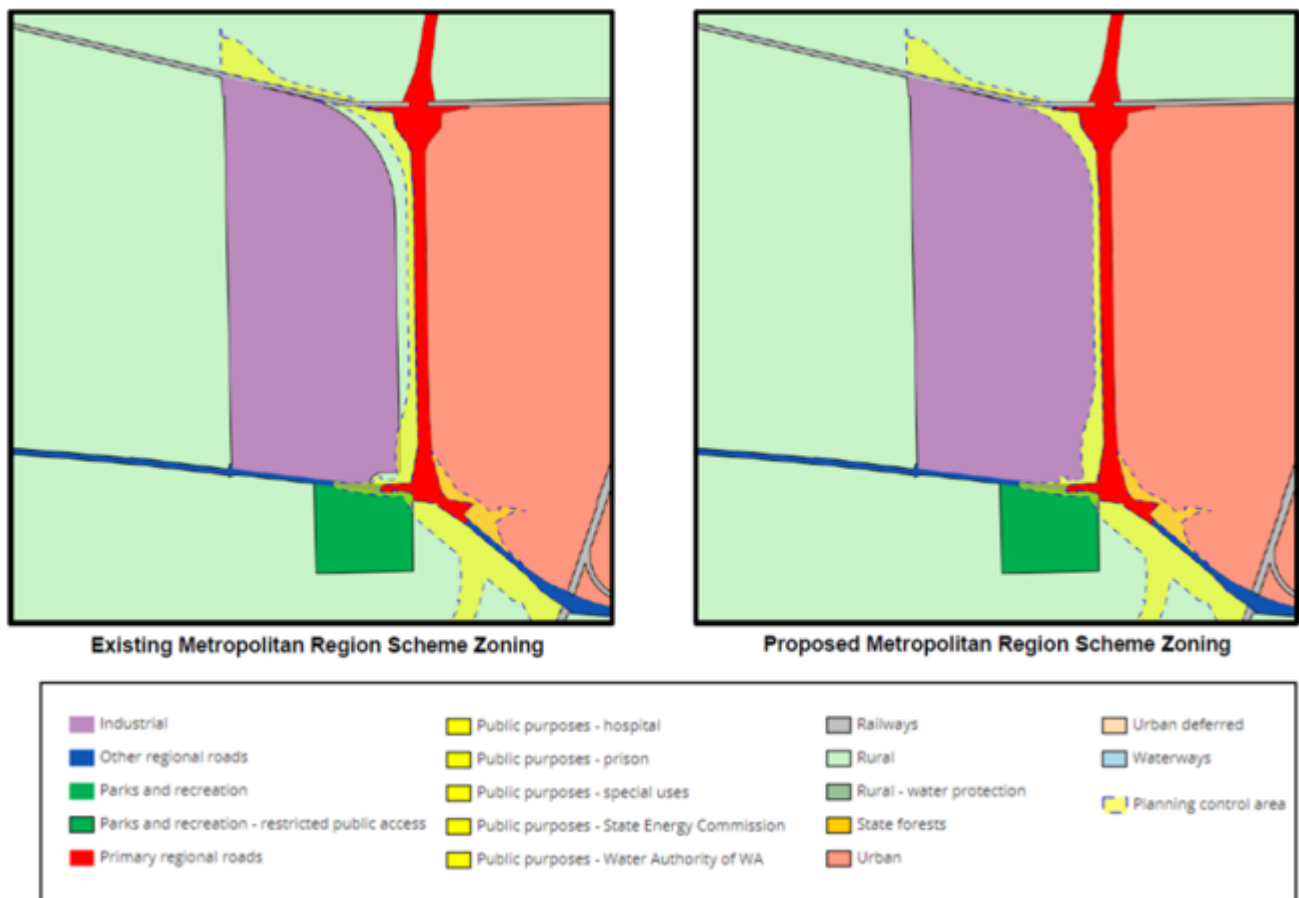
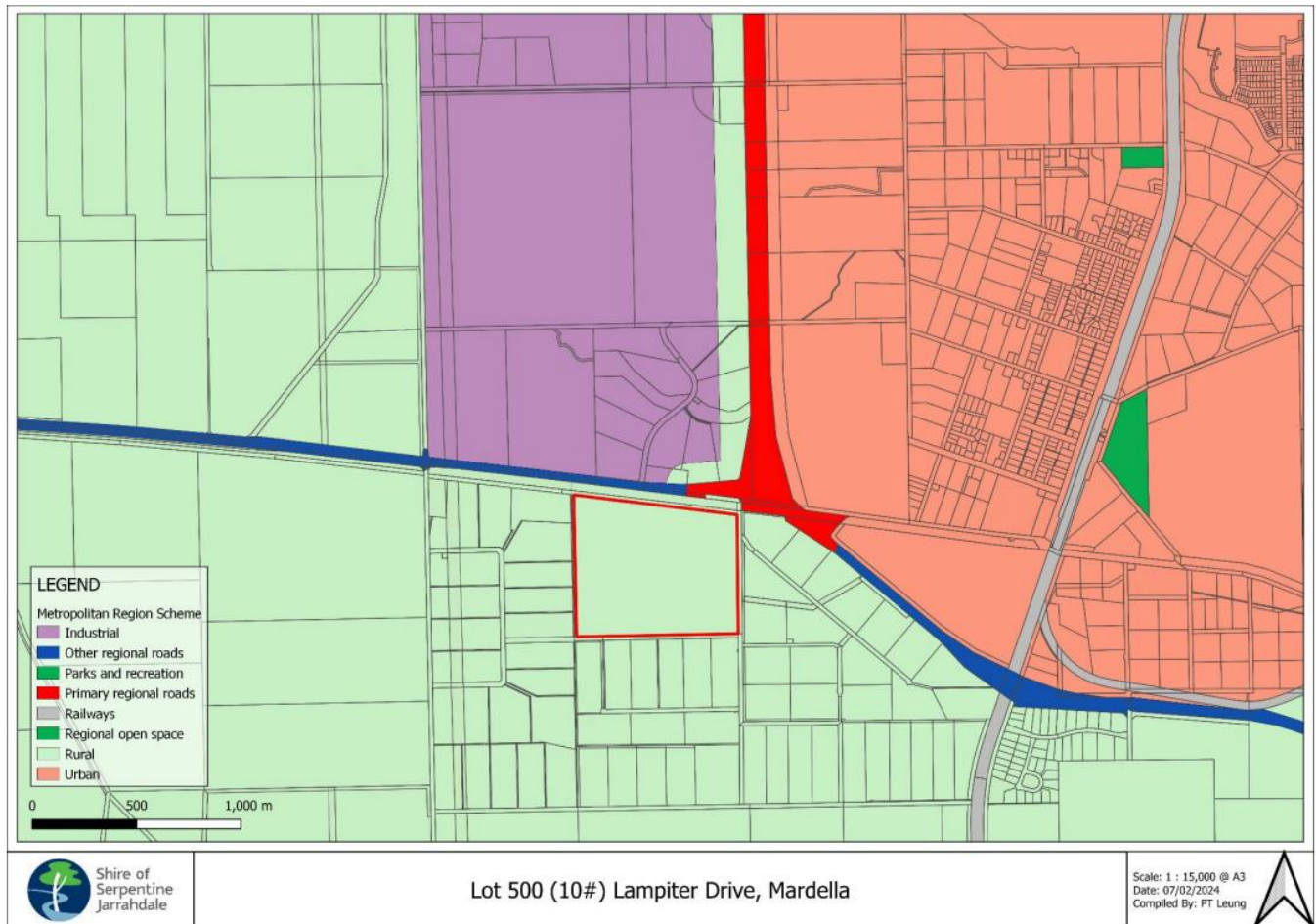


Figure 5 – Proposed MRS Amendment Map



Map of Metropolitan Region Scheme (Proposed)
Lot 500 (#10) Lampiter Drive Mardella



Officers recommend these be included as part of this omnibus amendment.

Options

Option 1

That Council PROVIDES preliminary comments of SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - South East and South West Districts Omnibus No. 5 SUBJECT TO the amendment being modified to add in:

1. the request resolved by Council at the 15 July 2024 meeting, being to rezone the portion of 'Rural' zoned land to the west of the Planning Control Area within the West Mundijong Industrial Area from 'Rural' to 'Industrial'; and
2. the request resolved by Council at the 16 September 2024 meeting, being to rezone Lot 500 (#10) Lampiter Drive, Mardella from 'Parks & Recreation' reservation to 'Rural' zone.

Option 2

That Council PROVIDES preliminary comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendment - South East and South West Districts Omnibus No. 5 to the Western Australian Planning Commission.



Option 1 is recommended.

Conclusion

The WAPC have requested the Shire to provide preliminary comment on a proposed omnibus MRS Amendment which includes 26 separate proposals, including four proposals which relate to land within the Shire. Officers consider the four proposals located within the Shire to be appropriate, logical, and consistent with the Shire's planning framework. Officers recommend the proposed MRS Amendment be supported, however also recommend adding the request resolved by Council at the 15 July 2024 meeting, being to rezone the portion of 'Rural' zoned land to the west of the Planning Control Area within the West Mundijong Industrial Area from 'Rural' to 'Industrial'

Attachments (available under separate cover)

- **10.1.9 - attachment 1** - Proposed Metropolitan Region Scheme Amendment - South East and South West Districts Omnibus No. 5 - Report (IN24/19847)
- **10.1.9 - attachment 2** - Proposed Metropolitan Region Scheme Amendment - South East and South West Districts Omnibus No. 5 - Maps (IN24/19850)
- **10.1.9 – attachment 3** - Proposed Metropolitan Region Scheme Amendment – Portion of West Mundijong Industrial Area – Request to Initiate Amendment (OC24/14344)
- **10.1.9 – attachment 4** - Proposed Metropolitan Region Scheme Amendment - Lot 500 (#10) Lampiter Drive, Mardella – Request to Initiate Amendment (OC24/18838)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
Liveable
2. Improve maintenance and investment in roads and paths
3. Preserve and enhance our natural places, parks, trails and reserves

Financial Implications

There are no direct financial implications relating to this matter.

**Risk Implications**

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is the lowest strategic risk option.						
2	That Council PROVIDES preliminary comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendment - South East and South West Districts Omnibus No. 5 to the Western Australian Planning Commission, which causes delays in having an optimal regional planning scheme in place.	Planning framework.	Social Community Outcomes /	Possible	Moderate	MODERATE	Accept Officer recommendation.



Voting Requirements: Simple Majority

OCM287/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council PROVIDES preliminary comments of SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - South East and South West Districts Omnibus No. 5 SUBJECT TO the amendment being modified to add in:

1. the request resolved by Council at the 15 July 2024 meeting, being to rezone the portion of 'Rural' zoned land to the west of the Planning Control Area within the West Mundijong Industrial Area from 'Rural' to 'Industrial'; and
2. the request resolved by Council at the 16 September 2024 meeting, being to rezone Lot 500 (#10) Lampiter Drive, Mardella from 'Parks & Recreation' reservation to 'Rural' zone.

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0

**10.1.10 - Project Plan to Investigate Options for a Shire Administration Presence in Byford (SJ2201-2)**

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

Authority / Discretion

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

The purpose of this report is to present the proposed project approach to Council, regarding investigating and recommending a Byford presence for a Shire of Serpentine Jarrahdale administration function.

The project aims to produce a recommended option for how Council can best pursue a Byford presence, through detailed analysis of potential pathways available.

It is recommended that Council endorse this report as the basis for the project report, to enable a suitably qualified consultant to be engaged who can undertake the required investigations and analysis, and provide a recommendation to Council to consider.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 17 June 2024 - OCM 177/06/24 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. RECEIVES the discussion paper "The Identification of Opportunities and Recommendations for Innovative Staff Working Arrangements" provided at attachment 1.*
- 2. REQUESTS the Chief Executive Officer implement the following recommendations, subject to funding allocations in the 2024/25 Budget: accommodation*
 - Recommendation 1*
As part of the 2024/25 FY program, establishes an Apprentice and Traineeship program designed to bring more young people into the organisation.
 - Recommendation 2*
Review the timeline for the upgrade of Office Accommodation and Council Chambers and present a report to Council with a view to bringing forward redevelopment/refurbishment of the Administration Office with the aim of:
 - 1. Creating more collaborative spaces*



2. *Providing hot desks for employees working on flexible working arrangements for two days per week or more.*
 3. *Improving the physical work environment to give a clean, modern and consistent theme across the work areas.*
 4. *Relocating Council Chambers for the next 2 years and repurposing the space to meet short term accommodation needs.*
- *Recommendation 3
Takes no further action in the consideration of co-working spaces at this time.*
 - *Recommendation 4
Present a report to Council for consideration as soon as possible, assessing options and providing recommendations (both short and longer term) for the establishment of a Shire presence in Byford to accommodate the following:*
 - *Customer Service Centre*
 - *Office space for Shire staff (noting that the main Office Space and Council Chambers will remain in Mundijong)*
 - *Potentially a Coworking space/innovation hub*

Background

As part of the Shire's continued commitments to planning for growth and service delivery, an organisational KPI was undertaken in the 2023/2024 financial year. This examined opportunities and recommendations for innovation in the manner by which Shire staff work and deliver services to the community. This KPI was presented to the June 2024 Council meeting, whereby Council resolved to support the recommendations that had been developed within the innovation working paper.

Recommendation 4 specifically provided as follows:

Present a report to Council for consideration as soon as possible, assessing options and providing recommendations (both short and longer term) for the establishment of a Shire presence in Byford to accommodate the following:

- *Customer Service Centre*
- *Office space for Shire staff (noting that the main Office Space and Council Chambers will remain in Mundijong)*
- *Potentially a Coworking space/innovation hub*

Recommendation 4 is an important aspect of future workforce and service delivery arrangements, with a range of potential options in which to pursue a Byford presence. Given that options and recommendations will need to be informed by a detailed property and financial analysis, it is important that Council are aware of the options that are envisaged to be assessed as part of this work.

Community / Stakeholder Consultation

No community consultation has occurred as part of this report.

A previous Policy Concept Forum was held on 22 April 2024 regarding "The Identification of Opportunities and Recommendations for Innovative Staff Working Arrangements."



Policy Concept Forum

Meeting Date	22 April 2024
Elected Members in Attendance	President Coales, Cr Bishop, Cr Byas, Cr Duggin, Cr Jerrett, Cr Mack, Cr Mazzini

Statutory Environment

- *Council Plan 2023-2033*

Comment

The Shire's civic and governance functions are identified to remain in Mundijong, which is the centre point of the Shire. As part of the future development of Mundijong, the growth centre of the Shire will shift from Byford southwards, such that the ultimate growth of Mundijong reaches 55,000 people by 2050. This is in comparison to Byford, which will grow to a size of around 40,000 people, within the next decade.

According to these trends, preserving the civic and governance functions within Mundijong remains a strategic commitment for the Shire, given it will serve as the centre point and largest regional centre ultimately. However as shown by the nature of growth emanating from the north (in Byford) and extending south, the current growth trajectory is still centred around Byford with about 75% of all new homes each year, being located there.

Whereas this will eventually shift and become overtaken by the larger growth in Mundijong, Byford will have continued to grow and peaked at around 40,000 people by the middle of next decade. Having a community of this size, integrated within a new activity centre and train station precinct, presents an opportunity to consider both physical presence and service offering for the administration of the Shire.

In considering such a presence, a number of criteria are of particular relevance. These criteria help to show the many potential options that could be considered, and that the narrowing of options at this point may prove a more effective approach in which to engage a consultant to produce an analysis and recommendation that is effective.

Criteria of choice include (inter alia):

1. Location analysis:
 - Centre vs out of centre location
 - Level of use mix desired
 - Level of pedestrian accessibility and public transport availability desired
 - Access by private vehicle and parking availability
2. Financial considerations:
 - Purchase of vacant land vs land within building
 - Cost of building new vs cost of renovating existing
 - Renovation/fit-out expenses
 - Operating costs
 - Options to rent on a long term basis



3. Operational factors:

- Staffing requirements, by 2030 and beyond 2030
- Space requirements, by 2030 and beyond 2030
- Sustainable design and energy efficient operation

4. Property considerations:

- Size and layout
- Single level versus multi-level construction
- Build own operate by Shire
- Build own operate by private party with the Shire a tenant
- Utilities and infrastructure available

5. Ease of access:

- Accessibility by customers and the community
- Visibility and familiarity

6. Timing factors:

- Market conditions
- Construction/renovation timeline if considering building
- Construction/renovation timeline if considering leasing
- Leasing options

Additionally, preferences of staff have been captured in terms of a Byford presence and include:

- That there is strong interest from staff to be in Byford as identified in the innovation and working arrangements survey;
- A presence in Byford as a customer service centre would provide better services to the community whilst the concentration of growth remains located within Byford.

Narrowing options

In order to manage the breadth of work needed in analysing options, and particularly to ensure an effective analysis and set of recommendations is produced, there is needing to be some boundaries placed on the extent of work to be done. These need to consider:

- A recommended spatial extent;
- A recommended location;
- A recommended building configuration;
- A recommended set of alternatives to secure land/property.

In terms of the recommended boundaries, these are proposed to be as follows:

- That by 2030 space needs to be found for an additional 50 staff, with this growing to 100 staff by 2040;



- The space required by this accommodation is 600sqm in 2030, and 1,200sqm in 2040. This is based upon the all inclusive measure of 12sqm per person. Additionally, allowance should be made for a customer service component of a future 100sqm;
- Car parking based on planning scheme requirements would be at the rate of 1 bay per 40sqm of space, which would require 15 bays by 2030 and 30 bays by 2040. However, this is likely to need to be higher based on the needs to accommodate customers, and also the degree to which staff can viably choose alternative travel arrangement. Doubling this factor to 30 bays by 2030 and 60 bays by 2040 is considered reasonable;
- Being located between a 5 to 10 minute walk of the new Byford rail station, means property needs to be located between 400m and 800m from the current retail centre of Byford;
- As a growing city centre, it would be preferable to have the building in a multi-level arrangement. Likewise, it would be preferable to have parking managed through an under-croft design.
- This would point to a lot size of around 1,000sqm to 2,000sqm.

Thus, the following summarises the intended approach for engaging consultant in this project:

Project Approach	
Step 1 - Agreed scope that a Byford presence MUST achieve:	
<ul style="list-style-type: none">- 50 staff by 2030 = 600sqm office space by 2030- 100 staff by 2040 = 1,200sqm office space by 2040- An additional 100sqm customer service component- Within 800m of the Byford rail station- Accessible by pedestrians, public transport and private motor vehicle- Sufficient land to accommodate staff and customer parking, with a minimum 30 bays by 2030 and 60 bays by 2040- Preference for a multi level building with undercroft parking- Contemporary office layout, with safe and secure amenities, and internal office environment that is healthy building and efficiency based.	
Step 2 - Options to consider:	
<u>Option 1</u> Leasing Existing Office Space	<ul style="list-style-type: none">- Leasing existing office space which meets the agreed scope needs.
<u>Option 2</u> Purchasing Land to Build New Office Space	<ul style="list-style-type: none">- Purchasing land that meets the location and configuration requirements, and building on this land in a manner that achieves the agreed scope needs.
<u>Option 3</u> Purchasing Land With Existing Office Space and redevelop / retrofit	<ul style="list-style-type: none">- Purchasing land with an existing commercial building on it which is capable of being retrofit to achieve the agreed scope.



Project Approach	
<u>Option 4</u> Build-to-Rent Agreement	- Enter into build to rent agreement with a developer to lease office space, where a developer builds, owns and operates a new office building specifically for a long-term lease to the Shire, including capacity to meet growth needs as per the agreed scope. Office space preferred as part of a larger mixed use building.
Step 3 - Assess each option based on: <ul style="list-style-type: none">• Market analysis: Land costs, building costs etc;• Site analysis: Location within the desired area;• Financial feasibility: Net present cost of each option;• Risk Analysis: Potential risks associated with each option; Step 4 - Recommended option to be compared against the costs already derived to redevelop a new facility at Mundijong. Step 5 - For the recommended option, outline timeline and next steps	

Should Council support this project approach, the above steps will be taken to achieve a recommended outcome.

Options

Option 1

That Council ENDORSES this report as the basis of the Project to investigate options for a Shire Administration presence in Byford, and REQUESTS the Chief Executive Officer to proceed with the project.

Option 2

That Council:

1. ENDORSES this report as the basis of the Project to investigate options for a Shire Administration presence SUBJECT TO the following changes:
(List changes)
2. REQUESTS the Chief Executive Officer to proceed with the project.

Option 1 is recommended.

**Conclusion**

Considering the identified need to investigate a Shire presence in Byford, selecting the right development model is crucial for supporting the Shire's long-term staffing needs. Given the diverse options available, each presents unique benefits and challenges.

Officers have prepared this report as the basis for the project to engage a consultant, with set criteria established to ensure a consultant recommendation can be provided ultimately to Council, that meets project needs.

Attachments (available under separate cover)

Nil.

Alignment with our Council Plan 2023-2033

This proposal aligns with the Shire's Council plan to invest in facilities to meet community needs and to explore potential opportunities to accommodate staff in multiple locations, such as Byford, given the hypergrowth occurring.

Thriving	
1.	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
4.	Ensure sustainable and optimal use of Shire resources and finances

Financial Implications

The annual budget has an allocation of \$150,000 for this and associated administration project work. Until requests for quotes are obtained, it is not possible to determine the cost of this work.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no current risks associated with Option 1						



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	
2	Adding additional criteria or changing those which have been based upon the research and analysis to date, could result in a suboptimal project and recommendation that does not fulfill project needs.		Organisational Performance	Possible	Moderate	SIGNIFICANT	Accept Option 1.

Voting Requirements: Simple Majority

OCM288/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council ENDORSES this report as the basis of the Project to investigate options for a Shire Administration presence in Byford, and REQUESTS the Chief Executive Officer to proceed with the project.

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0



10.1.11 - Mobile Food Business Process and Policy review (SJ119)	
Responsible Officer:	Manager Health, Building and Community Safety
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 to note.

Report Purpose

The purpose of this report is to present to Council the findings from a structured consultation and investigation into the current policy and approval process for food businesses and mobile food vendors within the Shire. The report is in response to the Notice of Motion resolved by Council at the 20 May 2024 Ordinary Council Meeting.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 May 2024 - OCM112/05/24 - COUNCIL RESOLUTION

That Council:

- 1. REQUESTS the Chief Executive Officer conducts a structured consultation with local retail food businesses, registered food trucks and street vendors within the Shire of Serpentine Jarrahdale to identify:*
 - a. the most suitable locations and operational options for food trucks and street vendors, including length of stay, hours of operation and distance from competitors;*
 - b. opportunities for improving, updating and/or streamlining the Shire's licencing and permits process;*
 - c. opportunities for improving, updating and/or streamlining Council Policy 4.4.2. - Mobile Food Vendors; and*
 - d. other topics and areas of improvement as determined by the Chief Executive Officer.*
- 2. REQUESTS that the Chief Executive Officer consult with neighbouring Local Governments to explore opportunities to create a Simplified Trading Partnership Permit arrangement, with the goal of reducing red tape and promoting greater ease of movement between our Local Government Areas.*
- 3. REQUESTS the Chief Executive Officer bring the findings of the above to a Policy Concept Forum, before formalising recommendations in a report to Council, to be presented no later than the October 2024 Ordinary Council Meeting.*



Background

The Council resolution of May 2024 resolved to investigate, inter alia, the current policy environment pertaining to food trucks and street vendors within the Shire, and the opportunity for simplified trading process as were recently introduced in the local governments of Gosnells, Canning and Victoria Park.

The resolution provided the basis of a community engagement process with relevant stakeholders, the outcomes of which are presented back in this report.

Community / Stakeholder Consultation

Council Resolution requested that a structured consultation be carried out with local retail food businesses, registered food trucks and street vendors within the Shire of Serpentine Jarrahdale. The consultation for this project commenced on 2 August 2024 and closed on 23 August 2024.

Officers also consulted with neighbouring Local Governments to identify opportunities to create a Simplified Trading Partnership and those Local Governments who had participated in an existing Simplified Trading Partnership. The findings of the consultation and review were then presented at a Policy Concept Forum on 26 August 2024.

Policy Concept Forum

Meeting Date	26 August 2024
Elected Members in Attendance	President Coales, Cr Bishop, Cr Byas, Cr Duggin, Cr Jerrett, Cr Mack, Cr Mazzini

Food business and mobile food vendor consultation Feedback

To satisfy the Council Resolution, a survey was prepared and structured consultation undertaken through Your Say SJ online. The survey was emailed to all 163 food businesses registered in the Shire and 19 mobile food vendors who have traded in the Shire. The targeted consultation was aimed to seek feedback from mobile food vendor, brick and mortar, home businesses and market stalls that have operated within the Shire.

The Shire received 14 responses from the survey which were evenly split between mobile food vans, brick and mortar food businesses and food stall operators. The Survey response report (**attachment 1**) provides a visual representation of the submissions. In summary:

- Half the respondents are in Byford.
- The biggest challenge food businesses face is increased competition in the market.
- The biggest support the Shire can provide is marketing through promotion of events and promotion of the Shire as a great place to live.
- To improve permitting processes, online lodgement should take place together with associated information notes on making an application.
- The majority of respondents wish to maintain the 500m setback of food vans to permanent food businesses of a similar offering.
- The top three places most suitable for mobile food vendors are:
 1. Areas of the Shire without food business offerings;
 2. At public events; and



3. Neighbourhood public open spaces.

- The most popular length of trading is two to four hours.

The other key findings of the survey identified additional challenges, including building a new customer base, understanding local regulations and requirements, finding suitable locations to operate and the cost associated with obtaining the required approvals.

Statutory Environment

Registration of a food business falls within the auspices of the *Food Act 2008* and subsidiary *Food Regulations 2009*. A food business, whether permanent bricks and mortar in nature or mobile, such as a purpose-built vehicle, is required by the Act to notify and/or register in the Local Government within which it wishes to trade, prior to trading.

In order for a mobile or temporary food vendor to obtain approval to trade in a public place within the Shire, a Trading in Public Places Application is required to be submitted to the Shire. Trading in Public Places applications are assessed subject to the *Council Policy 4.4.2 - Mobile Food Vendors* and the requirements of the *Shire of Serpentine Jarrahdale Public Places Local Government Property Local Law 2019*.

Legislation

- *Food Act 2008*
- *Food Regulations 2009*
- *Shire of Serpentine Jarrahdale Public Places Local Government Property Local Law 2019*

Comment

In preparation of this report, Officers consulted with neighbouring local governments to explore the opportunity of creating a simplified trading partnership. As part of the consultation, Officers contacted the City of Canning, City of Gosnells and the Town of Victoria Park, as they had previously operated such partnership in recent years.

The simplified trading partnership was originally formed in August 2020 within the City of Canning, City of Gosnells and the Town of Victoria Park. Through the partnership, food businesses were able to apply through one local government, receive a trading permit for a fee and utilise this trading permit at events across any of the three jurisdictions. The unified permit process therefore alleviated the need to obtain separate approvals for each event. Data sharing was managed through partnership on CI Anywhere which allowed Local governments to access information, satisfying the trading notification requirement of the *Food Act 2008*.

The Shire's existing process adopts the same approach to reduced notification requirement with mobile food vendors at events, by way of accepting the event applications containing mobile food vendor details, as satisfying the trading notification requirement of the *Food Act 2008*. No further notification or trading permit is required for the mobile food vendor to operate at events within the Shire. The benefit of the Shire's current process is it is not limited to mobile food vendors in neighbouring local government areas only, rather, it applies a mobile food vendor registered in any local government in the state.

A fee is only payable by an event organiser having six or more food stalls. Non for-profit community organisations are exempt from this fee where the information is provided with adequate notice prior to the event.



When considering creation of a similar partnership with neighbours, Officers note several points of feedback provided by the local governments with respect to the operational constraints of the partnership:

- Administration burden of maintaining the CI Anywhere platform which relied on manual entry of data and regular upkeep;
- Varied approach with respect to the fees appropriate for the trading permit;
- Food safety compliance consistency between the local governments.

In liaison with the local governments, it was advised that each local government were operating under their own trading process by quarter 1, 2024.

Review of other Local Government's Policy

In the development of this report, Officers consulted with other local governments similarly managing mobile food vendors. This included the City of Mandurah, City of Cockburn, City of Swan, Shire of Harvey, City of Armadale and the City of Rockingham. Understanding the nuances in policy among these local governments is essential for vendors, as regulations can impact their business strategies and operations. Comparison of the local government policy serves here as a foundational resource for the understanding of the regulatory landscape for mobile food vendors in the jurisdictions that neighbour the Shire.

Key aspects of trading in public places policy include distance to other food businesses, the approach to designated areas, length of stay and the approach to enforcement. In consulting with local government on individual policy on these matters, a comparison is prepared in Table 1.

Local Government	Distance to other food businesses (metres)	Designated Trading Locations	Length of Stay (hours)	Fees Day/Week/Month/ Year
City of Mandurah	300	Yes	2-4	\$57.25/day \$228.25/week \$456.50/month \$2,853/year
Shire of Harvey	400	Yes	8	\$28.50/day \$160 /week \$350/month \$1,110 /year
City of Rockingham	300	Yes	As per licence	\$10/day \$50/week \$100/month \$1000/year
City of Cockburn	Unspecified	Yes	As per licence	\$24/day



Local Government	Distance to other food businesses (metres)	Designated Trading Locations	Length of Stay (hours)	Fees Day/Week/Month/ Year
				\$110/week (weekend and public holidays only) \$260/month (weekends and public holidays only) \$2,360/annum
City of Swan	300	Yes	As per licence	\$237/month \$1241/year
City of Armadale	300	Yes	As per licence	\$36.50/day \$176.50/week \$352.50/month \$1,160/year
Shire of Serpentine Jarrahdale	500	No	2	\$25.00/day \$58.50/week \$116.50/month \$1,165.00/year

Table 1. Comparison of local government trading in public places policy.

As demonstrated, a uniform approach is generally adopted by the local governments to regulate the key aspect of mobile food vendor trading. The intention of the separation distance to other food business is to recognise that brick and mortar food businesses have higher fixed and variable costs, and provide strategic assets to a vibrant and attractive town centre,

In designated areas where food vendors can operate, often near tourist attractions, parks community events, markets and designated roadside areas, vendors are generally operated for a length of time that is appropriate to that specific location. The number of vendors operating at any one time is generally one, however this is also determined by the specific location. At present, the Shires fees and charges per operating timeframe are one of the most affordable out of the local governments compared with.

Recommendations

Through the process of review and consultation, Officers consider the following principles should be applied for a best practice, streamlined approach to approval process of mobile food businesses:

- Simplify the Application Process: Develop an online lodgement application process for new and existing food businesses.



- Identify and make available suitable trading locations within the Shire for mobile food vendors to be secured through an online booking platform.
- Maintain the restriction on mobile food vendors trading within 500m of a bricks and mortar food business of a similar offering unless permission is granted by that food business.
- Consider the adoption of a two to four hour window for operation to align with consumer demand patterns and operational efficiency. This requires amendment to Council Policy 4.4.2.
- Maintain the Shire's current process of allowing mobile food vans and food stalls registered in any other local government in Western Australia to attend events in the Shire without an additional application, other than the provision of their details through the public event application process.

Options

Option 1

That Council:

1. REQUESTS the Chief Executive Officer to undertake a review and Policy Concept Forum briefing for Council Policy 4.4.2 (Mobile Food Vendors), with reference to examining the hours of operation and process for booking locations for mobile food vans within the Shire of Serpentine Jarrahdale.
2. NOTES online application processing for food business registration and trading in public places form part of the OneComm Enterprise Resource Planning transformation currently underway within the organisation.

Option 2

That Council DOES NOT REQUEST the Chief Executive Officer to undertake a REVIEW or Policy Concept Forum briefing for Council Policy 4.4.2 (Mobile Food Vendors).

Option 1 is recommended.

Conclusion

The Shire's current process for approving mobile food vendors at public events surpasses a Simplified Trading Partnership between multiple local governments as it is open to a mobile food vendor registered in any part of Western Australia. From the targeted consultation and review of neighbouring local government policies around the approval of mobile food vendors in public places, there are opportunities for the Shire's processes to adjust. The improvements relate to the application and approvals process as well as greater clarity on the Shire's policy concerning mobile food vendors.

Attachments (available under separate cover)

- **10.1.11 - attachment 1** - Survey Responses on improving Food business approvals process (E24/13920)



Alignment with our Council Plan 2023-2033

Thriving	
2.	Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
3.	Strengthen and grow the local tourism industry
Connected	
2.	Contribute to a well-connected, accessible and health community

Financial Implications

There are no major financial implications of this Council report. Officers note that most requests from mobile food vendors to trade has been for two to three days at a time spread out over a month or more. The adopted fees and charges reflect a cost recovery model for the administration of the approvals process. This may change if an online booking system for designated locations becomes available.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2	By not making any improvements to the policy and process, the Shire could be seen as ignoring the feedback from food businesses and mobile food vendors, reflecting badly on how the Shire operates	Regulatory framework	Reputation	Possible	Moderate	MODERATE	Accept Option 1.



Voting Requirements: Simple Majority

OCM289/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council:

- 1. REQUESTS the Chief Executive Officer to undertake a review and Policy Concept Forum briefing for Council Policy 4.4.2 (Mobile Food Vendors), with reference to examining the hours of operation and process for booking locations for mobile food vans within the Shire of Serpentine Jarrahdale.**
- 2. NOTES online application processing for food business registration and trading in public places form part of the OneComm Enterprise Resource Planning transformation currently underway within the organisation.**

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0

**10.2 Infrastructure Services reports:**

10.2.1 - Road Rehabilitation Reserve Projects Offer - Hopkinson Road and Rowley Road (B) (SJ1299)	
Responsible Officer:	Manager Engineering Services
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider two additional Road Rehabilitation projects offered as reserve projects by the Metropolitan Regional Road Group (MRRG) and approve inclusion of the projects in the current 2024/25 financial year budget for construction.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

In April 2023, the Shire applied for MRRG grant funding of eight road rehabilitation projects for consideration of funding in the current 2024/25 financial year. These projects were selected based on the Shire's road condition rating asset data as well as projects meeting the minimum eligibility criteria to be considered for MRRG rehabilitation funding. Funding is on a 2/3 State Government, 1/3 Local Government contribution basis.

As part of this program, out of the 8 projects applied, only the below three projects were approved for funding by the MRRG in the 2024/25 financial year, based on the applied score and funding cap limitations:

- Mundijong Road – Lightbody Road intersection to 1720m East of Lightbody Road
- Rowley Road A - Hopkinson Road to Appaloosa Road
- Larsen Road – South Western Highway to George Street

On 27 August 2024, MRRG advised Perth Metropolitan Local Governments of available funds to approve a number of eligible projects as reserve projects in the 2024/25 MRRG rehabilitation program for funding, provided the projects could be completed by the end of June 2025 and that the Local Government was able to source their 1/3 contribution. For the Shire, the reserve projects were selected from the original eight projects applied for based on their overall scores.



The MRRG offered funding for the following three additional projects to the Shire:

- Hopkinson Road – Gossage Road to in line with northern boundary of No. 797
- Rowley Road B – Appaloosa Avenue to Hilbert Road
- Nettleton Road – Admiral Road South to Lot 515

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

When MRRG offer reserve road rehabilitation projects to Local Governments, it is conditional upon the Local Government being able to deliver and fully acquit the projects within the financial year the project is offered, with no extension of time option. If a reserve project is not delivered by the Local Government within the financial year, a monetary penalty is imposed on the Local Government calculated by the MRRG, reducing the funding cap available to the Local Government in the following round of funding. Nettleton Road project, which is more complex project, requiring a feature survey, a more complex detailed design and based on its value, requiring a tender process for procurement of a contractor to complete the work, was not supported by Officers as it could not be delivered within the short timeframe.

Hopkinson Road and Rowley Road B projects are more straight forward in their delivery and can be completed within the current financial year by the Shire's annual supply contractors. The MRRG required a response to the offer of additional funding by close of business 9 September 2024, therefore the MRRG has been advised of acceptance of these two projects by Officers, subject to Council's endorsement.

The section of Hopkinson Road proposed to be rehabilitated contains extensive shape loss, has stripping of the surface, contains edge drops and breakage along the edge of the sealed pavement and is rated as condition 4 in the road condition survey.

Surface defects identified during the visual inspection are shown in below images.



Hopkinson Road surface defects



The section of Rowley Road B proposed to be rehabilitated contains shape loss, cracking also contains extensive patching with edge drops and is rated as condition 4 in the road condition survey.

Surface defects identified during the visual inspection are shown in below images.



Rowley Road surface defects

Officers have submitted a MRRG grant funding application for rehabilitation of Nettleton Road in April 2024 for funding consideration as part of the 2025/26 MRRG road rehabilitation funding program. The result of this funding program is anticipated to be announced by MRRG in early 2025.

Options

Option 1

That Council:

1. APPROVES inclusion of Hopkinson Road and Rowley Road B road rehabilitation projects in the Shire's 2024/25 Capital budget;
2. APPROVES the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expenditure	Rowley Road (B) Single Causeway - Appaloosa Ave to Hilbert Rd SLK 2.220 to 2.00 – Capital Expenditure	294,480	
6400-NEW-4819-0000	Increase Income	Rowley Road (B) Single Causeway - Appaloosa Ave to Hilbert Rd SLK 2.220 to 2.00 – Grant - Capital - MRRG		196,320
6400-NEW-5033-0000	Increase Transfer from Reserve	Rowley Road (B) Single Causeway - Appaloosa Ave to Hilbert Rd SLK 2.220 to 2.00 – Transfer from		98,160



Account Number	Type	Account Description	Debit \$	Credit \$
		Reserve – Road & Bridge Asset Management Reserve		
6400-NEW-6600-0000	Increase Expenditure	Hopkinson Road Single C'Way. Gossage Rd to in line with Northern boundary of No. 797 SLK 1.710 to SLK 2.00 - Capital Expenditure	150,000	
6400-NEW-4819-0000	Increase Income	Hopkinson Road Single C'Way. Gossage Rd to in line with Northern boundary of No. 797 SLK 1.710 to SLK 2.00 - Grant – Capital - MRRG		100,000
6400-NEW-5033-0000	Increase Transfer from Reserve	Hopkinson Road Single C'Way. Gossage Rd to in line with Northern boundary of No. 797 SLK 1.710 to SLK 2.00 - Transfer from Reserve – Road & Bridge Asset Management		50,000
Reason: Additional road rehabilitation projects with funding secured from MRRG with the remainder of the funds to be transferred from reserve.				

Option 2

That Council DECLINES the request to include Hopkinson Road and Rowley Road B road rehabilitation projects in the Shire's 2024/25 Capital budget.

Option 1 is recommended.

Conclusion

The Hopkinson Road and Rowley Road B projects meet the criteria for road rehabilitation funding and are able to be delivered in the current financial year as required by the MRRG. The pavement in both these roads is in poor condition (rated as condition 4) and require immediate intervention to prevent further deterioration. If the pavement rehabilitation is delayed, further deterioration of pavement will require more extensive repairs at a higher cost. It is recommended that the Council support Option 1.

Attachments (available under separate cover)

Nil.



Alignment with our Council Plan 2023-2033

Thriving	
1.	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
3.	Strengthen and grow the local tourism industry
4.	Ensure sustainable and optimal use of Shire resources and finances
Liveable	
1.	Advocate for public transport and focus on connectivity within communities
2.	Improve maintenance and investment in roads and paths
3.	Preserve and enhance our natural places, parks, trails and reserves
5.	Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment
Connected	
2.	Contribute to a well-connected, accessible and health community

Financial Implications

The Hopkinson Road and Rowley Road B projects are not in the current adopted 2024-2025 budget. On 27 August 2024, Main Roads WA advised additional funding was available for reserve road rehabilitation projects on a 2/3 State Government, 1/3 Local Government funding basis.

The total cost of these two projects is \$444,480. The MRRG will contribute grant funding of \$296,320 and the remaining \$148,160 will be funded from the Road & Bridge Asset Management Reserve.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council does not support the Officer recommendation of accepting the two additional projects.	Budget process, internal resources and project management.	Financial	Almost Certain	Minor	LOW	Accept officer's recommendation
2	Council support Option 2 and do not accept the reserve projects.	Nil.	Reputation	Possible	Moderate	MODERATE	Accept officer's recommendation



Voting Requirements: Absolute Majority (s 6.8(1)(b) of the *Local Government Act 1995*)

OCM290/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Byas

That Council:

- 1. APPROVES inclusion of Hopkinson Road and Rowley Road B road rehabilitation projects in the Shire's 2024/25 Capital budget;**
- 2. APPROVES the following budget variation:**

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expenditure	Rowley Road (B) Single Causeway - Appaloosa Ave to Hilbert Rd SLK 2.220 to 2.00 – Capital Expenditure	294,480	
6400-NEW-4819-0000	Increase Income	Rowley Road (B) Single Causeway - Appaloosa Ave to Hilbert Rd SLK 2.220 to 2.00 – Grant - Capital - MRRG		196,320
6400-NEW-5033-0000	Increase Transfer from Reserve	Rowley Road (B) Single Causeway - Appaloosa Ave to Hilbert Rd SLK 2.220 to 2.00 – Transfer from Reserve – Road & Bridge Asset Management Reserve		98,160
6400-NEW-6600-0000	Increase Expenditure	Hopkinson Road Single C'Way. Gossage Rd to in line with Northern boundary of No. 797 SLK 1.710 to SLK 2.00 - Capital Expenditure	150,000	
6400-NEW-4819-0000	Increase Income	Hopkinson Road Single C'Way. Gossage Rd to in line with Northern boundary of No. 797 SLK 1.710 to SLK 2.00 - Grant – Capital - MRRG		100,000
6400-NEW-5033-0000	Increase Transfer	Hopkinson Road Single C'Way. Gossage Rd to in line with Northern boundary of		50,000



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	from Reserve	No. 797 SLK 1.710 to SLK 2.00 - Transfer from Reserve – Road & Bridge Asset Management		
Reason: Additional road rehabilitation projects with funding secured from MRRG with the remainder of the funds to be transferred from reserve.				
CARRIED UNANIMOUSLY 7/0				

**10.3 Corporate Services reports:**

10.3.1 - Confirmation of Payment of Creditors – September 2024 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to prepare a list of accounts paid each month, as required by the *Local Government (Financial Management) Regulations 1996* (Financial Management Regulations).

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 Financial Management Regulations 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 Financial Management Regulations, schedules of all payments made through the Council's bank accounts are presented to Council for their inspection. The list includes details for each account paid incorporating:

- a) Payees name;
- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

A detailed list of invoices for the period 01 September 2024 to 30 September 2024 is provided in **attachment 1**.

OptionsOption1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 September 2024 to 30 September 2024, totalling \$5,606,682.83 as contained in attachment 1.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 01 September 2024 to 30 September 2024, totalling \$5,606,682.83 as contained in attachment 1.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 30 September 2024 (E24/13890)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 29 July 2024 to 27 August 2024 – Redacted (E24/13892)
- **10.3.1 - attachment 3** – Fuel Purchasing Cards Report – 01 August 2024 to 31 August 2024 – Redacted (E24/13893)

Alignment with our Council Plan 2023-2033

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

Financial Implications

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

The accounts paid under delegated authority for 01 September 2024 to 30 September 2024 totalled \$5,606,682.83

**Risk Implications**

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	That Council does not accept the payments	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	

Voting Requirements: Simple Majority

OCM291/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 September 2024 to 30 September 2024 totalling \$5,606,682.83 as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0

**10.3.2 - Monthly Financial Report – August 2024 (SJ4229)**

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

Authority / Discretion

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

The purpose of this report is to provide a monthly financial report, which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

This report is about the financial position of the Shire as at 31 August 2024.

Relevant Previous Decisions of Council

*Special Council Meeting – 25 July 2024 – SCM003/07/24 - COUNCIL RESOLUTION – **extract***

7. *That Council, in accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2024/25 for reporting material variances shall be:*

- a) $\geq 10\%$ of the amended budget and $\geq \$10,000$ of the amended budget; or*
- b) $\geq \$150,000$ of the amended budget*

In addition, the material variance limit will be applied to each Nature and Type Classification for Operating and Financing Activities and each Project for Investing Activities (Capital).

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month by Nature and Type.

The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. Furthermore, Council has resolved that each Capital project outside of the materiality thresholds be reported on separately. This gives an indication that the Shire is performing against expectations at a point in time.

Community / Stakeholder Consultation

Nil.



Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

CommentMonthly Financial Report

The attached report shows the month end position as at the end of 31 August 2024.

The municipal surplus as at 31 August 2024 is \$37,224,757 which is favourable, compared to a budgeted amount of \$31,966,744. This primarily due to a higher than anticipated opening position as well as conservative spends in Operating Activity post budget adoption in 31 July 2024. It is worth noting that the opening position for 2024/25 may change, pending the finalisation of the 2023/24 Financial reports.

Further information on material variances are listed in the analysis below.

Operating Activities**Operating Revenue**Rates

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

Operating Grants, Subsidies and Contributions

Favourable temporary variance of \$77,698 primarily due to:

- Payment from National Trust WA for Bushland Management at Jarrahdale Heritage Park - \$70,500

Fees and Charges

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

Interest Earnings

Favourable permanent variance of \$102,676 primarily due to:

- Higher than anticipated interest received on Reserve Term Deposits - \$78,040

Other Revenue

Favourable permanent variance of \$70,749 primarily due to:

- Reimbursement on workers compensation claim from Local Government Insurance Scheme (LGIS) - \$93,675.

Profit on Asset Disposal

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

Operating ExpensesEmployee Costs

Favourable permanent variance of \$401,389 primarily due to vacancies across organisation.



Materials and Contracts

Favourable temporary variance of \$640,064 due to conservative spending across the organisation post budget adoption on 31 July 2024.

Utility Charges

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

Depreciation

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

Finance Costs

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

Insurance Expenses

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

Other Expenditure

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

Loss on Disposal of Assets

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

Investing Activities

Contributions/Grants for the Construction of Assets

Favourable permanent variance of \$1,203,533 due to:

- Byford DCP - \$ 974,766
- Community Infrastructure DCP - \$259,146

Proceeds from Disposal of Assets

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

Capital Expenditure

Unfavourable temporary variance of \$289,550 due primarily to

- Carryforward budget adjustments pending for:
 - 80345 Upgrades of Roads - Soldiers Road (Hypergrowth Project) - \$32,271
 - 80424 Irrigation Renewal - \$17,116
 - 80270 Old Railway Bridge Interpretation Art/Sign - \$30,000
 - 80302 Accessible Toilet Facilities at Jarrahdale Cemetery - \$78,051
 - 80460 Depot Refurbishment - Outdoor Canopy - \$53,146
- 80412 Kingsbury Drive - Officers are awaiting line marking to be completed before submitting the final claim - \$41,472

Financing Activities

Proceeds from new Borrowings

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

Transfer from Reserve

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

Repayment of new Borrowings

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

Payment for principal portion of lease liabilities

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

Transfer to Reserve

Permanent variance of \$1,300,820 due to:

- Byford DCP - \$ 974,766
- Community Infrastructure DCP - \$259,146

Option 1

That Council RECEIVES the Monthly Financial Report for August 2024 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the Monthly Financial Report for August 2024, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.2 - attachment 1** – Monthly Financial Report – August 2024 (E24/13601)

Alignment with our Council Plan 2023-2033

Thriving	
1.	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
2.	Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
3.	Ensure sustainable and optimal use of Shire resources and finances
Liveable	
1.	Improve maintenance and investment in roads and paths
2.	Invest in facilities and amenities to meet current and future needs
Connected	
1.	Invest in community recreation and support local clubs and groups to increase opportunities for participation

**Financial Implications**

As at 31 August 2024, the Shire's respective cash position was as follows:

Municipal Fund: \$6,301,155

Trust Fund: \$304,221

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for August 2024 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

OCM292/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council RECEIVES the Monthly Financial Report for August 2024 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0

**10.3.3 - Council Policy Updates for Livestreaming (SJ526-02)**

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

Authority / Discretion

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

The purpose of this report is to enable Council to consider adopting revised Council policies to reflect the introduction of livestreaming all Council and Committee meetings.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 21 February 2022 – OCM027/02/22 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

That Council:

1. *ADOPTS Council Policy 3.3.7 Electronic Meetings contained in attachment 1*

Ordinary Council Meeting – 20 June 2022 – OCM121/06/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ADOPTS Council Policy 3.3.11 – Recording of in-person Council and Committee meetings contained in attachment 1.*
2. *RESOLVES that the proceedings of Council and Committee Meetings will be recorded in accordance with the policy contained in attachment 1 with the recordings published on the Shire's website with the unconfirmed minutes of each meeting.*
3. *NOTES the constraints and limitations associated with the recording as set out in the policy and report.*
4. *NOTES that in accordance with Council Resolution OCM165/06/20 made at the 21 June 2020 Ordinary Council Meeting that the capacity to record and stream video from Council and Committee meetings has been included within the scope of investigations into future Shire building requirements.*

Background

In 2023, the *Local Government Amendment Act 2023* inserted a new section requiring Local Governments in Band 1 and 2 to electronic broadcast (livestream) and record council meetings from 1 January 2025.



As a Band 2 Local Government, the Shire of Serpentine Jarrahdale is to livestream all council meetings held in Council Chambers. Any meeting held outside of Council Chambers must be audio recorded.

The technology requirements for livestreaming has been installed in Council Chambers, and the first Ordinary Council Meeting to be livestreamed is on 21 October 2024.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	7 October 2024
Elected Members in Attendance	President Coales, Cr Bishop, Cr Byas, Cr Duggin, Cr Mack, Cr Mazzini

Statutory Environment

Policy Adoption

Section 2.7 of the Act provides that the role of Council is to ‘determine the local government’s policies’. The amendment, adoption or rescindment of any Council Policy must therefore be resolved by Council.

Electronic Broadcasting (livestreaming)

Electronic broadcasting is defined in section 5.23A(1) of the *Local Government Act 1995* as “broadcasting by way of the internet or other electronic means.”

The *Local Government (Administration) Regulations 1996* also prescribe requirements relating to livestreaming, including record keeping and audio recording of meetings behind closed doors.

Comment

To support the introduction of livestreaming, the following Council Policies have been amended:

- Council Policy 3.3.11 – Recording of in-person Council and Committee Meetings (**attachment 1**), renamed to ‘Live Streaming and Recording of Council and Committee Meetings’.
- Council Policy 3.3.7 – Electronic Meetings (**attachment 3**)
- Council Policy 1.1.3 – Public Question and Public Statement Time, renamed to ‘Public Question and Public Statement Time and Deputations’ (**attachment 5**).

A summary of the changes for each Council Policy is outlined below.

Council Policy 3.3.11 – Live Streaming and Recording of Council and Committee Meetings

The Council Policy on recording of Council and Committee meetings has been updated to reflect the need to livestream Council meetings (**attachment 2**).

The Policy notes that livestreaming will also extend to all Committee Meetings, but does not extend to Policy Concept Forums, workshops or Q&A briefings.

While meetings will be broadcast, the Policy notes that a person must still attend the meeting if they ask a question or make a statement or deputation, as the livestream capability does not provide for electronic public participation.



Council Policy 3.3.7 – Electronic Meetings

Council Policy 3.3.7 provides guidance on -

- Electronic participation at an in-person meeting, and
- Electronic meetings (where there is no in-person attendance).

The Policy has been reviewed and simplified (**attachment 4**) to specify the circumstances and process for participation electronically at an in-person meeting. An Elected Member is to make an application in writing to the Chief Executive Officer, and provide information and enough notice, to enable the decision to be made and the necessary technology arrangements made.

Fully electronic meetings will occur in circumstances as provided for under the *Local Government (Administration) Regulations 1996*, including if there is a public health emergency or state of emergency.

Any meetings held electronically will be livestreamed in accordance with Council Policy 3.3.11.

Council Policy 1.1.3 – Public Question and Public Statement Time and Deputations

The Council Policy on Public Question and Public Statement Time has been updated (**attachment 6**) to align it with the expected practice that a person asking a question or making a statement or deputation is required to attend the meeting in person or have someone else act on their behalf.

In addition, Policy 1.1.3 now includes the process for Deputations, as this previously relied on applicants having to review the content on the website and read the *Shire of Serpentine Jarrahdale Standing Orders Local Law (as amended)*.

Options

Option 1

That Council:

1. ADOPTS amended Council Policy 3.3.11 – Live Streaming and Recording of Council and Committee Meetings as contained within **attachment 2**.
2. ADOPTS amended Council Policy 3.3.7 – Electronic Meetings as contained within **attachment 4**.
3. ADOPTS amended Council Policy 1.1.3 – Public Question and Public Statement Time and Deputations as contained within **attachment 6**.

Option 2

[Elected Member moving motion to specify]

Option 1 is recommended.

Conclusion

The updated policies provide the governance framework for the livestreaming all Council and Committee meetings.



Attachments (available under separate cover)

- 10.3.3 - attachment 1** – Current Council Policy 3.3.11 – Recording of in-person Council and Committee Meetings (E22/6772)
- 10.3.3 - attachment 2** – Revised Council Policy 3.3.11 – Live Streaming and Recording of Council and Committee Meetings (E24/14219)
- 10.3.3 - attachment 3** – Current Council Policy 3.3.7 – Electronic Meetings (E22/1283)
- 10.3.3 - attachment 4** – Revised Council Policy 3.3.7 – Electronic Meetings (E24/14220)
- 10.3.3 - attachment 5** – Current Council Policy 1.1.3 – Public Question and Public Statement Time - tracked changes (E24/14221).
- 10.3.3 - attachment 6** – Revised Council Policy 1.1.3 – Public Question and Public Statement Time and Deputations (E24/14480)

Alignment with our Council Plan 2023-2033

Thriving	
4.	Ensure sustainable and optimal use of Shire resources and finances
Connected	
3.	Empower the community to engage with the Shire and collaborate on matters that are important to them

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with Option 1.						
2	Council Policies will not align with legislative requirements or the practical operations of the Shire.		Organisational Performance	Unlikely	Minor	LOW	Option 1



Voting Requirements: Simple Majority

OCM293/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council:

- 1. ADOPTS amended Council Policy 3.3.11 – Live Streaming and Recording of Council and Committee Meetings as contained within attachment 2.**
- 2. ADOPTS amended Council Policy 3.3.7 – Electronic Meetings as contained within attachment 4.**
- 3. ADOPTS amended Council Policy 1.1.3 – Public Question and Public Statement Time and Deputations as contained within attachment 6.**

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0



10.3.4 - WALGA Local Government Election Advocacy Positions (SJ2896)

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

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
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Report Purpose

The purpose of this report is to consider the Western Australian Local Government Association (WALGA) advocacy positions that relate to Local Government elections.

Relevant Previous Decisions of Council

Special Council Meeting – 6 December 2021 – SCM089/12/21 - COUNCIL RESOLUTION

That Council:

- RESOLVES the following positions regarding the proposed Local Government reforms announced by the Minister on 10 November 2021:*

<i>Reform number</i>	<i>Proposed reform</i>	<i>Shire of Serpentine Jarrahdale position</i>
1.1	<i>Early Intervention Powers</i>	<i>SUPPORTED</i>
1.2	<i>Local Government Monitors</i>	<i>SUPPORTED</i>
1.3	<i>Conduct Panel</i>	<i>SUPPORTED</i>
1.4	<i>Review of Penalties</i>	<i>SUPPORTED</i>
1.5	<i>Rapid Red Card Resolutions</i>	<i>NOT SUPPORTED</i>
1.6	<i>Vexatious Complaint Referrals</i>	<i>SUPPORTED</i>
1.7	<i>Minor Other Reforms</i>	<i>SUPPORTED</i>
2.1	<i>Resource Sharing</i>	<i>SUPPORTED</i>
2.2	<i>Standardisation of crossovers</i>	<i>SUPPORTED</i>
2.3	<i>Introduce Innovation Provisions</i>	<i>SUPPORTED</i>
2.4	<i>Streamline Local Laws</i>	<i>SUPPORTED</i>
2.5	<i>Simplifying Approvals for Small Business and Community Events</i>	<i>SUPPORTED</i>

**Ordinary Council Meeting Minutes
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2.6	<i>Standardised Meeting Procedures, Including Public Question Time</i>	<i>SUPPORTED</i>
2.7	<i>Regional Subsidiaries</i>	<i>SUPPORTED</i>
3.1	<i>Recordings and Live-Streaming of All Council Meetings</i>	<i>SUPPORTED</i>
3.2	<i>Recording All Votes in Council Minutes</i>	<i>SUPPORTED</i>
3.3	<i>Clearer Guidance for Meeting Items that may be Confidential</i>	<i>SUPPORTED</i>
3.4	<i>Additional Online Registers</i>	<i>SUPPORTED</i>
3.5	<i>Chief Executive Officer Key Performance Indicators (KPIs) be Published</i>	<i>SUPPORTED as currently published by the Shire of Serpentine Jarrahdale</i>
4.1	<i>Community and Stakeholder Engagement Charters</i>	<i>SUPPORTED</i>
4.2	<i>Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)</i>	<i>SUPPORTED</i>
4.3	<i>Introduction of Preferential Voting</i>	<i>NOT SUPPORTED</i>
4.4	<i>Public Vote to Elect the Mayor and President</i>	<i>NOT SUPPORTED</i>
4.5	<i>Tiered Limits on the Number of Councillors</i>	<i>SUPPORTED</i>
4.6	<i>No Wards for Small Councils (Band 3 and 4 Councils only)</i>	<i>NO POSITION</i>
4.7	<i>Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility</i>	<i>SUPPORTED</i>
4.8	<i>Reform of Candidate Profiles</i>	<i>SUPPORTED</i>
4.9	<i>Minor Other Electoral Reforms</i>	<i>SUPPORTED</i>
5.1	<i>Introduce Principles in the Act</i>	<i>SUPPORTED</i>
5.2	<i>Greater Role Clarity</i>	<i>SUPPORTED</i>
5.3	<i>Council Communication Agreements</i>	<i>SUPPORTED</i>
5.4	<i>Local Governments May Pay Superannuation Contributions for Elected Members</i>	<i>NOT SUPPORTED</i>
5.5	<i>Local Governments May Establish Education Allowances</i>	<i>SUPPORTED</i>
5.6	<i>Standardised Election Caretaker period</i>	<i>SUPPORTED</i>
5.7	<i>Remove WALGA from the Act</i>	<i>SUPPORTED</i>
5.8	<i>CEO Recruitment</i>	<i>SUPPORTED</i>
6.1	<i>Model Financial Statements and Tiered Financial Reporting</i>	<i>SUPPORTED</i>



6.2	<i>Simplify Strategic and Financial Planning</i>	<i>NOT SUPPORTED</i>
6.3	<i>Rates and Revenue Policy</i>	<i>SUPPORTED</i>
6.4	<i>Monthly Reporting of Credit Card Statements</i>	<i>SUPPORTED</i>
6.5	<i>Amended Financial Ratios</i>	<i>SUPPORTED</i>
6.6	<i>Audit Committees</i>	<i>NOT SUPPORTED</i>
6.7	<i>Building Upgrade Finance</i>	<i>NOT SUPPORTED</i>
6.8	<i>Cost of Waste Service to be Specified on Rates Notices</i>	<i>SUPPORTED</i>

2. *REQUESTS that the Chief Executive Officer write to the Department of Local Government, Sport and Cultural Industries and Western Australian Local Government Association to advise Council's resolution on this matter.*

Ordinary Council Meeting – 19 October 2020 - OCM338/10/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council REQUESTS that the Chief Executive Officer provide attachment 1 to the Western Australian Local Government Association as the Shire of Serpentine Jarrahdale's response to the Western Australian Local Government Association's sector position.

Background

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of five ordinary election cycles up to and including the 2023 Local Government election, against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

**Community / Stakeholder Consultation**Policy Concept Forum

Meeting Date	dd month year
Elected Members in Attendance	President Coales, Cr Bishop, Cr Byas, Cr Duggin, Cr Mack, Cr Mazzini

Statutory Environment

Nil.

Comment

The Elections Analysis Review and Report was presented to State Council on 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

WALGA State Council current advocacy positions:

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government elections:

	Current Advocacy Position
Elections	<p>The Local Government sector supports:</p> <ol style="list-style-type: none">1. Four-year terms with a two-year split2. Greater participation in Local Government elections3. The option to hold elections through:<ul style="list-style-type: none">• Online voting• Postal voting, and• In-person voting4. Voting at Local Government elections to be voluntary5. The first past the post method of counting votes <p>The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.</p>
Method of Election of Mayor/President	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
Conduct of Postal Elections	The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and any other third-party provider including Local Governments to conduct postal elections.



WALGA has requested Councils consider the following advocacy positions.

1. PARTICIPATION

- a) The sector continues to support voluntary voting at Local Government elections.

OR

- b) The sector supports compulsory voting at Local Governments elections.

Officer Comment

Western Australia and South Australia are the only two states that haven't introduced compulsory voting. Officers support implementation of initiatives to increase voter participation, such as through electronic voting and four-year terms; however, there is a case for compulsory voting in Local Government Elections.

In a report prepared by the WA Electoral Commission following the 2023 Ordinary Local Government elections, the overall participation rate for postal elections was 31.6 per cent. This was a slight increase from 2021 and 2019, which were 30.2 per cent and 29.1 per cent respectively. Compulsory voting will naturally increase voter participation but will also give consideration to the views of the whole electorate, rather than the potentially narrow reflection of just those who choose to vote voluntarily. It could also be argued that compulsory voting means elections are more legitimate, as all electors can have a say through voting.

In addition, it will bring Western Australia in line with other jurisdictions. On this basis, Officers are supportive of compulsory voting.

2. TERMS OF OFFICE

- a) The sector continues to support four-year terms with a two year spill;

OR

- b) The sector supports four-year terms on an all in/all out basis.

Officer Comment

Officers are supportive of a change to four-year terms. Four-year terms would:

- align Western Australia to all other jurisdictions,
- reduce costs (due to only holding an election once every four years),
- enable Council to maintain momentum and consistency due to not having the newly introduced caretaker period in the leadup to ordinary elections, and a potential change of councillors every two years, and
- reduce voter fatigue, potentially increasing voter turnout.

Arguments for maintaining two-year terms are based on concerns about the potential loss of corporate knowledge if all elected members are replaced at one election. It is worth noting that during the 2023 election, of the elections run by the WA Electoral Commission, 47.8 per cent of sitting members (261 vacancies) were re-elected.

3. VOTING METHODS

- a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections



OR

- b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

Officer Comment

While FPTP voting is considered to be an easier voting method to calculate, the change to OPV does align Western Australia with other jurisdictions. Officers recommend that OPV is the preferred voting method, however, suggest that the WA Electoral Commission should be responsible for conducting all Local Government elections in Western Australia to maintain the integrity of the count.

4. INTERNAL ELECTIONS

- a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

- b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

Officer Comment

Officers recommend that all internal elections should be First Past the Post. The intention of OPV was to ensure that the community's preferences are clear. This is not applicable to internal elections and can unnecessarily complicate and politicise internal processes.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

- a) Electronic voting; and/or
- b) Postal voting; and/or
- c) In-Person voting.

Officer Comment

To increase participation in Local Government elections, Officers are supportive of providing electors with a range of options to vote. This includes postal voting and in-person voting on the day of the election.

It is still uncertain whether technology has advanced enough to ensure the integrity of electronic voting, particularly regarding security, authenticity, cost and voter perception. Officers recommend that WALGA should advocate for electronic voting when these issues are resolved.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
- b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.



Officer comment

Officers recommend that the appointment process for the Mayor or President should be a matter for each Local Government to determine. The approach in other jurisdictions varies, but it appears that Western Australia is the only state that has introduced the tiered approach based on bands.

Options**Option 1**

That Council RECOMMENDS that the Western Australia Local Government Association adopt the following Local Government Election Advocacy Positions:

- a) Participation – Council support advocacy position 1b.
- b) Terms of Office - Council support advocacy position 2b.
- c) Voting Methods - Council support advocacy position 3b.
- d) Internal Elections - Council support advocacy position 4a.
- e) Voting Accessibility - Council support advocacy position 5a, 5b, and 5c.
- f) Method of Election of Mayor - Council support advocacy position 6b.

Option 2

That Council DOES NOT make a submission to the Western Australia Local Government Association on Local Government Election Advocacy Positions.

Option 1 is recommended.

Conclusion

In response to WALGA's request for local governments to provide views on the current election advocacy positions, the proposed Shire positions have been compiled.

Attachments (available under separate cover)

Nil.

Alignment with our Council Plan 2023-2033

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

Financial Implications

There are no immediate financial implications associated with this report.

Risk Implications

Nil.



Voting Requirements: Simple Majority

Officer Recommendation

That Council **RECOMMENDS** that the Western Australia Local Government Association adopt the following Local Government Election Advocacy Positions:

- a) Participation – Council support advocacy position 1b.
- b) Terms of Office - Council support advocacy position 2b.
- c) Voting Methods - Council support advocacy position 3b.
- d) Internal Elections - Council support advocacy position 4a.
- e) Voting Accessibility - Council support advocacy position 5a, 5b, and 5c.
- f) Method of Election of Mayor - Council support advocacy position 6b.

In accordance with clause 10.6 of the *Standing Orders Local Law 2002 (as amended)*, the Presiding Member, President Coales broke the question down into the form of several motions, which were put in sequence.

OCM294/10/24

COUNCIL RESOLUTION

Moved Cr Mazzini, seconded Cr Bishop

That Council RECOMMENDS that the Western Australia Local Government Association adopt the following Local Government Election Advocacy Positions:

- a) Participation – Council support advocacy position 1a.**

MOTION LOST 4/3

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:
President Coales, Councillors Bishop and Mazzini voted FOR the motion.
Councillors Byas, Duggin, Jerrett, and Mack voted AGAINST the motion.*

OCM295/10/24

COUNCIL RESOLUTION / Officers Recommendation

Moved Cr Duggin, seconded Cr Jerrett

That Council RECOMMENDS that the Western Australia Local Government Association adopt the following Local Government Election Advocacy Positions:

- a) Participation – Council support advocacy position 1b.**

CARRIED 4/3

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:
Councillors Byas, Duggin, Jerrett, and Mack voted FOR the motion.
President Coales, Councillors Bishop and Mazzini voted AGAINST the motion.*



OCM296/10/24

COUNCIL RESOLUTION

Moved Cr Mazzini, seconded Cr Duggin

That Council RECOMMENDS that the Western Australia Local Government Association adopt the following Local Government Election Advocacy Positions:

a) Terms of Office - Council support advocacy position 2a.

CARRIED 5/2

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:
President Coales, Councillors Bishop, Duggin, Jerrett, and Mazzini voted FOR the motion.
Councillors Byas and Mack voted AGAINST the motion.*

Reason for difference

To note the Shire does not support four-year terms on an all in/all out basis to allow for consistency with elected members.

OCM297/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council RECOMMENDS that the Western Australia Local Government Association adopt the following Local Government Election Advocacy Positions:

a) Voting Methods - Council support advocacy position 3b.

MOTION LOST 5/2

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:
Councillors Bishop and Jerrett voted FOR the motion.
President Coales, Councillors Byas, Duggin, Mazzini, and Mack voted AGAINST the motion.*

OCM298/10/24

COUNCIL RESOLUTION

Moved Cr Duggin, seconded President Coales

That Council RECOMMENDS that the Western Australia Local Government Association adopt the following Local Government Election Advocacy Positions:

a) Voting Methods - Council support advocacy position 3a.

CARRIED UNANIMOUSLY 7/0

Reason for difference

To reflect the majority of councillors perspective.



OCM299/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council RECOMMENDS that the Western Australia Local Government Association adopt the following Local Government Election Advocacy Positions:

- a) Internal Elections - Council support advocacy position 4a.**

CARRIED UNANIMOUSLY 7/0

OCM300/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council RECOMMENDS that the Western Australia Local Government Association adopt the following Local Government Election Advocacy Positions:

- a) Voting Accessibility – Council support advocacy position 5a, 5b, and 5c.**

CARRIED 5/2

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:
Councillors Bishop, Byas, Duggin, Jerrett, and Mazzini voted FOR the motion.
President Coales and Councillor Mack voted AGAINST the motion.*

OCM301/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Duggin

That Council RECOMMENDS that the Western Australia Local Government Association adopt the following Local Government Election Advocacy Positions:

- a) Method of Election of Mayor - Council support advocacy position 6b.**

MOTION LOST 6/1

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:
Councillor Byas voted FOR the motion.
President Coales, Councillors Bishop, Duggin, Jerrett, Mazzini, Mack voted AGAINST the motion.*



OCM302/10/24

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Jerrett

That Council RECOMMENDS that the Western Australia Local Government Association adopt the following Local Government Election Advocacy Positions:

a) Method of Election of Mayor - Council support advocacy position 6c.

CARRIED UNANIMOUSLY 7/0

Reason for difference

To truly respect the wishes of the community and to treat all local government bands with equality.

**10.4 Community Engagement reports:**

10.4.1 - Local Emergency Management Committee Information Report (SJ716)	
Responsible Officer:	Coordinator Emergency Services
Senior Officer:	Director Community Engagement
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Information	For the Council to note.
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Report Purpose

The purpose of this report is for Council to receive the minutes from the Shire of Serpentine Jarrahdale Local Emergency Management Committee Meeting held on Tuesday, 10 September 2024.

Relevant Previous Decisions of Council

Nil.

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

The LEMC met on Tuesday, 10 September 2024 and the minutes can be reviewed at **attachment 1**. There are no recommendations for Council's consideration from this meeting.

Options

Option 1

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee Meeting held on 10 September 2024 as 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 on 10 September 2024 as contained in **attachment 1** for the following reasons:

[Elected Member to specify reasons]

Option 1 is recommended.

Conclusion

The minutes of the Local Emergency Management Committee Meeting held on Tuesday, 10 September 2024 are provided to Council.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Local Emergency Management Committee Meeting Minutes – 10 September 2024 (E24/13145)

**Alignment with our Council Plan 2023-2033**

Thriving	
4.	Ensure sustainable and optimal use of Shire resources and finances
Connected	
3.	Empower the community to engage with the Shire and collaborate on matters that are important to them

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	That the LEMC members feel their contribution is not respected.	Nil.	Reputation	Rare	Moderate	LOW	Nil.

Voting Requirements: Simple Majority**OCM303/10/24****COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Mazzini, seconded Cr Jerrett****That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee Meeting held on 10 September 2024 as contained in attachment 1.****CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0**

**Councillor Bishop declared an Impartiality Interest for Item 10.4.2**

10.4.2 - Terms of Reference - Serpentine Jarrahdale / Cardup Career Fire Station Integration Working Group	
Responsible Officer:	Coordinator Emergency Services
Senior Officer:	Director Community Engagement
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider the Terms of Reference for the Serpentine Jarrahdale / Cardup Career Fire Station Integration Working Group.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting – 20 May 2024 - OCM140/05/24 - COUNCIL RESOLUTION / Officer Recommendation – extract</i> <i>That Council:</i> 3. REQUESTS the Chief Executive Officer implement the following recommendations, subject to funding allocations in the 2024/25 Budget: <ul style="list-style-type: none"><i>Establish a working group in liaison with DFES to establish responsibilities and help foster the relationship between the new Cardup Career Fire Station and the Shire's volunteer Bush Fire Brigades. Terms of Reference for the working group to be prepared and presented to Council for consideration.</i>
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Background

With the construction of a new career fire and rescue station in Cardup by the WA Department of Fire and Emergency Services (DFES) expected to be complete by December 2024, the Shire's fire services are evolving. This change necessitates a collaborative approach between the incoming DFES career firefighters and the Shire's established volunteer Bush Fire Brigades.

In May, Council requested the Chief Executive Officer to establish a working group in liaison with DFES to establish responsibilities and help foster the relationship between the new Cardup Career Fire Station and the Shire's volunteer Bush Fire Brigades.



Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Bush Fire Advisory Committee

The establishment of a working group was a recommendation from the Shire's Bush Fire Advisory Committee from its April 2024 meeting.

WA Department of Fire and Emergency Services (DFES)

Following Council's Resolution in May, the Shire consulted with DFES to gain their input and support for the working group. DFES feedback has been incorporated into the current draft presented to the Council for consideration, and DFES have expressed their commitment to participating in this initiative.

Shire Volunteer Bush Fire Brigades (BFBs)

A draft version of the Terms of Reference was circulated to DFES and all affected volunteer Bush Fire Brigades within the Shire. Feedback has been incorporated into the current draft presented to the Council for consideration.

Statutory Environment

The *Fire and Emergency Services Act 1998*, *Bush Fires Act 1954* and *Emergency Management Act 2005* provide the framework for fire services in Western Australia, including the establishment and operation of fire stations and the Metropolitan Gazetted Fire District (MGFD). Any proposals or recommendations of the working group must align with these Acts.

Comment

Establishing the Cardup Career Fire and Rescue Station (CFRS) will enhance emergency response arrangements within the Shire of Serpentine Jarrahdale and will be accompanied by an expansion of the MGFD. These changes will impact the operational response of the Shire's Volunteer Bush Fire Brigades.

The integration working group will proactively address these changes and ensure the continued effective use of the Shire's Volunteer Bush Fire Brigades by exploring the responsibilities of key stakeholders and proposing strategic arrangements for future use of BFBs.

It is proposed that the working group be an advisory and information-sharing group, established to enhance relationships and communication between the Shire, Cardup CFRS, and the Shire's Volunteer Bush Fire Brigades, regarding the establishment of the Cardup CFRS.

As outlined in the Terms of Reference provided at **attachment 1**, the working group will comprise representatives from DFES, the Shire's Chief Bush Fire Control Officer and Coordinator Emergency Services, the Deputy Chief Bush Fire Control Officers, BFB Captains and a nominated member from each of the Shire's BFBs. It is proposed that the working group be in place for 12 months from the date of the first meeting.

The working group will focus on fostering a strong relationship and effective operational framework between career and volunteer firefighters, ultimately enhancing community safety.

Options

Option 1



That Council ENDORSES the Terms of Reference for the Serpentine Jarrahdale / Cardup Career Fire Station Integration Working Group as contained within **attachment 1**.

Option 2

That Council DOES NOT ENDORSE the Terms of Reference for the Serpentine Jarrahdale / Cardup Career Fire Station Integration Working Group.

Option 1 is recommended.

Conclusion

The establishment of the working group will facilitate a smooth integration of the Cardup Career Fire and Rescue Station with existing volunteer brigades. Endorsing the Terms of Reference will allow this important work to commence and ensure effective arrangements for our volunteer Bush Fire Brigades and fire services for the community.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Terms of Reference - Serpentine Jarrahdale / Cardup Career Fire Station Integration Working Group (E24/8562)

Alignment with our Council Plan 2023-2033

Thriving	
1.	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
4.	Ensure sustainable and optimal use of Shire resources and finances
Connected	
1.	Invest in community recreation and support local clubs and groups to increase opportunities for participation
2.	Contribute to a well-connected, accessible and health community
3.	Empower the community to engage with the Shire and collaborate on matters that are important to them

Financial Implications

No expected financial implications.

**Risk Implications**

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no associated risks associated with this option.						
2	Not establishing a working group could impact the coordination and integration between career and volunteer fire services.	Existing established relationships between CFRS and BFBs	Reputation	Likely	Minor	MODERATE	



Voting Requirements: Simple Majority

Officer Recommendation

That Council ENDORSES the Terms of Reference for the Serpentine Jarrahdale / Cardup Career Fire Station Integration Working Group as contained within attachment 1.

Director Corporate Services left the meeting at 9.35pm

Director Corporate Services returned to the meeting at 9.36pm.

OCM304/10/24

COUNCIL RESOLUTION

Moved Cr Bishop, seconded Cr Mazzini

That Council ENDORSES the Terms of Reference for the Serpentine Jarrahdale / Cardup Career Fire Station Integration Working Group as contained within attachment 1, subject to the following changes being made:

- **Membership of the working group by the Shire's Volunteer Bush Fire Brigades be limited to representatives (Captain and 1x nominated brigade member) of the Byford, Mundijong, and Oakford brigades only;**
- **Coordinator Emergency Services is removed from the working group, including as Deputy Chair;**
- **3 x DCBFCO Serpentine Jarrahdale are removed from the working group.**

CARRIED 4/3

In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:

*Councillors Bishop, Duggin, Jerrett, and Mazzini voted FOR the motion.
President Coales, Councillors Byas and Mack voted AGAINST the motion.*

Reasons for Difference:

To ensure the working group reflects the recommendation made by the Bush Fire Advisory Committee (6.3.2/04/24) and thus limiting the membership scope of the working group to only those stakeholders whose operations are directly affected by the expansion of the Metropolitan Gazetted Fire District. To implement greater cost controls by ensuring only necessary paid and volunteer resources are utilised for the working group.

**10.5 Executive Services reports:**

10.5.1 - Award Request for Tender - RFT 06/2024 - Supply and Delivery of Ferricrete - (SJ4475)	
Responsible Officer:	Manager Operations
Senior Officer:	Executive Manager Operations
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to seek Council approval for the award of RFT 06/2024 - Supply and Delivery of Ferricrete - (SJ4475).

As part of the 2024/2025 Civil Operational budget, \$170,000 has been allocated for the purchase of materials and consumables for the maintenance of the Shire's Road maintenance.

As part of these works, it is estimated that approximately \$93,000 will be used for the purchase of Ferricrete during this financial year.

Projects which these materials shall be used on include:

Capital Projects:

- Gravel Re-sheeting
 - Millars Road – (1km)
 - Jarrah Road – (6km)
 - Bird Road – (1km)
 - Lingdon Lane – (0.75km)
 - Balmoral Road – (5.5km)
 - Transit Road – (0.8km)
 - Manning Road – (1.5km)
 - O'Neil Road – (0.75km)
 - Jackson Road – (4km)

Maintenance Projects:

- Gravel Re-sheeting
 - 45 local roads totalling approximately 50km



Relevant Previous Decisions of Council

Nil.

Background

This tender has been advertised to assist with the Shires civil maintenance operations in maintaining the Shire's road network as part of the annual operational budget, in the supply of road construction and maintenance materials.

The Request for Tender RFT 06/2024 - Supply and Delivery of Ferricrete was advertised on Wednesday 24 July 2024 and closed at 2.00pm on Thursday 15 August 2024.

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)

Community / Stakeholder ConsultationPolicy Concept Forum

Nil.

Statutory Environment

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

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

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

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

Comment**Submissions**

The one (1) submission was received, and the submission is summarised in **CONFIDENTIAL attachment 1**.

The Tender submission was received from the following company:

#	Company Name
1	The Trustee for The Great Sand Supplies Trust



Evaluation Panel

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

- Supervisor Civil Maintenance
- Coordinator Civil Maintenance
- Manager Operations

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

Evaluation Criteria

Compliance Criteria

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

Qualitative Criteria:

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	50%
Relevant Experience 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%
Key Personnel, Skills and Experience Capacity to deliver the services including: Key personnel / Professional skills	20%
Demonstrated Understanding Tenderers should detail the process they intend to use to achieve the Requirements of the Specification. Use dot points to explain the process. The process should include a timetable for delivering the services	15%

Evaluation Outcome

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

Following the assessment of the tender submission, against the selection criteria, the tender submitted by The Trustee for The Great Sand Supplies Trust 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 The Trustee for The Great Sand Supplies Trust be accepted.



Options

The following options have been identified:

Option 1

That Council:

1. AWARDS the Tender RFT 06/2024 - Supply and Delivery of Ferricrete to The Trustee for The Great Sand Supplies Trust recommended in **CONFIDENTIAL attachment 1**.
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFT 06/2024 - Supply and Delivery of Ferricrete.

Option 2

That Council DECLINES to accept any tender.

Option 1 is recommended.

Conclusion

The Trustee for The Great Sand Supplies Trust 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 Experience 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 The Trustee for The Great Sand Supplies Trust.

Attachments (available under separate cover)

- **10.5.1 – CONFIDENTIAL attachment 1** – RFT 06/2024 – Supply and Delivery of Ferricrete - Evaluation Report (E24/12319)

Alignment with our Council Plan 2023-2033

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

Financial Implications

The financial implications of not awarding the tender may result in an increase in the supply costs of Ferricrete and open to fluctuations or increases in market rates. Further implications shall be the additional impose on Shire staff to undertake the required procurement process of requesting quotations for each project for the supply of Ferricrete.



Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	The tender is awarded, and the company does not agree to contract terms leading to prolonged negotiations or the need to retender resulting in a delay to project delivery.	Tender documentation includes a copy of the proposed contract.	Organisational Performance	Unlikely	Minor	LOW	Nil.
2	Not awarding the tender will mean the delivery of operational services will be delayed.	Nil.	Social Community Outcomes /	Unlikely	Moderate	MODERATE	Follow procurement process of obtaining quotes from multiple suppliers

Voting Requirements: Simple Majority

OCM305/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council:

- AWARDS** the Tender RFT 06/2024 - Supply and Delivery of Ferricrete to The Trustee for The Great Sand Supplies Trust recommended in CONFIDENTIAL attachment 1.
- AUTHORISES** the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFT 06/2024 - Supply and Delivery of Ferricrete.

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0

**10.5.2 - Rebates for Home Composting Systems**

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

Authority / Discretion

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

The purpose of this report is to inform Council of the available options for home composting systems and to seek approval to make available rebates for residents that purchase a suitable home composting system.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 19 August 2024 – OCM235/08/24- COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. RESOLVES not to introduce a 3 bin FOGO system in the Shire;*
- 2. REQUESTS the Chief Executive Officer to return the procured Better Bins grant funding to the Waste Authority.*
- 3. REQUESTS the Chief Executive Officer report back to Council by October 2024 on options, including the associated costs, to introduce a home composting rebate system.*

Background

In August 2024, Council resolved not to introduce a 3-bin FOGO (food organics and garden organics) system in the Shire due to several factors including:

- Increased costs for roll-out and on an on-going basis;
- Contamination levels that could be expected;
- Low capture rates expected;
- Complexity of the system and need significant education;
- Potential shortfall in tonnages to be supplied to Kwinana Energy Recover after 2028-29; and
- Conflicts with other strategic projects



As an alternative, Council opted to consider the option to introduce a home composting rebate system. This report considers the available options and seeks Council approval on a range of different rebates applicable for different types of products. This approach arms residents with the choice of managing their organic waste and the system they prefer.

Community / Stakeholder Consultation

The Shire is actively engaging the community as part of the Waste Service Options initiative, under the "Let's Talk Rubbish" campaign. This engagement includes questions about home composting and gathering community preferences on the topic. The results of this engagement will be presented to the Council in February 2025.

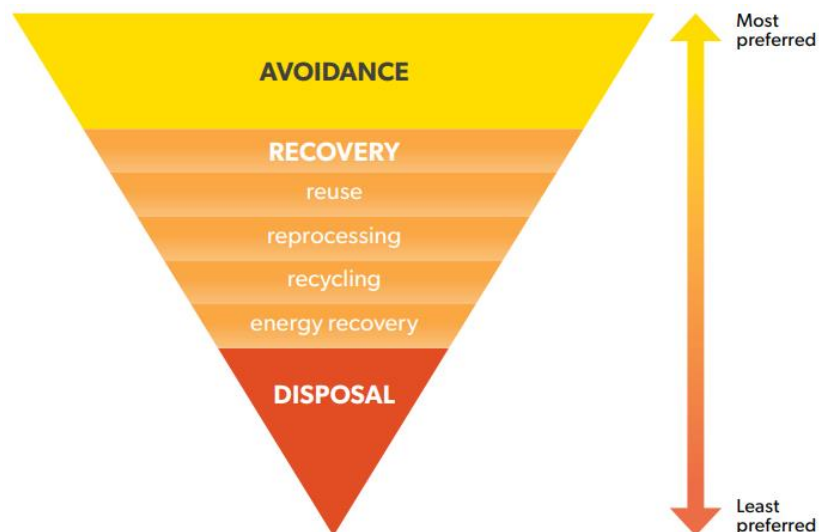
Statutory Environment

Waste Avoidance and Resource Recovery Act 2007

Introduces the requirement for compliance with the Waste Avoidance and Resource Recovery Strategy 2030 (State Waste Strategy 2030). One of the targets of the State Waste Strategy is 20% reduction in waste generation per capita.

Comment

The State Waste Strategy 2030 depicts the following waste hierarchy diagram, which has waste avoidance at the top, before reuse and recycling measures.



Home composting systems such as composters, worm farms, bokashi buckets and pet waste composters allow residents to manage organic waste at a household level. The majority of organic waste from these households is not placed in bins collected by the Shire and is therefore considered waste reduction and better for the environment.

In 2017, it was estimated that Australian households threw away 3.1 million tonnes of edible food which is the equivalent of 17,000 grounded 747 jumbo jets. From the 2023 Cleanaway audit conducted on 100 homes in Byford and Oakford, organics made up 46.37% of the general waste stream. This organic waste included food waste (19.93%), food contaminated paper/card (1.19%), and green waste (25.25%). This figure therefore indicates that approximately half of the Shire's waste could be diverted from landfill and/ or energy recovery.



There is a common misconception that when organic waste is sent to landfill, it will decompose in the same way that it would when composted. This is unfortunately not true. Organics which are sent to landfill take longer to breakdown and produce a harmful by-product called leachate which contaminates the soil and groundwater. The anaerobic process also releases greenhouse gases like methane, which are 38 times more potent than carbon dioxide and thus harmful to the environment.

Energy recovery has shown to release less carbon emissions from organic waste than landfill. However, the State Waste Strategy supports energy conversion after all other options for avoidance and recovery have been exhausted.

The biggest environmental benefit of home composting is avoidance of unnecessary and complex infrastructure and collections systems, which increase process carbon emissions.


Implementation by other Local Governments in WA

Of the nine local governments located within the southern region of the Perth metropolitan area (Armadale, Canning, Cockburn, East Fremantle, Fremantle, Kwinana, Mandurah, Melville, Rockingham), six are currently providing a home composting rebate or subsidy program to differing degrees. The three local governments not currently offering this program have either indicated their plan to explore it in the future or have chosen not to support it due to their focus on FOGO.




The rebate proposed in this report is based on research of and discussions with these local governments. Lessons learned include how best to manage the program, the obstacles they have faced implementing these initiatives, level of success, popularity, applicability of workshops to understand how the system works and value of rebates.

Home Composting Systems


The following table provides an understanding of the different types of home composting systems readily available and the advantages and disadvantages of each system. The information shows that residents will have preferences to suit their needs and capacity.

System	Brief Description	Advantages	Disadvantages
Worm Café 	Worms break down organic waste into solid and liquid nutrient-rich compost which can be used to enrich soil. The set up usually includes bins or beds where worms are housed, with layers of bedding material such as shredded paper.	<ul style="list-style-type: none">• Worms produce vermicompost or 'worm castings' which improve soil fertility, structure, and water retention.• Compact size – making them ideal for dwellings with limited space.• Doesn't require turning or mixing.• Takes 2 -3 months to break down.	<ul style="list-style-type: none">• Worms are sensitive to temperature. Extreme temperatures (hot or cold) can harm or kill worms.• Scraps must be chopped to facilitate quicker decomposition.• Limited capacity for processing food scraps. If you generate a lot of food waste, you may need multiple.



System	Brief Description	Advantages	Disadvantages
220L Compost Bin 	Microorganisms break down organic waste into solid nutrient-rich compost which can be used to enrich soil. This process requires a delicate balance to manage airing, nutrient and moisture levels.	<ul style="list-style-type: none">• Can process larger volumes of waste than bokashi and worm farms.• Cost effective in comparison to a compost tumbler.• Can also process garden organics.	<ul style="list-style-type: none">• Requires turning and/or mixing.• Longer decomposition time in comparison to worm farms• May attract rodents, flies, and other pests if not maintained properly
Bokashi Bin 	Unlike traditional composting which requires oxygen, bokashi composting is anaerobic (occurs without oxygen). The bin is sealed to create a low-oxygen environment that promotes fermentation rather than decomposition.	<ul style="list-style-type: none">• Suitable for dwellings with limited outdoor space such as cottage blocks and apartments.• Can compost meat, dairy and cooked foods that are typically unsuitable for traditional composting systems.• Faster decomposition (2 – 4 weeks) due to the anaerobic fermentation process.• As this bin is sealed, it isn't subject to pests.• Does not require turning or mixing.• Provides a fluid residue which improves soil health.	<ul style="list-style-type: none">• Ongoing cost (approx. \$13 per bokashi mix bag)• Limited capacity for processing food scraps. If you generate a lot of food waste, you may need multiple.• After the fermentation process, the waste must be buried in soil or added to a traditional compost bin to fully decompose.• Is not suitable for garden waste (leaves, grass trimmings etc).
Compost Tumbler 	The same composting process that takes place in the compost bin. However, this system makes turning/mixing the compost easier.	<ul style="list-style-type: none">• Simplistic mixing process compared to traditional compost bins that require manual turning with a pitchfork or mixing tool.• Improved aeration due to the position off the ground and rotating mechanism.• Ability to batch compost (only available with some models). This allows for composting all year round.	<ul style="list-style-type: none">• Typically, the most expensive composting option.• While tumblers simplify the mixing, they still require physical effort to turn (may not be suitable for those with limited mobility/strength).



System	Brief Description	Advantages	Disadvantages
EnsoPet pet waste composter 	The EnsoPet waste composter is an in-ground solution for composting your pet's waste. Simply dig a hole, assemble, bury, and add waste with the EnsoPet starter mix.	<ul style="list-style-type: none"> • Due to the use of starter mix, the waste is quickly decomposed. • Some models do not require aeration/mixing/turning • Suitable for a range of pets (dogs, cats, guinea pigs, rabbits etc). • 	<ul style="list-style-type: none"> • Must be buried in-ground and therefore requires a garden bed. • Limited capacity, meaning residents may require multiple systems, especially with multiple pets. • Compost is not ideal for edible plants and veggie patches.

Plan for Rebates to Residents

From the table above, there are a number of different systems that can be used for home composting. Each serve different purposes. As other local governments in the region have done, it is being proposed not to limit rebates to one type of system.

In practice, Shire residents would purchase one of the listed home composting system types and complete a customer request form for a rebate with supporting evidence including proof of residence and proof of purchase with purchase.

The Shire would then assess the application and issue the rebate.

The following table shows the average costs and proposed rebate amount for the item:

System	Price Range	Proposed rebate	What is included?
Bokashi bucket	\$62.50 - \$98.99	\$50	Bokashi bin or bokashi kit (compost bin and accelerator/mix)
Compost Bin	\$49.99 - \$93.35	\$40	Compost bin
Tiered Worm Farm	\$74.90 - \$99	\$70	Worm farm/café/tower
Compost Tumbler	\$78.99 - \$239	\$70	Compost Tumbler
Pet waste composter	\$69.90 - \$229	\$50	Pet waste composter or Pet waste composter kits (composter, composting mix, pair of tongs)

There are a range of different products available on the market and online sites such as Temu are selling the products cheaper than retail stores.



The above rebate amounts are intentionally a fixed rate, lower than that the cheapest available product and aimed at encouraging take-up. It is recommended that Officers review rebate values to ensure they do not exceed the cost of the items being purchased. Participants must provide a receipt and will only be entitled to the amount specified on that receipt.

This fixed rebate is proposed as a more efficient option over the Shire purchasing and storing composting systems for residents to buy directly. Prices are constantly changing (usually reducing as new products come on to the market). Therefore, the Shire might buy stock and not be able to move the stock. Purchasing large quantities also requires a lot of space. Items often get dirty and attract vermin. To allow the same level of choice, the Shire would also need to purchase numerous lines of products, choosing one supplier over another.

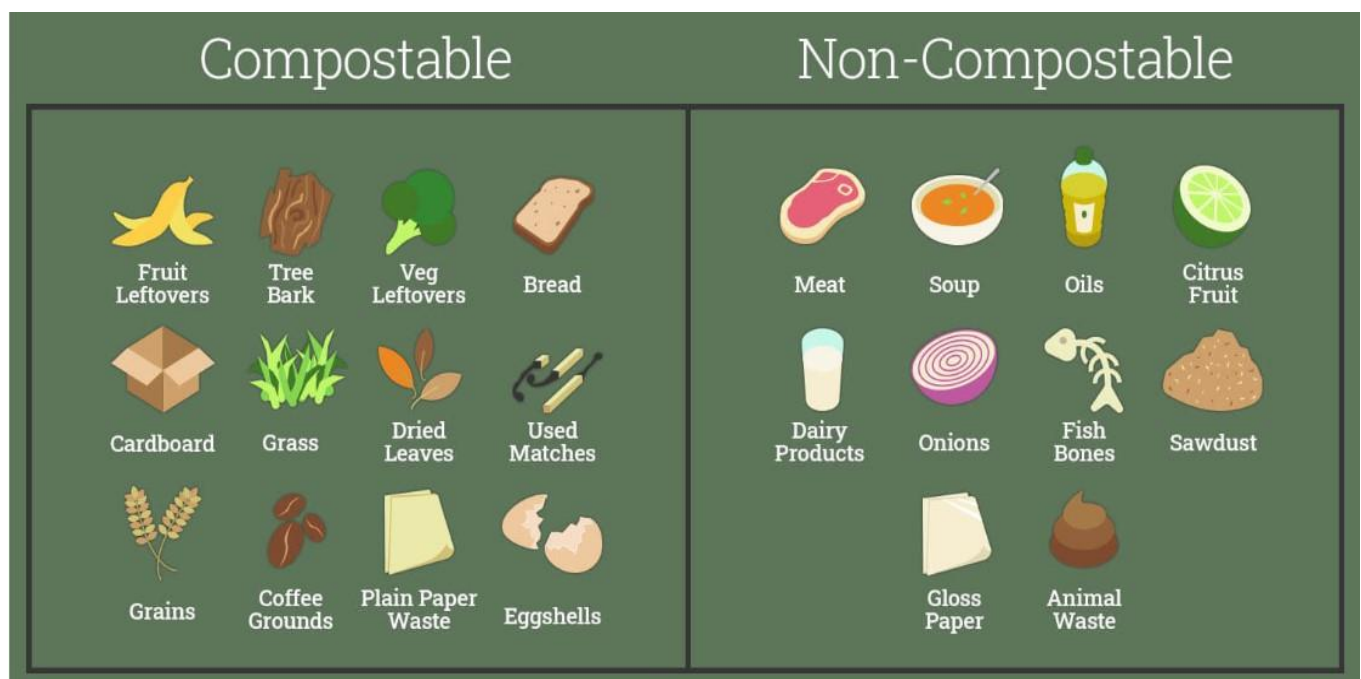
The composting systems provide solutions for different waste types. For example, a household might choose to purchase a compost bin for food and garden organics and a pet waste composter for pet waste. It is therefore intended that each household is limited to two different types of home composting system in a 5-year period.

Education

Sometimes residents have the best intentions. However, if not equipped with the right information and commitment, the systems do not provide the expected results.

Most of the local governments that have introduced rebates, have supporting workshops to educate residents on how to correctly use the home composting systems. Some make it compulsory, and others don't.

The Shire's intention is to not make the session mandatory and instead encourage residents to participate in one of the three annual composting workshops planned by the Shire. These workshops will be free for residents and will offer valuable tips and techniques for starting and maintaining various composting systems. In addition to the workshops, the Shire will develop or source guides detailing what materials are suitable for each system, which residents can print and display to help minimise contamination in their compost. See example image below for compost bins and tumblers.





A higher uptake of the program will indicate its success and the community's interest in reducing organic waste. These costs are a small fraction of what it would take to implement and manage a FOGO system within the Shire. Officers will provide regular updates on participation levels once the rebate system is launched.

Information and forms on the Website

As per the Shire's CCTV rebate system, the website will be updated with all relevant information and links to facilitate the rebate system. It is intended for the rebates to be introduced to the public in January 2025.

Retrospective Rebates

If residents are able to provide receipts for proof of purchase of any of the home composting system up to 12 months prior to the introduction of the rebate system, it is recommended that the purchase be honoured with the approved rebate.

Expected Take-Up Rates

The take-up rates in other local governments that have introduced the rebate system has been less than 1% of all households. This is partly due to the local governments requiring compulsory attendance at workshops and also because some have introduced 3-bin systems.

A 1% take-up rate per annum for the Shire would mean 145 units sold. With average rebate being \$50, the budget required for the rebates per annum is \$7,250.

If the home composting systems are fully utilised with no organics from the households going into the waste bin, it would save the Shire \$11,300 in waste processing charges. This is based on the average weekly organics waste per household being 10 kg, equating to 75.4 tonnes per annum and the waste processing cost being \$150 per tonne.

Note – these minor volume reductions will have no impact on the waste to energy contract commitments.

Options

Option 1

That Council:

1. REQUESTS the Chief Executive Officer to introduce a home composting rebate system for Shire of Serpentine Jarrahdale residents with the following rebates applicable with proof of residence and purchase from January 2025:
 - a. Up to \$40 for compost bins
 - b. Up to \$50 for bokashi buckets
 - c. Up to \$50 for tiered worm farms
 - d. Up to \$70 for compost tumblers
 - e. Up to \$50 for pet waste composting systems.
2. RESOLVES to cap the rebates available to a maximum budget of \$10,000 for the 2024/25 financial year.
3. NOTES the budget variation will be presented as part of the first quarter Financial and Costing Review.



Option 2

That Council DOES NOT AUTHORISE the introduction of the home composting system rebates.
Option 1 is recommended.

Conclusion

As per Council resolution in August 2024, the home composting rebate system described in this report is being proposed. The system considers the need for choice of products for varying needs and serviceability by residents.

The variable rebate values are aimed at encouraging maximum take-up, while ensuring that the rebate does not exceed the cost of the item.

If used to maximum capacity, the reduced waste processing fees from organics in bins will outweigh the costs of providing the rebates.

It is therefore recommended that Council introduce the rebates as per Option 1 for all residents within the Shire.

Attachments (available under separate cover)

Nil.

Alignment with our Council Plan 2023-2033

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

The implementation of a home composting rebate aligns with numerous goals and objectives outlined in various SJ created reports.

SJ Climate Change Strategy and Action Plan 2025 – 2035

Two (2) actions directly relate to the implementation of a home composting rebate program for SJ residents. These are:

- Reduce and eliminate emissions from waste.
- Educate and collaborate – The implementation of this program encourages people to learn more about the lifecycle of organic waste and its role in reducing landfill use. Planned workshops, which are intended to run alongside this program also create a space for residents to come together and be educated on the importance of sustainable waste management.

SJ Waste Management Strategy 2020 - 2024

Four (4) actions directly relate to the implementation of a home composting rebate program for SJ residents. These are:

- Plan for sustainable management of the community's waste and assets, reducing the overall reliance on landfill disposal;
- Reduce greenhouse emissions from waste management operations;
- Provide the community with an acceptable waste management service that works to divert materials from landfill and is cost effective and equitable;



- Educate the community on solid waste minimisation and resource recovery to motivate behavioural change.

SJ Food Action Plan

Two (2) actions directly relate to the implementation of a home composting rebate program for SJ residents. These are:

- Facilitate the delivery of workshops on composting, food waste management, and food sustainability.
- Promote SJ Seed Swap program, and discounts offered on composting and worm farming equipment, through the *Rewards for Residents* program.

Financial Implications

On average households produce 10kg of food and garden organic waste per week. Therefore, if all this waste is avoided in the kerbside bin collection system, it would save the Shire \$80 per annum per household in waste processing fees. The highest rebate amount is \$70.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	Public backlash at some stage for not introducing any options for better managing organic waste	This home composting rebate system.	Social Community Outcomes /	Possible	Minor	MODERATE	NA



Voting Requirements: Simple Majority

OCM306/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Mazzini, seconded Cr Jerrett

That Council:

- 1. REQUESTS the Chief Executive Officer to introduce a home composting rebate system for Shire of Serpentine Jarrahdale residents with the following rebates applicable with proof of residence and purchase from January 2025:**
 - a. Up to \$40 for compost bins**
 - b. Up to \$50 for bokashi buckets**
 - c. Up to \$50 for tiered worm farms**
 - d. Up to \$70 for compost tumblers**
 - e. Up to \$50 for pet waste composting systems.**
- 2. RESOLVES to cap the rebates available to a maximum budget of \$10,000 for the 2024/25 financial year.**
- 3. NOTES the budget variation will be presented as part of the first quarter Financial and Costing Review.**

CARRIED UNANIMOUSLY (en bloc at 8.17pm) 7/0



10.5.3 - Public Electric Vehicle (EV) Charger at Shire Administration Building	
Responsible Officer:	Manager Waste and Fleet
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to seek Council approval to co-fund with the Charge Up grant funding, the installation of a 22KW alternating current (AC) charger for electric vehicles (EVs) at the administration building carpark.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The Shire of Serpentine Jarrahdale region currently has very limited infrastructure for EV charging. These factors as well as rapid population increase in the Serpentine Jarrahdale region will hasten the need for EV charging options in the Shire.

Availability of an EV charging facility at the Shire's administration building has the potential to benefit the local community as well as the long-distance drivers on the South-West Highway and Albany Highway travelling to and from the Southern Western Australia. Once installed, the infrastructure will also support the transition of Shire fleet to electric vehicles as well as providing charging infrastructure for staff.

Officers applied for Round 2 of the Charge Up grants to install a 22KW AC charger at the administration building carpark. The Round 2 grant funds were worth a total of \$12.5 million, a West Australian Government initiative through the Department of Mines, Industry Regulation and Safety (DMIRS) to encourage businesses and local governments to install EV infrastructure, which will improve the EV charging network.

Community / Stakeholder ConsultationPolicy Concept Forum

Meeting Date	2 September 2024
Elected Members in Attendance	President Coales, Cr Bishop, Cr Byas, Cr Duggin, Cr Jerrett, Cr Mack, Cr Mazzini



Statutory Environment

Local Government Act 1995

Section 6.19 – Local government to give notice of fees and charges

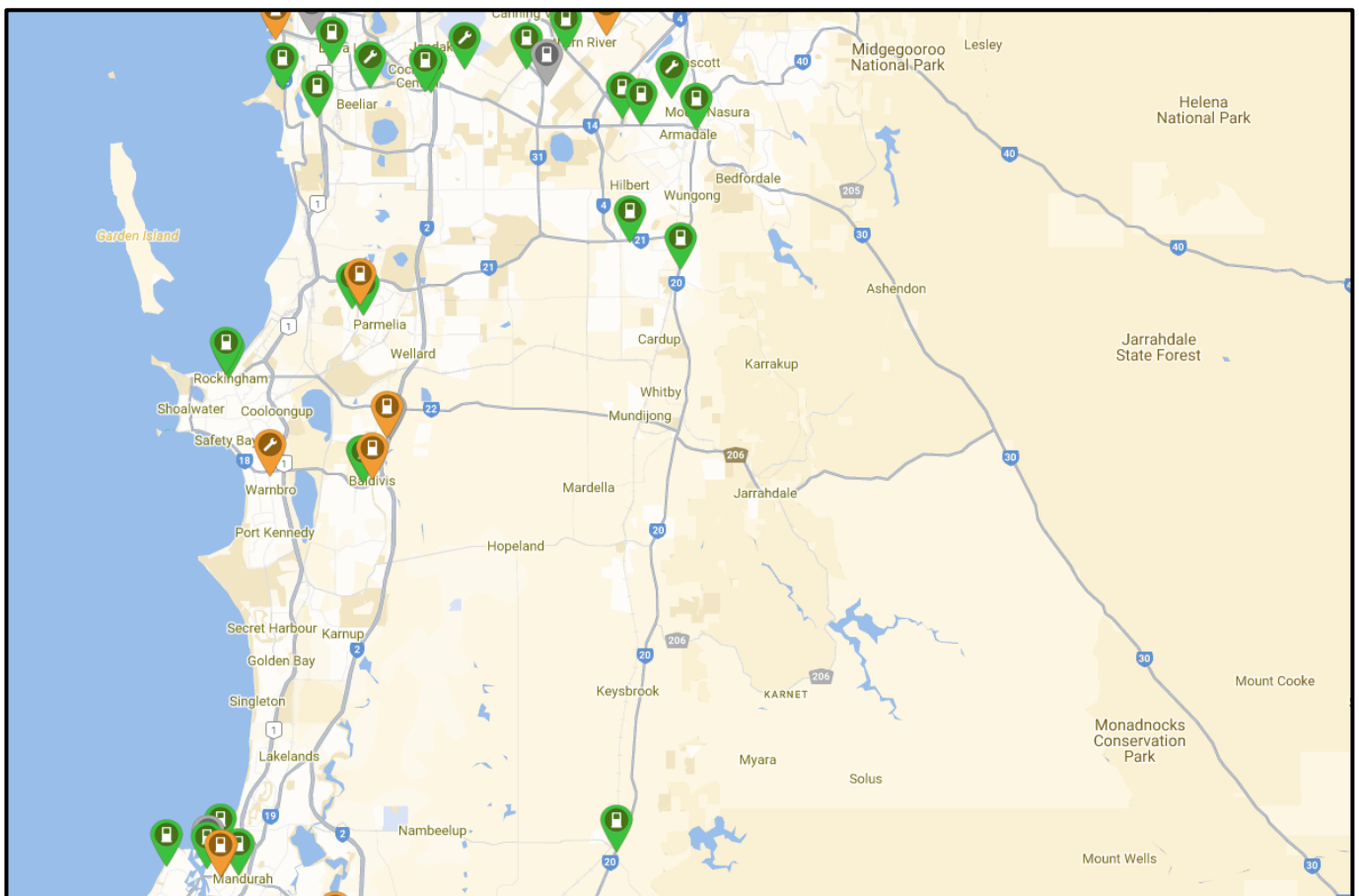
If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

Comment

There is a shortage of EV charging infrastructure around the Mundijong area to support the transition to EVs. It is therefore timely for the Shire to assess the current distribution of EV charging facilities, as well as the costs and benefits of investing in charging infrastructure in the region.

Details of existing EV chargers available for public use can be accessed through the Plugshare website and mobile App. The Plugshare map (see image below) shows that there are very limited number of chargers available throughout the South-West region between Armadale and Albany and across to Bunbury along both Albany Highway and South Western Highway. There are several charging options to the north of Armadale.



Screen clipping of Plugshare Map showing the lack of EV charging points near Mundijong.



As the Shire of Serpentine Jarrahdale is projected to be one of the fastest developing areas in terms of population increase, an EV charging station at Mundijong is likely to be useful for Shire staff, visitors, and the public. Following this installation, the Shire can consider other locations such as Jarrahdale and Serpentine for public chargers which will improve the visitor experience.

EV Charging for Public Use

Providing a charging facility for the public will support the local community as well as EV drivers travelling long distances. There is also the opportunity to develop local business and other activities around the availability of EV charging infrastructure. Charging stations situated close to town services and amenities, including visitors to the administration centre will be valuable to businesses in the area with additional patronage, while customers wait for vehicles to be charged.

The Shire will extend the free wi-fi network to further entice public use of the EV charger.

EV Charging for Shire staff

A few staff have already transitioned to using EVs. Others have expressed interest in this initiative to introduce a charger at the admin building. Most owners of electric vehicles prefer to charge at home, mainly during off-peak times when electricity costs are lower. However, they may need an alternative option occasionally. An EV charging option for Shire staff may encourage the Shire of Serpentine Jarrahdale staff to purchase and use EVs. More staff with EVs means lower carbon emissions to be accounted for by the Shire.

EV Charging for Shire Fleet Vehicles

Serpentine Jarrahdale currently has no EVs in its fleet. Having EV charging infrastructure is the first step in being able to transition some of the light fleet to EVs. This is likely to be a requirement in future due to improved emissions standards and government emissions targets. This is also supported by the findings of the Shire's Climate Action Plan.

As more vehicles get changed to electric powered, there is a need to have the required charging infrastructure in place for full charging or for topping up the battery while at work, even if the Shire does allow its staff to charge fleet vehicles at home.

Charger Selection

AC chargers at 22KW are faster than standard home chargers (3-7KW). However, they are slower to charge a car when compared to fast (60-75KW) and ultra-fast chargers (150KW+).

It is understood that a 22KW charger typically fully charges EVs (from flat) such as the Tesla Model Y and BYD Atto, within 8 hours.

Officers opted not to apply for grant funding for a faster 60KW charger due the significantly higher costs applicable to the purchase of the charger and installation costs including the requirement to upgrade the power network.

If the AC charger gets a lot of use and there is interest to upgrade to a 60KW charger in the future, this could be done, but would likely need to be supported with upgrades to the meter box and the electricity network with Synergy.

Successful Quote for Charger Installation

Prior to applying for the grant, the Shire through Switch Your Thinking completed a procurement process. The successful applicant, Jet Charge provided a detailed quote (at **CONFIDENTIAL attachment 1**) with the breakdown of applicable costs and amounts that would be covered by the grant funding.



Successful Grant Application

In July 2024, the Shire received notification of the successful grant application for a 22KW AC charger (at **CONFIDENTIAL attachment 2**).

As the costs provided are commercial in confidence, the breakdown of costs associated with the EV charger installation have been detailed at **CONFIDENTIAL attachment 3**.

The total costs for the Shire equate to \$8,884.

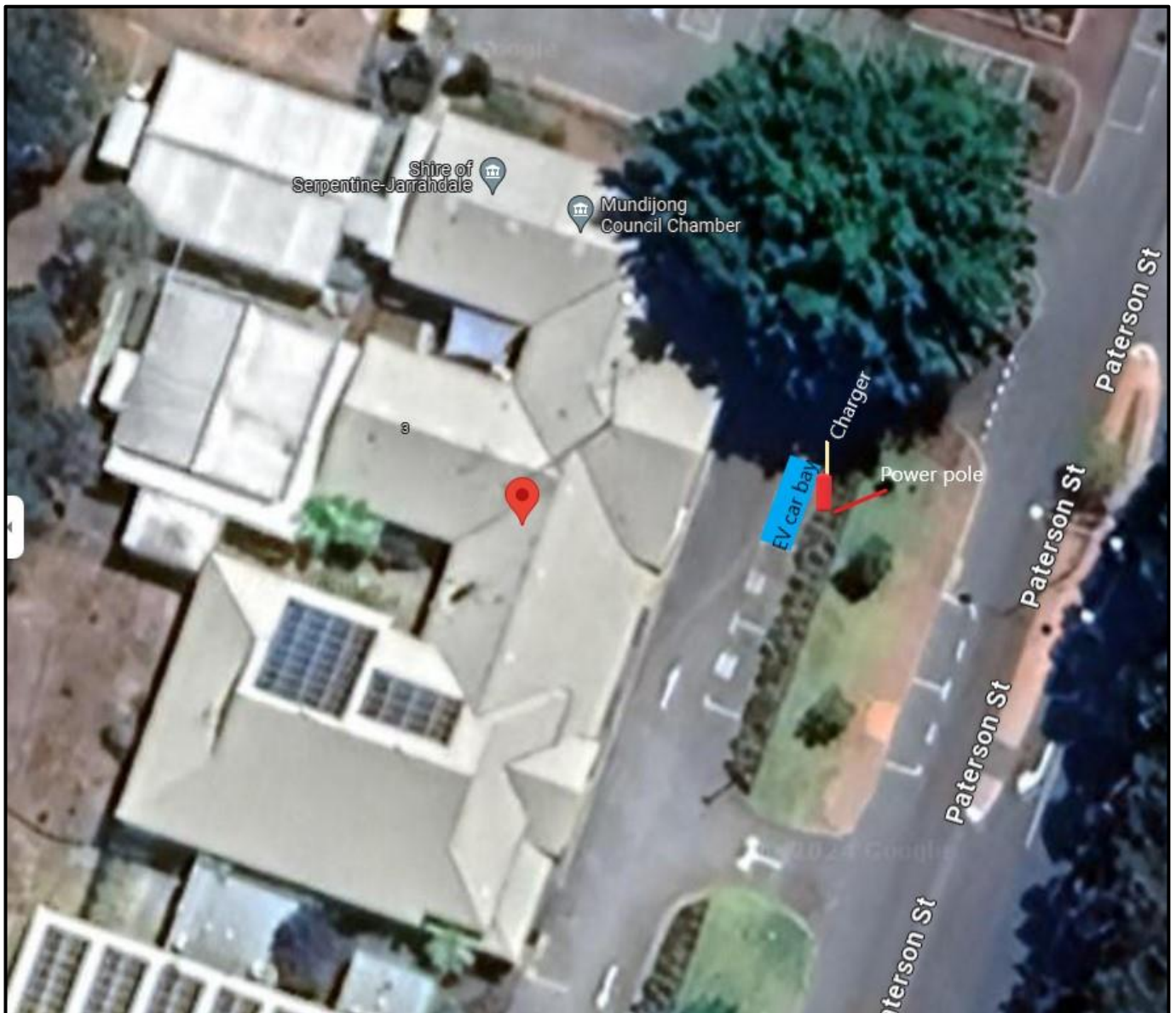
Grant Stipulations for Use of Charger

Charging stations purchase with grant funding must be available for daytime and off-peak times and should be discouraged during the peak electricity demand time of between 5pm and 9pm. This is not considered a problem for the Shire.

The Shire's grant application stated that the charger will be made available for public use from 9am - 5pm and 9pm – 9am. The Shire also intends to discourage charging between peak energy usage times by setting a higher tariff between 5pm and 9pm daily. The proposed charge our rates have been discussed further down in the report.

Planned Charger Installation Location

The application for the grant was made based on the charger being installed outside the customer service area of the administration building at 6 Paterson Street, Mundijong as shown in the image below.



This location is ideal for a number of reasons including:

- It is visible from the Customer Service area;
- It is located adjacent to the power supply, thus reducing the cabling and installation costs;
- Visitors to the Shire offices using EVs could conveniently charge their cars;
- There are shops and recreational areas within walking distance from the location; and
- Staff can conveniently charge their EVs while at work.

Expected Usage of Charger

No two charging locations are alike. EV chargers tend to be located busy hubs, fast food outlets, workplaces, end destinations and now more frequently at fuel stations.



There is insufficient data to predict the expected usage of the charger. However, the main users of the charger are expected to be:

- Shire staff
- Visitors to the Shire Admin building
- Residents in the vicinity
- Outside users running low on charge

Electricity Consumption and Charge Out Rates

The quote for installation includes a 2-year subscription to the Chargefox software application. The Charge fox application can charge different rates at different times during the day. Chargefox is also conducting upgrades to allow for dynamic charges in the future. For example - the Shire could choose to encourage multiple users by charging a minimal rate for the first 15 minutes and increasing the charge per KW to dissuade people using the charger for too long.

The Shire is receiving discounted green energy through the WALGA power purchase agreement in 2024/25. As per this agreement, Synergy is charging the Shire the following rates based on their Peak (8am to 10pm) and Off-Peak (10pm to 8am) Hours.

The **charges** and **premises** covered by this **agreement** are:

Product	Business Flexi							
NMI	Contract Account	Address details for each premise		Billing Cycle	Price Key	Energy Charges c/kWh		Supply Charge \$/day
		Supply	Billing			On Peak	Off Peak	
80010586220	379777800	Lot Number 22 KINGSBURY DR JARRAHDAL WA 6124	6 PATERSON ST, MUNDIJONG, WA, AU, 6123	Monthly	Custom PP	30.2000	14.5000	2.5100
80010096825	418084750	Lot Number 778 KARNUP RD SERPENTINE WA 6125	6 PATERSON ST, MUNDIJONG, WA, AU, 6123	Monthly	Custom PP	30.2000	14.5000	2.5100
80018478056	479851390	PATERSON ST MUNDIJONG WA 6123	6 PATERSON ST, MUNDIJONG, WA, AU, 6123	Monthly	Custom PP	30.2000	14.5000	2.5100

At the current discounted rates, the Shire will need to charge the following charge rates per KW/hr for cost recovery of the energy and a small profit to fund future installation:

- Daytime (9am – 5pm) – 35c per KW/hr
- Nighttime (9pm – 9am) – 25c per KW/hr

A separate charge is also being proposed for the grant application specified peak load hours to discourage use of the charger between 5pm and 9pm. The proposed charge is:

- Evening (5pm – 9pm) – 45c per KW/hr

The table below shows the comparative cost per hour for the Shire and the amount being charged out based on the proposed charge rates:

Time of Day	Charge Out Rate	Charge per Hour	Cost to Shire
Daytime (9am – 5pm)	35c per KW/hr	\$7.70	\$6.64
Evening (5pm – 9pm)	45c per KW/hr	\$9.90	\$6.64
Nighttime (9pm – 9am)	25c per KW/hr	\$5.50	\$3.19
Idle Charge (All times)	\$1 per minute	\$60	NA



As this is the first EV charger being installed by the Shire and there is insufficient data to determine how frequently the charger will be used, higher charge out rates are not recommended.

A two-year subscription to the Chargefox software has been included in the quote, which includes the set-up charges. The Chargefox app will make the charger visible for all Chargefox customers. Charges are updated and are charged by Chargefox to customers. Every quarter Chargefox will remit the applied charges less their 5% administration fee into the Shire's nominated account.

As is common practice, it is intended that Chargefox set up the idle fee of \$1 per minute for patrons that leave their vehicle charging after the battery is fully charged.

The Chargefox app will also be used to show that the charger will not be available for use during the Saturday market hours at Mundijong. The Plugshare platform can also be used to provide this information.

The table below shows the expenditure and income based on the hypothetical averages that the Shire may experience.

Charge Type	Electricity Charge (Expenditure)	Charge Out (Income)	Plugshare Commission (Expenditure)	Daily Balance (Income)
Daytime (2 hours)	\$13.28	\$15.40	\$0.77	\$1.35
Evening (1 hour)	\$6.64	\$9.90	\$0.50	\$2.77
Nighttime (1 hour)	\$3.19	\$5.50	\$0.28	\$2.04
Idle (15 mins)	\$0	\$15	\$0.75	\$14.25
Total Per annum	\$8,435	\$16,717	\$840	\$7,442

It is therefore likely that within a year of installation, the Shire will be able to make up most if not all the capital costs for installing the charger. The revenue from the charges in future years could be directed to the proposed new Revolving Energy Reserve account to fund other sustainable initiatives.

Staff Charges

As this will be a public charger, staff with vehicles will be able to use the charger. However, the same charge rates will apply for staff as other members of the public.

Servicing and Damage to Charger

The quote and contract with Jet Charge includes a 36-month warranty and 2-year service level agreement (SLA).

Any damage not covered by the SLA, will be covered under the LGIS insurance protection.

**Recommendations**

It is being recommended that the Shire accept the grant funding available and request the installation of the 22KW AC charger within the Shire's administration building car park outside the customer service area. It is also being recommended that the tabled proposed charges be advertised and adopted with in the 2024/25 Fees and Charges for the Shire to be able to charge for usage of the EV charger once installed.

Options**Option 1**

That Council:

1. APPROVES the installation of the 22KW electric vehicle (EV) charger at the Shire's administration building carpark with co-funding from Charge-Up Grant.
2. REQUESTS the Chief Executive Officer give local public notice in accordance with the *Local Government Act 1995*, of the intention to introduce the following fees from 1 January 2025:

Time of Day	Charge Out Rate
Daytime (9am – 5pm)	35c per KW/hr
Evening (5pm – 9pm)	45c per KW/hr
Nighttime (9pm – 9am)	25c per KW/hr
Idle Charge (All times)	\$1 per minute

3. APPROVES the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6200-NEW-6600-0000	Increase Expenditure	22KW EV Charger – Capital Purchases	13,348	
6200-NEW-4830-0000	Increase Income	22KW EV Charger – Capital Grant - DMIRS		4,464
3230-13502-6276-0000	Decrease Expenditure	Switch Your Thinking – Grant/Sponsorship expense		7,030
3800-14400-6160-0000	Decrease Expenditure	Mechanic Overheads- Minor Equipment Purchases		1,854

Reason:

Budget Amendment to fund 22KW EV Charger installation at the Shire Administration building, with \$4,464 funding from the Charge Up grant, and the remainder from savings in Switch Your Thinking account and through the reduction of Mechanic Minor Equipment Purchases



-
4. AUTHORISES the Chief Executive Officer to establish a reserve called Revolving Energy Reserve for any profits that accrue.

Option 2

That Council

1. DOES NOT APPROVE the installation of the 22KW electric vehicle (EV) charger at the Shire's administration building carpark with co-funding from Charge-Up Grant.
2. REQUESTS the Chief Executive Officer formally inform the Department of Mines, Industry Regulation and Safety of Council's decision not to proceed with the installation and acceptance of the Charge Up Grant funds.
3. DOES NOT APPROVE a budget variation.

Option 1 is recommended.

Conclusion

Installation of the EV charger in a visible and convenient location at the administration is good option for the Shire to encourage sustainable outcomes and improve its green credentials. With the co-funding available through the approved Charge Up grant, the Shire will need to contribute less than \$10,000 towards the project.

Attachments (available under separate cover)

- **10.5.3 – CONFIDENTIAL attachment 1** - Jetcharge Quote for Installation of AC Charger (E24/12001)
- **10.5.3 – CONFIDENTIAL attachment 2** - Charge Up Grant Successful Grant Application Letter (E24/12002)
- **10.5.3 – CONFIDENTIAL attachment 3** - Breakdown of costs associated with EV Charger Installation (E24/14616)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
4. Ensure sustainable and optimal use of Shire resources and finances
Liveable
4. Invest in facilities and amenities to meet current and future needs



Financial Implications

The above proposed course of action will require a formal budget variation. Accordingly, approval is sought for the following budget adjustments for the reasons specified:

Council APPROVES the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6200-NEW-6600-0000	Increase Expenditure	22KW EV Charger – Capital Purchases	13,348	
6200-NEW-4830-0000	Increase Income	22KW EV Charger – Capital Grant -DMIRS		4,464
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Reason: Budget Amendment to fund 22KW EV Charger installation at the Shire Administration building, with \$4,464 funding from the Charge Up grant, and the remainder from savings in Switch Your Thinking account and through the reduction of Mechanic Minor Equipment Purchases				

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	Missed opportunity to install an EV charger and improve sustainable credentials.	Choose Option 1 to install the charger	Reputation	Almost	Moderate	MODERATE	NA



Voting Requirements: Absolute Majority (s 6.8(1)(b) of the *Local Government Act 1995*)

OCM307/10/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- 1. APPROVES** the installation of the 22KW electric vehicle (EV) charger at the Shire's administration building carpark with co-funding from Charge-Up Grant.
- 2. REQUESTS** the Chief Executive Officer give local public notice in accordance with the *Local Government Act 1995*, of the intention to introduce the following fees from 1 January 2025:

Time of Day	Charge Out Rate
Daytime (9am – 5pm)	35c per KW/hr
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- 3. APPROVES** the following budget variation:

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Reason:

Budget Amendment to fund 22KW EV Charger installation at the Shire Administration building, with \$4,464 funding from the Charge Up grant, and the remainder from savings in Switch Your Thinking account and through the reduction of Mechanic Minor Equipment Purchases



- 4. AUTHORISES the Chief Executive Officer to establish a reserve called Revolving Energy Reserve for any profits that accrue.**

CARRIED UNANIMOUSLY 7/0

**10.6 Confidential reports:**

Nil.

11. Urgent business:

11.1 – Leave of Absence Request (SJ4381)	
Elected Member:	President Coales
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> .

This item was dealt with under Item 1 Attendance and Apologies.

12. Elected Member questions of which notice has been given:

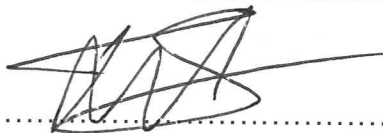
Nil.

13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 9.53pm.

Officers assisting the meeting stopped the recording of the meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on
18 November 2024

..........Presiding Member – President Coales

.....18/11/24.....Date