Ordinary Council Meeting
Confirmed Minutes

7pm

Monday, 9 December 2024

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

www.sjshire.wa.gov.au

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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
09/12/2024	OCM	✓	✓	A	✓	✓	✓	✓
09/12/2024	Q&A (OCM)	✓	✓	A	✓	✓	✓	✓
02/12/2024	Q&A (OCM)	A	✓	A	✓	✓	A	✓
27/11/24	PCF	✓	A	EP	A	✓	✓	✓
25/11/24	PCF	✓	A	A	✓	✓	✓	✓
18/11/24	OCM	✓	✓	✓	✓	✓	✓	✓
11/11/24	Q&A (OCM)	✓	✓	✓	✓	✓	✓	✓
04/11/24	PCF	✓	A	A	✓	✓	✓	✓
28/10/24	PCF	LoA	✓	A	✓	✓	✓	✓
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	✓	✓	✓	✓	✓	✓	✓

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Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Cr Mazzini
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 (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

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Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Cr Mazzini
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)	✓	✓	✓	✓	✓	✓	✓
25/03/24	PCF	✓	A	A	✓	A	✓	✓
18/03/24	OCM	✓	✓	A	✓	✓	✓	[redacted]
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.

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Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 9 December 2024 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

President Coales declared the meeting open at 7pm 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, spiritualty, 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
T Duggin
S Mack
R Jerrett
C Mazzini

Officers: Mr P Martin.....Chief Executive Officer
Mr R Najafzadeh…….....Director Infrastructure Services
Mr A Trosic .....Director Development Services
Mr F Sullivan ……..... Director Corporate Services
Mr B Oliver…..……..…… Director Community Engagement
Ms C Mortimer……..…….Manager Corporate Performance
Ms J Bavaro……..PA to Director Corporate Services (Minute Taker)

Leave of Absence: Nil.

Apologies: Cr Morgan Byas

Observers: 25

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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.

OCM341/12/24

COUNCIL RESOLUTION

Moved Cr Mack, seconded Cr Bishop

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 6/0

11.1 - Leave of Absence Request - Cr Byas (SJ4376)	
Councillor	Councillor Byas
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 *Local Government Act 1995*.

An application for a Leave of Absence, in accordance with section 2.25 of the *Local Government Act 1995*, was received via email from Councillor Byas on 1 December 2024. Councillor Byas is seeking leave for the period 1 February 2025 to 9 March 2025, inclusive, due to his nomination in the State Election.

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, Councillor Byas will be recorded as an apology for the meetings, workshops and forums missed, including the Ordinary Council Meeting on 10 February 2025 and Audit, Risk and Governance Committee Meeting on 24 February 2025.

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 Councillor Byas for the period 1 February 2025 to 9 March 2025, inclusive.

Option 2

That Council REFUSES the leave of absence application made by Councillor Byas for the period 1 February 2025 to 9 March 2025, inclusive for the following reason:

_____

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Voting Requirements: Simple Majority

OCM342/12/24

COUNCIL RESOLUTION

Moved Cr Jerrett, seconded Cr Bishop

That Council GRANT the leave of absence application made by Councillor Byas for the period 1 February 2025 to 9 March 2025, inclusive.

CARRIED UNANIMOUSLY 6/0

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2. Public question time:

2.1 Response to previous public questions taken on notice:

Questions asked by **Mrs Bond** at the Ordinary Council Meeting, Monday, 18 November 2024. Correspondence was sent to Ms Bond on 28 November 2024 (OC24/23125).

Question 1

a) Why is the ratepayer purchasing drug testing kits, what are these being used for?

Response (Chief Executive Officer)

The Shire has a duty of care to provide all workers and contractors with a safe and healthy working environment. This obligation of safety may become compromised if a worker or contractor is impaired by drugs or alcohol. As such the WHS staff are trained and issued with drug and alcohol testing kits to be able to test workers to minimise and eliminate these risks due to the effects of drug and alcohol use. Testing is conducted on a random basis across all areas of the business and immediately after an incident or accident. This is standard practice within both Local Government and other businesses that undertake work considered to be at higher risk.

b) Why haven't you completed the foot path from Graceford, is this not important?

Response (Director Infrastructure Services)

At the Ordinary Council Meeting of 18 March 2024, (OCM056/03/24), it was resolved that a review of the footpath linking Graceford Village to Byford Town Centre be conducted and that a business case be prepared for the:

- *design of appropriate upgrades as part of the 2024/2025 annual budget process, and*
- *construction of the appropriate upgrades as part of the 2025/2026 annual budget process.*

The design is currently being prepared in accordance with the resolution.

Question 3

Why haven't the lights on the corner of Abernethy and Hopkinson Road been erected. What does it mean you have decreased money for this, where is the original $50,000 budgeted for this?

Response (Director Infrastructure Services)

The street light design for the intersection of Abernethy Road and Hopkinson Road has been completed by the electrical consultant, and the application has been submitted to Western Power. Currently, Western Power is in the process of assessing the design and is awaiting the construction quote from their team to proceed further with the project.

There has been no decrease from the original budget for this project. The budget for the project was $49,700 and expenses incurred to date are $4,115 with $45,585 remaining.

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Questions asked by **Mrs Vanessa Reynolds** at the Ordinary Council Meeting, Monday, 18 November 2024. Correspondence was sent to Mrs Reynolds on 28 November 2024 (OC24/23123).

Question 2

In response to the questions from the last Ordinary Council Meeting. It says a cost breakdown of the waste administration and waste transfer station budgets. Does that mean this is the budget that was allowed for these Items or is this the actual expenditure as to cost?

Response (Executive Manager Operations)

The costs listed were for actual expenditure in the two 12-month periods requested.

Questions asked by **Mrs Michelle Rich** at the Ordinary Council Meeting, Monday, 18 November 2024. Correspondence was sent to Mrs Rich on 28 November 2024 (OC24/23147).

Question 3

Last week I attended a community meeting in Hopeland in regard to the WaterCorp culverts. Can the Shire please communicate with the various government departments that are involved in this and provide some information to the community on exactly why the bridge has had its load wight reduced, to whether it is the deck that has deteriorated, whether it is actually the culverts under the ground that have deteriorated or whether it is because the road has been upgraded and that there is concerns over the shoulders of the road where the road meets the bridge?

Response (Director Infrastructure Services)

Shire Officers are currently communicating with both the Water Corporation as the bridge asset owner and Main Roads WA as the Authority undertaking the bridge inspections and associated load limit review in regards to this bridge and all Water Corporations bridges within the Shire in general. Once the information and a way forward has been agreed upon with Water Corporation and Main Roads WA, information will be provided to the community via email and the Shire's website.

The bridge load limit reduction is a direct result of the condition of the bridge, with the U-beams cracking as inspected and assessed by Main Roads WA. The bridge is a reinforced concrete inverted U-beam Structure, it does not consist of culverts. The Hopeland Road upgrade is a Shire project, and the scope of this project is mainly limited to pavement rehabilitation including the shoulders. The road project and where the shoulders meet the bridge is completely unrelated to the load limit imposed on the bridge.

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2.2 Public questions:

Public question time commenced at 7.03pm.

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

Pascal Ding, Darling Downs, 6122

Question 1

Did you receive Port Hedland's Council letter about the COVID-19 vaccinations?

Response (Chief Executive Officer)

The Council resolution from the Town of Port Hedland was received and distributed to Elected Members.

Question 2

What are you doing about the motion?

Response (Presiding Member)

As the President I have read the email, I have read the motion passed by the Town of Port Hedland. One thing I am very cognisant of as the Shire President is there are three levels of government, and we need to be mindful what our responsibilities are as a local government. My personal opinion as the Shire President is that the vaccination is not a local government matter. That is my opinion as a Councillor and as the Shire President.

Response (Chief Executive Officer)

Options are available for Elected Members if they wish to bring a motion to Council to consider but Officers have no intention of bringing a report to that effect.

Question 3

When something like this happens, does it not become duty of care of the Council?

Response (Presiding Member)

I have read the motion in full from the Town of Port Hedland. Again, I would stipulate as part of the three levels of government in Australia, I do not believe at this point there is any need for a local government such as the Shire of Serpentine Jarrahdale to be involved or to make a statement or be involved in anything in relation to what Port Hedland has done. If another Councillor at the table here would like to move a motion they can.

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

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Carole Ding, Darling Downs, 6122

Question 1

Is Darling Downs still in Canning or is it going to be in Burt?

Response (Presiding Member)

Darling Downs will be in the seat of Burt. I need to confirm that, but my understanding is with the redistribution the seat of Burt has come further south; everything to the east of South West Highway will be in Canning or remain in Canning. The boundary of Burt comes down to Cardup Siding Road. My understanding after speaking to Andrew Hastie and Matt Keogh on Saturday night.

Response (Chief Executive Officer)

There is information on the federal government's website about the electoral boundaries you could always check there as well.

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

Mrs Bond, 6112

Question 1

Having brought to the attention of Councillor Coales the safety issue for anyone turning right into our street because Council has provided a narrow piece of bitumen between the road and the warning sign to show a t junction, vehicles pass on that left side extremely close to the turning vehicle, why hasn't this been rectified before now, are you waiting for a serious crash?

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 2

The bridge on Orton Road near Hopkinson Road requires a sign stating only one vehicle on the bridge at any time and there should be a give way sign on both sides because the usual are making up their own rules and boasting on Facebook. When will this be attended to?

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 3

Why is the Shire spraying glyphosate on the emergency road between Abernethy Road and Bushforever 65?

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.

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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 7.09pm.

3. Public statement time:

Public statement time commenced at 7.09pm.

John McEwan, Cardup, 6122

Good evening, Mr President, Councillors and Shire Officials.

When I talk to people about our struggles with PERMAcast and PERMApole, they jokingly compare me to Erin Brockovich. This week I decided to research her story, and the comparisons are actually, uncanny. She fought for the rights of a rural community called Hinkley, that was contaminated by a greedy, ruthless company with absolutely no conscience. The contaminating chemical at Hinkley, was chromium 6. One of the predominant cancers was prostate cancer. At the last Shire meeting, my wife read out a statement on behalf of our neighbour Sue Symonds, her husband has recently been diagnosed with prostate cancer. The kids in Hinkley had severe nosebleeds. Our daughter suffered from severe nosebleeds. The people of Hinkley suffered numerous other problems due to this carcinogenic, mutagenic poison. I ask myself what are the expectations for the residents of Cardup?

One of the problems with chromium 6 is its motility in water. The toxic plume in Hinkley was found to be 9.7 km long and 6.4 km wide.

Although the similarities between our situations are scary, the differences are scarier. Hinkley was contaminated by one company, releasing one chemical into their water. We have two companies releasing a whole cocktail of chemicals into our water and air. They use CCA which contains Chromium 6, arsenic and copper; cement and concrete which contain chromium 6; fly ash which contains heavy metals such as arsenic, beryllium, boron, cadmium, chromium, cobalt, lead, manganese and other heavy metals, organic pollutants such as methyl sulphates, polychlorinated biphenyls and more that I can't even pronounce. PERMAcast are planning to bring yet more toxic wastes such as metallurgical slags onto this property.

PERMApole currently has a massive pile of material covered by a tarpaulin, around 50 metres from their fence line. While taking photos of this pile, with the tarpaulin being blown around by the wind, I could hear young children playing in the front yard of their residence no more than 50 metres away from where I was standing. These children were playing directly down wind of this dust.

The US regulators made the company decontaminate their mess in Hinkley. It is expected to take 30 to 50 years. Our state government has actively enabled and supported these companies. To date, we have not received an acknowledgement, let alone a response to our complaint we made to DWER on the 3rd of October concerning our tested contaminated water results.

It takes a maximum of 4 days to receive analysis results, we are yet to hear of any results from DWERs investigation.

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Karen McEwan, Cardup, 6122

Good evening, Mr President, Councillors and Shire Officials.

Councillor Byas, thank you for your questions to the Shire, hopefully they will spark some serious consideration and investigation.

The more we look into PERMAcast and PERMApole, the more disillusioned we have become, as you will hear from the tone of our statements tonight.

We have been trying to understand how a company, with no approvals and relatively little experience can receive a $100 million contract by the State Government in a major project. This is despite the fact that there was no infrastructure in place, to enable them to complete this contract, at the time it was allocated to them. These contracts are generally not easy to come by.

We have been trying to understand how both PERMAcast and PERMApole seem to be condoned and protected by the State Government, the local government and the environmental regulators. Why does Hugh Jones have plenty of time to have cake and persimmons with the Ferraro family and yet has no time to take a phone call from us? How do the lawyers of these companies manage to intimidate news agencies that attempt to tell our story?

We have been trying to find out who the powerful figures are, behind these companies, that seem to be able to manipulate all these bodies. Neither of these companies list their board members or owners on their websites.

We know that PERMApole is listed as Jetstar Enterprises PTY Ltd on ASIC, we know that PERMAcast is listed as Polevine PTY LTD. We also know that although they claim to be totally different companies, they share the same shareholders in Mecca Holdings Pty Ltd and Kandalee Pty Ltd and probably others. We do not, as yet, fully understand why these companies have been structured to actually hide the names of the owners and board members.

Chromium 6, the Erin Brockovich chemical, is present in CCA used by PERMApole as well as Portland Cement used by PERMAcast, and yet, to this day, these companies are allowed to operate with little control of their dust or water.

The Erin Brockovich movie was released in 2000. Soon after this, in 2003, Bunnings sold their interest in the timber treatment business in Cardup. This business had been operating uncontrolled since 1978. The company in the Erin Brockovich movie stopped using Chromium 6. However, despite the dire effects of Chromium 6 that were brought to light by this movie, it continues to be used at PERMApole, with no serious controls in place. To this date, Bunnings continues to purchase treated wood from PERMApole. The owners of PERMApole no doubt know the effects Chromium 6 had on the Hinkley community, and they choose to hide their names, rather than prevent the same thing from happening in Cardup.

To the Shire CEO, I would like to say, I have many concerns. I have concerns for my two beautiful children that lived here from the time they were 2 and 4 years old respectively, until their mid-twenties. How have they been affected? What is in store for them as they grow older? I have concerns for my entire community, will anyone actually investigate the potential effects of these operations on our health? I have concerns that the influence these companies have over DWER and the State Government will mean no proper controls will ever be put in place. That they will bring more poisons onto this site, as they plan to.

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What I want to happen is for no dust or water to be permitted from these premises. I want PERMAcast to be returned to being a prescribed premise, so that it requires a licence with proper controls in place to operate, as is legally required for a cement product producer and fly ash user. I want a proper investigation into the damage that has been caused from the past decades of operation of these companies. I want DWER to actually enforce the legislation and protect us, rather than supporting the interests of the companies.

I also have a message for the people that are prepared to poison a whole community, the people in the government that enable and condone them, the regulators that choose to protect them, the accountants and lawyers that hide them and find loopholes to assist them – you all disgust me. Thank you.

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

Paul Larsen, Oakford Bush Fire Brigade Station

Thank you, Mr. President and Councillors, for the opportunity to speak about item 10.2.1 on the agenda, the Request For Tender of the Oakford Bush Fire Brigade Station. I'm joined tonight by members of the Oakford brigade who are in attendance to witness Council adopt the Officer's Recommendation and secure our brigade's future at its long-awaited new home on Pony Place in Oakford.

This decision marks the end of an era for Oakford Bush Fire Brigade, established over 50 years ago and currently situated on private land at 1099 Nicholson Road, generously donated by Kargotich Industries.

Approximately 10 years ago, far too long ago to only be making this statement now, the land from which our brigade operates was sold. Since then, at a moment's notice, the brigade has continually faced the prospect of eviction. Whilst, fortunately, this risk has not yet materialised, it has been a significant source of anxiety for brigade members who know just how important the service we provide is.

Tonight brings us one step closer to alleviating that risk, and for the future of our brigade and, importantly, our brigade's services, to be secured.

The decision before you tonight is one of an investment in community safety, bushfire preparedness, and emergency response. But it's also more than that. It's also an investment in the future of volunteering in the Shire.

It's an investment in a raw education, teaching valuable skills and qualities like resilience, mateship, leadership, and service, to those who volunteer.

It's an investment in mental and physical health, not only for our current and future volunteer members, but for the community who are reassured and protected by the service we provide.

It's an investment in local families, like the McCoy and Warren families, who are represented by two generations of firefighters at our brigade.

It's an investment in the brigade members behind me who, when our community needs them most, step up to meet the challenge head on.

It's an investment well worth making, and it's not one to be made by the Shire alone. We'd like to thank the Department of Fire and Emergency Services for their significant contribution to this project, and our brigade is optimistic that any funding shortfall will be

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addressed in future Local Government Grant Scheme funding rounds, given DFES's significant contribution to date to ensure this project is delivered.

Whilst we are optimistic, we want to commit to you our Brigade's preparedness to advocate to the State Government as and when may be necessary to support the Shire's aim to deliver this project in the most fiscally responsible way possible for its residents and ratepayers. So far, we are on track to achieve that aim, with approximately 90% of the funding being met by the State Government.

Our brigade works tirelessly year-round to keep our Shire and Western Australians safe, but importantly, we as volunteers have also worked tirelessly to advocate for and secure funding and land to ensure the Shire stands able to deliver this vital community infrastructure.

This morning, a petition was submitted to the Shire President, highlighting the support of the Oakford Bush Fire Brigade Station. Despite being launched only six days ago, during a demanding start to the bushfire season for our brigade, the petition has already garnered over 300 signatures. These supporters-residents and ratepayers from Oakford, Byford, Darling Downs, Serpentine, and Jarrahdale-have voiced their clear expectation that the design and construction of the new station be expedited. The overwhelming response underscores the community's prioritisation of safety and resilience.

We'd like to thank the Shire for taking the ball and running, getting us to this point. It hasn't been easy, and it hasn't been without its hiccups, but we are here now, and it is on the politicians to do their job. Councillors, we urge you to make the right decision tonight, support the Officer's recommendation, and seize this opportunity to invest in our brigade and our community.

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

Mrs Bond, 6122

I predicted that after ratepayers money was given to a person stating they were a charity it would open the floodgates for more of these ratepayer funded charities. Tonight’s agenda 9.2 has another one of these and it should never have been brought to Council just as the other one should also have been refused.

I remind councillors that the 70 acres (Darling Downs Residents Association on tonight’s agenda) was always looked after by the residents who lived in that vicinity until someone who wanted votes to get elected to Council decided the ratepayer would become the cash cow. They get enough financial help from the ratepayer and should buy their own tractor.

When a councillor requires leave to pursue their political agenda, they should not do it on the ratepayer purse. You are either a councillor and act like one or resign and pay for any costs associated with your replacement.

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

As there were no further public statements, Public Statement time concluded at 7.23pm.

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4. Petitions and deputations:

Petitions

4.1 – Petition by Leon Kingston regarding Oakford Fire Station Project	
Presenting Councillor	Councillor Bishop
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 *Local Government Act 1995*.

Background

On 9 December 2024, Mr Leon Kingston submitted a petition in accordance with clause 3.6(1) of the *Shire of Serpentine Jarrahdale Standing Orders Local Law*, requesting that Council considers awarding a design and construct contract for the Oakford Fire Station Project without delay, prioritising community safety and resilience over all else.

Shire Officers have not checked that it is a compliant petition in accordance with the Standing Orders.

This matter is to be considered by Council at Item 10.2.1.

Options

The provisions of the Standing Orders provide two practical options to Council.

Option 1

That Council ACCEPTS the petition.

Option 2

That Council DOES NOT ACCEPT the petition.

Attachments (available under separate cover)

4.1 - attachment 1 – Petition – Leon Kingston – Oakford Fire Station Project (IN24/29562)

Voting Requirements: Simple Majority

OCM343/12/24

COUNCIL RESOLUTION

Moved Cr Bishop, seconded Cr Mack

That Council ACCEPTS the petition.

CARRIED UNANIMOUSLY 6/0

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Deputations

Bruce Hilliard, President, Darling Downs Residents Association regarding Item 10.5.1 - Shire Funded Tractor for Darling Downs Residents Association (DDRA)

As you know, the Darling Downs Residents Association (DDRA) is dedicated to supporting the Shire of Serpentine Jarrahdale, and more than 3000 people in the user community who utilise the Darling Downs Equestrian Park (DDEP). There are more than 21 kilometres of trails in the DDEP, and it covers around 76 hectares of Public Open Space in the northern part of the Shire. To develop and maintain this area, and the associated facilities, our volunteers provide more than 2,200 hours of community service each year.

However, for the DDRA to achieve the agreed development and maintenance objectives, the volunteers must have access to a reliable tractor. As explained in the Council Meeting Agenda Item 10.5.1, and other information provided for this meeting, the existing tractor utilised by the DDRA is now very old and unreliable. This unreliability has important operational and financial implications for the Shire. For example, earlier this year, it took more than six weeks to fix a major hydraulic problem with the tractor. During this period, the DDRA could not take on important tasks, such as removing fallen branches and trees. Therefore, the Shire needed to use their already busy staff or engage expensive contractors to do work that DDRA volunteers could normally have done at no extra cost.

It is also clear that the problems with the current tractor are getting progressively worse, and as identified in the Shire's investigation, it will be quite expensive to repair. Additionally, as also pointed out in the Agenda, the maintenance cost associated with keeping the existing tractor operational will likely increase as it continues to age.

Consequently, trying to persevere with the currently failing tractor will likely increase the Shire's costs and create a situation where the DDRA volunteers cannot continue delivering high service levels. Therefore, we request that the Council support Option 1 and fund the procurement of a replacement tractor so the DDRA can continue to effectively support the Shire and the community.

I am also happy to answer any questions you may have about this situation.

As always, thank you for your support.

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5. President's Report:

Good evening elected members, residents, and ratepayers.

Welcome to the final Ordinary Council Meeting for 2024, marking the close of this Council's first full year of service to the Shire. It has been an honour to lead this Council and witness the progress we've made together.

This year, we launched our new Council Plan, setting the framework for a brighter future. We've celebrated milestones that brought our community together, from hosting events like Muddy Buddies and Harmony Night to welcoming 216 new citizens at our Citizenship ceremonies.

We also marked Australia Day and Anzac Day, reflecting on our shared heritage and values.

On the infrastructure front, we delivered vital projects, including significant road upgrades across SJ with support from State and Federal Government partners.

Advocacy remained a key focus. In October, we presented to the Community Cabinet, pushing for funding to keep SJ liveable and thriving.

Last week, we hosted the Minister for Local Government and Youth, Hon Hannah Beazley MLA, who visited the new Jarrahdale Cemetery facilities and the Youth Space, highlighting our unique community connections.

December is always a big month for our young people. It's been a pleasure celebrating students' achievements at recent graduations, with special mention to those moving to high school and school leavers embarking on further studies or entering the workforce.

We're proud of you and wish you every success.

As we approach the festive season, let's embrace the true spirit of Christmas: caring for one another. A simple gesture, like checking on a neighbour who may feel isolated, can make a world of difference.

And as we travel to see loved ones, let's prioritise road safety to ensure everyone arrives home safely.

Christmas in SJ is magical. Last Friday's Christmas Street Festival brought families together to revel in the festive atmosphere, followed by the Byford Carols on Saturday, where our community spirit was tangible.

Before closing, I'd like to acknowledge the Shire's Director of Infrastructure Services, Reza Najafzadeh, who is leaving after three and a half years to join the WA Local Government Association. Reza's contributions have been invaluable, and we wish him every success in the future.

Thank you, and I wish you all a safe and joyful Christmas.

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

Councillor Nathan Bishop declared an Impartiality Interest in Item 10.2.1 - Request for Tender - RFT 10/2024 - Oakford Bush Fire Brigade Station (Design and Construct). The nature of the interest is I am a member of the Oakford Bush Fire Brigade. The extent of the interest is impartiality, given the request for Tender relates to the design and construction of the Oakford brigades fire station.

Councillor Shaye Mack declared an Impartiality Interest in Item 10.4.2 - Endorsement of Briggs Park Recreation Precinct Master Plan. The nature of the interest is impartiality. The extent of the interest is my son plays Auskick at Briggs Park.

Councillor Tricia Duggin declared an Impartiality Interest in Item 10.4.2 - Endorsement of Briggs Park Recreation Precinct Master Plan. The nature of the interest is I am a member of the YMCA gym. The extent of the interest is access to the gym may be affected by the plans.

Councillor Tricia Duggin declared an Impartiality Interest in Item 10.5.1 - Shire Funded Tractor for Darling Downs Residents Association (DDRA). The nature of the interest is I am a member of the Darling Downs Residents Association. The extent of the interest is I am a member of the Daring Downs Residents Association.

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

7.1 - Ordinary Council Meeting - 18 November 2024

OCM344/12/24

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Jerrett

That the minutes of the Ordinary Council Meeting held on 18 November 2024 be CONFIRMED (E24/17070).

CARRIED UNANIMOUSLY 6/0

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

8.1 - Audit, Risk and Governance Meeting - 25 November 2024

Attachments (available under separate cover)

- **8.1 – attachment 1 – Audit, Risk and Governance Meeting Minutes – 25 November 2024 (E24/17405)**

Voting Requirements: Absolute Majority

OCM345/12/24

COUNCIL RESOLUTION

Moved Cr Mack, seconded Cr Duggin

That Council

1. RECEIVES the Unconfirmed Minutes of the Audit, Risk and Governance

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Committee Meeting held on 25 November 2024 (E24/17405)

2. **ADOPTS Audit, Risk and Governance Committee Resolution ARG10/11/24 and**
   1. **NOTES the Strategic Risk Register Review as contained within this paper.**
   2. **ENDORSES the updated Strategic Risk Register as contained within attachment 1 with the following amendments:**
      - **Add as an action to risk 12 to review the progress of the economic development and tourism strategy.**
      - **Add as an action to risk 14 to conduct a review of the business continuity plan.**
3. **ADOPTS Audit, Risk and Governance Committee Resolution ARG11/11/24 and RECOMMENDS that Council NOTES the proposed reforms to the *Local Government Act 1995* that relate to the Committee, as contained within this paper.**
4. **ADOPTS Audit, Risk and Governance Committee Resolution ARG12/11/24 and**
   1. **NOTES that a review of the Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures has been undertaken and will be issued to volunteer brigade members by 30 November 2024.**
   2. **NOTES that following the issuing of the revised Brigade Operating Procedures, all volunteer brigade members will be required to sign acknowledgement of the Shire's Code of Conduct as a Shire volunteer.**
   3. **RECOMMEND that Council request the Chief Executive Officer to present the following items to the February 2025 Audit, Risk and Governance Committee Meeting:**
      i. **The proposed sections of the Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures to be reviewed in 2025;**
      ii. **A proposed timeline and scope for the review of the *Serpentine-Jarrahdale Bush Fire Brigade Local Law 2021;***
      iii. **A summary of compliance by volunteer brigade members who have signed the Shire's Code of Conduct as a Shire volunteer.**
5. **ADOPTS Audit, Risk and Governance Committee Resolution ARG14/11/24 and**
   1. **RECOMMENDS that Council NOTES the update regarding the implementation of agreed actions previously conducted and update on the ICT audit actions.**
   2. **REQUESTS that a report be brought back to the Audit, Risk and Governance Committee at the next meeting on the ACSC essential eight implementation.**
6. **ADOPTS Audit, Risk and Governance Committee Resolution**

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ARG17/11/24 and

1. **AUTHORISES the Chief Executive Officer to conduct a Request for Tender to procure and implement a new backup solution as outlined in this report.**
2. **NOTES that the old backup infrastructure will be decommissioned 12 months following implementation of the new solution.**
3. **APPROVES the following budget variation:**

Account Number	Type	Account Description	Debit $	Credit $
6100-NEW-6600-0000	Increase Expenditure	Backup Solution – Capital Expenditure	100,000	
6100-NEW-5044-0000	Increase Income	Backup Solution – Transfer From Reserve – ICT Reserve		100,000
Reason: Funding to implement backup solution and decommission old backup infrastructure 12 months later to be funded from the ICT Reserve.				

CARRIED UNANIMOUSLY 6/0

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9. Motions of which notice has been given:

9.1 - Notice of Motion - Improving Council Transparency and Accountability - Q&A Sessions (SJ4383)	
Elected Member	Councillor Byas
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 *Local Government Act 1995*.

Notice of Motion

A Notice of Motion was received from Councillor Byas via email on Monday, 11 November 2024.

The Notice of Motion is:

1. *REQUESTS that the Chief Executive Officer AMENDS Council Policy 1.1.14 – Forums of Council – Policy Concept Forums, Question and Answer Agenda Forums and Workshops to open Question and Answer sessions to the public by:*

   i) DELETING paragraph:

   "QAAF's shall not be open to the public and therefore no debate on the items shall be entered into during the QAAF's there shall be no opportunity for a collective Council decision or implied decision that binds the local government. Fundamental to this decision is that any debate shall be held at Council meetings so as to ensure the public in attendance at a Council meeting can see and hear the decisions and debate around Council decisions."

   and INSERTING:

   "QAAFs shall be open to the public but no debate of items shall be entered into to ensure the integrity of the Council Meeting as the decision-making forum of Council prescribed in legislation."

2. *RESOLVES to live stream Question and Answer sessions in accordance with Council Policy 3.3.11 – Live Streaming and Recording of Council and Committee Meetings.*

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 April 2024 – OCM070/04/24 – COUNCIL RESOLUTION

That Council RESOLVES to:

1. *open Question and Answer sessions to the public for a trial period of three months only, being the May, June, and July 2024 Council Meetings. No debate of items shall be entered into to ensure the integrity of the Council Meeting as the decision-making forum of Council, as prescribed in legislation. Meetings shall be closed to the public by the Presiding Member when discussing matters under the provisions of section 5.23 of the Local Government Act 1995. No public presentations or questions are permitted to take place during the Question and Answer session.*
2. *review the trial with a PCF item and survey of councillors at the conclusion of the three month period to determine whether Council Policy 1.1.14 - Forums of Council - Policy*

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Concept Forums, Question and Answer Agenda Forums and Workshops should be amended to open all ongoing Question and Answer sessions to the public.

Officer Comment

The notice of motion proposes the following:

- opening Question and Answer (Q&A) session to the public; and
- livestreaming Q&A sessions.

In April 2024, Council agreed to trial open Q&A sessions for a period of three months. As per the recommendation, at the conclusion of the trial, a survey of Elected Members was undertaken to determine whether Council Policy 1.1.4 – Forums of Council – Policy Concept Forums, Question and Answer Agenda Forums and Workshops, should be amended to open all ongoing Q&A sessions to the public.

Following the trial, a survey was distributed to all Elected Members. A summary of the feedback is provided below:

For	Against
• enabled the community to hear the questions asked on each item, especially with en bloc voting at Council meetings • no cost to the Shire • demonstrates Council's commitment to transparency • opportunity for the public to attend if they choose	• resulted in less informed elected members as less questions were asked in the public forum • politicised a valuable forum for elected members to gain an understanding of items on the agenda • little interest from the community • the sessions became more formalised • has harmed, rather than helped, how Council is perceived as the public were not able to ask questions

Elected members have now experienced Q&A sessions that are open to the public and closed and appreciate the pros and cons of each option. Elected members need to consider the pros and cons in making a decision on whether all future Q&A sessions should be open to the public and live streamed, and vote on this motion accordingly. Officers can work in either environment, although it should be noted that with the inclusion of live streaming, additional administration preparation is required and ICT and administration Officers need to attend the meetings to support live streaming.

If the motion is not supported the status quo remains.

Statutory Environment

On 12 August 2024, a similar Notice of Motion was submitted by Councillor Byas for the Ordinary Council Meeting on 19 August 2024. As Councillor Byas was an apology for the meeting, the Motion lapsed in accordance with clause 3.10(6)(a) of the Shire's *Standing Orders Local Law 2002 (as amended)*. Clause 3.10(7) of the Standing Orders provides that a notice of motion that is in the same terms or the same effect, is not to be given again for at least three months.

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In accordance with the Standing Orders, this Notice of Motion could not be brought back to a Council Meeting until after 19 November 2024.

Attachments (available under separate cover)

Nil.

Voting Requirements: Simple Majority

Elected Member Recommendation

That Council:

1. REQUESTS that the Chief Executive Officer AMENDS Council Policy 1.1.14 – Forums of Council – Policy Concept Forums, Question and Answer Agenda Forums and Workshops to open Question and Answer sessions to the public by:

    i) DELETING paragraph:

    "QAAF's shall not be open to the public and therefore no debate on the items shall be entered into during the QAAF's there shall be no opportunity for a collective Council decision or implied decision that binds the local government. Fundamental to this decision is that any debate shall be held at Council meetings so as to ensure the public in attendance at a Council meeting can see and hear the decisions and debate around Council decisions."

    and INSERTING:

    "QAAFs shall be open to the public but no debate of items shall be entered into to ensure the integrity of the Council Meeting as the decision-making forum of Council prescribed in legislation."

2. RESOLVES to live stream Question and Answer sessions in accordance with Council Policy 3.3.11 – Live Streaming and Recording of Council and Committee Meetings.

Motion lapsed for want of a mover.

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9.2 - Notice of Motion – Support for Fundraising Futsal Tournament (SJ4383)	
Elected Member	President Coales
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the *Local Government Act 1995*.

Notice of Motion

A Notice of Motion was received from President Coales via email on Friday, 29 November 2024.

The Notice of Motion is "That Council, in accordance with Council Policy 5.1.14 - Community Contributions, provides a donation of $500 to the Byford Futsal League's Fundraising Futsal Tournament, 'Joshy Cup', being held on 21 December 2024 at the Serpentine Jarrahdale Community Recreation Centre, to raise funds to help the Schuetz family."

Relevant Previous Decisions of Council

Nil.

Officer Comment

Council Policy 5.1.14 - Community Contributions, provides provision for the Shire to provide a cash donation to a maximum value of $500 (ex GST), towards an initiative that aligns with key objectives, to charity, community organisations, events or extraordinary crisis support. Acceptable donations from the Shire include an event or activity that displays a strong and relevant benefit to the local community.

The Notice of Motion seeks to provide a cash donation to assist with costs in delivering a fundraising event that is being held in the Shire by the Byford Futsal League. Based on the information provided to Officers regarding the Notice of Motion, the recipient of the funds raised by the fundraising event is for a resident that lives outside of the Shire and is not a member of the Byford Futsal League.

Providing the donation in this instance cannot be recommended by Officers as the fundraising event is not for a local resident and does not meet the criteria set out in Council Policy 5.1.14 - Community Contributions under acceptable donations.

The Notice of Motion is presented to Council for its consideration.

Attachments (available under separate cover)

Nil.

Director Corporate Services left the meeting at 7.45pm

Director Corporate Services returned to the meeting at 7.46pm

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Voting Requirements: Simple Majority

OCM346/12/24

Elected Member Recommendation

Moved President Coales, seconded Cr Duggin

That Council, in accordance with Council Policy 5.1.14 - Community Contributions, PROVIDES a donation of $500 to the Byford Futsal League's Fundraising Futsal Tournament, 'Joshy Cup', being held on 21 December 2024 at the Serpentine Jarrahdale Community Recreation Centre, to raise funds to help the Schuetz family.

CARRIED UNANIMOUSLY 6/0

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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.

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

Report number	Report Title
10.1.1	Endorsement of Clay-Based Wetlands Management Plan (SJ816)
10.1.2	Significant Tree Register - Shire and Private Property Trees (SJ781)
10.1.3	Byford Health Hub - Consideration of Draft Deed of Agreement to Construct and Maintain Accessway
10.3.1	Confirmation of Payment of Creditors - November 2024 (SJ801)
10.3.2	Monthly Financial Report - October 2024 (SJ4229)
10.3.3	Monthly Financial Report - November 2024 (SJ4229)
10.4.1	Bushfire Advisory Committee Meeting - Receipt of Minutes and Shire of Serpentine Jarrahdale Bush Fire Service - Brigade Operating Procedures Review (SJ648)
10.4.3	Execution of Sublease between Sport Aircraft Builders Club Inc. and Fire and Emergency Services Ministerial Body - Reserve 25911 Yangedi Road Hopeland (L066)
10.5.2	Award Request for Tender - RFT 15/2024 - Pest Management Services - (SJ4520)
10.5.3	Award Request for Tender– RFT 13/2024 - Security Services (SJ4518)

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OCM347/12/24

COUNCIL RESOLUTION

Moved Cr Jerrett, seconded Cr Bishop

That the Officer Recommendations contained in Officer Reports 10.1.1, 10.1.2, 10.1.3, 10.3.1, 10.3.2, 10.3.3, 10.4.1, 10.4.3, 10.5.2 and 10.5.3 be ADOPTED en bloc at 7.49pm.

CARRIED UNANIMOUSLY 6/0

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10.1 Development Services reports:

10.1.1 - Endorsement of Clay-Based Wetlands 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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is to request Council to endorse the Clay-Based Wetlands Management Plan (**attachment 1**) following a public comment period of 28 days. No responses were received.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 16 September 2024 - OCM248/09/24 - COUNCIL RESOLUTION - Officer Recommendation:

That Council:

1. *RESOLVES to release the draft Clay-Based Wetlands Management Plan for public comment for a period of 28 days.*
2. *REQUESTS that, following the public comment period, the revised Clay-Based Wetlands Management Plan be presented back to Council (inclusive of recommended changes emanating from community consultation) for endorsement.*

Background

The Shire has a number of individual Management Plans for natural area reserves. 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 Clay-Based Wetlands Management Plan is the third in a series of Plans presenting 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, scarp/plateau forest, and clay-based wetlands. The Banksia Woodland Management Plan was the first endorsed, the Marri Woodland Management Plan the second, and the Clay-Based Wetlands Management Plan will be the third.

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The Clay-Based Wetlands Management Plan contains information relevant to managing any area of clay-based wetland, plus Action Plans for the four Shire reserves which contain clay-based wetlands. These reserves are:

- Brickwood Reserve (Briggs Park), Byford
- Serpentine Sports Reserve (Paul Robinson Reserve), Serpentine
- Yangedi Airfield Reserve, Hopeland
- Karnup Road Flora Reserve, Serpentine

Community / Stakeholder Consultation

A community consultation program was carried out. No submissions were received.

Statutory Environment

Nil.

Comment

Three Shire natural area reserves which contain clay-based wetlands have had individual Management Plans prepared and adopted by Council: Brickwood Reserve (second edition 2016), 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 characteristics, threats, history and uses, and containing many detailed actions that mostly address balancing competing priorities for the use of the reserve. This is in contrast to the importance of clear and concise action statements, focussed on improving the quality and resilience 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, scarp/plateau forest, and clay-based wetlands. The Clay-Based Wetlands Management Plan is the third to be produced, with the Banksia Woodland and Marri Woodland Management Plans endorsed and the fourth proposed for early next year.

All of these reserves (Brickwood Reserve, Serpentine Sports Reserve, Yangedi Airfield Reserve and Karnup Road Flora Reserve) contain more than one vegetation type. The Clay-Based Wetland Management Plan will address the areas of clay-based wetland, while the other vegetation types in these reserves (banksia woodland and/or marri woodland) will be covered under other Management Plans.

The Clay-Based Wetlands Management Plan contains information relevant to managing any area of clay-based wetland, plus Action Plans for the four Shire reserves which contain clay-based wetlands. The concept is that the first part of the Management Plan can be used by anyone wishing to manage an area of clay-based wetland, while the four 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.

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The section of the Clay-Based Wetlands Management Plan that can be used for any area of clay-based wetland covers the characteristics of clay-based wetlands and the threats and pressures that apply. This is followed by a brief description of the Shire reserves that contain clay-based wetlands and an Action Plan that is applicable to any area of clay-based wetland.

Appendices contain lists of flora and fauna found in the clay-based wetland reserves, and a general fire management strategy for clay-based wetlands.

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.

In terms of the ongoing monitoring and review of each Management Plan and the associated action plans, the Shire has a State of the Environment Report that was first adopted in 2019. This includes key indicators to track progress against measures that inform local levels of biodiversity, groundwater management, tree canopy, ecology, nutrients, etc. The State of the Environment report is due for review in 2025, and will be used as a mechanism to track progress against the Management Plans and associated action plans.

Options

Option 1

That Council ENDORSES the Clay-Based Wetlands Management Plan (**attachment 1**) with no modifications.

Option 2

That Council does not endorse the Clay-Based Wetlands Management Plan.

Option 1 is recommended.

Conclusion

The Clay-Based Wetlands Management Plan contains information relevant to managing any area of clay-based wetland, plus Action Plans for the four Shire reserves which contain clay-based wetlands. While clay-based wetlands are protected under Federal and State 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 will ensure that stakeholders are engaged in the management of an important natural asset.

Attachments (available under separate cover)

- **10.1.1 – attachment 1** - Clay-Based Wetlands Management Plan (E24/11392)

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

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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	Option 1 is considered the lowest risk option.						
2	Council does not agree to endorse the Clay-Based Wetlands Management Plan, delaying best practice management of the four natural area reserves.	Council has existing Management Plans for three of the four reserves which will continue to represent Council's position.	Organisational Performance	Unlikely	Minor	LOW	Implement the existing Management Plans.

Voting Requirements: Simple Majority

OCM348/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council ENDORSES the Clay-Based Wetlands Management Plan (attachment 1) with no modifications.

CARRIED UNANIMOUSLY (en bloc at 7.49pm) 6/0

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10.1.2 - Significant Tree Register - Shire and Private Property Trees (SJ781)	
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 *Local Government Act 1995*.

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
Information	For the Council / Committee to note.

Report Purpose

The purpose of this report is for Council to consider updates to the Significant Tree Register of the Shire.

Since first adoption of the Register in December 2021 and updates in 2022, further nominations have been received for additions to the Register. These relate to trees on Shire managed land and private property.

The Significant Tree Register provides an important step in a process to record, recognise and protect trees that are special or have significant value to the community, and to promote the special trees that characterise the Shire.

Whilst much of the natural character of the Shire is formed by the presence and access to nature including treed environments, there are increasing risks which growth places on such environments, and specifically trees. These include not only land use change, but also pressure to upgrade roads. Many of the historic roads within the Shire have large extents of trees, and understanding where those most significant trees are located helps in considering how best to manage this pressure.

The trees identified in this report are recommended for listing as significant trees.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 12 December 2022 - OCM300/12/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ENDORSES the inclusion of 11 additional trees in the Significant Tree Register as per attachment 1.*
2. *ENDORSES the removal of three dead trees from the Significant Tree Register as per attachment 3.*

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Ordinary Council Meeting - 13 December 2021 - OCM343/12/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council ADOPTS the Significant Tree Register as per attachment 1.

Background

The Significant Tree Register records trees in the Shire that are special or significant, which may be a single tree or a group, avenue or area.

A Significant Tree may be:

- Particularly old or large;
- Of a beautiful shape or form;
- Of heritage significance;
- An unusual type or species;
- Special to a person or the community for a specific reason.

The Significant Tree Register will draw attention to those listed trees' special qualities and values.

The initial establishment of the Significant Tree Register in December 2021 considered trees on Shire controlled land. Nominated trees on private property (which have been nominated by the tree owner) or on land controlled by government agencies were added to the Register in December 2022.

Community / Stakeholder Consultation

The property owner with a nominated tree on their property was contacted with regard to the nomination. The property owner supported the listing of their tree on the Significant Tree Register.

Statutory Environment

- *Shire of Serpentine Jarrahdale Local Planning Scheme No. 3*

Comment

The Significant Tree Register provides a process in which to record, recognise and protect trees that are special or have significant value to the Shire. Significant Trees can be particularly old or large, have a beautiful shape or form, have heritage significance, be an unusual type, or be special to a person or community for a specific reason. There are ten categories of significance, based on the categories used by the National Trust.

The Significant Tree Register is an action arising from the Urban and Rural Forest Strategy, which was adopted by Council in September 2018. The Urban and Rural Forest Strategy formalises the Shire's commitment to managing, protecting and retaining trees and native flora. The Strategy will guide the Shire in its vision to create and maintain cool, healthy and liveable communities which integrate the natural environment and reflect the Shire's unique sense of place and identity.

Action 2.2 (a) of the Urban and Rural Forest Strategy is to prepare a Significant Tree Register. In consideration of new nominations received since first adoption of the Register in December 2021 and additions in December 2022, two new trees are recommended for inclusion on the Register. Assessment reports for these trees are in **attachment 1**. These two trees include one on Shire managed land and one on private property. The exact location, ownership and address of the tree on private property are withheld for privacy reasons. The two trees are discussed following:

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ST 110 - Eucalyptus grandis (Flooded Gum/ Rose Gum) of NSW origin

In terms of significance, this is a very large and quite beautiful tree, providing rare landscape value. Being located within the Whitby area generally, its location needs to be considered early as part of longer-term growth to ensure opportunity for retention and celebration of the tree. Having such a rare tree capable of integration with longer term development, will become more viable should listing of the tree occur.

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ST 111 - Jarrah tree on Keirnan Street, Mundijong, opposite Baskerville Road (refer photograph below)

The tree on Shire managed land is notable for its monumental size and age.

In terms of its significance, the Jarrah tree is estimated to be 448 years old, representing one of the rare pre-colonial Jarrah trees remaining on the Swan Coastal Plan. Being a Jarrah tree which was otherwise heavily felled and milled as part of the colony's early timber milling industry, makes it an even more rare specimen. Being at the juncture of Keirnan Street and Baskerville Street, see the tree form an important landmark which terminates the vista of people travelling east bound along Baskerville Road. Its many hollows support biodiversity and ecology, and through largely protecting the tree in its setting, has resulted in its continued thriving.

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Options

Option1

That Council ENDORSES the inclusion of two additional trees in the Significant Tree Register as per **attachment 1.**

Option 2

That Council does not endorse the inclusion of additional trees in the Significant Tree Register.

Option 1 is recommended.

Conclusion

Keeping the Shire's Significant Tree Register up to date enables the continued process to record, recognise and protect trees that are special or significant, and to promote the special trees that characterise the Shire. Inclusion of additional trees on Shire managed land and private property in the Register, as proposed by this update, helps progress implementation of the Shire's Urban and Rural Forest Strategy and demonstrate the value of places of natural and historic significance.

Attachments (available under separate cover)

- **10.1.2 – attachment 1** - Significant Tree Register Assessment Reports - Shire and Private Property Trees (E24/16834)

Alignment with our Council Plan 2023-2033

Liveable
3. Preserve and enhance our natural places, parks, trails and reserves
Connected
4. Facilitate an inclusive community that celebrates our history and diversity

Financial Implications

There are no financial implications of endorsement of additions to the Significant Tree Register. As and when roads are proposed to be upgraded, or development occur, it will be excepted that reasonable and practicable efforts be taken to protect significant trees. It is noteworthy that this section of Keirnan Street has been recently upgraded, and was done so in a manner to protect this and many other remnant trees along that road.

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Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council endorses the addition of trees to the Significant Tree Register.	This option is considered the lowest risk					
2	Council does not endorse the addition of trees to the Significant Tree Register, which places such trees under threat of removal due to a lack of awareness to their significance	Nil	Organisational Performance	Possible	Major	HIGH	Accept Option 1.

Voting Requirements: Simple Majority

OCM349/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council ENDORSES the inclusion of two additional trees in the Significant Tree Register as per attachment 1.

CARRIED UNANIMOUSLY (en bloc at 7.49pm) 6/0

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10.1.3 - Byford Health Hub - Consideration of Draft Deed of Agreement to Construct and Maintain Accessway	
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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

This report is for the Council to consider endorsing the draft Accessway Deed of Agreement to Construct and Maintain the Accessway associated with the Byford Health Hub. This accessway will be utilised by both the Shire and the general public, in accessing the future long term library site and also in moving between the Byford Rail Station and retail shopping precinct. The draft Deed (**attachment 1**) sets out the intended arrangements between the Shire and East Metropolitan Health Service (EMHS), including EMHS's ongoing construction and maintenance responsibilities.

If the Draft Deed is endorsed, it will underpin the ultimate arrangements for how the future Health Hub, future library, and pedestrian connectivity will coexist as intended pursuant to the Byford Town Centre Civic Master Plan. Such will also facilitate the Crown land subdivision as previously supported by Council, pursuant to the Memorandum of Understanding (MOU) endorsed at the 15 May 2023 Ordinary Council Meeting.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 15 May 2023 - OCM102/05/23 - COUNCIL RESOLUTION

That Council:

1. *RESOLVES to endorse the Memorandum of Understanding (MOU) between the Shire of Serpentine Jarrahdale and East Metropolitan Health Service (EMHS) in relation to the Byford Health Hub, as contained in attachment 1.*
2. *AUTHORISES the Chief Executive Officer (CEO) to sign the Memorandum of Understanding (MOU), as contained in attachment 1.*

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Ordinary Council Meeting - 12 December 2022 - OCM324/12/22 COUNCIL RESOLUTION

That Council:

1. *NOTES the position of East Metropolitan Health Service is a subdivision is preferred rather than a lease of the land to construct the Byford Health Hub.*
2. *REQUESTS the Chief Executive Officer to write to East Metropolitan Health Service advising that the Shire agrees to undertake a Crown Subdivision as outlined in option one (1) for the purposes of creating a new lot for the Byford Health Hub subject to and conditional upon:*
   a. *the Shire and East Metropolitan Health Service entering into a 'conditional revocation agreement' on terms acceptable to the Shire.*
   b. *the East Metropolitan Health Service bearing all costs associated with the subdivision.*
   c. *The Shire retaining a management order over the remaining portion of Reserve 53923.*
   d. *satisfactory arrangements being reached in relation to the delivery, maintenance and use of common property and shared services, including the requirement for EMHS to construct the common property on the site as depicted in Figure 1.*
3. *REQUESTS the Chief Executive Officer to develop a 'conditional revocation agreement' with East Metropolitan Health Service for the relinquishment of the Shire's management, and the construction, maintenance and use of the common property and present it to Council for consideration.*
4. *REQUESTS for the Chief Executive Officer write to the Minister for Lands acknowledging that the site is to be used for the benefit of the Byford Health Hub and requesting that future consideration of the Management Order to revert back to be in favour of the Shire if in the future the State no longer has need for the site and any improvements on the land.*

Ordinary Council Meeting - 15 August 2022 - OCM364/12/21 COUNCIL RESOLOUTION

That Council:

1. *RECEIVES the progress update of the Byford Health Hub;*
2. *AGREES to the terms outlined in the Draft Heads of Agreement (attachment 1);*
3. *NOTES that East Metropolitan Health Service will consider the Draft Heads of Agreement which may result in further amendments;*
4. *REQUESTS the Chief Executive Officer write to the Minister for Lands seeking a 42 year lease of the land to East Metro Health Service; and*
5. *REQUESTS the Chief Executive Officer prepare a Business Plan in accordance with section 3.59 of the Local Government Act 1995; and present a report to Council with a draft Business Plan for advertising once feedback on the draft Heads of Agreement has been received and incorporated from East Metropolitan Health Service.*

Ordinary Council Meeting - 16 May 2022 - OCM099/05/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council ADOPTS the Master Plan for the Civic Purpose site in Byford Town Centre.

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Ordinary Council Meeting - 21 February 2022 - OCM015/02/22 - COUNCIL RESOLUTION / Officer Recommendation

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

Background

In February 2021, the State Government announced an election commitment for a Health Hub in Byford. At the Ordinary Meeting held on 15 February 2021, Council endorsed in principle the Health Hub facility to be located on the Shire's Public Purpose Reserve, located within the Byford Activity Centre opposite the Byford Metronet Rail Station. The Health Hub would be co-located with the Shire's future library, and the combination of these developments supporting a high amenity pedestrian link between the station, library, health hub and town centre core.

A Master Plan for the Civic Site was subsequently formulated, to establish the intended layout, relationship, accessibility and connectivity to be achieved from development of the site.

Subsequent to the Master Plan being endorsed, a leasing plan was developed to identify an arrangement for a Health Hub portion, a Shire portion, and an access portion. This access portion would be utilised by both the Health Hub and Library, and pedestrians in moving throughout the station precinct and activity centre. Given the timing of the health hub and its predominant use of the reserve, it has been agreed that the Health Hub would both build and maintain the access portion.

A draft agreement has been formulated to ensure this intended arrangement occurs.

Community / Stakeholder Consultation

The Shire's legal representatives have been assisting Officers in the assessment of the draft deed of agreement, considering its appropriateness to protect the ongoing needs of the Shire. This has also involved engagement with the legal representatives of EMHS, and Department of Planning Lands and Heritage (DPLH) Crown Lands Team division.

Statutory Environment

- *Local Government Act 1995*
- *Land Administration Act 1997*

Comment

Figure 1 following illustrates the proposed area (in red) which will function as the accessway for the Health Hub, the Shire's future library and to provide broader pedestrian connectivity between the Byford Station Precinct and retail core. In terms of the relationship to the future Crown allotments to be created from the Crown subdivision of Reserve 53923, the following depicts:

1. The land area in blue, including the accessway, being a Crown allotment reserved for 'Health, Hospital and Allied Purposes', and vested in Eastern Metropolitan Health Service;
2. The land area in green, being a Crown allotment reserved for 'Public Recreation and Community Purposes', and vested in the Shire;
3. The land area in yellow, being a Crown allotment reserved for 'Rail Purposes', and vested in Main Roads WA.

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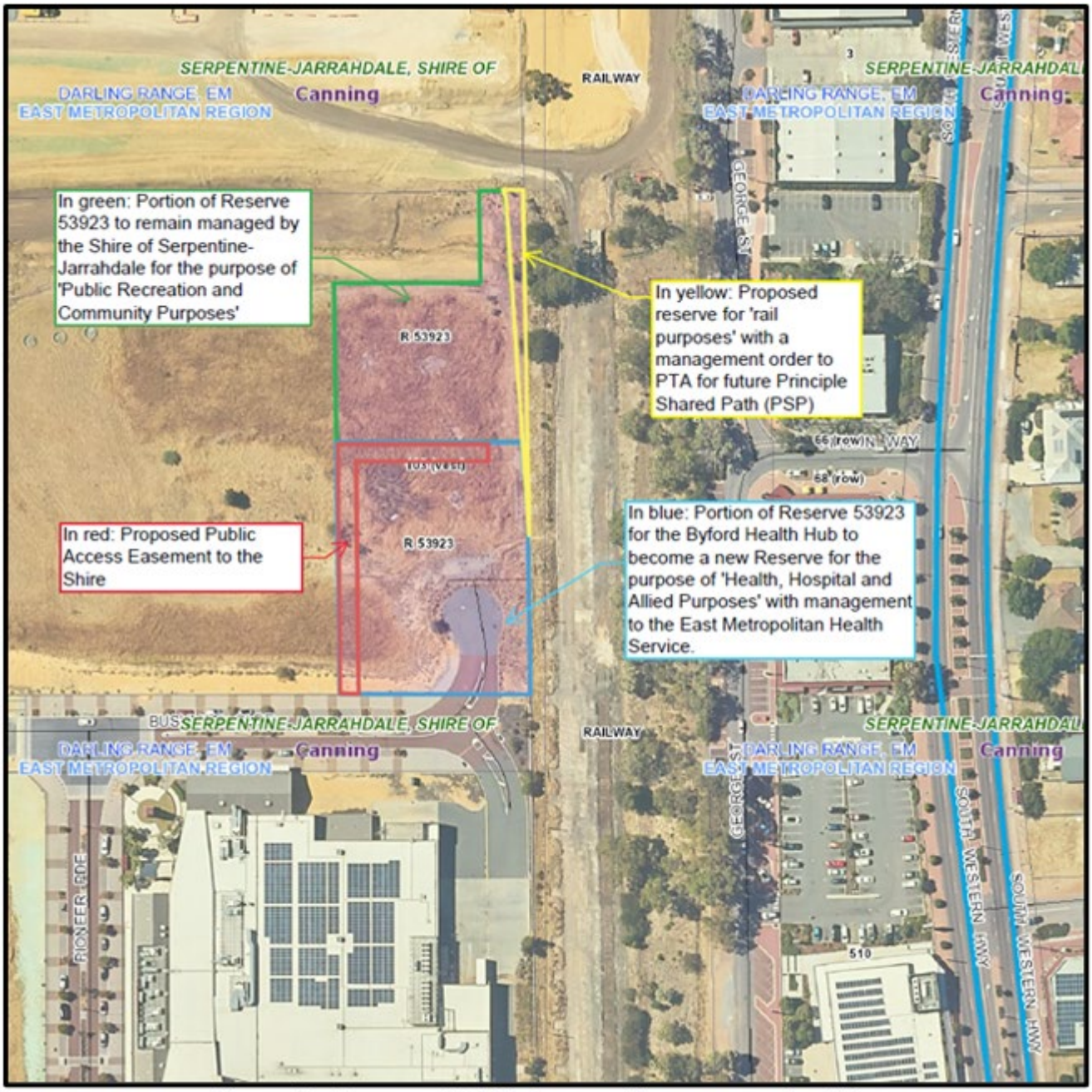

Figure 1 - Proposed Public Access Easement to the Shire

To affect the accessway as intended, a Draft Deed of Agreement to Construct and Maintain the Accessway was prepared, and is provided in **attachment 1**.

This Deed of Agreement establishes the obligations under which EMHS will be responsible for the construction and maintenance of the Accessway, and for granting access over it at all times for the Shire and the general public. This is set out through the following key terms:

Draft Deed of Agreement obligations	**Details**
Construct and Maintain Accessway	EMHS must: a. Design, detail, construct, pave, mark and drain the Accessway at its costs, to the Shire's reasonable

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Draft Deed of Agreement obligations	Details
	satisfaction, prior to the completion of the Development; and b. Maintain, replace, and repair the Accessway in good and substantial repair and condition and to a standard to the Shire's reasonable satisfaction, inclusive of all elements. If EMHS fails to undertake any construction, repair, or maintenance to the Accessway which EMHS is required to undertake, the Shire may give EMHS a Notice requiring EMHS to undertake that repair or maintenance.
Maintain Access	EMHS must: a. At all times allow the Shire and anyone authorised by the Shire, unrestricted access and use of the accessway for the purpose of access to and from the Shire lot, both pedestrian and vehicular; and b. At all reasonable times, allow members of the public to have access and use of the Accessway for pedestrian purposes.
Revocation of Management Order	The Shire agrees to: a. Consent to the revocation of the Management Order and do all things reasonably necessary in order to facilitate the Crown Subdivision. b. Be responsible for any wilful, tortious or unlawful act or omission of the Shire in connection with its use of the Accessway; and c. Make good, or pay the cost to make good, any damage to the Accessway arising from the Shire's use of the Accessway, within a reasonable time of a Notice of the damage being given to the Shire by EMHS.

Implementation - Next Steps

If Council agree to the Deed of Agreement, this would enable the survey instructions to be finalised to create the two separate lots plus lot for the rail corridor. This will see Management Orders granted to the Shire for its lot, to EMHS for its Health Hub lot and to MRWA for the PSP lot.

Based on **attachment 1**, it is recommended that the Draft Deed of Agreement be endorsed by Council for signing by the Chief Executive Officer.

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Options

Option 1

That Council:

1. ENDORSES the Draft Deed of Agreement to Construct and Maintain the Accessway between the Shire of Serpentine Jarrahdale and East Metropolitan Health Service (EMHS) in relation to the Byford Health Hub, as contained in **attachment 1.**
2. AUTHORISES the Chief Executive Officer to sign the Draft Deed of agreement to Construct and Maintain the Accessway, as contained in **attachment 1**.

Option 2

That Council does not endorse the Draft Deed of Agreement, and advise EMHS that it wishes to reconsider the land arrangement options for the project.

Option 1 is recommended.

Conclusion

This report outlines the background and negotiations held to date with EMHS. The aim is to facilitate the Crown Subdivision and new land arrangements for a Shire reserve and EMHS reserve, and reserve for the PSP along the rail corridor. The Byford Health Hub will improve the community's long-term health outcomes and provide an opportunity to deliver integrated care in the community. This Crown subdivision and intended management orders will affect the final land dealings necessary, to enable construction of the Health Hub to begin.

Attachments (available under separate cover)

- **10.1.3 - attachment 1 -** Draft Deed of Agreement to Construct and Maintain the Accessway (E24/17171).

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

EMHS is responsible in preparing the Crown subdivision, pending the outcome of this report consideration by Council. The Shire will realise cost savings by not having to contribute to the funding of the access way which is estimated over $1.5m, nor its ongoing maintenance.

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Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no current risks associated with Option 1						
2	The Draft Deed of Agreement is not endorsed, and Council indicates it wishes to reconsider land arrangement options for the reserve. This could pose a significant risk to the viability of the project and could impact critical timelines in delivering the project.		Reputation	Possible	Major	SIGNIFICANT	Accept Option 1.

Voting Requirements: Simple Majority

OCM350/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council:

1. **ENDORSES the Draft Deed of Agreement to Construct and Maintain the Accessway between the Shire of Serpentine Jarrahdale and East Metropolitan Health Service (EMHS) in relation to the Byford Health Hub, as contained in attachment 1.**
2. **AUTHORISES the Chief Executive Officer to sign the Draft Deed of agreement to Construct and Maintain the Accessway, as contained in attachment 1.**

CARRIED UNANIMOUSLY (en bloc at 7.49pm) 6/0

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10.2 Infrastructure Services reports:

Councillor Bishop declared an Impartiality Interest in Item 10.2.1

10.2.1 - Request for Tender - RFT 10/2024 - Oakford Bush Fire Brigade Station (Design and Construct) (SJ4485)	
Responsible Officer:	Director Infrastructure Services
Senior Officer:	Director Infrastructure Services 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 Local Government Act 1995.

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider awarding RFT10/2024 for the design and construction of the Oakford Bush Fire Brigade Fire Station. In addition, to seek approval for the revised project budget amendments noting that a final budget variation will be submitted following negotiations with DFES on the funding split and the finalisation of detailed design.

Relevant Previous Decisions of Council

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

That Council:

2. *ADOPTS the borrowing of new loan funds of $2,095,000 Self Supporting Loan for the Oakford Fire Station.*

Ordinary Council Meeting – 20 March 2023 - OCM043/03/23 - COUNCIL RESOLUTION

That Council APPROVES the development application for proposed 'Civic Building' at Lot 800 Pony Place, Oakford, as contained within attachment 2, 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 - P2 received at the Shire's Offices on the 16 January 2023 P3 - Bushfire Management Plan dated 13 January 2023 P4 - Transport Impact Statement dated 12 January 2023 P5 - Acoustic Assessment dated 27 February 2023*
b. *Prior to lodgement of a Building Permit, a Landscaping Plan shall be submitted to show screening of the development from the street. Once approved, the Landscaping Plan shall be implemented prior to completion of the development and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.*

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c. Prior to occupation, all recommendations as set out in the Transport Impact Statement shall be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale.

Ordinary Council Meeting – 17 October 2022 – OCM250/10/22 – COUNCIL RESOLUTION

That Council:

1. *AGREES in principle to a self-supporting loan to deliver the Oakford Bushfire Brigade Project.*
2. *AUTHORISES the Chief Executive Officer to formally commence the project based upon the Shire's project management framework.*
3. *NOTES the Oakford Bush Fire Brigade Station Major Capital Project will be updated in the 2022-2026 Corporate Business Plan in a future performance report*

Background

The scope of Oakford Bush Fire Brigade Fire Station project includes the design and construction of a 4-bay bushfire station to cater for two existing volunteering brigades (Oakford Bushfire Brigade and Emergency Support Brigade).

The project mandate is provided in the following Council strategic documents:

- The 20 Year Facilities Plan for the Shire's six Bush Fire Brigades, adopted by Council in June 2022 (OCM137/06/22), identifies the Oakford Bushfire Brigade Facility as priority 1 of 6 for implementation. The plan further identifies the project brief, delivery target and benefits realisation.
- In August 2020 (OCM254/08/20), Council endorsed the 2ha portion of Lot 106 Wills Place (off Pony Place) as the preferred location for the future Oakford Fire Station.
- The Community Infrastructure Implementation Plan, adopted by Council in August 2017 (OCM106/08/17), identifies the Oakford Fire Station as priority 14 of 30. (Note - the context within this document for the facility to maintain on the current site is outdated as resolved by Council in August 2020).

Following confirmation of the funding arrangement for the project and initiation under the Shire's Project Management Framework in October 2022, a consultative concept design process was undertaken via the establishment of a Stakeholder Reference Group, to inform the specifications and concept plan for the design and construct tender.

The Request for Tender RFT 10/2024 – Oakford Bush Fire Brigade Station (Design and Construct) was issued on Saturday, 6 July 2024 and closed at 2pm on Tuesday, 20 August 2024.

The Tender was advertised in the following ways:

- West Australian Newspaper and Shire website (Saturday, 6 July 2024).
- Shire Notice Boards (Monday, 8 July 2024).
- Sound Telegraph and Mandurah Times Newspapers (Wednesday, 10 July 2024).
- Serpentine Jarrahdale and Armadale Examiner Newspapers (Thursday, 11 July 2024).

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Community / Stakeholder Consultation

Stakeholder Reference Group

The Stakeholder Reference Group, to inform the specifications and concept plan for the design and construct tender comprised of the following representatives:

Bushfire Service Representatives	Shire Representatives
• Oakford Bush Fire Brigade Captain • Emergency Support Brigade Captain • DFES District Officer South East • Emergency Service Coordinator • Community Emergency Services Manager (CESM)	• Director Community Engagement • Coordinator Facility Maintenance • Manager Major Projects • Project Support Officer

The Stakeholder Reference Group met five times over the course of 2023 and 2024.

Department Fire and Emergency Services

Shire Officers have engaged with the Department Fire and Emergency Services (DFES) throughout the project. DFES have provided written confirmation of their financial contribution towards the project, which is provided at **attachments 6** and **7.**

Statutory Environment

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

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

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

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

In relation to the award of tenders, Regulation 18(4) states:

> *Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.*

In relation to variation before entering in a contract, Regulation 20(1) states:

> *If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*

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Comment

Tender Submissions

Five (5) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

Tender submissions were received from the following companies:

#	Company Name
1	BE Projects (WA) Pty Ltd
2	Cloudbreak (WA) Pty Ltd
3	Construct360 Pty Ltd
4	Infrastructure Development Builders Pty Ltd
5	Schlager Group Pty Ltd

Evaluation Panel

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

- Director Community Engagement;
- Manager Engineering Services;
- Chief Bushfire Control Officer/CESM;
- Manager Facilities;
- Manager Major Projects.

All Evaluation Panel members completed a Declaration of Confidentiality and Interest form. Any declarations were managed in accordance with the Shire's Conflict of Interest procedures and are detailed with **CONFIDENTIAL attachment 1**.

The Manager Major Projects left the panel on their departure from the Shire on 27 September 2024.

Probity Auditor

In accordance with Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering, a Probity Auditor was appointed for this tender. A copy of the Probity Certificate is contained in **CONFIDENTIAL attachment 2.**

The Probity Certificate concludes the process was fair and equitable and in accordance with the requirements of the RFT document.

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Evaluation Criteria

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

<table>
<tr><th>EVALUATION CRITERIA</th><th>WEIGHTING</th></tr>
<tr><td>Price with quantities</td><td>60%</td></tr>
<tr><td>Relevant Experience:
Demonstrated relevant experience of the Company in providing the same or similar services to local government, Federal and WA State government bodies, the private sector, or other public sector bodies/organisations over the past five years.
Please provide a response which addressed this criterion. You may wish to use the following headings to assist with your response.
<table>
<tr><td>Project</td><td>Client</td><td>Duration</td><td>Value</td><td>Deliverables</td><td>Achieved Results</td></tr>
</table>
</td><td>15%</td></tr>
<tr><td>Key Personnel, Skills and Resources
Capacity to deliver the services including:
Key personnel / Professional skills
Describe the key personnel who will be involved in the work, including past work of a similar nature
Please provide a response which addressed this criterion. You may wish to use the following headings to assist with your response.
<table>
<tr><td>Name</td><td>Years in Industry</td><td>Roles and Responsibility</td><td>Experience</td></tr>
</table>
</td><td>10%</td></tr>
<tr><td>Demonstrated Understanding
Companies 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.

Tenderers should also demonstrate their understanding of the project requirements through their agreement with the Shire’s General Conditions of Contract and Special Conditions of Contract. Tenderers must provide a statement confirming their acceptance of the Shires contract terms, or outline any departures in the following format:

<table>
<tr><th>Clause #</th><th>Proposed Alteration</th><th>Reason For Alteration</th></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td></td></tr>
</table>

Deviation from the Shires' contracting terms that is considered neither immaterial nor acceptable may lead to a penalty in the tenderer's score.

</td><td>15%</td></tr>
</table>

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Evaluation Outcome

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

Following the evaluation of all tender submissions against the selection criteria, the tender submitted by Cloudbreak (WA) Pty Ltd was determined to be the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission made by Cloudbreak (WA) Pty Ltd be accepted.

Project Scope

The scope of the project has been developed in line with the Development Application (DA) for the facility, as approved by Council at Ordinary Council Meeting of 20 March 2023 (OCM043/03/23). This has resulted in a scope that suits delivery of a modern and complaint fire station facility set within a rural site. The scope constraints also consider budgetary limitations so that the project can be funded through cost contributions by DFES and the Shire.

Refer to **attachments 4 and 5** for the site scope and building.

The current scope does not include decommissioning of the existing brigade facility, which is located on Lot 197 Nicholson Road, Oakford. It is expected reinstating the site to the owner's expectation and relocating the brigade is likely to require additional funding. This will be the subject of a future report to Council.

Options

The following options have been identified:

Option 1

That Council:

1. AWARDS Tender RFT 10/2024 – Oakford Bush Fire Brigade Station (Design and Construct) to Cloudbreak (WA) Pty Ltd to the value of $2,451,079 as contained within **CONFIDENTIAL attachment 1;**
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 10/2024 – Oakford Bush Fire Brigade Station (Design and Construct);
3. AUTHORISES the Chief Executive Officer, in accordance with Regulation 20 of the *Local Government (Functions and General) Regulations 1996* to negotiate a minor variation to the contract to incorporate the following terms into the contract:
    - A Bank Guarantee of 10% (as recommended in the Organisational & Financial Risk Assessment Report)
    - A warranty that the subcontractor 'Collective Design Agency' is subcontracted for the project (as recommended by the Panel in their qualitative assessment)
4. APPROVES the borrowing of an increased self-supporting loan of $2,260,000 (increased from $2,095,000) for the Oakford Fire Station;

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5. APPROVES the following budget variation:

Account Number	Type	Account Description	Debit $	Credit $
6600-80304-6600-0000	Increase Expenditure	Oakford Fire Brigade – Capital Expenditure	535,000	
6600-80304-5043-0000	Transfer From Reserve	Oakford Fire Brigade – Trf From Reserve – Oakford Fire Station Reserve		370,000
TR-200011-210	Increase Loan Drawdown	Oakford Fire Bridge – Self Supporting Loan		165,000
Reason: Increase budget to award tender as well as to reflect the increase in the agreed loan amount and additional contribution from the Shire.				

6. AUTHORISES the Chief Executive Officer to negotiate with the Department Fire and Emergency Services the funding contribution amounts for delivery of the project between the Shire of Serpentine Jarrahdale and the Department Fire and Emergency Services and REQUESTS the Chief Executive Officer present a report back to Council at the conclusion of the detailed design phase on the final funding arrangements.

Option 2

That Council

1. DECLINES to accept any tender;
2. REQUESTS the Chief Executive Officer calls new Tenders for design only for the Oakford Fire Station facility.

Option 3

That Council DECLINES to accept any tender.

Option 1 is recommended.

Conclusion

Cloudbreak (WA) Pty Ltd has been assessed as being able to meet the requirements of the proposed contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money. Notwithstanding the outstanding funding negotiations, Officers are satisfied the risks detailed within this report are being appropriately managed.

Therefore, it is recommended that Council support Option 1 and the contract be awarded to Cloudbreak (WA) Pty Ltd.

Attachments (available under separate cover)

- **10.2.1 - CONFIDENTIAL attachment 1** - RFT 10/2024 - Oakford Bush Fire Brigade Station (Design and Construct) - Evaluation Report (E24/9480)

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- **10.2.1** - **CONFIDENTIAL attachment 2** - RFT 10/2024 - Oakford Bush Fire Brigade Station (Design and Construct) - Probity Certificate (E24/17314)
- **10.2.1** - **CONFIDENTIAL attachment 3** - RFT 10/2024 - Oakford Bush Fire Brigade Station (Design and Construct) - Organisational & Financial Risk Assessment Report - Cloudbreak (WA) Pty Ltd (E24/13477)
- **10.2.1 - attachment 4** - Oakford Bush Fire Brigade Station: Site Layout (E24/17737)
- **10.2.1** - **attachment 5** - Oakford Bush Fire Brigade Station: Building Layout (E24/17738)
- **10.2.1 - attachment 6** - Oakford Bush Fire Brigade Station: Self Supporting Loan Letter (E24/2546)
- **10.2.1** - **attachment 7** - Oakford Bush Fire Brigade Station: DFES confirmation for additional funds - (IN24/8780)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
Liveable
4. Invest in facilities and amenities to meet current and future needs
Connected
2. Contribute to a well-connected, accessible, and healthy community

Financial Implications

DFES have confirmed their contribution to the project being $2,260,000 as per the letters at **attachments 6 and 7**.

Refer to the table below for details of the Shire's funding contribution:

Budget Description	Current Project Life Budget	Proposed Amended Budget	Budget Variation Required
Funding Sources			
Self-Supporting Loan	($2,095,000)	($2,260,000)	($165,000)
Transfer from Reserve – Oakford Fire Station	($344,000)	($714,000)	($370,000)
Municipal Funding	($6,000)	($6,000)	-
Total Funding	**($2,445,000)**	**($2,980,000)**	**($535,000)**
Expenditure			
Capital Expenditure	$2,445,000	$2,980,000	$535,000
Total Expenditure	**$2,445,000**	**$2,980,000**	**$535,000**

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Negotiations are being undertaken with DFES to determine the funding split to cover the project costs and until these are finalised the final contribution from each party towards the project cost cannot be confirmed. Council awarding the Tender concludes the Tender assessment process and allows for discussion between the contractor, DFES, the Shire to determine the correct apportionment of the costs for the project. Officers have attempted to reach this position through formal tender clarifications, however, given the formality this process requires, a final position was not able to be fully ascertained. Once the cost split is finalised between the Shire and DFES, a report will be presented to Council seeking a further budget variation.

The design and construction contract value of this tender is $2,451,840 (Excluding GST). However, in addition to the contract amount, the project budget also needs to include the following elements:

Element	Cost ($)
Shire Project Management Costs	$283,000
Other Fees (provisional sum for further work by externals ie consultancy)	$50,000
Design Contingency	$50,240
Construction Contingency	$125,600
Expenditure to date	$237,990
Total	**$746,830**

Therefore, the proposed budget for the project is **$3,197,909**.

There is a shortfall of $217,909 that is subject to negotiations with DFES and completion of the detailed design phase. Whilst the amount of the contract is unlikely to change, the funding split between the Shire and DFES will result in confirmation of shortfall funding responsibility.

Nevertheless, Officers are proposing to amend the budget to reflect the funding currently available for the project.

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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 and commencing an RFT for design phase only will result in the project timeframes being delayed which could disaffect the stakeholders.	Regular communication and project updates to stakeholders.	Reputation	Likely	Moderate	SIGNIFICANT	Nil
3	Not awarding the tender and ceasing the project may result in dissatisfaction with stakeholders and community.	Nil	Reputation	Likely	Moderate	SIGNIFICANT	Nil

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Voting Requirements: Absolute Majority

OCM351/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Duggin, seconded Jerrett

That Council:

1. **AWARDS Tender RFT 10/2024 – Oakford Bush Fire Brigade Station (Design and Construct) to Cloudbreak (WA) Pty Ltd to the value of $2,451,079 as contained within CONFIDENTIAL attachment 1;**
2. **AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 10/2024 – Oakford Bush Fire Brigade Station (Design and Construct);**
3. **AUTHORISES the Chief Executive Officer, in accordance with Regulation 20 of the *Local Government (Functions and General) Regulations 1996* to negotiate a minor variation to the contract to incorporate the following terms into the contract:**
   - **A Bank Guarantee of 10% (as recommended in the Organisational & Financial Risk Assessment Report)**
   - **A warranty that the subcontractor 'Collective Design Agency' is subcontracted for the project (as recommended by the Panel in their qualitative assessment)**
4. **APPROVES the borrowing of an increased self-supporting loan of $2,260,000 (increased from $2,095,000) for the Oakford Fire Station;**
5. **APPROVES the following budget variation:**

Account Number	Type	Account Description	Debit $	Credit $
6600-80304-6600-0000	Increase Expenditure	Oakford Fire Brigade – Capital Expenditure	535,000	
6600-80304-5043-0000	Transfer From Reserve	Oakford Fire Brigade – Trf From Reserve – Oakford Fire Station Reserve		370,000
TR-200011-210	Increase Loan Drawdown	Oakford Fire Bridge – Self Supporting Loan		165,000
Reason: Increase budget to award tender as well as to reflect the increase in the agreed loan amount and additional contribution from the Shire.				

6. **AUTHORISES the Chief Executive Officer to negotiate with the Department Fire and Emergency Services the funding contribution amounts for delivery of the project between the Shire of Serpentine Jarrahdale and the Department Fire and Emergency Services and REQUESTS the Chief Executive Officer present a report back to Council at the conclusion of the detailed design phase on the final funding arrangements.**

CARRIED UNANIMOUSLY 6/0

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10.2.2 - Award Request for Tender - RFT 20/2024 - Kargotich Road Stage 2 & 3 and Orton Road - Upgrade Projects (SJ4538)	
Responsible Officer:	Strategic Projects Lead
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is to seek Council approval for the award of RFT20/2024 – Kargotich Road Stage 2 & 3 and Orton Road – Upgrade Project. Additionally, the report requests Council's consideration for the temporary closure of Kargotich Road (between Thomas Road and Orton Road) and Orton Road (between Hopkinson Road and Kargotich Road) for a period exceeding four weeks to facilitate the necessary works.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 16 October 2023 – OCM255/10/23 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

That Council:

1. *APPROVES the revised scope of work for the Hypergrowth Projects as below:*

Road name	*Allocated funding*
Kargotich Road (Rowley Road to Orton Road)	*$10.1M*
Orton Road (100m east of Bullock Drive to 1.8km east of King Road)	*$6.1M*
Soldiers Road - Keirnan Street Roundabout and Cardup Siding Road Roundabout	*$1.75M*

*Ordinary Council Meeting – 19 July 2021 – OCM196/07/21 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

That Council:

3. *NOTES the correspondence from Main Roads regarding the election commitment of $18 million for upgrade of local roads and that this is reflected in the draft 2021/22 Financial Year budget and Corporate Business Plan for Council consideration; and*

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Background

The Shire secured funding through the State Government election commitment to upgrade three major roads in the Shire, referred to as hypergrowth road projects. These roads consist of Kargotich Road, Orton Road and Soldiers Road. The election commitments for which the Shire will have responsibility to deliver are outlined in **attachment 3**. These projects are fully funded by the State Government with no funding contribution by the Shire towards any of these projects.

The total funding allocation by the State Government for the three hypergrowth road projects is $18M and in order to meet the Shire's commitments to the funding body, these projects need to progress to construction phase before the next State Government election in March 2025 and be completed by the end of 2024-25 Financial Year.

Details of the current scope of works and funding allocation for each of the projects is shown below:

Road name	Allocated budget
Kargotich Road – Upgrade the section between Rowley Road and Orton Road excluding intersections	$10.1M
Orton Road – Upgrade the section between 100m east of Bullock Drive (Western edge of Tonkin Highway Extension) and Kargotich Road	$6.1M
Soldiers Road – Upgrade Keirnan Street Roundabout and Cardup Siding Road Roundabout	$1.75M

Project Scope and Adjustments

The project scope for Kargotich Road and Orton Road was revised in August 2024 with consideration being given to the latest information impacting the project delivery within budget and on time whilst ensuring that the project priorities aligned with key criteria, including:

- Road safety;
- Current and projected traffic volumes;
- Pavement conditions;
- Future urban and industrial developments in the region;
- Meeting funding agreement conditions and project deadlines;
- Extent of native vegetation clearing;
- Tonkin Highway Extension scope and delivery plan;
- Services relocation;
- Construction and deliverability constraints;
- Updated cost estimates.

The updated project scope reflects a more efficient allocation of resources, focusing on achieving maximum benefits within the available budget and project delivery timeframe. Details of the revised funding allocations are discussed in the Financial Implications section of the report.

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It is important to note that lengthy temporary road closures will be required during the construction period, which is expected to take approximately five months. A comprehensive communication plan will be implemented to inform the community of these road closures. This plan will include issuing local public notice and providing written notifications to affected landowners and the broader road users by issuing targeted notifications as well as posting notifications on various online platforms including Shire's website. These notices will detail the intent to temporarily close Kargotich Road (section between Thomas Road and Orton Road) and Orton Road (section between Hopkinson Road and Kargotich Road) to facilitate the necessary works.

Future stages and budget adjustments

Separate but related to these projects, Shire Officers have submitted grant funding applications to the Metropolitan Regional Road Group (MRRG) Improvement Program for funding support to construct three roundabouts at intersections of Kargotich Road with Abernethy Road, Orton Road and Gossage Road at a total cost of $17.6M. The three projects have been identified as top three priority in the Shire's election road advocacy plan. The Shire's application has received support from the MRRG at technical member level and included in the draft 2025-26 road improvement program to be approved by the State Advisory Committee and the Minister. The final outcome of these applications will be announced in early 2025. If successful, these projects will be delivered in stages over the coming 3 to 5 years, with construction timeframes to be closely aligned with the delivery of Tonkin Highway Extension project taking into account constraints such as traffic management requirements for each project to ensure efficiency, access and road safety during construction phase.

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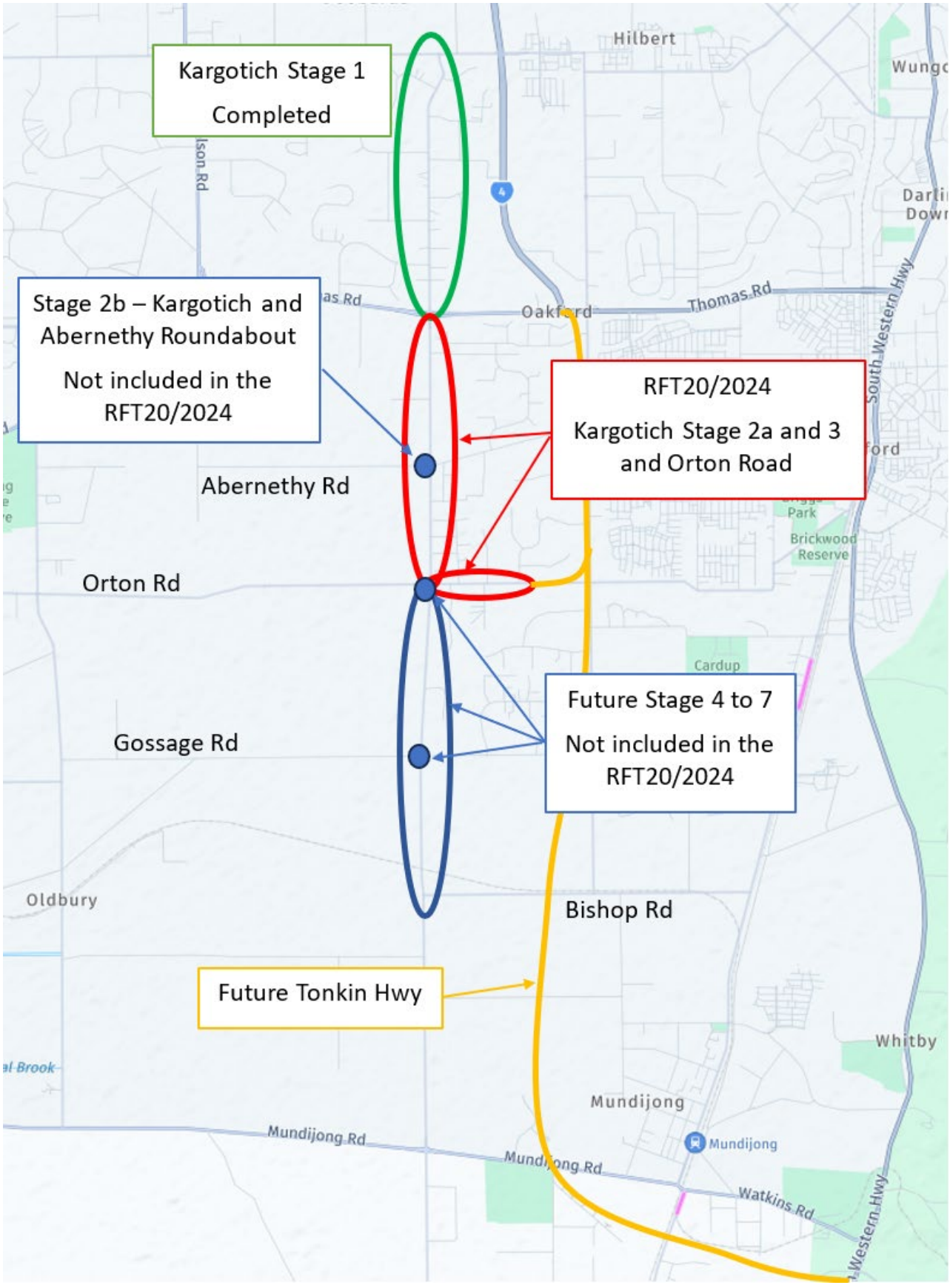

RFT 20/2024 - Kargotich Road stage 2& 3 and Orton Road

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The Request for Tender RFT 20/2024 - Kargotich Road Stage 2 & 3 and Orton Road - Upgrade Project was advertised on Saturday 5 October 2024 and closed at 2.00pm Friday, 1 November 2024.

The Tender was advertised in the following ways:

- West Australian Newspaper and Shire Website (Saturday, 5 October 2024);
- Shire Notice Boards (Monday, 7 October 2024);
- Serpentine Jarrahdale & Armadale Examiner Newspaper (Thursday, 10 October 2024);
- Sound Telegraph and Mandurah Times Newspapers (Thursday, 10 October 2024).

Community / Stakeholder Consultation

Residents with direct access from Kargotich Road and Orton Road have been consulted by way of letter drop which included the information on concept design. Residents were requested to send their comments in writing or by accessing the Shire's website where the project concept was uploaded. In addition, consultation workshop was also arranged on 25 August 2022 where residents and community members in general had the opportunity to attend, ask questions and provide feedback. Comments and feedback received through the Shire's website, submissions in writing and at the workshop were all collated and taken into consideration when developing the detailed design.

Statutory Environment

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

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

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

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

In relation to the award of tenders, Regulation 18(4) states:

> *Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.*

<u>Closing certain thoroughfares to vehicles</u>

Under section 3.50 of the *Local Government Act 1995*, a local government may close any thoroughfare it manages for a period not exceeding four weeks. To close a thoroughfare for a period exceeding four weeks, the Act requires local public notice of the intent to close the thoroughfare, including calling for public submissions, prior to making an order to close the road.

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This function has been delegated to the Chief Executive Officer under delegation 1.1.5 of the Shire's Register of Delegations and Authorisations.

Submissions

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

Tender submissions were received from the following companies:

#	Company Name
1	Raubex Construction Pty Ltd
2	Stabilised Pavements of Australia
3	WCP Civil Pty Ltd

Evaluation Panel

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

- Strategic Projects Lead;
- Director Infrastructure Services;
- Manager Engineering Services.

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 Tenderers are to demonstrate relevant experience of the organisation in delivering the same or similar requirements to those outlined in the Technical Specification of the RFT, by providing details of previously completed projects of a similar nature. Please note – Tenderers are reminded that as the Technical Specification contains Separable Parts that may be awarded separately, the Tenderer should provide a response to this criterion based on the offer(s) made, i.e. if a Tenderer	20%

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has made an offer for both Separable Parts, the Tenderer should demonstrate experience in delivering similar services to both projects, and managing multiple projects concurrently.	
Key Personnel, Skills, and Resources Tenderers are to demonstrate the suitability of the key personnel nominated to deliver the requirements of the works, including - Detailed Organisational structure, outlining the team proposed to deliver the project. - The contractor must nominate all subcontractors (noting that Shire approval will be required before engaging them.) Note – Tenderers providing an offer for more than one Separable Portion must clearly identify the following: • In the event of being awarded only one Separable Portion: o If a nominated team of personnel or any individuals are nominated as a 'Primary Team', and will be the proposed project team regardless of which Separable Portion is awarded; or o If there are separate nominated teams for each Separable Portion; • In the event of being awarded both Separable Portions: o Which personnel are dedicated resources for the delivery of one Separable Portion; o Which personnel will perform a role across the delivery of both Separable Potions; and o * For personnel performing a role across both Separable Portions, their FTE commitment to each Separable Portion. **Plant and Equipment** Supply details in an attachment. The tenderer shall demonstrate its ability to provide suitably maintained plant and equipment to complete the work as described in the specifications. Include a list of the plant and equipment which states the model, year of manufacture and a brief description of its use.	15%
Demonstrated Understanding - Tenderers should detail the process they intend to use to achieve the Requirements of the Specification. The process should include a timetable in the form of a Gantt Chart, for delivering on the service. - The contractor must also investigate potential interference with other projects in the vicinity of the project area - The contractor should also take into consideration possible delays due to adverse weather conditions if the work extends into the winter season	15%

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Note: Tenderers applying for more than one Separable Portion should: • respond to this criterion with separate responses for the delivery of the Kargotich Road Project, and the Orton Rd Project respectively. For clarity, separate methodologies and Gantt Charts should be supplied for each project; and • provide a Gantt Chart and methodology for the delivery of both projects concurrently, identifying potential interfaces; and identify how they will be managed to ensure the delivery of both projects within the required timeframes	

Evaluation Outcome

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

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

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

Options

Option 1

That Council:

1. AWARDS the Tender RFT 20/2024 - Kargotich Road Stages 2 & 3 and Orton Road - Upgrade Project to Raubex Construction Pty Ltd as contained in CONFIDENTIAL attachment 1 for $8,789,641.48 (ex GST);
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 20/2024 - Kargotich Road Stage 2 & 3 and Orton Road - Upgrade Project.
3. NOTES that the Chief Executive Officer will:
    a) give local public notice in accordance with section 3.50(4)(a) of the Act stating that it is proposed to close Kargotich Road (the section between Thomas Road and Orton Road) and Orton Road (the section between Hopkinson Road and Kargotich Road) from mid-January 2024 for approximately 5 months to allow for necessary works to take place,
    b) give written notice to affected persons and landowners in accordance with s3.50(4)(b) of the Act advising of its intent to close Kargotich Road (the section between Thomas Road and Orton Road) and Orton Road (the section between Hopkinson Road and Kargotich Road) from mid-January 2024 for approximately 5 months to allow for necessary works to take place,
    c) invite submissions regarding the proposed road closure, which can be made to the Shire within a period of two weeks after the notice is given,
    d) consider any submissions received, and

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e) advise the Commissioner of Main Roads of the closure of the road in accordance with section 3.50(5) of the Act.

4. Following consideration of any submission, NOTES that the Chief Executive Officer will issue a local public notice ordering closure of Kargotich Road (the section between Thomas Road and Orton Road) and Orton Road (the section between Hopkinson Road and Kargotich Road) from mid-January 2024 for approximately 5 months to allow for necessary works to take place in accordance with section 3.50(1a) of the Act.
5. REQUESTS the Chief Executive Officer to prepare and implement a Communications Plan regarding the closure of Kargotich and Orton Road;
6. Council APPROVES the following budget variation:

Account Number	Type	Account Description	Debit	Credit
6400-80345-6600-0000	Decrease Expenditure	Upgrades of Roads - Soldiers Road - Capital Expenditure		473,198
6400-80297-6600-0000	Decrease Expenditure	Upgrades of Roads - Kargotich - Stage 1 - Capital Expenditure		3,219,395
6400-80521-6600-0000	Decrease Expenditure	Upgrades of Roads - Kargotich - Stage 3 - Capital Expenditure		1,315,250
6400-80522-6600-0000	Decrease Expenditure	Upgrades of Roads - Orton -Stage 2 - Capital Expenditure		1,315,250
6400-80296-6600-0000	Decrease Expenditure	Upgrades of Roads - Orton - Capital Expenditure		1,119,537
6400-80344-6600-0000	Increase Expenditure	Upgrades of Roads - Kargotich - Stage 2 & 3* - Capital Expenditure	7,442,630	
6400-80345-4802-0000	Decrease Income	Upgrades of Roads - Soldiers Road - Grant - Capital - State	473,198	
6400-80297-4802-0000	Decrease Income	Upgrades of Roads - Kargotich - Stage 1 - Grant - Capital - State	3,219,395	

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Account Number	Type	Account Description	Debit	Credit
6400-80521-4802-0000	Decrease Income	Upgrades of Roads - Kargotich - Stage 3 - Grant - Capital - State	1,315,250	
6400-80522-4802-0000	Decrease Income	Upgrades of Roads - Orton -Stage 2 - Grant - Capital - State	1,315,250	
6400-80296-4802-0000	Decrease Income	Upgrades of Roads - Orton - Grant - Capital - State	1,119,537	
6400-80344-4802-0000	Increase Income	Upgrades of Roads - Kargotich - Stage 2 & 3* - Grant - Capital - State		7,442,630

Option 2

That Council DECLINES to accept any tender.

Option 1 is recommended.

Conclusion

Raubex Construction Pty Ltd has been assessed as being able to meet the requirements of the contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and 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 Raubex Construction Pty Ltd.

Attachments (available under separate cover)

- **10.2.2 – CONFIDENTIAL attachment 1** – RFT 20/2024 - Kargotich Road Stage 2 & 3 and Orton Road - Upgrade Project - Evaluation Report (E24/16346)
- **10.2.2 – CONFIDENTIAL attachment 2** – RFT 20/2024 - Kargotich Road Stage 2 & 3 and Orton Road - Upgrade Project – Probity Certificate (E24/16348)
- **10.2.2 – attachment 3** - Letter from Main Roads - Election Commitments 2021 - Orton, Soldiers and Kargotich Roads (IN21/16442)

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Alignment with our Council Plan 2023-2033

Thriving	
1.	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
2.	Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
3.	Strengthen and grow the local tourism industry
4.	Ensure sustainable and optimal use of Shire resources and finances
Liveable	
1.	Advocate for public transport and focus on connectivity within communities
2.	Improve maintenance and investment in roads and paths

Financial Implications

The submission of $8,789,641.48 by the preferred tenderer Raubex Construction Pty Ltd is within the available budget.

No additional funds are required as these projects still come within the $18m funding provided by the State Government.

However, as the budgets on the specific projects within the funding agreement have now changed, a budget amendment is required to reflect the following:

Project	**Original Budget**	**Required Budget**	**Increase/ (decrease)**
80345 – Soldiers Road *(project completed)*	$1,758,000	$1,284,802	($473,198)
80297 – Kargotich Stage 1 *(project completed)*	$7,769,500	$4,550,105	($3,219,395)
80344/80521 – Kargotich Stage 2 & 3*	$2,383,250	$8,510,630	$6,127,380
80296/80522 – Orton -Stage 1 & 2*	$6,089,250	$3,654,463	($2,434,787)
Total	**$18,000,000**	**$18,000,000**	**$0**

*These projects were initially planned and budgeted to be delivered as separate projects through individual contracts. The budget variation contained in this report will combine the budgets into a single project per location. Following these budget amendments, the project budget will be $8,510,630 for Kargotich Stage 2 & 3 and $3,654,463 Orton – Stage 1 & 2.

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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 proceeds with recommendation to award and projects run over budget.	Budget process, internal costing and reviews.	Financial	Unlikely	Moderate	MODERAT	Nil
2	Not awarding the contract to the successful Tenderer and road works do not occur.	Nil	Organisational Performance	Unlikely	Moderate	MODERAT	Nil

Voting Requirements: Absolute Majority

OCM352/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

1. **AWARDS the Tender RFT 20/2024 - Kargotich Road Stages 2 & 3 and Orton Road - Upgrade Project to Raubex Construction Pty Ltd as contained in CONFIDENTIAL attachment 1 for $8,789,641.48 (ex GST);**
2. **AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 20/2024 - Kargotich Road Stage 2 & 3 and Orton Road - Upgrade Project.**
3. **NOTES that the Chief Executive Officer will:**
   a) **give local public notice in accordance with section 3.50(4)(a) of the Act stating that it is proposed to close Kargotich Road (the section between Thomas Road and Orton Road) and Orton Road (the section between Hopkinson Road and Kargotich Road) from mid-January 2024 for approximately 5 months to allow for necessary works to take place,**
   b) **give written notice to affected persons and landowners in accordance with s3.50(4)(b) of the Act advising of its intent to close Kargotich Road (the section between Thomas Road and Orton Road) and Orton Road (the section between**

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Hopkinson Road and Kargotich Road) from mid-January 2024 for approximately 5 months to allow for necessary works to take place,

c) invite submissions regarding the proposed road closure, which can be made to the Shire within a period of two weeks after the notice is given,

d) consider any submissions received, and

e) advise the Commissioner of Main Roads of the closure of the road in accordance with section 3.50(5) of the Act.

4. Following consideration of any submission, NOTES that the Chief Executive Officer will issue a local public notice ordering closure of Kargotich Road (the section between Thomas Road and Orton Road) and Orton Road (the section between Hopkinson Road and Kargotich Road) from mid-January 2024 for approximately 5 months to allow for necessary works to take place in accordance with section 3.50(1a) of the Act.

5. REQUESTS the Chief Executive Officer to prepare and implement a Communications Plan regarding the closure of Kargotich and Orton Road;

6. Council APPROVES the following budget variation:

Account Number	Type	Account Description	Debit	Credit
6400-80345-6600-0000	Decrease Expenditure	Upgrades of Roads - Soldiers Road - Capital Expenditure		473,198
6400-80297-6600-0000	Decrease Expenditure	Upgrades of Roads - Kargotich - Stage 1 - Capital Expenditure		3,219,395
6400-80521-6600-0000	Decrease Expenditure	Upgrades of Roads - Kargotich - Stage 3 - Capital Expenditure		1,315,250
6400-80522-6600-0000	Decrease Expenditure	Upgrades of Roads - Orton -Stage 2 - Capital Expenditure		1,315,250
6400-80296-6600-0000	Decrease Expenditure	Upgrades of Roads - Orton - Capital Expenditure		1,119,537
6400-80344-6600-0000	Increase Expenditure	Upgrades of Roads - Kargotich - Stage 2 & 3* - Capital Expenditure	7,442,630	
6400-80345-4802-0000	Decrease Income	Upgrades of Roads - Soldiers Road - Grant - Capital - State	473,198	

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6400-80297-4802-0000	Decrease Income	Upgrades of Roads - Kargotich - Stage 1 - Grant - Capital - State	3,219,395	
6400-80521-4802-0000	Decrease Income	Upgrades of Roads - Kargotich - Stage 3 - Grant - Capital - State	1,315,250	
6400-80522-4802-0000	Decrease Income	Upgrades of Roads - Orton -Stage 2 - Grant - Capital - State	1,315,250	
6400-80296-4802-0000	Decrease Income	Upgrades of Roads - Orton - Grant - Capital - State	1,119,537	
6400-80344-4802-0000	Increase Income	Upgrades of Roads - Kargotich - Stage 2 & 3* - Grant - Capital - State		7,442,630

CARRIED UNANIMOUSLY 6/0

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10.3 Corporate Services reports:

10.3.1 - Confirmation of Payment of Creditors - November 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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is to prepare a list of accounts paid each month, as required by the *Local Government (Financial Management) Regulations 1996*.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Nil.

Community / Stakeholder Consultation

Not Applicable.

Statutory Environment

Section 5.42 of the *Local Government Act 1995* states that the local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority 1.1.17 - Payments from Municipal and Trust Fund.

Section 6.10 of the *Local Government Act 1995* states the Financial management regulations may provide for the general management of, and the authorisation of payments out of the municipal fund and the trust fund of a local government.

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* requires where a local government has delegated authority to make payments from the municipal or trust fund, that a list of accounts paid be prepared each month showing each account paid since last such a list was prepared.

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Comment

In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, schedules of all payments made through the Council's bank accounts are presented to Council for their inspection. The list includes details for each account paid incorporating:

a) Payees name;

b) The amount of the payment;

c) The date of the payment; and

d) Sufficient information to identify the transaction.

A detailed list of invoices for the period 01 November 2024 to 30 November 2024 is provided in **attachment 1**.

Options

Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 November 2024 to 30 November 2024, totalling $7,148,583.67 as contained in attachment 1.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 01 November 2024 to 30 November 2024, totalling $7,148,583.67 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 November 2024 (E24/17536)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 30 September 2024 to 27 October 2024 – Redacted (E24/17537)
- **10.3.1 - attachment 3** – Fuel Purchasing Cards Report – 01 October 2024 to 31 October 2024 – Redacted (E24/17538)

Alignment with our Council Plan 2023-2033

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

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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 November 2024 to 30 November 2024 totalled $7,148,583.67

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

OCM353/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Jerrett, seconded Cr Bishop

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 November 2024 to 30 November 2024 totalling $7,148,583.67 as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 7.49pm) 6/0

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10.3.2 - Monthly Financial Report - October 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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is to provide a monthly financial report, which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

This report is about the financial position of the Shire as at 31 October 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. ≥ 10% of the amended budget and ≥ $10,000 of the amended budget; or

b. ≥ $150,000 of the amended budget

In addition, the material variance limit will be applied to each Nature and Type Classification for Operating and Financing Activities and each Project for Investing Activities (Capital).

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month by Nature and Type.

The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. Furthermore, Council has resolved that each Capital project outside of the materiality thresholds be reported on separately. This gives an indication that the Shire is performing against expectations at a point in time.

Community / Stakeholder Consultation

Nil.

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Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of 31 October 2024.

The municipal surplus as at 31 October 2024 is $28,695,343 which is favourable, compared to a budgeted amount of $24,599,885. This is primarily due to a higher than anticipated opening position. 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 permanent variance of $176,166 primarily due to:

- Payment from Main Roads Direct Roads Grant for 2024/25 more than anticipated - $77,692
- Payment from National Trust Western Australia for Bushland Management works at Jarrahdale Heritage Park - $70,500
- Payment from Western Australian Government Association for Urban Greening Grant Program - $25,014

Fees and Charges

Favourable temporary variance of $218,059 primarily due to:

- Building and Development Application fees higher than anticipated for the period - $45,462
- Development Compliance fines/penalties higher than anticipated for the period - $36,239
- Refuse Charges higher than anticipated for the period - $112,501

Interest Earnings

Favourable permanent variance of $235,246 primarily due to:

- Higher than anticipated interest received on Reserve Term Deposits - $201,983
- Higher than anticipated interest received on overdue Rates - $36,534.

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Other Revenue

Favourable permanent variance of $109,098 primarily due to:

- Reimbursement on workers compensation claim from Local Government Insurance Scheme (LGIS) - $110,194

Profit on Asset Disposal

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

Operating Expenses

Employee Costs

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

Materials and Contracts

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

Utility Charges

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

Depreciation

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 $10,000.

Investing Activities

Contributions/Grants for the Construction of Assets

Favourable permanent variance of $3,432,211 due to:

- Byford DCP - $2,093,288
- Mundijong Urban - $859,211
- Community Infrastructure DCP - $479,265

Proceeds from Disposal of Assets

Favourable temporary variance of $109,775 primarily due to the sale of vehicles which were budgeted for disposal in 2023/24 which will be adjusted in the carry forwards.

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Capital Expenditure

Unfavourable temporary variance of $592,847 primarily due to:

- Carryforward budget adjustments pending for:
  - 80270 Old Railway Bridge Interpretation Art/Sign - $35,608
  - 80460 Depot Refurbishment - Outdoor Canopy - $73,580
  - 80302 Accessible Toilet Facilities at Jarrahdale Cemetery - $10,271
  - 80396 Mens Shed Upgrade - $57,903
  - 80424 Irrigation Renewal - $27,398
  - 80412 Kingsbury Drive - $41,472
  - 80345 Upgrades of Roads - Soldiers Road (Hypergrowth Project) - $308,191
  - 80409 Mundijong Rd & King Rd Intersection - $12,044
  - 80465 Electronic Signage - $28,438

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

Unfavourable temporary variance of $308,708 due to a loan repayment made in July that related to 2023/24 which will be adjusted in the carry forwards.

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 $3,618,148 due to:

- Byford DCP - $2,093,288
- Mundijong Urban - $859,211
- Community Infrastructure DCP - $479,265
- Higher than anticipated interest received on Reserve Term Deposits - $201,983

Option 1

That Council RECEIVES the Monthly Financial Report for October 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**.

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Option 2

That Council DOES NOT RECEIVE the Monthly Financial Report for October 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 – October 2024 (E24/16704)

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

Municipal Fund:	$8,814,857
Cash Reserve:	$11,462,873
Trust Fund:	$304,222

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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 October 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

OCM354/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council RECEIVES the Monthly Financial Report for October 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 7.49pm) 6/0

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10.3.3 - Monthly Financial Report - November 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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is to provide a monthly financial report, which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

This report is about the financial position of the Shire as at 30 November 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) ≥ 10% of the amended budget and ≥ $10,000 of the amended budget; or

b) ≥ $150,000 of the amended budget

In addition, the material variance limit will be applied to each Nature and Type Classification for Operating and Financing Activities and each Project for Investing Activities (Capital).

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month by Nature and Type.

The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. Furthermore, Council has resolved that each Capital project outside of the materiality thresholds be reported on separately. This gives an indication that the Shire is performing against expectations at a point in time.

Community / Stakeholder Consultation

Nil.

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Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of 30 November 2024.

The municipal surplus as at 30 November 2024 is $24,603,493 which is favourable, compared to a budgeted amount of $23,133,626. 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

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

Fees and Charges

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

Interest Earnings

Favourable permanent variance of $205,118 primarily due to:

- Higher than anticipated interest received on Reserve Term Deposits - $165,048
- Higher than anticipated interest received on Municipal Term Deposits - $22,822
- Higher than anticipated interest received on Rates instalments - $21,400

Other Revenue

Favourable variance of $110,294 primarily due to:

- Favourable permanent variance - Reimbursement on workers compensation claim from Local Government Insurance Scheme (LGIS) - $122,112

Profit on Asset Disposal

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

Operating Expenses

Employee Costs

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

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Materials and Contracts

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

Utility Charges

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

Depreciation

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 $10,000.

Investing Activities

Contributions/Grants for the Construction of Assets

Favourable permanent variance of $1,316,567 due to:

- Byford DCP - $1,118,522
- Community Infrastructure DCP - $220,119

Proceeds from Disposal of Assets

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

Capital Expenditure

Unfavourable permanent variance of $63,694 primarily due to:

- 80396 Mens Shed Upgrade - To complete the compliance requirement for electrical, water and sewage connection for the toilet and fixtures - $20,376
- 80460 Depot Refurbishment - Outdoor Canopy – Additional expenditure due to drainage improvement ($14,200), additional Polycarb infill panel supply and installation ($1,380) and project management cost ($2,012) – Total $17,592

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%.

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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 $1,484,190 due to:

- Byford DCP - $1,118,522
- Community Infrastructure DCP - $220,119
- Higher than anticipated interest received on Reserve Term Deposits - $165,048

Option 1

That Council RECEIVES the Monthly Financial Report for November 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 November 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)

- **10.3.3 - Attachment 1** – Monthly Financial Report – November 2024 (E24/17610)

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

Municipal Fund:	$4,520,619
Cash Reserve:	$15,506,568
Trust Fund:	$304,222

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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 November 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

OCM355/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council RECEIVES the Monthly Financial Report for November 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 7.49pm) 6/0

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10.4 Community Engagement reports:

10.4.1 - Bushfire Advisory Committee Meeting - Receipt of Minutes and Shire of Serpentine Jarrahdale Bush Fire Service - Brigade Operating Procedures Review (SJ648)	
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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to:

- Receive the Bush Fire Advisory Committee Meeting (BFAC) Minutes for 21 November 2024 and consider the specific item and recommendation of the BFAC, pertaining to the Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures Review.
- Inform Council in respect of clause 3.6(ii) of the *Shire of Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021*, which states:

  The duties of the Chief Bush Fire Control Officer include –

  (ii) monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year to the Local Government or as directed by the Chief Executive Officer.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 20 May 2024 – OCM140/05/24 – COUNCIL RESOLUTION - **extract***

That Council:

1. RECEIVES the Bush Fire Advisory Committee Meeting Minutes as at attachment 1.

Background

The Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures (BOP) is established under the *Shire of Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021* and outlines the working structure of the Bush Fire brigades. Following changes to *Work Health and Safety Regulations 2022* it was identified that a review of the Shire's Bush Fire Service – Brigade Operating Procedures was required to ensure compliance with Work, Healthy and Safety legislation.

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Community / Stakeholder Consultation

Brigade Captains

Engagement with the Bush Fire Brigade members was undertaken through the brigade enhancement working group throughout 2023. This consisted of a selection of volunteers from all brigades.

Additional consultation was undertaken with the brigade captains in August 2024. All feedback provided by the captains has been incorporated in the Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures (BOP).

Statutory Environment

- *Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021*
- *Bush Fires Act 1954*
- *Bush Fire Regulations 1954*
- *Fire Brigades Act 1942*
- *Emergency Management Act 2005*
- *Local Government Act 1995*
- *Work Health and Safety Act 2020*
- *Work Health and Safety Regulations 2022*
- *Equal Opportunities Act 1984*

Comment

Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures

A Bush Fire Advisory Committee Meeting was held on Thursday, 21 November 2024. At this Meeting, the Committee noted that a review of the Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures has been undertaken.

The revised Brigade Operating Procedures incorporate several key changes. These changes include aligning the procedures with the *Work Health and Safety Act 2020* and the *Work Health and Safety Regulations 2022*. A summary of the changes and updates is provided below:

Update	Comment
Alignment with WHS Legislation	Revised BOP ensures compliance with the *Work Health and Safety Act 2020* and *Work Health and Safety Regulations 2022*, meeting the Shire's obligations towards our volunteer workers.
Streamlined Membership Application and Leave Processes	Simplifies onboarding and exit procedures, improving brigade efficiency and member management. Leave of absence rules updated to ensure continuity and accountability.
Updated Training and Attendance Standards and Competencies	Aligns training requirements with minimum standards and minimum attendance requirements for each role, increasing brigade readiness and reducing operational risks.
Revised Operational Turn-Out Procedures	Replaces references to SMS with BART for brigade communications.

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Update	Comment
Enhanced Social Media Guidelines	Establishes clear boundaries for social media use.
Code of Conduct	Clarity improved to ensure all members are aware of the requirement to adhere to the Shire's Code of Conduct. Following the issuing of the revised BOP, all volunteer brigade members will be required to sign acknowledgement of the Shire's Code of Conduct as a Shire volunteer.
Grievance and Disciplinary Processes Aligned with Shire's Internal Procedures	Streamlines grievance handling by integrating with the Shire's internal systems, ensuring consistency and fairness in managing conflicts within the brigade.
Procedure Updates	Outdated procedures have been removed. Clarifications have been made to voting eligibility and meeting procedures.

The revised Brigade Operating Procedures provides the Shire with a contemporary working structure for the Bush Fire Brigades. The review has identified that further improvements to the BOP are currently limited by provisions of the *Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021*. Officers propose to initiate a review of the local law to support contemporary Bush Fire Brigade management principles.

Report on the bush fire brigades' resourcing, equipment (including protective clothing) and training levels

Clause 3.6(ii) of the *Shire of Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021* requires the Chief Bush Fire Control Officer to provide a report on the bush fire brigades' resourcing, equipment (including protective clothing) and training levels.

Financial

- Local Government Grant Scheme (LGGS) Acquittal: this has been submitted to DFES for the 2023/24 financial year.
- LGGS Budget: For 2024/25: the Shire received a grant offering of $458,898 from DFES.

Equipment

- Recent Upgrade: In March 2024, the Shire acquired a new 2000L 4x4 Broadacre Tanker, which replaced the Keysbrook BFB's Light Tanker as their primary appliance.

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- Current Fleet Overview:

Brigade	Primary Appliance	Other Appliances
Byford	3.4 Urban Tanker	Light Tanker
Emergency Support	-	Incident Control Vehicle
Jarrahdale	4.4 Rural Tanker	Light Tanker
Keysbrook	2.4 Broadacre Tanker	-
Mundijong	3.4 Urban Tanker	Light Tanker, 12.2 Bulk Water Tanker
Oakford	3.4 Urban Tanker	Light Tanker, 9.2 Bulk Water Tanker
Serpentine	3.4 Urban Tanker	Light Tanker

- Protective Clothing and Equipment: The Shire has fulfilled 107 orders for PPC this calendar year. All members are adequately equipped.

Membership

- Members - Brigades currently have 253 members across the Shire. All Brigade Annual General Meetings have been completed and Captains appointed.

Training

- Pre-Season Readiness: As of 27 November, 139 members across the Shire's seven brigades have completed pre-season skills assessment, enabling them to respond to incidents for the forthcoming High Threat Fire Period. Shire Officers will continue to support brigades in assisting with other members to complete their pre-season skills assessments.
- A Rural Urban Interface (RUI) exercise was held in October 2024 in Keysbrook, engaging 40 members across all seven brigades.

Options

Option 1

That Council:

1. RECEIVES the Bush Fire Advisory Committee Meeting Minutes of 21 November 2024 as at **attachment 1**.
2. NOTES a review of the Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures has been undertaken and was issued to the volunteer brigade members on 29 November 2024.
3. REQUEST the Chief Executive Officer to present the following items to the next Audit, Risk and Governance Committee Meeting and the next Bush Fire Advisory Committee Meeting:
   i. The proposed sections of the Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures to be reviewed in 2025;
   ii. A proposed timeline and scope for the review of the *Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021*;
   iii. A summary of compliance by volunteer brigade members who have signed the Shire's Code of Conduct as a Shire volunteer.

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4. NOTES the Report on the bush fire brigades' resourcing, equipment (including protective clothing) and training levels in accordance with clause 3.6(ii) of the *Shire of Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021*.

Option 2

That Council:

1. DOES NOT RECEIVE the Bush Fire Advisory Committee Meeting Minutes of 21 November 2024 as at **attachment 1**.
2. DOES NOT NOTE the review of the Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures.
3. DOES NOT NOTE the Report on the bush fire brigades' resourcing, equipment (including protective clothing) and training levels in accordance with clause 3.6(ii) of the *Shire of Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021*.

Option 1 is recommended.

Conclusion

The revised Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures reflect a comprehensive revision that addresses alignment with the *Work Health and Safety Act 2020* and the *Work Health and Safety Regulations 2022*, streamlining processes for efficiency, and updating training and operational procedures to enhance effectiveness and appropriate management of the Shire's volunteer Bush Fire Brigade members.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** –Bush Fire Advisory Committee Meeting Minutes – 21 November 2024 (E24/16773)

Alignment with our Council Plan 2023-2033

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

Nil.

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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 recommendation						
2	There could be negative public perception that the Shire's Council has not noted the review of the Shire's Bush Fire Service - Brigade Operating Procedures, which governs all aspects of operations of brigades and members.	Engagement with relevant internal subject matter experts and Brigade captains as part of the document review.	Reputation	Possible	Minor	MODERATE	Option 1

Voting Requirements: Simple Majority

OCM356/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council:

1. **RECEIVES the Bush Fire Advisory Committee Meeting Minutes of 21 November 2024 as at attachment 1.**
2. **NOTES a review of the Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures has been undertaken and was issued to the volunteer brigade members on 29 November 2024.**
3. **REQUEST the Chief Executive Officer to present the following items to the next Audit, Risk and Governance Committee Meeting and the next Bush Fire Advisory Committee Meeting:**
   i. **The proposed sections of the Shire of Serpentine Jarrahdale Bush Fire Service – Brigade Operating Procedures to be reviewed in 2025;**
   ii. **A proposed timeline and scope for the review of the *Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021*;**
   iii. **A summary of compliance by volunteer brigade members who have signed the Shire's Code of Conduct as a Shire volunteer.**

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4. NOTES the Report on the bush fire brigades' resourcing, equipment (including protective clothing) and training levels in accordance with clause 3.6(ii) of the *Shire of Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021*.

CARRIED UNANIMOUSLY (en bloc at 7.49pm) 6/0

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Councillor Duggin and Councillor Mack declared an Impartiality Interest in Item 10.4.2

10.4.2 - Endorsement of Briggs Park Recreation Precinct Master Plan (SJ4403)	
Responsible Officer:	Manager Community Projects and Property
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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to:

- endorse the Briggs Park Recreation Precinct Master Plan, Opinion of Probable Costs (OPC) and the consultation and review report that accompanies the recently endorsed Serpentine Jarrahdale Community Recreation Centre (SJCRC) Concept Design and OPC.
- consider the establishment of the Serpentine Jarrahdale Community Recreation Centre Partnership Reference Group and financial contribution towards the project as part of the Urban Precincts and Partnerships Funding Program application for the project.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 September 2024 – OCM263/09/24 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ENDORSES Concept Plan 2 as the preferred option for the SJCRC Expansion project, which is estimated at a cost of $43.77 million.*
2. *REQUESTS the Chief Executive Officer to continue with advocacy for the 2025 State and Federal Government elections to secure funding for the SJCRC Expansion project.*
3. *ENDORSES Briggs Park Masterplan 2 for the purpose of community engagement.*
4. *REQUESTS the Chief Executive Officer to present the Briggs Park Masterplan back to Council following the community engagement.*

*Ordinary Council Meeting – 19 August 2024 – OCM233/08/24 - COUNCIL RESOLUTION / Revised Officer Recommendation - **extract***

That Council:

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1. *ENDORSES the submission of two Shire applications to the following Federal Government funding programs:*
   - *Thriving Suburbs Program (KPRSP Stage 1B (BMX))*
   - *urban Precincts and Partnerships Program (uPPP), joint application to Stream Two (KPRSP Stage 1B (BMX) and Stage 1C) or SJCRC and Briggs Park Masterplan, depending on Thriving Suburbs Grant outcomes.*

Ordinary Council Meeting – 19 June 2023 – OCM121/06/23 - COUNCIL RESOLUTION / SUBSTANTIVE MOTION - ***extract***

That Council:

1. *RECEIVES the report Election Commitment Priorities prepared by GRA Partners at attachment 1.*
2. *ENDORSES the recommendations for priorities for the upcoming State and Federal Government Elections in 2025 as follows:*
   a. *Hypergrowth Road upgrades;*
   b. *Expansion of the SJ Recreation Centre with two additional Basketball Courts;*
   c. *Caravan Park and Visitors Centre at Jarrahdale on Lot 814 Millers Road.*

Background

Following Council's endorsement of the expansion of the Serpentine Jarrahdale Community Recreation Centre as one of its 2025 election advocacy projects, OTIUM Consultants were engaged in February 2024 to undertake the development of the SJCRC expansion Concept Plan and Briggs Park Master Plan Project.

The SJCRC expansion concept plan aims to address the lack of high quality sport and recreation facilities within the Shire and address the growing need for accessible sports participation in the community through two additional basketball courts and accompanying amenities within the SJCRC. At its September Meeting, Council endorsed Concept 2 as the preferred concept for the expansion of the SJCRC.

At the September Ordinary Council Meeting, Council endorsed Briggs Park Master Plan Concept 2 for the purpose of community engagement. The Master Plan considers the overall usage, facilities, parking, flow and movement in and around the Briggs Park sporting precinct, with the aim of developing a high quality sport and recreation precinct that caters for the growing Byford Community. The Master Plan also considers a number of site constraints, including, Bush Forever site, environmental requirements, bushfire management, building compliance, old and unused infrastructure as well as new infrastructure already in design and construction phase (skatepark and pump track).

At its August Meeting, Council endorsed the development of a grant application to the Federal Government's Urban Precincts and Partnerships Program for the SJCRC Expansion Project.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

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Stakeholder Engagement

Following Council's decision at its September Meeting, further engagement was conducted with Briggs Park precinct user groups regarding Briggs Park Master Plan Concept 2. The feedback is provided below:

User Group	Feedback
YMCA, Byford Basketball Association, Byford Venom Futsal. *Between the 3 organisations they coordinate competitive and social basketball and futsal, social netball, social beach volleyball, children's gymnastics and manage the gymnasium, OHSC and general social use of the centre.*	The stakeholders felt this was clearly a better long-term outcome and created a much better overall space that met all the needs. The group acknowledged that the much higher estimated cost may be prohibitive, and the closure is a concern but they would be willing to work through this for the long term outcome of a more contemporary facility fit for purpose and the growing community. 4 compliant courts would be a great outcome that would likely fit the needs into the future and allow growth of all sports to a competitive level. • Parking allowances across the site is much better in concept 2 and the pathway network is a great addition. • Question in regard to whether pavilion will have a social space for awards etc that basketball/futsal etc could also utilises as a bookable space. • Like all courts being in the same space. • New gym and OHSC section is an excellent outcome. • Parking and flow is a big positive of concept 2. • Concept 2 will allow for day use in terms of space for private sports coaching etc that is already in demand but unable to be accommodated. • Allows expansion of current competitive sports including basketball entering WABL competition level and expansion to possible competition level for netball and hardcourt volleyball that is wanted but unable to be accommodated currently. • Allows kids gymnasium program to be developed in line with demand. • Acknowledge loss of climbing wall is not a huge item and social beach volleyball loss would be outweighed by ability to undertake hardcourt volleyball program (better income stream and more member involvement).
Byford Falcons Basketball Club (currently play and train at two differing school sites)	Agree that concept 2 is by far the better option and provides a much better long-term outcome for the community. Concept 2 option is the only way to ensure the space is available to have their club utilise the recreation centre in future (currently do not play on site). Question whether an additional 5th court could be drawn up if needed over two courts for higher level game requirements.

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User Group	Feedback
	Question if any meeting room space provided for clubs within the SJCRC design, explained that additional club meeting rooms would also be located in central pavilion.
Probus Community Group	Happy with designs and agree that concept 2 is the best option. Interested in the fact they may be able to utilise new pavilion with a large function space, new kitchen and toilets instead of current space they feel is unsafe for their members.
Mundijong Centrals Junior Football Club	Agree that Concept 2 is by far the best option. Parking allowance is not sufficient in concept 1. Storage is important for the club and also good size changerooms which we agree are both catered in the pavilion design.
Byford BMX Club	Understand it all has little effect on them due to BMX relocation being required prior to any of this masterplan being undertaken. Discussed the option of the track being moved south if required to accommodate the recreation centre build. While this is possible it would be very costly and require full redevelopment and redesign to do so. Both BMX and SoSJ CPS agree this is not the best outcome. BMX do agree that whilst they are not involved in indoor court sports Concept 2 is by far the best outcome for the precinct and community.
Heritage Country Choir	Happy with the recommendations, expressed a need to understand how this will affect the Christmas Carol event and the choir useage of the new pavilion in future. Confirmed event and useage would be considered to be continuing in future.
Byford Bushrangers base/teeball	No response
GKR Karate	No response
SJ Blues Cricket Club	No further input
Byford Secondary College	No response
Byford Weight Watchers	No further input
Fundamentals OT	No further input
Jazzie Shazzie Dance	No response
Armadale Community Playgroup	No response

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Following engagement with the Briggs Park Precinct user groups, the Master Plan Concept 2 aligns with their future needs and population growth. Based on the feedback received from user groups, the following elements have been addressed in the final Master Plan presented:

- Approximately 300 parking bays across two parking zones;
- Option for secondary access, subject to regulatory approvals;
- Centrally located shared use sports pavilion, with access to public toilets.

Statutory Environment

- *Local Government Act 1995*
- *Building Act 2011*
- *Disability Services Act 1993*

Comment

The Briggs Park Master Plan, Master Plan Report and Opinion Probable Costs (OPC) are the final documentation to be endorsed, which provides the long term future planning for the community at Briggs Park Precinct.

The Master Plan process incorporated a number of factors as part of the site analysis, including:

- Site and feature surveys (environmental, utilities/services including underground, irrigation and drainage)
- Site infrastructure (current, old and unused)
- Future and redeveloped infrastructure (skate park, pump track etc.)
- BMX relocation
- Bush Forever and bushfire management site constraints
- Improved connectivity
- Parking and flow
- Financial and community sustainability

The Master Plan concept looks at the best possible site layout given the various constraints of the site and how to best utilise the open space. The Master Plan is provided below and is at **attachment 1**.

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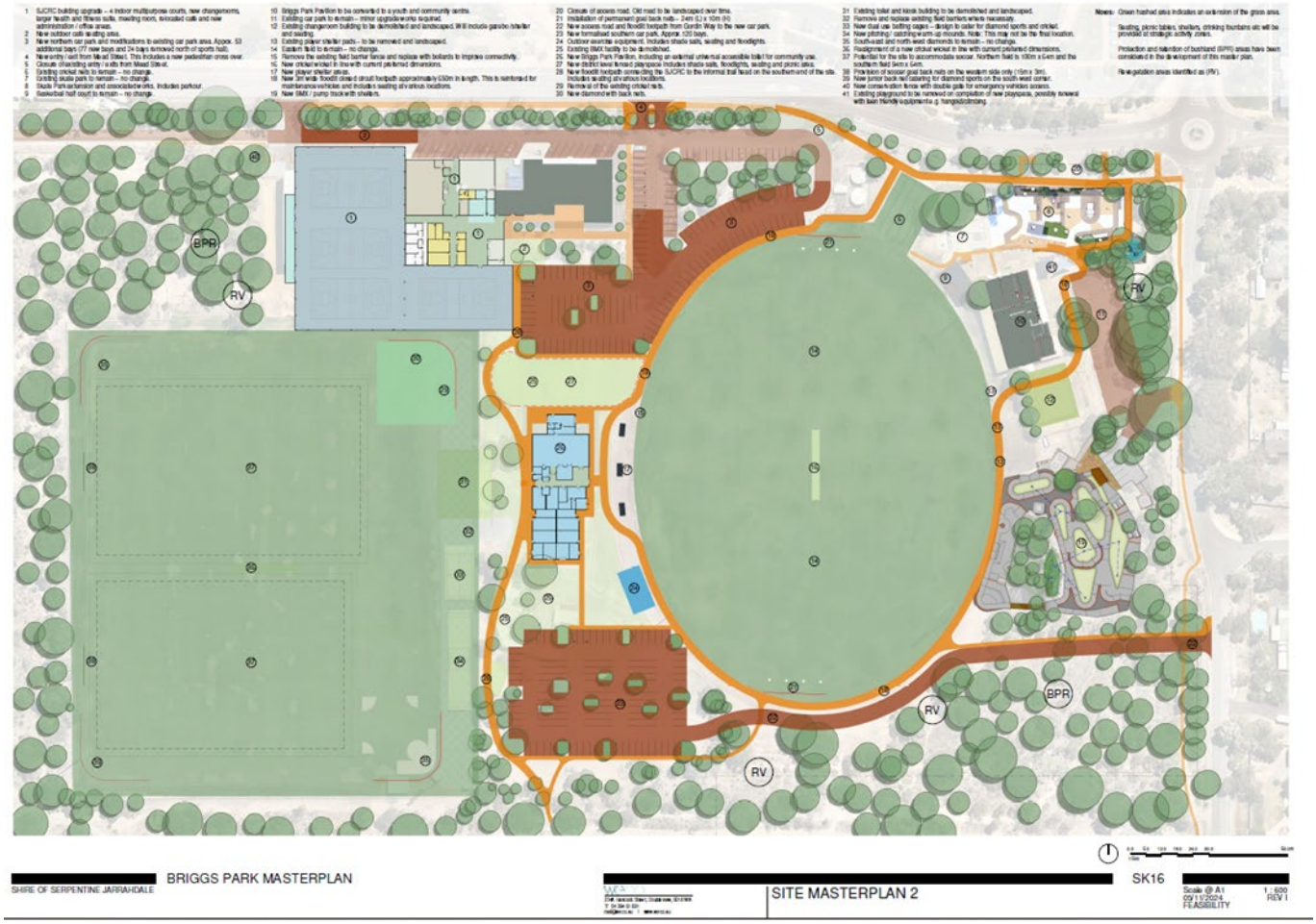

The Master Plan is also developed on the following assumptions:

- The BMX facility is relocated to Keirnan Park
- The development of the skate park and Stages 1 and 2 of the pump track will remove the current access road from Gordin Way. The development of formalised parking at the southern end of the site will require a new access road that has been identified south of the pump track. This alignment provides the least disturbance to an area of significant bushland, but this would still require environmental permits and offsets to be granted to undertake this.

The major undertakings across the Master Plan Concept includes:

- Addition of a district level playspace central to all amenities
- Changes to the western rectangular playing fields to incorporate additional diamond and feasibly soccer/hockey pitches
- Additional parking as part of north car park expansion (approx. 175 bays)
- Additional parking at the southern end of the site - subject to access road permits (approx. 125 Bays)
- Sites for outdoor recreation (hit up mounds, gym equipment, picnic areas etc.)
- Demolish unused infrastructure
- Sealed accessible pathway network across the site to aid flow and distribution

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- Adjustment to and addition of sporting infrastructure (nets, shelters, warm up areas)
- Replace field barriers and upgrade synthetic pitches
- A multi-use sports pavilion to be located centrally between the two ovals
- Public toilets in central location as part of pavilion.

The consultant's report for the SJCRC expansion and Briggs Park Master Plan is provided at **attachment 2**. This report details the review, processes, considerations, and analysis that has been undertaken to arrive at the Briggs Park Master Plan and preferred SJCRC Concept Plan. This report should be read in conjunction with viewing the concept and Master Plans. The report also provides the OPC for the remaining elements of the Briggs Park Master Plan. Noting some elements are contained within the OPC of the SJCRC Expansion Project, such as:

- SJCRC Expansion
- New pavilion
- Siteworks around the recreation centre precinct

The OPC does not include costings for Briggs Park site works already scheduled:

- Skate Park Expansion
- Pump Track Development
- Youth Centre upgrades

Urban Precincts and Partnerships Funding Program (uPPP)

Officers have been progressing the initial requirements to undertake a funding application to the uPPP. This grant program has been identified as one of the appropriate grant funds for Shire advocacy projects to be directed toward obtaining Federal Government project funding.

The SJCRC Expansion Project, identified as the first stage of the Briggs Park Master Plan, has the strongest alignment to the program guidelines.

Officers have commenced the development of the Shire's application, which includes a Cost Benefit Analysis Report and Business Case, which are required for the application.

The uPPP application also requires other Shire and partnership commitments which form part of this report for Council's consideration.

Whilst uPPP guidelines state that it can fund up to 100% of a project to the value of $50m, the reality of the program is that projects are only likely to get support if they include:

- Other community and government formal partnership support; and
- Funding commitment from other sources, including the local government.

Following the initial funding application planning phase, Officers have identified that the following requirements will need to be in place prior to the Shire submitting its application:

- Establishment of a partnership reference group; and
- Commitment of a financial contribution from the Shire.

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Serpentine Jarrahdale Community Recreation Centre Partnership Reference Group (SJCRCPRG)

The uPPP guidelines require applicants to undertake a partnership approach to the project bringing together government, community, and business to deliver the projects. Establishment of a partnership reference group with a focus on bringing together relevant local entities to collaboratively plan the development is stated in the guidelines and specifically suggests local membership that includes:

- Federal, state and/or territory government
- Local government
- Not-for-profit entities
- First Nations groups
- Community organisations

Officers have based the proposed membership on those community groups, organisations and government bodies that are directly impacted by or have a strong connection to the SJCRC Expansion Project to ensure a committed and connected partnership reference group.

Connection and input from the local clubs who are the predominate user groups is a high priority for the partnership reference group and also for the grant application criteria.

Attachment 3 provides the Terms of Reference for the partnership reference group, including recommended membership.

Officers propose the partnership reference group operate for an initial 12 months, to assist the Shire in its advocacy efforts to secure funding for the expansion project.

Shire Financial Contribution

A funding commitment from the applying body, in this case the Shire, is strongly recommended to ensure the application has the best opportunity to be successful.

Officer's recommend that Council commit $1million toward the capital construction of the project to assist in the advocacy strategy to leverage State and Federal funding commitments. This amount needs to be confirmed within the grant application in writing, via a formal letter from the Shire's Chief Executive Officer or President.

The establishment of a partnership reference group and the proposed funding strategy will provide a strong project framework for State and Federal election advocacy and assist the Shire in meeting program funding guidelines.

Options

Option 1

That Council:

1. ENDORSES the following documentation for the Briggs Park Recreation Precinct:
    a. Briggs Park Master Plan, as at **attachment 1**.
    b. Opinion of Probable Costs and the Consultant's Report, as at **attachment 2**.
2. RESOLVES to establish the Serpentine Jarrahdale Community Recreation Centre Partnership Reference Group in accordance with the Terms of Reference, at **attachment 3**.

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3. APPOINTS *[Elected Member moving motion to specify]* as the Elected Member representative and *[Elected Member moving motion to specify]* as the deputy Elected Member on the Serpentine Jarrahdale Community Recreation Centre Partnership Reference Group.
4. AUTHORISES the Chief Executive Officer to invite and appoint the community representatives in accordance with the Terms of Reference.
5. AUTHORISES the Chief Executive Officer to submit an application to the Urban Precincts and Partnerships Program for the SJCRC Expansion Project including a cash contribution of $1million towards the capital construction of the project by the Shire.

Option 2

That Council:

1. ENDORSES the following documentation for the Briggs Park Recreation Precinct:
   a. Briggs Park Master Plan, as at **attachment 1**.
   b. Opinion of Probable Costs and the Consultant's Report, as at **attachment 2**.
2. ENDORSES the Serpentine Jarrahdale Community Recreation Centre Partnership Reference Group Terms of Reference, as at **attachment 3**.
3. APPOINTS *[Elected Member moving motion to specify]* as the Elected Member representative and *[Elected Member moving motion to specify]* as the deputy Elected Member on the Serpentine Jarrahdale Community Recreation Centre Partnership Reference Group.
4. AUTHORISES the Chief Executive Officer to submit an application to the Urban Precincts and Partnerships Program for the SJCRC Expansion Project without a financial contribution from the Shire.

Option 3

That Council:

1. ENDORSES the following documentation for the Briggs Park Recreation Precinct:
   a. Briggs Park Master Plan, as at **attachment 1**.
   b. Opinion of Probable Costs and the Consultant's Report, as at **attachment 2**.
2. REQUESTS the Chief Executive Officer to not progress the Urban Precincts and Partnerships Funding Program application for the SJCRC Expansion Project.

Option 1 is recommended.

Conclusion

The Briggs Park Master Plan provides a long term vision for the development of the Briggs Park Recreation Precinct. Through stakeholder engagement, a detailed site analysis and careful consideration of environmental, infrastructure, and connectivity factors, the Master Plan presents a strategic layout to optimise the use of the space and meet community needs.

Officers also recommend the establishment of a partnership reference group and financial contribution towards the capital construction of the project, to assist the Shire's application to the Urban Precincts and Partnerships Funding Program.

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Attachments (available under separate cover)

- **10.4.2 – attachment 1** – Briggs Park Master Plan (E24/16736)
- **10.4.2 - attachment 2** – Opinion of Probable Costs and the Consultant's Report (E24/16740)
- **10.4.2 – attachment 3** – Partnership Reference Group Terms of Reference (E24/16729)

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
Connected
1. Invest in community recreation and support local clubs and groups to increase opportunities for participation

Financial Implications

Option 1 would require a commitment of $1million toward the capital construction of the project. This is not currently considered in the Shire's Long Term Financial Plan and will be addressed if the Shire is successful in securing grant funding for this project.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	The Shire is unsuccessful in gaining funding for the SJCRC Expansion Project.	The Shire has developed the Briggs Park Master Plan and SJCRC Expansion Project Concept Plan. The establishment of a partnership reference group and a financial contribution to strength the Shire's application.	Social / Community Outcomes	Possible	Moderate	MODERATE	Continued engagement with State and Federal MPs regarding the project.

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2	A lack of financial contribution by the Shire reduces the strength of the application, resulting in the Shire being unsuccessful in its application and unable to deliver the project.	The uPPP guidelines state that it can fund up to 100% of a project, to the value of $50m.	Social / Community Outcomes	Possible	Moderate	Moderate	Option 1
3	Not submitting an application to the uPPP would significantly reduce the Shire's chances in receiving Federal Government funding for the project.	Feedback received is that projects should be submitted via a Federal Government funding program to be considered for Federal funding support.	Organisational Performance	Likely	Moderate	SIGNIFICANT	Option 1

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. ENDORSES the following documentation for the Briggs Park Recreation Precinct:
   a. Briggs Park Master Plan, as at attachment 1.
   b. Opinion of Probable Costs and the Consultant's Report, as at attachment 2.
2. RESOLVES to establish the Serpentine Jarrahdale Community Recreation Centre Partnership Reference Group in accordance with the Terms of Reference, at attachment 3.
3. APPOINTS *[Elected Member moving motion to specify]* as the Elected Member representative and *[Elected Member moving motion to specify]* as the deputy Elected Member on the Serpentine Jarrahdale Community Recreation Centre Partnership Reference Group.
4. AUTHORISES the Chief Executive Officer to invite and appoint the community representatives in accordance with the Terms of Reference.
5. AUTHORISES the Chief Executive Officer to submit an application to the Urban Precincts and Partnerships Program for the SJCRC Expansion Project including a cash contribution of $1million towards the capital construction of the project by the Shire.

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OCM357/12/24

COUNCIL RESOLUTION

Moved Cr Mack, seconded Cr Jerrett

That Council:

1. **ENDORSES the following documentation for the Briggs Park Recreation Precinct:**
   a. **Briggs Park Master Plan, as at attachment 1.**
   b. **Opinion of Probable Costs and the Consultant's Report, as at attachment 2.**
2. **RESOLVES to establish the Serpentine Jarrahdale Community Recreation Centre Partnership Reference Group in accordance with the Terms of Reference, at attachment 3.**
3. **APPOINTS President Coales as the Elected Member representative and Cr Duggin as the deputy Elected Member on the Serpentine Jarrahdale Community Recreation Centre Partnership Reference Group.**
4. **AUTHORISES the Chief Executive Officer to invite and appoint the community representatives in accordance with the Terms of Reference.**
5. **AUTHORISES the Chief Executive Officer to submit an application to the Urban Precincts and Partnerships Program for the SJCRC Expansion Project including a cash contribution of $1million towards the capital construction of the project by the Shire.**
6. **REQUESTS the Chief Executive officer present a business case for the following items for consideration in the 2025/2026 budget for the Briggs Park Precinct:**
   a. **a public water fountain**
   b. **a safety mesh fencing for the goals at the Mead Street end of Briggs Park upper oval.**

CARRIED UNANIMOUSLY 6/0

Reason for Difference:

To capture some safety concerns of the users of Briggs Park upper oval.

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10.4.3 - Execution of Sublease between Sport Aircraft Builders Club Inc. and Fire and Emergency Services Ministerial Body - Reserve 25911 Yangedi Road Hopeland (L066)	
Responsible Officer:	Manager Community Projects and Property
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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider:

1. The amendments to the sublease, which are made in accordance with the Head Lease agreement between the Shire and Sport Aircraft Builders Club of WA Inc.; and
2. The authorisation to co-sign the sublease with key amendments between the Sport Aircraft Builders Club of WA Inc. and FES Ministerial Body, a body corporate, pursuant to the *Fire and Emergency Services Act 1998* (WA), located at Reserve 25911, 286 Yangedi Road, Hopeland.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 March 2024 - OCM061/03/24 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

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

   Term: 3 years

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

   Area: Part of the reserve area totalling approximately 4000m2

   Rent: $2000 per annum

   Permitted use: The Tenant may use the Premises for fire and emergency purposes to house a helicopter and necessary infrastructure related thereto and for all ancillary uses unless the Landlord consents to another use.
2. *AUTHORISES the co-signing of the deed of sublease as shown in CONFIDENTIAL attachment 1 (subject to the consent of the Minister for Lands) in accordance with Council Policy 1.1.4 – Execution of Documents and Use of the Common Seal.*

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

That Council:

1. *Requests the Minster for Lands amend the Management Order for Lot 164 Yangedi Road (Reserve 25911) to increase the Power to Lease to a term of 32 years and the permitted purpose amended to Recreation and Weather Radar Activities.*
2. *Notes the key lease terms between the Shire of Serpentine Jarrahdale and the Sports Aircraft Builders Club as:*
   a) *Lease term of 32 years;*
   b) *Annual rental of $1.00 in accordance with Council Policy 5.1.3 Lease and License Management;*
   c) *Permitted purpose of Recreational Airfield and associated activities including light aircraft maintenance, aerial firefighting aircraft, Shire Bushfire Services and air rescue and weather radar activities;*
   d) *Sports Aircraft Builders Club to be responsible for all outgoings and insurances associated with their occupation of the site, inclusive of local government rates and service charges.*
3. *Reduces the income account BOR110 by $1,864.50 to reflect the loss of rental income from the reassignment of the BOM lease to Sports Aircraft Builders Club.*

Background

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

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

At its 18 March 2024 Meeting, Council approved the sublease between the SABC and the FES, based on the following terms:

Term: 3 years

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

Area: Part of the reserve area totalling approximately 4000m2

Rent: $2000 per annum.

On 30 September 2024, Officers were advised that the SABC and the FES were negotiating amendments to the sublease, to ensure the SABC would not be financially disadvantaged by the sublease arrangement with the FES.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

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Sport Aircraft Builders Club Inc.

Further engagement between the SABC and the FES have resulted in the proposed amendments to the sublease between the two parties:

Key Amendments	Previous Sublease	Amended Sublease
Term	3 Year + 2 x 1 Year Options	5 Year + 5 Year Option
Rent	$2000 per annum	Yr 1 - $3,000 Yr 2 - $3,000 Yr 3 - $3,000 Yr 4 - $3,500 Yr 5 - $4,000 Option Yr 6 – 'By review and agreement between the parties', but not less than the previous rent. Option Yr 7- 10 – CPI increase
Control and Safety		For the avoidance of any doubt, the Landlord at its cost must maintain the water filling tank/dip tank and the water filling tank/dip tank equipment (including the repair/replacement of) in good repair, order and condition at all times.
Assignment and Sub Subletting Permitted with Consent	The Tenant may assign this Lease or sublet all or part of the Premises with the Landlord's and the Head Landlord's prior written consent (such consents not to be unreasonably refused or delayed) and the prior consent of the Minister for Lands.	Removed
Additions / Alterations	To support the Tenant's use of the Premises specified in clause 6.1, the Landlord acknowledges and agrees that the Tenant may bring onto or install the Tenant's Property at the Premises or alter or add to the Tenant's Property at the Premises (subject to obtaining the Head Landlord's prior written consent).	To support the Tenant's use of the Premises specified in clause 6.1, the Landlord acknowledges and agrees that the Tenant may bring onto or install the Tenant's Property at the Premises or alter or add to the Tenant's Property at the Premises (subject to obtaining the Landlord's prior written consent).

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Statutory Environment

- *Local Government Act 1995*

Associated Council Policies

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

Comment

The SABC leased site is 64.7-hectares. The area utilised by the FES is approximately 4,000m2, as shown hachured blue below:

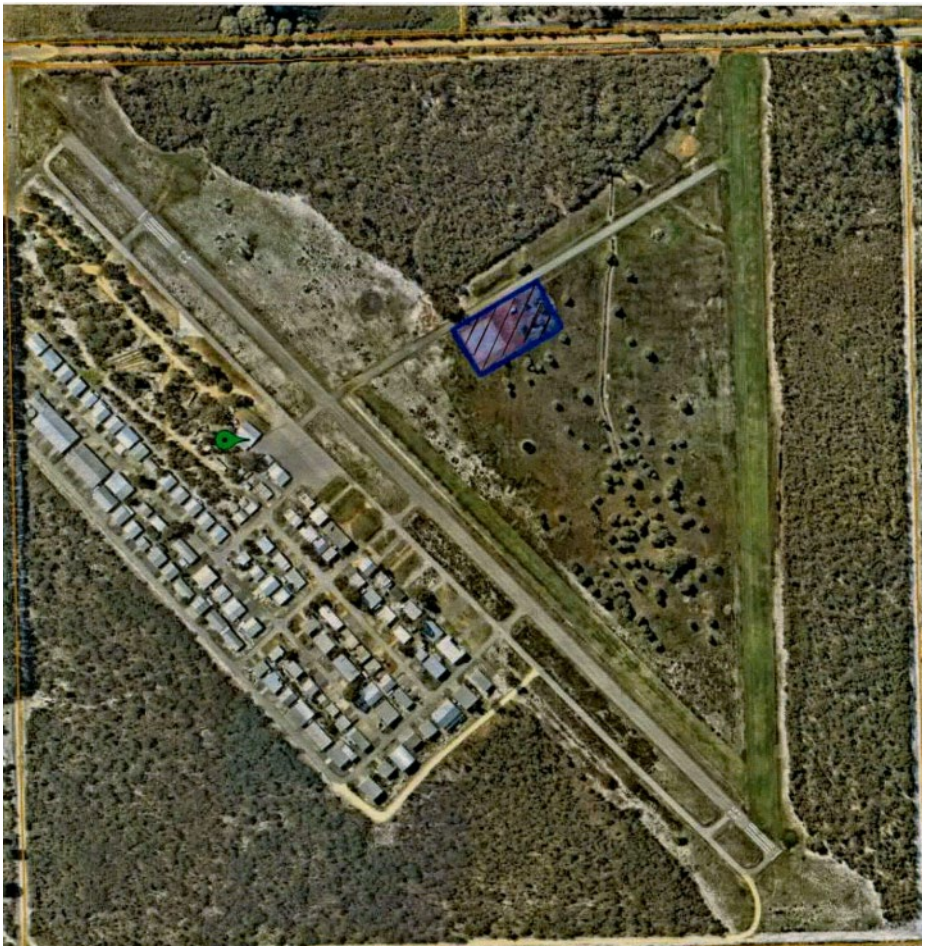

Figure 1 - Location of DFES lease area

The Head Lease agreement between the Shire and the SABC, as shown at **CONFIDENTIAL attachment 2**, specifies:

> *19.1(b) provided that the Lessee (SABC) receives the prior consent of the Minister for Lands, pursuant to section 18 of the Land Administration Act 1997, the Lessor (Shire) consents to the Lessee granting sub-lease of a portion of the Land to:*
>
> *(i) The Department of Fire & Emergency Services for the purpose of housing a helicopter and required ancillary infrastructure for regional emergency fire response activities.*

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Although the SABC agreed with the sublease terms presented to Council at its 18 March 2024 Meeting, Officers were advised following that meeting, that the SABC and the FES were negotiating amendments to the sublease terms, for the purpose of ensuring the SABC would not be financially disadvantaged.

Noting that the Head Lease provides consent to sublease to the FES, Officers are seeking Council's approval to the amended key terms of the sublease, which have been agreed upon between the SABC and the FES Ministerial Body, as below:

Term:	5 years
Option:	for a further term of 5 years
Area:	Part of the reserve area totalling approximately 4,000m2
Rent:	Yr 1 - $3,000
	Yr 2 - $3,000
	Yr 3 - $3,000
	Yr 4 - $3,500
	Yr 5 - $4,000
	Option Yr 6 – 'By review and agreement between the parties', but not less than the previous rent.
	Option Yr 7 – 10 CPI increase
Permitted use:	The Tenant may use the Premises for fire and emergency purposes to house a helicopter and necessary infrastructure related thereto and for all ancillary uses unless the Landlord consents to another use.

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

The amended FES Sublease is included at **CONFIDENTIAL attachment 1.**

The annual rental amount payable by the FES to the SABC, will assist the SABC with operational costs associated with the sublease, such as maintaining the water filling tank / dip tank and the water filling tank / dip tank equipment (including the repair / replacement of).

Options

Option1

That Council:

1. APPROVES the amended deed of sublease, as shown in **CONFIDENTIAL attachment 1**, between the Sport Aircraft Builders Club Inc. and the Fire and Emergency Services Ministerial Body, located at Reserve 25911, 286 Yangedi Road, Hopeland, based on the following terms:

Term:	5 years
Option:	for a further term of 5 years
Area:	Part of the reserve area totalling approximately 4,000m2
Rent:	Yr 1 - $3,000
	Yr 2 - $3,000
	Yr 3 - $3,000

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Yr 4 - $3,500

Yr 5 - $4,000

Option Yr 6 – 'By review and agreement between the parties', but not less than the previous rent.

Option Yr 7 – 10 CPI increase

Permitted use: The Tenant may use the Premises for fire and emergency purposes to house a helicopter and necessary infrastructure related thereto and for all ancillary uses unless the Landlord consents to another use.

2. AUTHORISES the Chief Executive Officer to co-sign the deed of sublease as shown in **CONFIDENTIAL attachment 1**, subject to the consent of the Minister for Lands.

Option 2

That Council DOES NOT APPROVE the amended deed of sublease between the Sport Aircraft Builders Club Inc. and the Fire and Emergency Services Ministerial Body, located at Reserve 25911, 286 Yangedi Road, Hopeland.

Option 1 is recommended.

Conclusion

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

The deed of sublease is consistent with the provisions of the Head Lease.

Attachments (available under separate cover)

- **10.4.3 – CONFIDENTIAL attachment 1** – Amended FES Sublease (E24/16706)
- **10.4.3 – CONFIDENTIAL attachment 2** – SABC Executed Head Lease (E19/6403)

Alignment with our Council Plan 2023-2033

Liveable
3. Preserve and enhance our natural places, parks, trails and reserves
4. Invest in facilities and amenities to meet current and future needs
Connected
2. Contribute to a well-connected, accessible and health community

Financial Implications

The key terms of the executed Head Lease between the Shire of Serpentine Jarrahdale and the Sport Aircraft Builders Club Inc. are:

Term: 32 years

Annual Rent: $1.00

Permitted use: Recreational Airfield and associated activities including light aircraft maintenance, aerial firefighting aircraft, Shire Bushfire Services and air rescue and weather radar activities

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The Sport Aircraft Builders Club Inc. are responsible for all outgoings and insurances associated with their occupation of the site, inclusive of local government rates and service charges.

The rates payable to the Shire by the SABC for the 2024/2025 financial year are $21,858.90.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option.						
2	The SABC is negatively impacted by increasing financial pressures and unable to recoup from the sub-tenant	Option 1	Strategic Stakeholder Relationships	Possible	Minor	LOW	

Voting Requirements: Simple Majority

OCM358/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council:

1. **APPROVES the amended deed of sublease, as shown in CONFIDENTIAL attachment 1, between the Sport Aircraft Builders Club Inc. and the Fire and Emergency Services Ministerial Body, located at Reserve 25911, 286 Yangedi Road, Hopeland, based on the following terms:**

   Term: **5 years**

   Option: **for a further term of 5 years**

   Area: **Part of the reserve area totalling approximately 4,000m2**

   Rent: **Yr 1 - $3,000**

   Yr 2 - $3,000

   Yr 3 - $3,000

   Yr 4 - $3,500

   Yr 5 - $4,000

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Option Yr 6 – 'By review and agreement between the parties', but not less than the previous rent.

Option Yr 7 – 10 CPI increase

Permitted use: The Tenant may use the Premises for fire and emergency purposes to house a helicopter and necessary infrastructure related thereto and for all ancillary uses unless the Landlord consents to another use.

2. AUTHORISES the Chief Executive Officer to co-sign the deed of sublease as shown in CONFIDENTIAL attachment 1, subject to the consent of the Minister for Lands.

CARRIED UNANIMOUSLY (en bloc at 7.49pm) 6/0

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10.5 Executive Services reports:

Councillor Duggin declared an Impartiality Interest in Item 10.5.1

10.5.1 - Shire Funded Tractor for Darling Downs Residents Association (DDRA)	
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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is to provide options to replace the existing Shire of Serpentine Jarrahdale (Shire) owned 2005 Daedong DK35 tractor with a new Kioti DK4810 tractor for use by the Darling Downs Residents Association (DDRA).

Relevant Previous Decisions of Council

Ordinary Council Meeting – 18 November 2024 – OCM326/11/24- COUNCIL RESOLUTION / Officer Recommendation - ***extract***

That Council:

2. *REQUESTS the Chief Executive Officer bring a report to the 9 December 2024 Ordinary Council Meeting that provides options for replacement of the Darling Downs Residents Association tractor.*

Background

The DDRA submitted a business case (**attachment 1**) to the Shire in February 2024 for consideration as part of the annual budget process. The capital expenditure was not approved as part of the 2024/25 budget process.

The business case highlights the ongoing works conducted by DDRA as part of the Deed for the Provision of Works in the Darling Downs Equestrian Park (DDEP) and associated funding and collaboration (**attachment 2**). The works include vegetation clearance (e.g. clearing fallen trees and branches), tilling, spraying, spreading, mowing, grading and track levelling.

The business case also highlights that due to the age of the tractor the costs of maintenance are likely to increase. Accordingly, the DDRA has reapproached the Shire to replace the 19-year old tractor with a new and more capable tractor.

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Stakeholder Consultation

The DDRA meet with Shire representatives regularly to discuss matters pertaining to the Deed and related activities.

Statutory Environment

Nil.

Comment

Condition of Tractor and Required Maintenance

As per the business case (**attachment 1**), the DDRA (in accordance with the Deed) has maintained the current tractor using its funds and ongoing voluntary labour to maintain the DDEP area. However, this tractor is 19 years old, and various critical parts and systems are starting to fail. For example, the Master Hydraulic Control Valve (MHCV) was recently replaced at a cost of $4,000.

The Shire conducted an in-house assessment of the existing DDRA tractor (**attachment 3**). The assessment shows pictures and highlights the issues that would require repair and maintenance. The total costs for repairs related to items listed in the assessment is $17,952.15. This total includes $345.05 for repair of the driver seat and the bonnet catch.

The trade in value for the tractor has been assessed at $14,000 (incl. GST). It is anticipated that this trade in value would drop another $2,000 by July 2025.

It is important to note that the required repairs are not true indicators of the need of a replacement. The above repairs might all be paid for; however, the repairs don’t guarantee that the tractor will not break down the next day.

Reliability and the cost to keep an asset on the road are largely impacted by the operational hours and the age of the asset. The image below explains the risks related to annual fleet lifecycle and highlights the need to replace old plant. The useful life of the tractor is generally considered to be 8-10 years. After this, the risk of catastrophic failures increases significantly.

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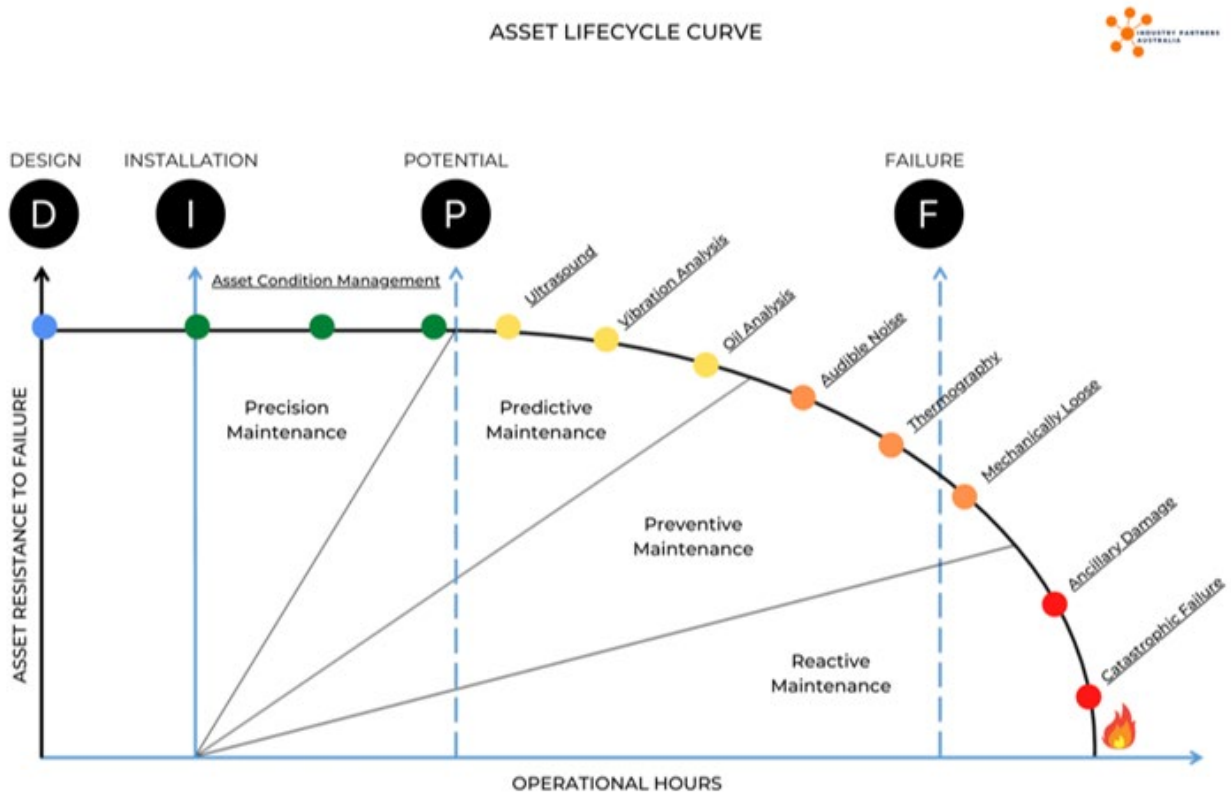

The DDRA conducted an analysis of replacement options for the tractor and have identified that the Kioti DK4810 would be a suitable option.

As a part of this investigation a range of key tools/accessories were also costed. These tools/accessories will ensure that the replacement tractor can safely and effectively meet the work requirements. These tools/accessories are:

1. ***4-in-1 bucket -*** The existing tractor has a square bucket. The new bucket will allow for grabbing materials (e.g. branches, etc.), manipulating trees/branches more effectively and stacking materials more readily for mulching by the Shire. Consequently, this bucket will remove the need for a great deal of manual handling and make these operations quicker and safer.
2. ***Pallet Forks -*** Pallet forks will also need to be included to support moving materials and equipment.
3. ***Canopy -*** The current tractor has a sun/safety canopy. This canopy helps reduce the risks of objects falling on the operator (e.g. overhanging branches) and provides some shade for the operator to reduce skin cancer risks. A similar canopy has also been recommended for the replacement tractor.
4. ***PTO & Three Point Linkage -*** A rear Power Take-Off (PTO) will be essential to ensure that existing equipment, such as the flail mower, can be operated. A standard Category 1 three-point linkage (3PL) will also be essential to allow other equipment, such as the grader, to be utilised.

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The Shire received the attached quote from Western AG Pty Ltd (**attachment 4**) for the purchase of the Kioti DK4810 tractor and parts along with the trade-in price for the existing Daedong DK35 tractor. As per the quote the changeover price would be $36,950 (incl. GST). The new tractor and parts have been quoted at $50,950 (incl GST).

DDRA Deed Provisions

The Shire has a Deed with the DDRA which outlines the relationship between the two parties. Clause 9.2 of the Deed stipulates that the Shire will supply a second-hand tractor and an industrial mower for DDRA to use and also states that DDRA will be responsible for operation and maintenance of both of these items of equipment. This Deed formalised a previous ad hoc arrangement.

The Deed however does not contemplate the replacement or renewal of the tractor. Nor has the tractor been considered as part of the Shire's Plant Replacement Program. Hence its replacement has not formally been considered previously. It is proposed this aspect of the Deed be reviewed between DDRA and the Shire.

The Deed needs to be updated and agreed to between the parties to contemporary asset management practises. Changes to Work Health and Safety legislation also needs to be reviewed and responsibility resolved within the Deed, particularly in terms of volunteers, to ensure legislative compliance.

Value proposition for the Shire

Excerpt from the DDRA business case **(attachment 1)**

> *In 2005, the Shire of Serpentine Jarrahdale purchased a Daedong DK35 tractor and loader for use by the DDRA. This tractor was provided so the DDRA volunteers could conduct work within the DDEP on behalf of the Shire. Notably, the finance used to purchase this tractor was predominantly supplied from DDRA funds provided by the developers when the Darling Downs Equestrian Estate (DDEE) was established.*
>
> *The tractor has been used widely within the DDEP for vegetation clearance (e.g. clearing fallen trees and branches), tilling, spraying, spreading, mowing, grading and track levelling. Consequently, it has been an essential tool that has allowed the DDRA to bring the entire 76 hectares of the DDEP under high-quality management.*
>
> *This effort means that the Shire's workload in this area is minimised.*

It is widely acknowledged that the DDRA is maintaining the DDEP to a high standard beyond what the Shire would typically provide. The voluntary effort delivers a financial benefit to the Shire and the community. The business case highlights that:

> *During the last financial year (between 1 July 2023 and 23 January 2024), the DDRA provided more than 1,300 hours of effort to maintain and manage the DDEP. If the Shire had to do his work, it would have cost us over $103,000.*
>
> *Similarly, during the 2022/23 FY, DDRA volunteers supplied more than 2,254 hours of effort. In practical terms, these tasks would have cost the Shire more than $178,069 in personnel costs alone.*

It is anticipated that in actual terms the cost of labour and plant use is higher than $100 per hour for the Shire. Thus, the annual operating costs for the same level of maintenance would be closer to $230,000 per annum.

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Therefore, if the Shire is intending to continue with this arrangement, it is being recommended that the Shire consider replacing the tractor with a newer more capable version, so that the DDRA can continue the good work more efficiently, saving the Shire in time and labour.

Another option is that the Shire undertakes the repairs identified now for approximately $18,000 and considers the replacement of the tractor as part of the 2025/26 FY budget process along with all other plant requests. Officers are however concerned that the repairs do not guarantee the tractor will remain useful until the new financial year and the value of the tractor will continue to reduce. Therefore Officers consider that if Council is likely to replace the tractor at anytime it is recommended to do so now.

Options

Option 1

That Council:

1. APPROVES the replacement of the 2005 Daedong DK35 tractor being used by the DDRA with a new Kioti DK4810 tractor or similar model and accessories for use of and maintenance by the DDRA.
2. APPROVES the following budget variation:

Account Number	Type	Account Description	Debit ($ incl. GST)	Credit ($ incl. GST)
6300-80510-6600-0000	Increase Expenditure	Replacement DDRA Tractor – Capital Purchases	50,950	
6300-80510-5021-0000	Increase Trf From Reserve	Replacement DDRA Tractor – Transfer from Reserve – Light Fleet & Plant Reserve		36,950
6300-80510-4600-0000	Increase Income	Replacement DDRA Tractor – Proceeds from Sale of Assets		14,000
Reason: Funds required for the purchase a replacement tractor for the Darling Downs Residents Association with anticipated proceeds from sale of the existing tractor and the balance to be transferred from Light Plant & Fleet Reserve.				

3. REQUESTS the Chief Executive Officer brings a report back to Council on proposed amendments to the DDRA Deed in consultation with DDRA.

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Option 2

That Council:

1. APPROVES the necessary repairs of the 2005 Daedong DK35 tractor being used by DDRA.
2. APPROVES the following budget variation:

Account Number	Type	Account Description	Debit ($ incl. GST)	Credit ($ incl. GST)
6300-80510-6600-0000	Increase Expenditure	Replacement DDRA Tractor – Capital Purchases	17,952.15	
6300-80510-5021-0000	Increase Trf from Reserve	Replacement DDRA Tractor – Transfer from Reserve – Light Fleet & Plant Reserve		17,952.15
Reason: Funds required to conduct complete the repair works on the tractor for the Darling Downs Residents Association to be transferred from Light Plant & Fleet Reserve.				

3. CONSIDERS the replacement of the DDRA tractor as part of the 2025/26 FY budget process.
4. REQUESTS the Chief Executive Officer brings a report back to Council on proposed amendments to the DDRA Deed in consultation with DDRA.

Option 3

That Council OPTS to do nothing in relation to the 2005 Daedong DK35 tractor being used by DDRA at this time.

Option 1 is recommended.

Conclusion

The business case stipulates DDRA's role in upkeep of the DDEP and the good work being done. It also mentions the age of tractor and increase in repair and maintenance matters.

The 2005 Daedong DK35 tractor is past its useful life and the maintenance costs will continue to increase. The repair works from the Shire assessment are expected to cost $17,952.15 and there is no guarantee that further work won't be required.

A replacement tractor will continue to save the Shire in operating costs and labour valued at close to $200,000 per annum. If the tractor was being used by Shire staff the replacement would be overdue. Unfortunately, there is no suitable second-hand replacement within the Shire's fleet, which would be in keeping with the terms of the Deed with DDRA. Therefore, Council approval for the replacement of the tractor with a new one has been recommended as Option 1, along with a future report to Council on required amendments to the Deed that reflects the current operating environment of the DDRA.

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Attachments (available under separate cover)

- **10.5.1 - attachment 1** – Business Case – Purchase of New Tractor for DDRA (IN24/28381)
- **10.5.1- attachment 2** – Deed for the Provision of Works in the Darling Downs Equestrian Park (E22/5782)
- **10.5.1 - attachment 3** – Condition Assessment – DDRA Daedong DK35 tractor (IN24/28382)
- **10.5.1 - attachment 4** – Quote for replacement DDRA Kioti DK4810 Tractor (IN24/28383)

Alignment with our Council Plan 2023-2033

Thriving
4. Ensure sustainable and optimal use of Shire resources and finances
Liveable
3. Preserve and enhance our natural places, parks, trails and reserves
Connected
3. Empower the community to engage with the Shire and collaborate on matters that are important to them

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:

Account Number	Type	Account Description	Debit ($ incl. GST)	Credit ($ incl. GST)
6300-80510-6600-0000	Increase Expenditure	Replacement DDRA Tractor – Capital Purchases	50,950	
6300-80510-5021-0000	Increase Trf From Reserve	Replacement DDRA Tractor – Transfer from Reserve – Light Fleet & Plant Reserve		36,950
6300-80510-4600-0000	Increase Income	Replacement DDRA Tractor – Proceeds from Sale of Assets		14,000
Reason: Funds required for the purchase a replacement tractor for the Darling Downs Residents Association with anticipated proceeds from sale of the existing tractor and the balance to be transferred from Light Plant & Fleet Reserve.				

It is anticipated that the enabling the DDRA to continue to provide the voluntary maintenance work at the DDEP will ensure continued savings in time and labour to provide the same services.

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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	Unbudgeted costs applicable for replacement of the tractor resulting in lower funds available for other activities.	Purchase using reserves and/or realised savings ahead of schedule.	Financial	Almost Certain	Minor	SIGNIFICANT	Update budgets with other realised savings.
2	Age of tractor resulting in other major repairs not budgeted for.	Choose Option 1	Financial	Likely	Minor	MODERATE	NA
2	Added costs to replace tractor in 2025/26 with lowered value of existing tractor.	Choose Option 1	Financial	Almost Certain	Minor	SIGNIFICANT	NA
3	Strained relationship with the DDRA, potentially resulting in additional works for the Shire and ongoing stakeholder management.	Choose Option 1	Strategic Stakeholder Relationships	Likely	Moderate	SIGNIFICANT	NA

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Voting Requirements: Absolute Majority

OCM359/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

1. **APPROVES the replacement of the 2005 Daedong DK35 tractor being used by the DDRA with a new Kioti DK4810 tractor or similar model and accessories for use of and maintenance by the DDRA.**
2. **APPROVES the following budget variation:**

Account Number	Type	Account Description	Debit ($ incl. GST)	Credit ($ incl. GST)
6300-80510-6600-0000	Increase Expenditure	Replacement DDRA Tractor – Capital Purchases	50,950	
6300-80510-5021-0000	Increase Trf From Reserve	Replacement DDRA Tractor – Transfer from Reserve – Light Fleet & Plant Reserve		36,950
6300-80510-4600-0000	Increase Income	Replacement DDRA Tractor – Proceeds from Sale of Assets		14,000

Reason:

Funds required for the purchase a replacement tractor for the Darling Downs Residents Association with anticipated proceeds from sale of the existing tractor and the balance to be transferred from Light Plant & Fleet Reserve.

3. **REQUESTS the Chief Executive Officer brings a report back to Council on proposed amendments to the DDRA Deed in consultation with DDRA.**

CARRIED UNANIMOUSLY 6/0

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10.5.2 - Award Request for Tender - RFT 15/2024 - Pest Management Services - (SJ4520)	
Responsible Officer:	Manager Facilities
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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is to seek Council approval for the award of RFT 15/2024 – Pest Management Services.

Relevant Previous Decisions of Council

Nil.

Background

The Request for Tender RFT 15/2024 - Pest Management Services was advertised on Wednesday 11 September 2024 and closed at 2.00pm on Tuesday 1 October 2024.

The Tender was advertised in the following papers:

- West Australian Newspaper and Shire Website (Wednesday 11 September 2024)
- Shire Notice Boards (Wednesday 11 September 2024)
- Serpentine Jarrahdale & Armadale Examiner Newspaper (Thursday 12 September 2024)
- Sound Telegraph and Mandurah Times Newspapers (Wednesday 11 September 2024)

Community / Stakeholder Consultation

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.

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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 five (5) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

Tender submissions were received from the following companies:

#	Company Name
1	The Trustee for Bug Busters Unit Trust T/A Bug Busters Pty Ltd
2	Leon Enterprises Pty Ltd T/A Envirotechnics Pest Management
3	Flick Anticimex Pty Ltd
4	Rol-WA Pty Ltd T/A Allpest WA
5	Rentokil Initial Pty Ltd

Evaluation Panel

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

- Manager Facilities
- Project and Contractor Support Officer
- Supervisor and Technical Officer Facilities

All members of the evaluation panel have made a conflict-of-interest declaration in writing confirming that they have no relationships with any of the 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:

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<table>
<tr><th>EVALUATION CRITERIA</th><th>WEIGHTING</th></tr>
<tr><td>Price with quantities</td><td>50%</td></tr>
<tr><td>

Relevant Experience

Demonstrated relevant experience of the Company in providing the same or similar services to local government, Federal and WA State government bodies, the private sector, or other public sector bodies/organisations over the past five years.

- Detail experience in providing pest control services including monitoring, reactive and ongoing preventative pest management services as per AS 3660.2
- Detail experience in Timber pest inspections in accordance with AS 4349.3-2010.

Please provide a response which addresses this criterion.

You may wish to use the following headings to assist with your response.

<table>
<tr><td>Project</td><td>Client</td><td>Duration</td><td>Value</td><td>Deliverables</td><td>Achieved Results</td></tr>
</table>

</td><td>20%</td></tr>
<tr><td>

Key Personnel, Skills, and Resources

Supply details in an attachment.

Provide information that explains the capacity of the Company to deliver the services including:

a. Key personnel and their Professional Qualifications, Certifications, Accreditations and Relevant Experience.

The tenderer shall state which key personnel will be involved in the contract and their roles within the Company. Include / describe the past work of a similar nature for each person.

<table>
<tr><td>Name</td><td>Years in Industry</td><td>Roles and Responsibility</td><td>Experience</td></tr>
</table>

Plant & Equipment

Supply details in an attachment.

The respondent shall demonstrate its ability to provide suitably maintained plant and equipment to complete the work as described in the specifications. Include a list of the plant and equipment which states the model, year of manufacturer and brief description.

</td><td>15%</td></tr>
<tr><td>

Demonstrated Understanding

Respondents should demonstrate an appreciation of the contract requirements and provide an outline of their proposed methodology in an attachment.

Respondents should include details such as:

</td><td>15%</td></tr>
</table>

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• The sequence of works; identifying Principal approval points; safe worksite management; advise of any sub- contractor/s required to support the tendered works, and how the sub-contractor/s will be managed. • Indicate three common issues that can arise during these typical works. Outline the methodology or approaches your company will take to address these issues to ensure that there is a successful outcome. • Record keeping of work completed with photos to show as evidence • Include a forecast timeline for delivering each of the services. Processes should be set out in a concise manner and the use of dot points or tabular schedule is acceptable.	

Evaluation Outcome

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

Following the assessment of all tender submissions, against the selection criteria, the tender submitted by The Trustee for Bug Busters Unit Trust T/A Bug Busters Pty Ltd was assessed as being the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission made by The Trustee for Bug Busters Unit Trust T/A Bug Busters Pty Ltd be accepted.

Options

Option 1

That Council:

1. AWARDS the Tender RFT 15/2024 – Pest Management Services to The Trustee for Bug Busters Unit Trust T/A Bug Busters Pty Ltd as contained in **CONFIDENTIAL attachment 1** for a period of 5 years (1 January 2025 till 31 December 2029)
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 15/2024 – Pest Management Services.

Option 2

That Council DECLINES to accept any tender.

Option 1 is recommended.

Conclusion

The Trustee for Bug Busters Unit Trust T/A Bug Busters Pty Ltd has been assessed as being able to meet the requirements of the contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and 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 Bug Busters Unit Trust T/A Bug Busters Pty Ltd.

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Attachments (available under separate cover)

- **10.5.2 – CONFIDENTIAL attachment 1** – RFT 15/2024 – Pest Management Services - Evaluation Report (E24/16330)
- **10.5.2 – CONFIDENTIAL attachment 2** – RFT 15/2024 – Pest Management Services – Combined Pricing Schedule (E24/16331)

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.	Preserve and enhance our natural places, parks, trails and reserves
2.	Invest in facilities and amenities to meet current and future needs
3.	Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment
Connected	
1.	Contribute to a well-connected, accessible and health community
2.	Empower the community to engage with the Shire and collaborate on matters that are important to them

Financial Implications

In awarding this tender to the preferred contractor, The Trustee for Bug Busters Unit Trust T/A Bug Busters Pty Ltd, the expected annual expenditure is as follows:

An estimated $25,203.25 per annum will be allocated for preventative maintenance of all CCTV infrastructure currently in use across the shire. It is important to note that the Consumer Price Index (CPI) should be considered for future budget planning in each financial year to ensure that allocated funds remain adequate.

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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 service for pest management will be delayed / not proceed, resulting in Potential Increased Pest Infestation - Without a dedicated pest control service, the Shire may experience an increase in pest populations, including rodents, insects, and other nuisances. This can lead to widespread infestations, creating uncomfortable environments for residents, Staff and visitors. Many pests, such as termites and rodents, can cause structural damage to buildings and	Establish a schedule for regular monitoring and inspections of public facilities and parks to identify early signs of pest infestations. Ensures that the selected service provider aligns with the Shire's pest control objectives and standards.	Social / Community Outcomes	Unlikely	Moderate	LOW	Nil.

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	infrastructure. The lack of pest control may lead to costly repairs over time and compromise the safety of facilities used by the community. The Shire could face reputational damage for failing to manage pest issues effectively. Bad press, negative social media activity, or low community engagement can erode trust in local government.						

Voting Requirements: Simple Majority

OCM360/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council:

1. **AWARDS the Tender RFT 15/2024 – Pest Management Services to The Trustee for Bug Busters Unit Trust T/A Bug Busters Pty Ltd as contained in CONFIDENTIAL attachment 1 for a period of 5 years (1 January 2025 till 31 December 2029)**
2. **AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 15/2024 – Pest Management Services.**

CARRIED UNANIMOUSLY (en bloc at 7.49pm) 6/0

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10.5.3 - Award Request for Tender– RFT 13/2024 - Security Services (SJ4518)	
Responsible Officer:	Manager Facilities
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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is to seek Council approval for the award of RFT 13/2024 - Security Services.

Relevant Previous Decisions of Council

Nil.

Background

The Request for Tender RFT 13/2024 - Security Services was advertised on Wednesday 11 September 2024 and closed at 2.00pm on Tuesday 1 October 2024.

The Tender was advertised in the following papers:

- West Australian Newspaper and Shire Website (Wednesday 11 September 2024)
- Shire Notice Boards (Wednesday 11 September 2024)
- Serpentine Jarrahdale & Armadale Examiner Newspaper (Thursday 12 September 2024)
- Sound Telegraph and Mandurah Times Newspapers (Wednesday 11 September 2024)

Community / Stakeholder Consultation

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.

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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 three (3) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

Tender submissions were received from the following companies:

#	Company Name
1	Leagold Pty Ltd T/A Tecsec Security Solutions
2	Sapio Pty Ltd
3	Security Management Australasia Pty Ltd

Evaluation Panel

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

- Manager Facilities
- Project and Contractor Support Officer
- Manager ICT

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.

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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 Describe your experience in completing similar requirements. Respondents shall as a minimum address the following information Provide demonstrated relevant experience of the Company providing similar security services to local governments over the past five years. Detail experience in security service provisions.	20%
Key Personnel and Skills Supply details in an attachment. Provide information that explains the capacity of the Company to deliver the services including: a. Key personnel and their Professional Qualifications, Certifications, Accreditations and Relevant Experience. b. Companies after hour's response capabilities. The tenderer shall state which key personnel will be involved in the contract and their roles within the Company. Include / describe the past work of a similar nature for each person. **Plant and Equipment** Supply details in an attachment. The tenderer shall demonstrate its ability to provide suitably maintained plant and equipment to complete the work as described in the specifications. Include a list of the plant and equipment which states the model, year of manufacture and a brief description of its use.	15%
Demonstrated Understanding Respondents should demonstrate an appreciation of the contract requirements and provide an outline of their proposed methodology in an attachment. Provide a detailed programme showing how the service will be delivered to: Tenderers should include details such as: • The sequence of works; identifying Principal approval points; safe worksite management; advise of any sub-contractor/s required to support the tendered works, and how the sub- contractor/s and contractor/s will be managed. • Indicate three common issues that can arise during these typical	15%

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EVALUATION CRITERIA	WEIGHTING
works. Outline the methodology or approaches your company will take to address these issues to ensure that there is a successful outcome. • Include a forecast timeline for delivering each of the services. Processes should be set out in a concise manner and the use of dot points or tabular schedule is acceptable.	

Evaluation Outcome

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

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

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

Options

Option 1

That Council:

1. AWARDS the Tender RFT 13/2024 – Security Services to Sapio Pty Ltd as contained in **CONFIDENTIAL attachment 1** for a period of 3 years (1 January 2025 till 31 December 2027) with an option to extend for 1 year plus 1 year at the Chief Executive Officer's Discretion
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 13/2024 – Security Services.

Option 2

That Council DECLINES to accept any tender.

Option 1 is recommended.

Conclusion

Sapio Pty Ltd has been assessed as being able to meet the requirements of the contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and 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 Sapio Pty Ltd.

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Attachments (available under separate cover)

- **10.5.3 – CONFIDENTIAL attachment 1** – RFT 13/2024 – Security Services - Evaluation Report (E24/15889)
- **10.5.3 – CONFIDENTIAL attachment 2** – RFT 13/2024 – Security Services – Combined Pricing Schedule (E24/16247)

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. Invest in facilities and amenities to meet current and future needs
Connected
1. Contribute to a well-connected, accessible and health community
2. Empower the community to engage with the Shire and collaborate on matters that are important to them

Financial Implications

In awarding this tender to the preferred contractor, Sapio Pty Ltd, the expected annual expenditure is as follows:

An estimated $38,544 per annum will be allocated for preventative maintenance of all CCTV infrastructure currently in use across the shire. It is important to note that the Consumer Price Index (CPI) should be considered for future budget planning in each financial year to ensure that allocated funds remain adequate.

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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 service will be delayed / not proceed, resulting in several potential impacts on the Shire. **1. Increased Security Risks** Without professional security services, the Shire could face heightened risks to public safety and property. Lack of a dedicated security presence may lead to an increase in crime, vandalism, and other safety issues, undermining community trust and confidence in local governance. The absence of a visible and effective security presence can lead to a perception that the Shire	Engage temporary security personnel or contractors to provide immediate security coverage until a permanent service provider is secured.	Social / Community Outcomes	Unlikely	Minor	LOW	Nil.

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	is unable to safeguard its residents and properties. the Shire may lack the necessary knowledge to effectively assess and manage security risks. This gap can lead to inadequate responses to incidents, insufficient training for personnel, and an overall decline in safety standards. **2. Higher Costs in the Long Term** While it may seem financially prudent to not award the contract, the Shire could incur significantly higher costs in the long run due to property damage, theft, or liability associated with security incidents. Investing in proactive security services like those offered can prevent costly emergencies, breakdowns and claims down the line.						

Voting Requirements: Simple Majority

OCM361/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council:

1. **AWARDS the Tender RFT 13/2024 – Security Services to Sapio Pty Ltd as contained in CONFIDENTIAL attachment 1 for a period of 3 years (1 January 2025 till 31 December 2027) with an option to extend for 1 year plus 1 year at the Chief Executive Officer's Discretion**
2. **AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 13/2024 – Security Services.**

CARRIED UNANIMOUSLY (en bloc at 7.49pm) 6/0

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10.6 Confidential reports:

Nil.

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11. Urgent business:

11.1 - Leave of Absence Request - Cr Byas (SJ4376)	
Councillor	Councillor Byas
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 *Local Government Act 1995*.

This item was dealt with under Item 1 Attendance and Apologies.

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11.2 – Mundijong Road – King Road intersection remedial works (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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is to provide Council with an update on the current state of the recently completed Mundijong Road / King Road Intersection project and seek approval for a budget variation to the contract to undertake essential remedial works.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 11 December 2023 – OCM294/12/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *AWARDS Tender RFT 11/2023 Mundijong - King Road - Intersection Upgrade to WCP Civil Group Pty Ltd to the value of $596,054.21, excluding GST as contained within CONFIDENTIAL attachment 1.*
2. *AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 11/2023 Mundijong - King Road - Intersection Upgrade.*

Background

The Mundijong Road / King Road project was approved as part of the Metropolitan Regional Road Group (MRRG) Improvement Program and is jointly funded by MRRG (2/3) and the Shire (1/3).

Delivery of the project was staged over two years, with Stage 1 being the detailed design phase and land acquisition completed in 2022/23 financial year) and Stage 2 being the construction phase completed in 2024/25 financial year. The MRRG grant funding in Year 1 was $66,667 and the Shire's contribution was $33,333.

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The MRRG grant funding for Stage 2 is $599,724 and the Shire's contribution is $299,862. The total project budget over the 2 stages is $999,586.

The current road intersection is a basic T-intersection with a posted speed of 100km/hr for both King Road and Mundijong Road. The intersection configuration, prior to upgrade, consisted of a narrow informal left turn lane into King Road from Mundijong Road and a widened unmarked right turn / straight through west bound from Mundijong Road into King Road. It is anticipated that there will be significant traffic increase along Mundijong Road following completion of the Tonkin Highway extension in the near future, which has been considered as part of the intersection design.

The scope of works for this project included construction of a 185m long auxiliary left lane along Mundijong Road into King Road and a 213m channelised right turn pocket into King Road from Mundijong Road as per Austroads Guideline Part 4A. The proposed intersection upgrade will accommodate 27.5m long RAV 4 vehicles and improve the safety at this intersection. Other works to the intersection upgrade include road widening, drainage upgrade, removing roadside hazards including vegetation within the clear zone, installation of a new traffic island, edge line marking and delineation including chevron pavement marking and guideposts.

The location of works for the intersection upgrade is shown in the below aerial image (Figure 1).

Figure 1

Following the completion of the project in early 2024, the road widening area was opened to traffic. As the newly built sections of road widening was subjected to traffic loading, it soon became evident that the pavement was settling and deforming in several localised sections. Following further progression of pavement deformations, Shire Officers implemented traffic management plans in the affected section of the road with reduced speed from 100km/hr to 60km/hr which continues to be in place to date to ensure road safety.

Shire Officers engaged with the contractor who completed the works to determine the cause of the settlement and pavement failure. The contractor undertook a preliminary investigation and pavement testing up to 1.1m below the road surface and found that the existing road subgrade layer was extremely wet. They concluded that the pavement failure was primarily due to the natural soft clayey subgrade becoming unstable due to water ingress from the adjacent open drain, saturating the subgrade and making it unstable.

To investigate the matter further, the Shire engaged an external consultant to conduct a thorough investigation into the issue. The consultant's investigation has confirmed that the failure of the road pavement and surface is primarily caused by the weak natural clayey subgrade material which is unsuitable to withstand the traffic loading.

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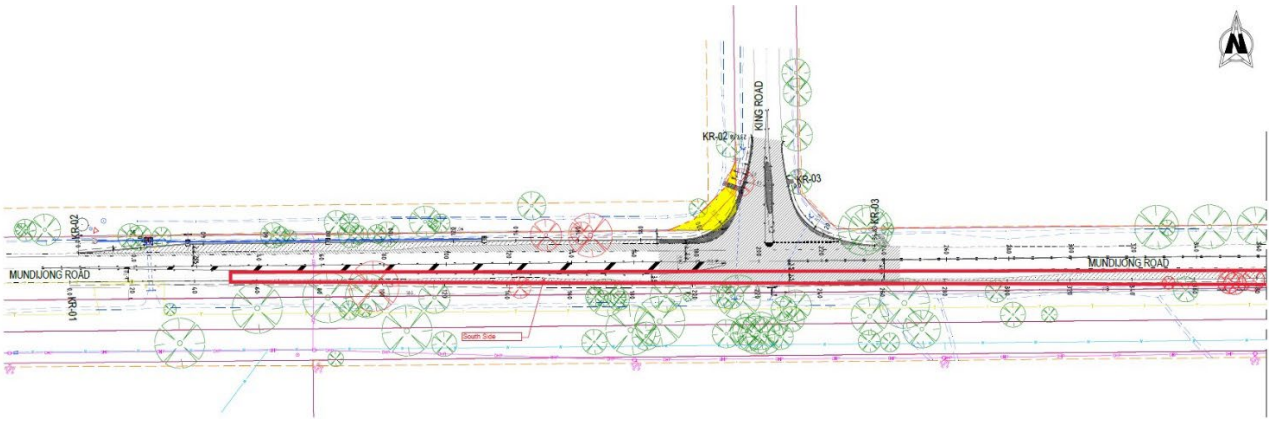
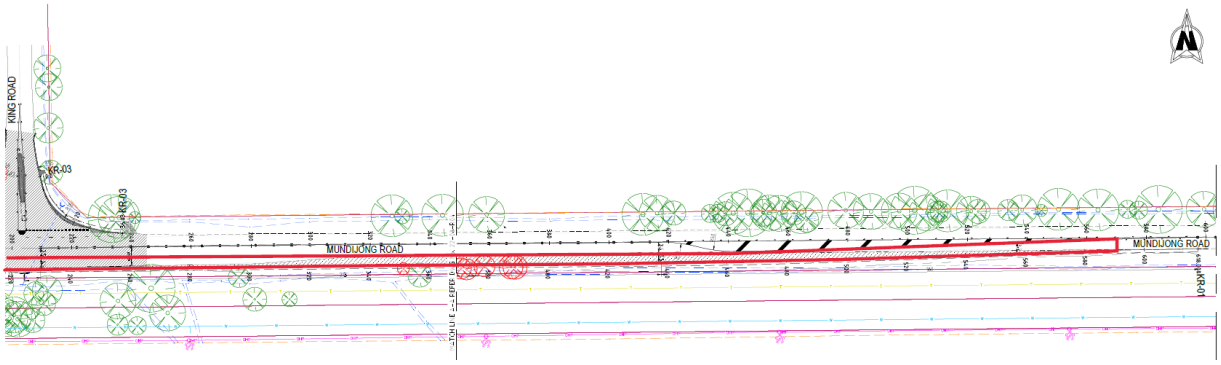
In addition, the existing open drain located adjacent to the road widening was found to be dysfunctional due flat gradient and accumulation of organic debris which resulted in excessive water ponding in the drain over a long period of time causing water ingress into the subgrade layer, exacerbating the pavement deformation. The consultant's investigation found that settlement of the road pavement and deformation was still continuing at the time of testing and investigation in September and October 2024. This investigation recommended that the entire length of the widened section of the road needed to be treated to improve the pavement strength. Given the road had been opened to traffic for over 6 months, further pavement testing was undertaken in November 2024 to determine if the bearing capacity of the subgrade layer had improved due to traffic loading. This testing (FWD -Falling Weight Deflectometer) was undertaken to the decision making in selecting the appropriate and most cost effective treatment required to strengthen the pavement and repair the deformation.

The below image indicates the intersection upgrade design, with the widening area of pavement failure outlined in red.





Community / Stakeholder Consultation

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 service.

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In addition to prescribing the kinds of contracts that must be publicly invited, the *Local Government (Functions and General) Regulations 1996 (Functions and General Regulations)* also provide for varying a contract for the supply of goods of services:

21A. Varying a contract for the supply of goods or services

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless —

(a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or

(b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j), (ja) or (jb).

Advice was sought on undertaking the rectification works through a contract variation under regulation 21A of the *Local Government (Functions and General) Regulations 1996 (Functions and General Regulations),* refer **CONFIDENTIAL attachment 1**.

Comment

The scope of this project was developed for funding application in 2020 based on a typical 300mm thick pavement rehabilitation using the geotechnical information available at the time, which was limited to the 300mm design pavement layer. This treatment and design is generally an adequate and industry standard approach for similar road widening projects. As such, the scope as approved within the grant funding application was used to develop the detailed design where no need was identified for additional geotechnical investigation into the subgrade layer, up to 1.1m below road surface level.

With the information available at the time of design, it would have been unusual to undertake such an extensive and costly geotechnical investigation, considering the size and scope of the project. It should be noted that one of the main contributing factors into the pavement failure is the ponding of water in the open drain located adjacent to the road widening which has caused water ingress into the subgrade layer. The ponding of water was caused due to lack of proactive maintenance of the drain, being partially blocked by debris, and flat gradient of the drain. As the drain was outside the scope of works for this project, it would be reasonable to expect that this potential risk to pavement stability was not considered as part of the design.

However, learning from this experience, more extensive geotechnical investigation will need to be considered in similar projects in future to better inform the pavement design details to ensure design is fit for local ground conditions, on a case by case basis. Similarly, more drainage investigations will need to be considered as part of the design process where there is evidence of poor drainage or where there are open drains at close proximity of projects.

Following the initial testing and investigation by the consultant in October, the consultant's recommended treatment option to repair the road deformation included removal of the newly built road pavement plus part of the clay subgrade to a total depth of 750 mm, to be replaced with suitable imported basecourse material and asphalt wearing course. The cost of this option was estimated to be $420,000. Due to the high cost of this option, Shire Officers requested the consultant to undertake further FWD testing. This testing was to determine if the bearing capacity of the subgrade layer had improved due to traffic loading, given the road had been under traffic for over 6 months and it would be reasonable to expect that the majority of the potential pavement deformations had already occurred and the bearing capacity of the subgrade layer had improved. It was intended that the results of this testing would be used in selecting the most cost effective

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pavement improvement treatment. The test results obtained in December indicated that the bearing capacity of the subgrade layer had improved and a revised pavement design was developed using the FWD test results. The new pavement design required replacement of a 100mm thick layer of the existing pavement with asphalt at a cost of $180,000 which is the recommended option in this report.

Following the analysis of the FWD testing results, the scope of works to remediate the road widening area was determined to include:

- Box out, remove and dispose the top 100mm of the widened West bound passing lane
- Compact the exposed pavement layer
- Install 100mm thick layer of asphalt in two layers, 60mm thick as base and 40mm thick layer as wearing course
- Clean the existing open drains along Mundijong Road to enable free water flow

If the remedial works are undertaken as a variation to the original contract, these works will be able to be completed expediently. The approval of the variation to the original contract will allow for a more streamlined approach, enabling the contractor to mobilise resources immediately and proceed without delay. This would enable the works to be completed within a reasonable timeframe and also significantly reduce the risk associated with extended procurement and construction timelines potentially resulting in further deterioration of the road. This will also remove complexities of work liabilities between different contractors working on the same project, if a different contractor was engaged to complete the works.

In the event that the variation is not approved, the alternative option would be to undertake a new procurement process to engage a contractor to complete the works. This process is likely to delay the completion of the works well beyond the summer season into winter, which is not the recommended time to undertake works of this nature due to wet weather. If this option was chosen as the preferred option moving forward then the works are likely to be completed during the next summer season in late 2025. It is likely that there will be further deformation of the road pavement between now and next summer. Although continuing temporary traffic management with reduced speed will mitigate some of the road safety risk resulting from uneven road surface during this time, however, delaying the works until next summer will increase this safety risk level. In addition, further extended delays in repairing the road will cause reputation damage to the Shire.

Therefore, approving the variation would be a critical decision to ensure that the project is completed safely and within an appropriate timeframe.

The remedial works have been costed at $180,000 excluding GST, inclusive of traffic management, internal project management and line marking reinstatement costs. The total budget variation required to complete the works is therefore $180,000.

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Options

Option 1

That Council:

1. APPROVES the budget allocation of $180,000 for a variation to the RFT 11/2023 Mundijong Road - King Road Intersection Upgrade to WCP Civil Group Pty Ltd;

Account Number	Type	Account Description	Debit $	Credit $
6400-80409-6600-0000	Increase Expenditure	Mundijong Road - King Road - Intersection Upgrade works – Capital Expenditure	180,000	
6400-80409-5033-0000	Increase Transfer from Reserve	Mundijong Road - King Road - Intersection Upgrade works – Transfer from Reserve – Road and Bridge Asset Reserve		180,000
Reason: Funds required for the remediation works at Mundijong and King Road Intersection				

2. AUTHORISES the Chief Executive Officer to sign a variation on behalf of the Shire of Serpentine Jarrahdale to the Tender RFT 11/2023 Mundijong Road - King Road Intersection Upgrade.

Option 2

That Council

1. APPROVES the budget adjustment of $180,000 for Mundijong Road - King Road - Intersection:

Account Number	Type	Account Description	Debit $	Credit $
6400-80409-6600-0000	Increase Expenditure	Mundijong Road - King Road - Intersection Upgrade works – Capital Expenditure	180,000	
6400-80409-5033-0000	Increase Transfer from Reserve	Mundijong Road - King Road - Intersection Upgrade works – Transfer from Reserve – Road and Bridge Asset Reserve		180,000

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Account Number	Type	Account Description	Debit $	Credit $
Reason: Funds required for the remediation works at Mundijong and King Road Intersection				

2. REQUESTS the Chief Executive Officer undertake a new procurement process for the rectification works.

Option 3

That Council DOES NOT APPROVE the budget variation, and resolve to leave the road as is, managed under temporary traffic management with reduced speed.

Option 1 is recommended.

Conclusion

The contractor has completed the project in accordance with the Shire's detailed design and specification. The pavement in the widened section of the road has experienced significant deformation due to weak subgrade containing soft clay material located outside the scope of works. The remedial works are required to be undertaken to strengthen the pavement preventing further deterioration of the road and ensuring road safety. On the basis of the legal advice being that issuing a variation to the original contractor complies with r21A of the *Local Government (Functions and General) Regulations 1996 (WA),* the option of engaging the original contractor to complete the works over the current summer period is the most viable option available as recommended by Officers.

Attachments (available under separate cover)

- **11.2 – CONFIDENTIAL attachment 1** – Civic Legal advice on proposed variation of contract – Mundijong Road - King Road intersection upgrade (IN24/27991)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
3. Strengthen and grow the local tourism industry
Liveable
1. Advocate for public transport and focus on connectivity within communities
2. Improve maintenance and investment in roads and paths
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

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Financial Implications

Officers request that $180,000 be drawn from the Road and Bridge Asset Management reserve for this project.

The proposed course of action will require a formal budget variation. Accordingly, approval is sought for the following budget adjustments for the reasons specified:

Account Number	Type	Account Description	Debit $	Credit $
6400-80409-6600-0000	Increase Expenditure	Mundijong Road - King Road - Intersection Upgrade works – Capital Expenditure	180,000	
6400-80409-5033-0000	Increase Transfer from Reserve	Mundijong Road - King Road - Intersection Upgrade works – Transfer from Reserve – Road and Bridge Asset Reserve		180,000
Reason: Funds required for the remediation works at Mundijong and King Road Intersection				

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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	Not approving the proposal for budget adjustment to progress with the variation for the road works by the original contractor. Not authorising the variation to the contractor, liability issues by conflicting responsibilities between different contractors.	Report to OCM, Procurement Policy,	Financial	Almost Certain	Moderate	HIGH	Accept the Officer Recommendation
1	Not approving the budget and road works do not occur, can result major property damage and human injuries	Speed reduction signs (temporary)	Physical or Psychological	Possible	Major	HIGH	Accept the Officer Recommendation
2	Not approving the proposal for budget adjustment and progress with Annual contractors or Tendering process	Report to OCM, Procurement Policy,	Organisational Performance	Likely	Moderate	SIGNIFICANT	Accept the Officer Recommendation
2	Road works do not occur, can result major property damage and human injuries	Speed reduction signs (temporary)	Physical or Psychological	Possible	Major	HIGH	Accept the Officer Recommendation
3	Road works do not occur, can result major property damage and human injuries	Speed reduction signs (temporary)	Physical or Psychological	Possible	Major	HIGH	Accept the Officer Recommendation

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3	Road works do not occur	Speed reduction signs (temporary)	Reputation	Likely	Moderate	SIGNIFICANT	Accept the Officer Recommendation

Voting Requirements: Absolute Majority

OCM362/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Jerrett

That Council:

1. **APPROVES the budget allocation of $180,000 for a variation to the RFT 11/2023 Mundijong Road - King Road Intersection Upgrade to WCP Civil Group Pty Ltd;**

Account Number	Type	Account Description	Debit $	Credit $
6400-80409-6600-0000	Increase Expenditure	Mundijong Road - King Road - Intersection Upgrade works – Capital Expenditure	180,000	
6400-80409-5033-0000	Increase Transfer from Reserve	Mundijong Road - King Road - Intersection Upgrade works – Transfer from Reserve – Road and Bridge Asset Reserve		180,000
Reason: Funds required for the remediation works at Mundijong and King Road Intersection				

2. **AUTHORISES the Chief Executive Officer to sign a variation on behalf of the Shire of Serpentine Jarrahdale to the Tender RFT 11/2023 Mundijong Road - King Road Intersection Upgrade.**

CARRIED UNANIMOUSLY 6/0

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11.3 - Hopeland Road (A & B) – Rehabilitation - variation request - RFT 07/2024 (SJ954)	
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 *Local Government Act 1995*.

Authority / Discretion

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

Report Purpose

The purpose of this report is to advise Council of an increase to the scope of the Hopeland Road rehabilitation project due to latent ground condition which has been identified during the construction phase, and to seek Council approval of a variation to increase the project budget to address the issue and complete the project.

Relevant Previous Decisions of Council

These two projects (Hopeland Road A & B rehabilitation) were approved by Council as part of the 2023/2024 Annual Budget and were carried forward to the 2024/2025 Financial Year.

Special Council Meeting - 7 October 2024 - SCM006/10/24 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *AWARDS the Tender RFT 07/2024 - Hopeland Road (A & B) - Rehabilitation to Raubex Construction Pty Ltd as recommended in CONFIDENTIAL attachment 1 for the amount of $1,434,119.33 ex gst.*
2. *AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFT 07/2024 - Hopeland Road (A & B) - Rehabilitation.*
3. *APPROVES the following budget variation:*

Account Number	*Type*	*Account Description*	*Debit $*	*Credit $*
6400-80536-4817-0000	*Decrease Income*	*Nicholson Road (SLK 0.46 - SLK 2.43) - Capital Grants - State Black Spot*	*1,000,694*	
6400-80536-4816-0000	*Increase Income*	*Nicholson Road (SLK 0.46 - SLK 2.43) - Capital*		*-1,438,459*

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		Grants - Federal Black Spot		
6400-80453-6600-000	*Increase Expenditure*	*Hopeland Road - A Rehabilitation - Capital Expenditure*	*489,271*	
6400-80453-4808-000	*Increase Income*	*Hopeland Road - A Rehabilitation - Grant - Main Roads*		*224,818*
6400-80454-6600-000	*Increase Expenditure*	*Hopeland Road - B Rehabilitation - Capital Expenditure*	*331,809*	
6400-80454-4808-000	*Increase Income*	*Hopeland Road - B Rehabilitation - Grant - Main Roads*		*158,497*
Reason: *Budget Amendment fund the increased tender and internal cost for Hopeland Road A and B. This is funded from savings in Nicholson Road project, which is now fully Federal Government funded.*				

Background

The Hopeland Road A&B rehabilitation projects were approved as part of the Metropolitan Regional Road Group (MRRG) Rehabilitation Program and are jointly funded by MRRG (2/3) and the Shire (1/3).

The scope of the project included pavement rehabilitation of 8m wide x 2.3km long section of the road by means of cement stabilisation to a depth of 200mm and application of a primer seal followed by 2 coat seal as the wearing course.

The footprint of the two projects is shown in the figures below:

Figure 1: Hopeland Road A from SLK 2.5 to SLK 3.9

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Figure 2: Hopeland Road B from SLK 3.9 to SLK 4.8

As part of the planning stage of the project, to inform the detailed design, pavement samples were taken from the existing pavement. These samples were taken at 200 metre intervals. The results of these samples indicated the pavement depth varied between 200mm deep to 470mm deep.

During the construction of the project, after the pavement stabilisation had been completed and primer seal applied, some areas of the road surface started to fail under the traffic loading. The areas that showed signs of failure were becoming loose and appeared to be sandy.

The Shire engaged a consultant to take pavement samples of the failing areas and undertake a Particle Size Distribution (PSD) analysis to determine the cause of the failure. The test results indicated there was a high sand content in the failing areas, which was unforeseen and is considered to be a latent condition. There are 3 localised sections of the road pavement that have failed which have been identified as having high sand content. These sections of the road are 80m, 90m and 160m in length and need to be treated to improve the quality of pavement basecourse material.

These structural deficiencies, mainly due to disproportionately high sand content have compromised the compaction, strength and uniformity of the pavement, making it unsuitable for sealing. As a result, additional work is required to improve the basecourse by removing the sandy sections of the pavement and replacing it with more suitable basecourse material prior to sealing the road. These unforeseen additional works will delay the project completion by approximately 2 weeks.

A variation is required to be raised for the project due to these latent ground conditions to enable rectification works to be completed.

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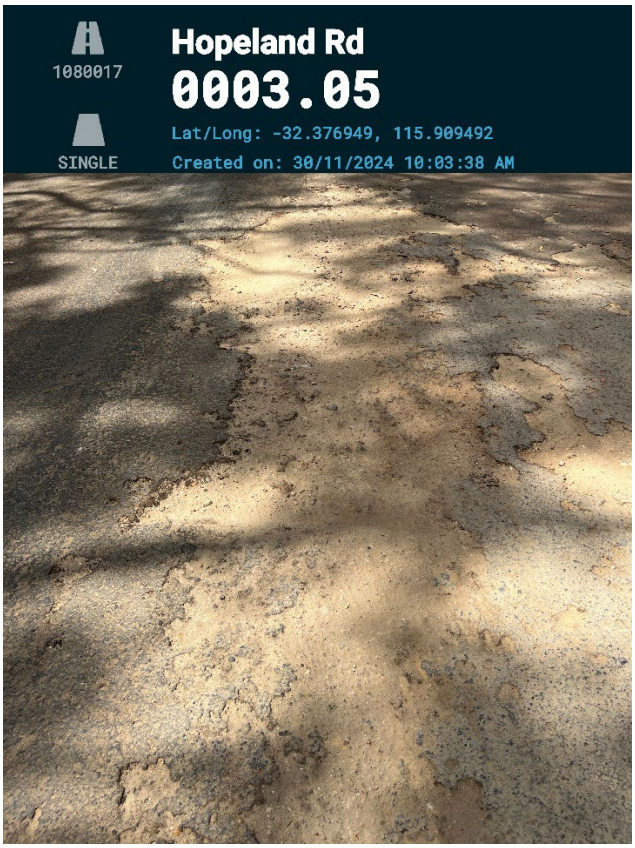
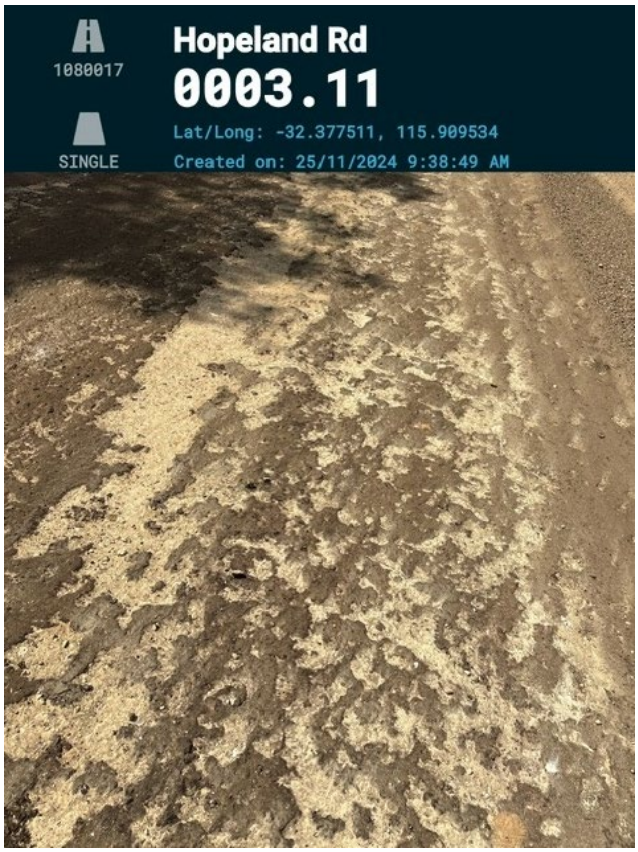
The below two images show the area of primer seal failure due to the high sand content.





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 service.

In addition to prescribing the kinds of contracts that must be publicly invited, the *Local Government (Functions and General) Regulations 1996* (Functions and General Regulations) also provide for varying a contract for the supply of goods of services:

21A. Varying a contract for the supply of goods or services

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless —

(a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or

(b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j), (ja) or (jb).

Comment

The scope of works to remediate the three failing sections of the road pavement as proposed by the Shire's consultant includes:

- Remove the top 75mm layer of the pavement with high sand content and dispose off site

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- Import and place 75mm layer of gravel basecouse (MRWA spec) on top of the excavated pavement;
- Wet mix and stabilise the pavement to 200mm depth;
- Apply prime and 2 coat seal.

This treatment will provide a uniform 200mm thick stabilised basecourse which meets Main Roads WA specification to provide a sound base for application of seal over the road pavement.

Approval of this variation is crucial for enabling completion of the project and maintaining the safety and integrity of the road pavement given the works have progressed to a point where the original seal has been removed and the failed pavement is exposed. With the project currently being live and all the contractor's resources currently being on-site, the contractor is in position to immediately commence works to rectify the issue and complete the project. This ensures that any safety-related risks, which may arise from the compromised pavement quality, can be promptly mitigated.

The contractor's quotation for the remedial works is $194,932.85. Currently, the project budget has $54,000 unallocated funds. Therefore, this request is for a variation to allocate an additional $150,000 to the project budget which also allows for $10,000 to be allocated to Shire project management cost. Shire Officers have undertaken their own quantity survey and cost estimation for the required pavement improvement works using the Shire's unit rates to validate the contractor's quotation. The quotation provided by the contractor has been found to be reasonable.

It is important to note that if the variation request is not approved, the project will not achieve the design objective leaving behind a significant safety risk. As a result, the untreated failing sections of the pavement will require continuous and costly maintenance over the coming years. Currently, the road is considered unsafe to be opened to full traffic movement due to the loose surface. As the pavement is almost for certain to deteriorate further with passing traffic, the safety risk associated with continued use of the road will increase, potentially leading to accidents and significant pavement deterioration. In the event that the failed sections of the pavement are left untreated, temporary traffic management with reduced speed will need to be implemented over these sections until the pavement is rehabilitated.

As the project is jointly funded by MRRG and the Shire, Officers will submit a cost variation to Main Roads WA for this additional cost ($150,000). If successful, 2/3 of this cost ($100,000) will be recouped from MRRG and the remaining funds ($50,000) will be the responsibility ofthe Shire.

To verify that the inadequate pavement areas are limited to the areas already identified, Officers arranged with the contractor to excavate a number of test holes along the length of the road to verify the pavement structure and material. This investigation indicated that the remaining sections of the road have adequate pavement depth and suitable material. This, coupled with the traffic using the road not causing any further areas of failure, confirms that the areas of failure are limited to what has been identified to date.

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Options

Option 1

That Council:

1. APPROVES the budget allocation of $150,000 for a variation to the RFT 07/2024 Hopeland Road (A & B) – Rehabilitation project;

Account Number	Type	Account Description	Debit $	Credit $
6400-80453-6600-0000	Increase Expenditure	Hopeland Road A – Rehabilitation – Capital Expenditure	75,000	
6400-80454-6600-0000	Increase Expenditure	Hopeland Road B– Rehabilitation – Capital Expenditure	75,000	
6400-80453-5033-0000	Increase Transfer from Reserve	Hopeland Road A – Rehabilitation – Transfer from Reserve – Road and Bridge Asset Reserve		50,000
6400-80453-4808-0000	Increase Income	Hopeland Road A – Rehabilitation – Capital Grant – Main Roads		25,000
6400-80454-5033-0000	Increase Transfer from Reserve	Hopeland Road B – Rehabilitation – Transfer from Reserve – Road and Bridge Asset Reserve		50,000
6400-80454-4808-0000	Increase Transfer from Reserve	Hopeland Road B – Rehabilitation – Capital Grant – Main Roads		25,000
Reason: Funds required for the variation to the Hopeland Road Rehabilitation project				

2. AUTHORISES the Chief Executive Officer to sign a variation on behalf of the Shire of Serpentine Jarrahdale to the Tender RFT 07/2024 Hopeland Road (A & B) – Rehabilitation project.
3. REQUESTS the Chief Executive Officer conduct a lessons learnt analysis and discuss this with elected members at a future Policy Concept Forum to inform future road projects.

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Option 2

That Council DOES NOT APPROVE the budget variation, and resolves to leave the road as is, under temporary traffic management with reduced speed.

Conclusion

The contractor is currently on site progressing with the upgrade works. The remedial works are necessary to prevent further deterioration of the road pavement and complete the project to its full scope.

Attachments (available under separate cover)

Nil.

Alignment with our Council Plan 2023-2033

Thriving
4. Ensure sustainable and optimal use of Shire resources and finances
Liveable
2. Improve maintenance and investment in roads and paths
Connected
2. Contribute to a well-connected, accessible and health community

Financial Implications

Although the proposal requests the Shire to fund the variation to the contract, Officers will submit a cost variation application to Main Roads WA. This application will formally request additional funds to cover two-thirds of the project's total costs, in accordance with the approved MRRG road rehabilitation program.

In the interim, Officers request that $150,000 be drawn from the Road and Bridge Asset Management reserve for this project. Any variation amount approved by Main Roads WA will be returned to the reserve.

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:

Account Number	Type	Account Description	Debit $	Credit $
6400-80453-6600-0000	Increase Expenditure	Hopeland Road A – Rehabilitation – Capital Expenditure	75,000	
6400-80454-6600-0000	Increase Expenditure	Hopeland Road B– Rehabilitation – Capital Expenditure	75,000	
6400-80453-5033-0000	Increase Transfer from Reserve	Hopeland Road A – Rehabilitation – Transfer from Reserve – Road and Bridge Asset Reserve		50,000

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Account Number	Type	Account Description	Debit $	Credit $
6400-80453-4808-0000	Increase Income	Hopeland Road A – Rehabilitation – Capital Grant – Main Roads		25,000
6400-80454-5033-0000	Increase Transfer from Reserve	Hopeland Road B – Rehabilitation – Transfer from Reserve – Road and Bridge Asset Reserve		50,000
6400-80454-4808-0000	Increase Transfer from Reserve	Hopeland Road B – Rehabilitation – Capital Grant – Main Roads		25,000
Reason: Funds required for the variation to the Hopeland Road Rehabilitation project				

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	Not approving the proposal for budget variation to progress with the variation for the road works by the contractor	Report to OCM, Procurement Policy	Financial	Almost Certain	Minor	MODERATE	Approve variation to the budget and contract to complete the scope of works
2	Road works do not occur, can result major property damage and human injuries	Speed reduction signs, ongoing maintenance costs.	Financial	Almost Certain	Minor	MODERATE	Approve variation to the budget and contract to complete the scope of works

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Voting Requirements: Absolute Majority

OCM363/12/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council:

1. **APPROVES the budget allocation of $150,000 for a variation to the RFT 07/2024 Hopeland Road (A & B) – Rehabilitation project;**

Account Number	Type	Account Description	Debit $	Credit $
6400-80453-6600-0000	Increase Expenditure	Hopeland Road A – Rehabilitation – Capital Expenditure	75,000	
6400-80454-6600-0000	Increase Expenditure	Hopeland Road B– Rehabilitation – Capital Expenditure	75,000	
6400-80453-5033-0000	Increase Transfer from Reserve	Hopeland Road A – Rehabilitation – Transfer from Reserve – Road and Bridge Asset Reserve		50,000
6400-80453-4808-0000	Increase Income	Hopeland Road A – Rehabilitation – Capital Grant – Main Roads		25,000
6400-80454-5033-0000	Increase Transfer from Reserve	Hopeland Road B – Rehabilitation – Transfer from Reserve – Road and Bridge Asset Reserve		50,000
6400-80454-4808-0000	Increase Transfer from Reserve	Hopeland Road B – Rehabilitation – Capital Grant – Main Roads		25,000
Reason: Funds required for the variation to the Hopeland Road Rehabilitation project				

2. **AUTHORISES the Chief Executive Officer to sign a variation on behalf of the Shire of Serpentine Jarrahdale to the Tender RFT 07/2024 Hopeland Road (A & B) – Rehabilitation project.**

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3. REQUESTS the Chief Executive Officer conduct a lessons learnt analysis and discuss this with elected members at a future Policy Concept Forum to inform future road projects.

CARRIED UNANIMOUSLY 6/0

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12. Elected Member questions of which notice has been given:

12.1 - Elected Member questions of which Notice has been Given – Controlled Waste Tracking Requirements (SJ4382)	
Elected Member	Councillor Byas
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 *Local Government Act 1995*.

The following questions were received from Councillor Byas via email on Monday, 2 December 2024.

Question 1

Given the materials used at the Permapole site, are Officers aware of whether Permapole is subject to the DWER's controlled waste tracking system?

Officer Response

Officers are not aware of any specific regulatory controls on Permapole relating to the Department of Water and Environmental Regulation (DWER) Controlled Waste Tracking System. Officers are aware that waste materials containing contaminants such as copper, chromium and arsenic require disposal in a waste transfer station licensed to accept those materials.

Question 2

I note the Regulations detail "packaged controlled waste" which may include, among other things, solid wastes including "contaminated soils". With that context, are Officers aware of the approved, or otherwise, processes used by Permapole for the removal of sedimentary material/soils from their catchment/discharge dams?

Officer Response

Officers have not been made aware of processing activities at Permapole for removal of sedimentary material/soils from the catchment/discharge dams.

Question 3

Since the Council resolution at the November OCM (OCM311/11/24), can Officers please advise what updates, if any, they have received from the DWER on the progress of their investigation of the Permapole site?

Officer Response

The most current advice received by the Shire from DWER is that water sampling by DWER has occurred, from locations both on-site and off-site. DWER is awaiting analysis results of the samples taken. In an update received from DWER on 4 December 2024, they advise they are still considering the other requests made in the Council resolution, which was:

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That Council:

1. **REQUESTS the Chief Executive Officer write to the Department of Water, Environment and Regulation (DWER) inviting DWER Officers to present the findings of their formal investigation of the Permapole site to a future Policy Concept Forum meeting of Council, together with any actions that will be taken by DWER, as the case may be.**
2. **REQUESTS that DWER Officers establish a separate webpage for concerned members of the community to be kept up to date on all matters pertaining to any formal investigation they agree to do, and how members of the community can contact DWER Officers.**
3. **REQUESTS that DWER Officers write to all landowners within 1,000m of the Permapole facility advising of the actions being taken.**
4. **REQUESTS the Chief Executive Officer bring a report to Council detailing the above. The report should include, but not be limited to, all technical reports from the DWER investigation detailing their findings, methodology, planned actions (if any), etc.**

CARRIED UNANIMOUSLY 7/0

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13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 8.04pm.

Officers assisting the meeting stopped the recording of the meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on Monday, 10 February 2025

.....Presiding Member – President Coales

10/2/25.

.....Date

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