



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Agenda

7pm

Monday, 15 April 2024

Contact Us

Enquiries

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

In Person

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



www.sjshire.wa.gov.au



Councillor Attendance Register

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

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

Council 1 January 2024 -

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

Key:

✓ - Attended

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted

EP - Electronic Participation



Table of Contents

1.	Attendances and apologies (including leave of absence):.....	5
2.	Public question time:	5
2.1	Response to previous public questions taken on notice:.....	5
2.2	Public questions:	9
3.	Public statement time:	9
4.	Petitions and deputations:	9
5.	President's Report:	9
6.	Declaration of Elected Members and Officer's interest:.....	9
7.	Confirmation of minutes of previous Council meeting(s):	9
7.1	Ordinary Council Meeting - 18 March 2024.....	9
8.	Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meeting:	9
9.	Motions of which notice has been given:	10
9.1	Notice of Motion - Improving Council Transparency and Accountability (SJ4375)	10
10.	Chief Executive Officer reports:	15
10.1	Development Services reports:.....	15
10.1.1	Proposed Road Naming Application - Lot 101 and 34 Evans Way, Lot 1 Abernethy Road, Lot 103 Bushman Glade and Lot 9001 Bushman Glade, Byford (PA24/166).....	15
10.1.2	Proposed Road Naming Amendment - Lot 9509 Briggs Road, Byford (PA24/100).....	28
10.1.3	Proposed Road Naming Application - Lot 9066 Orton Road, Byford (PA23/404)	33
10.1.4	Recommendation on Development Application Submitted Under the Metropolitan Region Scheme - Byford Senior High School Stage 4 (PA24/161).....	39
10.1.5	Whitby Town Estate Stage 3D Local Development Plan No. 21 (PA23/696)	66
10.1.6	Peel Harvey Catchment Council (PHCC) - Contribution Towards Funding of Program for Fencing and Revegetation of Rural Drains and Waterways (SJ744)	75
10.1.7	Consideration to Advertise Short List Options for Future Regional Level Playground Facility for the Shire of Serpentine Jarrahdale (SJ4111).....	79
10.1.8	Local Planning Scheme No. 3 - Amendment No. 3 - Omnibus Amendment (PA24/165).....	90
10.1.9	Proposed Local Structure Plan - Mundijong Precincts E1 and E2 (PA23/860).....	98
10.1.10	Reserve 19895 - Request to Relinquish Vesting Over Reserve 19895 - Lots 279 and 1343 Kargotich Road, Oakford (SJ2201).....	125
10.1.11	West Mundijong Industrial Area Utility Research Project - Removal from Corporate Business Plan (SJ2201)	131
10.2	Infrastructure Services reports:	138
10.2.1	Award Request for Tender - RFT 02/2024 - Pre-Booked Bulk Verge & Illegal Dumping Collection Services (SJ4398)	138



10.3 Corporate Services reports:	148
10.3.1 - Confirmation of Payment of Creditors - March 2024 (SJ801)	148
10.3.2 - Monthly Financial Report – February 2024 (SJ4229)	151
10.3.3 - Consideration of a ward and representation review in 2024 (SJ4038)	157
10.4 Community Engagement reports:	166
10.4.1 - Equine Advisory Group - Equine Priorities Update and Recommendations (SJ4426)	166
10.4.2 - Proposed Licence agreement with the public transport authority Western Australia for rail land at Serpentine - PTA Plan 5088 (SJ514)	173
10.4.3 - Community History Awards - Commemorative recognition for naming of award category (SJ514)	179
10.5 Executive Services reports:	183
10.6 Confidential reports:	184
10.6.1 - CONFIDENTIAL - Criminal Procedure Act 2004 - Lot 10, 30 Leaver Way, Cardup (PA23/422)	184
10.6.2 - CONFIDENTIAL - Criminal Procedure Act 2004 - Lot 101, 956 Kargotich Road, Oldbury (PA24/172)	185
10.6.3 - CONFIDENTIAL - Allegation of breach of code of conduct SJ2024-1 (SJ3105)	186
11. Urgent business:	187
12. Elected Member questions of which notice has been given:	187
13. Closure:	187

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

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

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



Dear Elected Member

The next Ordinary Council Meeting of the Shire of Serpentine Jarrahdale will be held on Monday, 15 April 2024 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong, commencing at 7pm.



Andrew Trosic

A/Chief Executive Officer

5 April 2024

Agenda

- 1. Attendances and apologies (including leave of absence):**
- 2. Public question time:**
 - 2.1 Response to previous public questions taken on notice:**

Ordinary Council Meeting: 18 March 2024

Questions asked by **Ms Jan Taylor** at the Ordinary Council Meeting, Monday, 18 March 2024. Correspondence was sent to Ms Taylor on Thursday, 28 March 2024 (OC24/5380).

Question 1

My question is in regard to the Council's approval of the Optus Monopole in Oakford. It was revealed a day after the vote 3-2 for, that procedure regarding ratepayers inclusion in this debate were not followed. This resulted in no arguments or challenges being voiced against Optus. Why was this debacle not addressed by then President Michelle Rich? This approval should have been suspended and rescheduled.

Response (Director Development Services)

Following the Ordinary Council Meeting on Monday, 17 July 2023, the Shire was advised that two emails were misclassified when they came into info@sjshire.wa.gov.au as general planning correspondence rather than public questions for the July Ordinary Council Meeting. As a result, you were not called upon to ask your questions in relation to item 10. 1. 1 - Proposed 'Radio, TV and Communications Installation' (Telecommunications Tower and Associated Infrastructure) - Lot 11, 10 Charolais Court, Oakford. As you were advised on 28 July 2023 in the response to your complaint, when the oversight was identified Shire Officers sought external advice, and on Tuesday, 18 July 2023, Councillors were advised of the error and options to address it in accordance with legislation and the Shire's Standing Orders.

It is noted that the application in question was properly advertised for public comment, with all public submissions addressed in the Officer report and detailed in the schedule of submissions that was an attachment to the report.



Accordingly, Council had the benefit of the full assessment of the application, including public submissions, to enable for consideration of all relevant matters (including submissions) in the exercise of discretion. Officers have previously acknowledged that your request to participate in the Council meeting by way of public question/ statement was inadvertently missed, however principles of natural justice and procedural fairness under the planning framework were still adhered to, in making the decision.

Question 2

The timing of events prior and proceeding this vote, now casts a huge shadow over this Council. Please explain (dates specific) when the decision was made to remove the 200-metre exclusion zone.

Response (Director Development Services)

At the December 2023 meeting, Council resolved to adopt amendments to Local Planning Policy 4.6, following public advertising of the proposed amendments. The adopted amendments removed the distance based policy provisions and replaced them with a more performance based approach to provide better policy guidance for both applicants and Officers. This also included a new provision to ensure technical studies purporting to detail locational requirements, are subject to a peer review by a qualified consultant to assess the veracity of the locational limits.

Question 3

Where was the decision to amend Local Planning Policy 4.6 advertised? 28 days? Did Council put the cart before the horse for this application by Optus?

Response (Director Development Services)

At the Ordinary Council Meeting held 18 September 2023, Council resolved to modify Local Planning Policy 4.6: Telecommunications Infrastructure to update clause 2.2 and to proceed to advertise in accordance with Clause 87 of the Planning and Development (Local Planning Schemes) Regulations 2015.

In accordance with Clause 5(1) of the Deemed Provisions and the resolution of Council, the amended LPP4.6 was advertised on the Shire's website from 12 October 2023 to 9 November 2023. A notification was also placed in The Examiner newspaper on 12 October 2023. Assessment of the Optus proposal predated these policy changes.

Questions asked by **Mrs Lee Bond** at the Ordinary Council Meeting, Monday, 18 March 2024. Correspondence was sent to Mrs Bond on Thursday, 28 March 2024 (OC24/5378).

Question 1

Has the Shire received any rate relieve payments from the Government in the past seven years? If yes, how much?

Response (Director Corporate Services)

To Officer's knowledge, the shire has not received "Rate Relief Payments" over the past seven years.



Question 2

Why hasn't the Shire informed and requested submissions from everyone who will be affected by the radiated monopole at 445 Abernethy Road, Oakford. You only asked about three or four people.

Response (Director Development Services)

The application has been advertised in accordance with the procedural requirements of the Scheme and relevant Local Planning Policy. Specifically, the application was advertised for a period of 28 days to surrounding landowners within a 500m radius in accordance with Local Planning Policy 1.4 - Consultation for Planning Matters, as well as relevant Government Agencies. This is in excess of the minimum 200m prescribed under the Deemed Provisions of the Scheme.

Question 3

I understand a form must be completed and signed when anyone seeks deferment of Shire rates, and the ratepayer will be assessed as to their eligibility and duly notified. You have three days to produce this form with both mine and my husband's signatures on said form.

Response (Director Corporate Services)

The Shire has no record of a request by yourself or your husband to defer rates and no form is required to do so.

Extract from Western Australian Department of Finance Fact Sheet regarding the deferment of rates.

'Entitlement to the Concession

Eligible pensioners and seniors can either obtain a rebate on, or defer, their local government rates charges, water service charges, emergency services levy and underground electricity charges.

Deferment Option

Local government rates charges, water service charges, emergency services levy and underground electricity charges will be automatically deferred if the amount required to be paid on the rates and/or water service notice is not paid by 30 June of the current financial year, or the due date on the water service charges bill.'

Questions asked by **Mrs Michelle Harrington** at the Ordinary Council Meeting, Monday, 18 March 2024. Correspondence was sent to Mrs Harrington on Thursday, 28 March 2024 (OC24/5392).

Question 1

What is the Shire's vision for Oakford and Byford area and the consideration for the residents who have invested in a rural area, regarding the placement and the future of the 5G towers and the health implications which are very real to a lot of residents.

Response (Director Development Services)

From a planning perspective, the most accurate representation of vision can be defined under the zone-based objectives. In respect of Oakford, which is zoned Rural Residential, the zoned based objectives states:



- *To provide for lot sizes in the range of 1 ha to 4 ha.*
- *To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*
- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land.*
- *To provide a residential amenity with a rural character.*

With regard to Byford, which is mostly zoned residential in proximity of the western boundary adjoining Oakford, the zone-based objectives state:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community now and into the future.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas which is appropriate to the climate.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

In terms of 5G infrastructure considerations, any future proposed development will need to include all required information to allow a proper assessment, as well as community consultation. This includes an electromagnetic emissions study, to demonstrate full compliance with all relevant Federal Government mandated standards. These standards are formulated and regularly reviewed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), part of the Commonwealth Department of Health. ARPANSA's Standards are based upon those recommended by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), in collaboration with the World Health Organisation (WHO).

In terms of locational considerations, these will be based upon an assessment of matters including visual prominence, local amenity, and interface considerations.

Question 2

The placement of LED streetlights in wildlife areas have gone between the Shire and Western Power. Both are handballing to each other. They have implications to the wildlife in our area. What's happening with the LED lights?

Response (Director Infrastructure Services)

Street lights within the Shire owned roads are assets owned and maintained by Western Power. Accordingly, Western Power has the authority to determine the level of lighting and type of luminaires used for street lighting, with input from the Shire, based on road classification, traffic volume, road environment, pedestrian facilities, posted speed etc. This matter has previously been raised with Western Power on behalf of Ms Harrington. The response from Western Power was forwarded to Ms Harrington on 12 March 2024, which reads as follows:

"Thank you for your email regarding the brightness of your streetlight. We have checked with our Streetlights team, and they have advised that your light is the correct specification for the area it is located. You might like to investigate having a shade installed. In order to have a shade installed, you will need to contact your local council and request their consent. If they are happy to grant this, then they will



send you a letter which you can upload to our website to apply for the shade. This is customer funded work so you would be responsible for the cost of installing the shade and any traffic management required for its installation if you decide to go ahead. You can find out more about this process here [Connection Applications Customer Self-Service \(westernpower.com.au\)](https://www.westernpower.com.au)”

The Shire has not received a request for consent from yourself to date, however, we encourage you to contact Shire Officers for assistance should you decide to pursue this matter further.

2.2 Public questions:

3. Public statement time:

4. Petitions and deputations:

5. President’s Report:

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

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

7.1 Ordinary Council Meeting - 18 March 2024

That the minutes of the Ordinary Council Meeting held on 18 March 2024 be CONFIRMED (IN24/6982).

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



9. Motions of which notice has been given:

9.1 - Notice of Motion - Improving Council Transparency and Accountability (SJ4375)	
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 <i>Local Government Act 1995</i> .

Notice of Motion

A Notice of Motion was received from Councillor Byas on 3 April 2024.

The Notice of Motion is:

“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:

(a) 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.”

(b) to enable presentations by external parties related to Agenda items to occur at Q&A sessions by:

- (i) INSERTING new paragraph:

“Presentations

The President may approve a presentation by external parties regarding an Agenda item. The presentation is not to exceed a period greater than 15 minutes. A request to present must be made to the Chief Executive Officer. Presentations at Q&A do not restrict the capacity to request a Deputation under the Shire Standing Orders. No debate or discussion of the presentation is permitted but members may ask questions of the presenters and Officers.”

2. REQUESTS that the Chief Executive Officer AMENDS Council Policy 3.3.11 - Recording of in-person Council and Committee Meetings:

(a) to record, and publish the recordings of all Question and Answer sessions;

(b) by AMENDING Policy 3.3.11 from:



“The audio of the proceedings of all Council and Committee meetings within the scope of this policy are to be recorded.”

to read:

“The audio of the proceedings of all Council and Committee meetings, and Question and Answer sessions are to be recorded and published. If the Presiding Member has decided that part or all of Question and Answer sessions are to be closed to the public, then no recording will be made or published.”

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 June 2022 - OCM121/06/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. ADOPTS Council Policy 3.3.11 - Recording of in-person Council and Committee meetings contained in attachment 1.*
- 2. RESOLVES that the proceedings of Council and Committee Meetings will be recorded in accordance with the policy contained in attachment 1 with the recordings published on the Shire’s website with the unconfirmed minutes of each meeting.*
- 3. NOTES the constraints and limitations associated with the recording as set out in the policy and report.*
- 4. NOTES that in accordance with Council Resolution OCM165/06/20 made at the 21 June 2020 Ordinary Council Meeting that the capacity to record and stream video from Council and Committee meetings has been included within the scope of investigations into future Shire building requirements.*

Officer Comment

The notice of motion proposes the following:

- opening Question and Answer sessions to the public;
- enabling the public to make presentations at Question and Answer sessions; and
- recording the proceedings of Question and Answer sessions on the Shire’s website.

Officer comment on these proposals is provided below:

Opening Question and Answer sessions to the public

Question and Answer (Q&A) sessions are not currently open to the public, but it is not uncommon for these sessions to be public in larger local governments. While transparency is important, Officers also note that good government processes involves providing an opportunity for questions to be asked, which can sometimes be raised more freely behind closed doors.

The Q&A session is a forum to provide Councillors with an opportunity to ask questions to enable them to gain a full understanding of the items that will be debated and determined at the subsequent Council meeting.

It is important to ensure that Q&A facilitates such questions. If questions are more likely to be forthcoming behind closed doors, that must be a factor when considering whether Q&A sessions are open to the public. Alternatively, if asking questions is unlikely to be inhibited by making Q&A public, that also deserves equal consideration.



Following the Policy Concept Forum in January 2024, the Officer recommendation is that a three month trial be conducted to open Q&A sessions to the public, in order to assess what if any impact this has (either positive or negative). Following the trial period, it is then recommended that the matter be brought to Council to resolve whether Council Policy 1.1.14 - 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.

Enabling the public to make presentations at Q&A

Officers understand that the rationale for this proposal is to provide an opportunity in addition to public statements and deputations to occur in advance of the meeting.

Officers do not consider that this will be practically workable, given the limited time between the publication of the notice paper for the meeting (on Friday) and the Q&A session (on Monday). Advice pertaining to a matter being included on an agenda is only provided upon publication of the agenda, to ensure transparency and fairness. In this regard, it is highly likely that applicants and/or submitters will not be aware of the agenda publication, due to the time written letters advising of an upcoming Council meeting take to be received.

This timetable therefore provides no practical timeframe for potential presenters to be advised of the opportunity to present, to apply for approval to present and to prepare their presentation. It could also lead to the scenario of proponents and opponents of a proposal providing claims and counterclaims at the Q&A, and reprosecuting their arguments at the Council Meeting. It is considered to also blur the lines between the decision-making function of Council meetings, and the question making function of Q&A meetings. It is not recommended for support.

Recording the proceedings of Question and Answer sessions and publishing these on the Shire's website.

Having initially commenced with Council and Committee meetings held electronically, all Council and Committee meetings in the Shire have been audio recorded commencing at the 20 June 2022 Ordinary Council Meeting in accordance with Council Policy 3.3.11 - Recording of in-person Council and Committee Meetings.

The Shire's current approach exceeds current requirements, although from January 2025 all band 1 and 2 local governments (which includes the Shire) will be required to live stream both video and audio of Council and Committee Meetings.

Officers do not support expanding the recording to matters beyond Council and Committee Meetings. The purpose of recording meetings is to record the decision making of Council and Committees. Decision making does not occur at Q&A sessions and the recording of these meetings could be a restriction to the asking of questions and may inhibit the capacity of Officers to provide frank and fearless advice to Council.

The requirement to record Q&A would also reduce the capacity of the Shire to hold these sessions in locations other than Council Chambers as other venues will not necessarily have the capacity to audio record.

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:

(a) 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.”

(b) to enable presentations by external parties related to Agenda items to occur at Q&A sessions by:

(i) INSERTING new paragraph:

“Presentations

The President may approve a presentation by external parties regarding an Agenda item. The presentation is not to exceed a period greater than 15 minutes. A request to present must be made to the Chief Executive Officer. Presentations at Q&A do not restrict the capacity to request a Deputation under the Shire Standing Orders. No debate or discussion of the presentation is permitted but members may ask questions of the presenters and Officers.”

2. REQUESTS that the Chief Executive Officer AMENDS Council Policy 3.3.11 - Recording of in-person Council and Committee Meetings:

(a) to record, and publish the recordings of all Question and Answer sessions;

(b) by AMENDING Policy 3.3.11 from:

“The audio of the proceedings of all Council and Committee meetings within the scope of this policy are to be recorded.”

to read:

“The audio of the proceedings of all Council and Committee meetings, and Question and Answer sessions are to be recorded and published. If the Presiding Member has decided that part or all of Question and Answer sessions are to be closed to the public, then no recording will be made or published.”



Alternate Officer Recommendation

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 at the conclusion of the three month period to determine whether Council Policy 1.1.14 - Forums of Council - Policy Concept Forums, Question and Answer Agenda Forums and Workshops should be amended to open all ongoing Question and Answer sessions to the public.**



10. Chief Executive Officer reports:

10.1 Development Services reports:

10.1.1 - Proposed Road Naming Application - Lot 101 and 34 Evans Way, Lot 1 Abernethy Road, Lot 103 Bushman Glade and Lot 9001 Bushman Glade, Byford (PA24/166)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Proponent:	MetConnx Alliance
Owner:	Shire of Serpentine Jarrahdale (L103), Public Transport Authority WA (L101 and 34), ARD No.5 Pty Ltd (L1)
Date of Receipt:	21 February 2024
Local Planning Scheme No. 3 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban' with 'Planning Control Area 164'

Report Purpose

The purpose of this report is for Council to consider a road naming proposal for the purposes of community consultation. This proposal has come about as a result of the construction of the new Byford Rail Extension Project, which includes a number of associated modifications to road environments that result from the project.

This proposal therefore seeks to provide new road names and amendments to existing road names, generally located within the Byford Town Centre area and surrounds. In summary the proposal includes:

- The naming of three new roads in the Town Centre (Hammermill, Furnace and Kaolin).
- The renaming of the southern extent of George Street to Belmont Street.
- The renaming of a small section of Evans Way to Pugh Way, on the east side of the rail line.



- The extension of the name Pitman Way.
- The extension of the name Sansimeon Boulevard to the first new roundabout.
- The renaming of a small section of Larsen Road to Flux Way, on the east side of the rail line.
- One alternative name is also presented to Council for endorsement.

The proposed road names are consistent with the Byford local heritage theme.

Given the road renaming results in impacts on a small number of existing residents and businesses, it is recommended that community consultation occur for a period of 21 days. This will help explain the need for the road name changes, and also invite feedback on the proposed names.

This road naming proposal is presented to Council for endorsement, as this function is not able to be delegated in accordance with the legislative framework of the *Land Administration Act 1997*. Officers recommend that Council endorse the proposed road names for community consultation based on compliance with the Policies and Standards for Geographical Naming in Western Australia (Landgate Policy) and Local Planning Policy 1.7 - Road Naming (LPP 1.7). At the conclusion of the community advertising period, a report will be presented to Council for its endorsement of the names and their forwarding to Landgate for final approval.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 September 2023 - OCM235/09/23 - COUNCIL RESOLUTION - extract

That Council:

1. *Recommends that the Western Australian Planning Commission APPROVES the development application for the proposed 'Byford Train Station and associated development, as contained within attachment 1, subject to the following conditions:*

Ordinary Council Meeting - 17 April 2023 - OCM070/04/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ENDORSES the list of road names as per attachment 1 based on the Shire's Local Heritage Survey.*
2. *NOTES these will be made available for applicants to consider as part of proposing road names for future subdivisions, in accordance with clause 26A(3) of the Land Administration Act 1997.*



Background

The subject site is zoned 'Urban Development' under Local Planning Scheme No.3 (LPS3) and is approximately 27.75ha in area.



Figure 1: Aerial Image of Subject Site Area

The site falls within Planning Control Area (PCA) No.164, which was established on 22 June 2022 under section 112 of the *Planning and Development Act 2005*. The purpose of the PCA is to facilitate development of land for Railways and related public purposes. This is identified following:



- The renaming of a small section of Evans Way, on the east side of the rail line. The name of 'Pugh' is recommended (yellow).
- The extension of the name Sansimeon Boulevard (light blue) to the first new roundabout.
- The extension of the name Pitman Way (pink).
- The renaming of the southern extent of George Street. The name of 'Belmont' is recommended (purple).
- The renaming of a small section of Larsen Road to Flux Way, on the east side of the rail line.

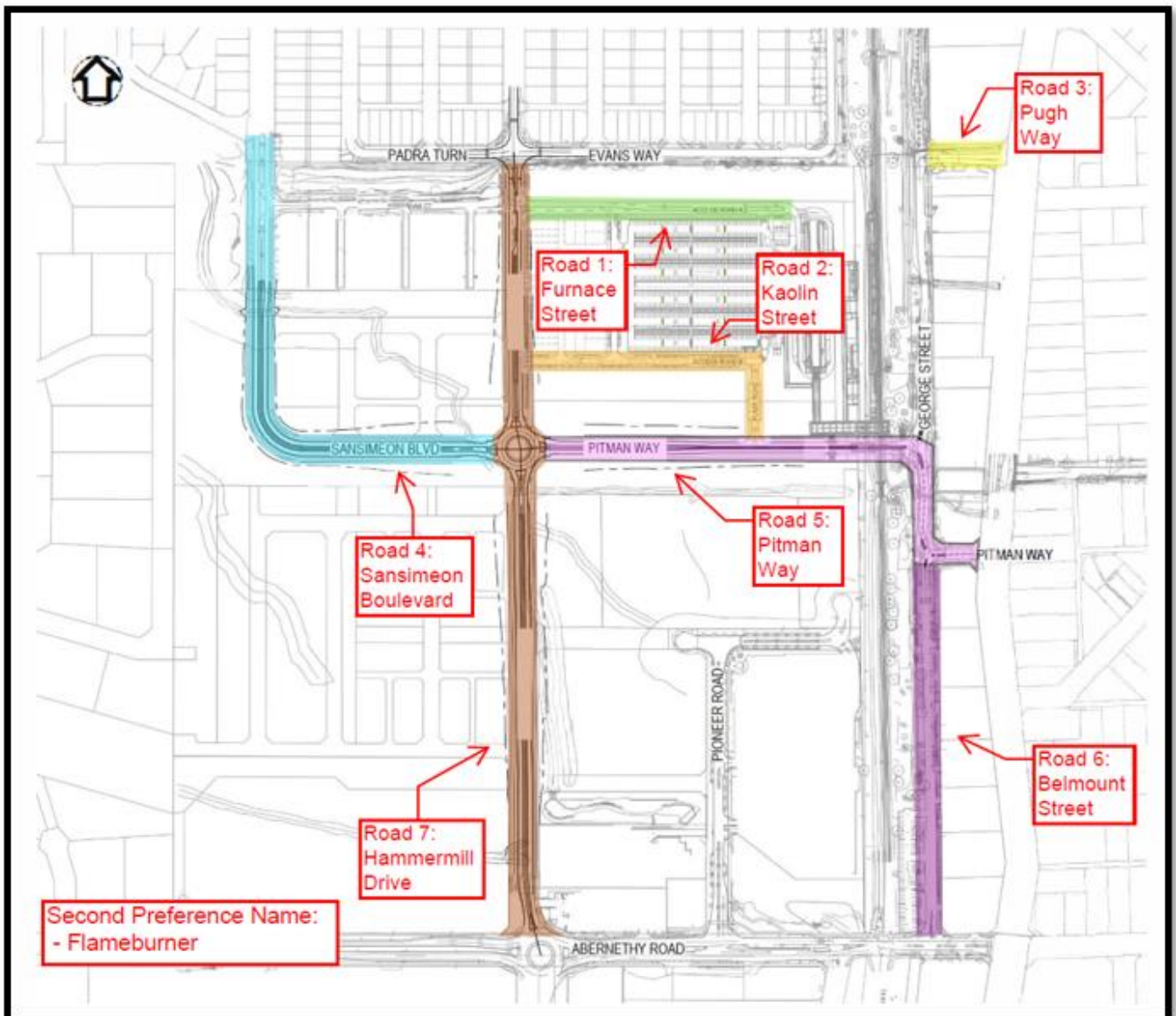


Figure 3 (southern section): Proposed road name layout



Figure 4 (northern section): Proposed road name layout


Landgate’s Policy indicates that road names are applied with the intention of being enduring and renaming is generally discouraged, unless for good reason. Section 2.4 of Landgate’s Policy states that “*redesign of a road layout*” is one such reason road renaming can be considered. Section 2 also states, “*A road name shall not be applied in a way that is ambiguous or could cause confusion for road users*”. The adjustment to roads created as a result of the Byford Metronet Project, is considered justification to apply a road renaming exercise in order to limit ambiguity and confusion that will otherwise occur if names aren’t updated.

With regard to the new names, Local Planning Policy 1.7 - Road Naming Policy (LPP1.7) indicates where more than four road names are proposed, a theme should be submitted to Council for approval. As such, the selected theme is based upon the location within the historic heart of Byford Town Centre, and the history of this important centre of the community. The names align with a ‘local heritage’ theme, consistent with existing road names and themes within in the Shire. For example, the road name ‘Pioneer Road’ is established within the Town Centre, which is also of a ‘local heritage’ theme.

The proposed and backup names along with their description are detailed in the following table. ‘Sansimeon’ and ‘Pitman’ have not been included in the table as these are existing approved names only being extended or realigned. All five of the following names were previously approved by Council at the OCM of 17 April 2023, as preferred names and were obtained from the approved Local Heritage Survey.

Road Name Table	
Proposed Preferred Names	Background
Road 1: Furnace Street	A Furnace is a structure used to create and fire bricks. This relates to the historical brickworks operating in Byford.



Road Name Table	
Proposed Preferred Names	Background
Road 2: Kaolin Street	Kaolin is a soft white clay that is an essential ingredient in the manufacture of bricks. This relates to the historical brickworks operating in Byford.
Road 3: Pugh Way	'Pugh' refers to the Pugh family, who owned and operated a bakehouse at 28 Beenyup Road, Byford in the 1930s.
Road 4 and 5 (pre-existing names)	
Road 6: Belmont Street	<p>'Belmont' refers to Belmont House, which is a house listed on the Shire's Local Heritage Survey and located at 14 Mead Street, Byford. Belmont House was constructed by Mr. James Kershaw who worked at the Cardup Brickworks and was the first brick construct house in Byford. Belmont House is located approximately 500m from the road extent and therefore the naming is considered appropriate.</p>  <p><i>Image of Belmont House</i></p>
Road 7: Hammermill Drive	A Hammermill is a device or instrument used in the brick making process, used to crush or pulverize raw materials for brick making. This relates to the historical brickworks operating in Byford.
Road 8: Flux Way	'Flux' refers to that which is used in the brick making process. It is applied to materials to reduce the melting or



Road Name Table	
Proposed Preferred Names	Background
	softening temperature of materials, so they can be more efficiently mixed when forming bricks.

Reserve Names	Background
Flameburner	An instrument used in brick making to heat the bricks.

Community / Stakeholder Consultation

Clause 1.8.1 of the Landgate Policy states that consultation should be undertaken to the immediate and extended community. Officers consider that the immediate community includes those ratepayers or residents who will be directly affected by the proposal. The following figure identifies the immediate community:



Figure 5: Map of impacted residents and/or businesses along new road names (hatched) |

A letter will be sent to these residents/businesses advising of the proposal and seeking their comments within a 21-day period. Advertising will also be undertaken on the Shire's website for the same period. The results of the consultation will then be presented back to Council for its consideration.



Statutory Environment

Legislation

- *Land Administration Act 1997*

State Government Policies

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

Local Planning Framework

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

Planning Assessment

An assessment of the proposed road names against the provisions of LPP 1.7 is detailed in the table below:

Policy Assessment	
Policy Requirement	Officer Comment
Consideration of current and future street names	The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire. No duplicates in surrounding Local Government areas within 10km have been identified.
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area.
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed and reserve road names have been documented in the road name table, earlier in this report. Officers consider the road names appropriate, given they align with a 'local heritage' theme of the Byford area.
Names shall not be offensive or likely to give offence, incongruous or commercial in nature	The proposed and reserve names are not considered to be offensive, incongruous, or commercial in nature.
Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public	In terms of easiness to read, spell and pronounce, the names relate to scientific descriptions of local native vegetation. The preferred names are simple to read or pronounce, and so would not cause complexities for emergency services, service providers or the travelling public.



Policy Assessment	
Policy Requirement	Officer Comment
Unduly long names and names that comprise of two or more words should generally be avoided	The preferred names comprise of no more than ten letters in length and are no more than one word.
Proposals for road names shall include an appropriate road type suffix	<p>The proposed suffixes are considered to be appropriate and consistent with suffix definitions under the Landgate policy.</p> <p>Street (St) – Public roadway in a town, city, or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.</p> <p>Way (Way) – Roadway affording passage from one place to another. Usually not as straight as an avenue or street.</p> <p>Drive (Dr) – Wide thoroughfare allowing a steady flow of traffic without many cross-streets.</p> <p>The proposed suffixes are considered suitable as they generally are reflective of the proposed carriageway.</p>
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	As shown on the road name plan earlier in this report, the road names are commensurate with the length of the road and are practical.

Officers consider that in line with the above, the road naming proposal is consistent with LPP1.7 and therefore recommend community consultation to commence.

Options

Option 1

That Council:

1. ENDORSES the following proposed road names and the realignment of road names for the purposes of community consultation as contained within **attachment 1**; and REQUESTS the Chief Executive Officer provide a future report upon the conclusion of consultation for Council's final consideration:
 - a. Furnace
 - b. Kaolin
 - c. Pugh
 - d. Sansimeon



- h. Pitman
 - i. Belmont
 - j. Hammermill
 - k. Flux
2. ENDORSES the following second preference road names for the purposes of community consultation as contained within **attachment 1**; and REQUESTS the Chief Executive Officer provide a future report upon the conclusion of consultation for Council's final consideration:
- a. Flameburner

Option 2

That Council REFUSES TO ENDORSE the proposed road names for the purposes of community consultation and REQUESTS additional road names to be presented to Council at a future Ordinary Council Meeting.

Option 1 is recommended.

Conclusion

Council's endorsement is sought to undertake community consultation for new road names and realignment of road names, created through the development approval for the Byford Metronet Station. The proposed names are considered consistent with the requirements of LPP1.7 and Landgate's road naming policy. It is recommended that Council support the initiation of community consultation prior to the matter being reported back to Council at a future Ordinary Council Meeting.

Attachments

- **10.1.1 - attachment 1** - Road Layout Plan (E24/3394)

Alignment with our Council Plan 2023-2033

Liveable
2. Improve maintenance and investment in roads and paths

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1.	There is no noted risk with the consideration of Option 1.						
2.	Council not supporting the names causing a delay in the application, which could delay road renaming requirements due to the Byford Rail Station Project.	Policies and Standards for Geographical naming in Western Australia and Local Planning Policy 1.7 - Road Naming.	Social Community Outcomes /	Possible	Moderate	MODERATE	Give reasons for decision.

Voting Requirements: Simple Majority

That Council:

1. **ENDORSES** the following proposed road names and the realignment of road names for the purposes of community consultation as contained within attachment 1; and **REQUESTS** the Chief Executive Officer provide a future report upon the conclusion of consultation for Council's final consideration:
 - a. Furnace
 - b. Kaolin
 - c. Pugh
 - d. Sansimeon
 - h. Pitman
 - i. Belmount
 - j. Hammermill
 - k. Flux
2. **ENDORSES** the following second preference road names for the purposes of community consultation as contained within attachment 1; and **REQUESTS** the Chief



Continued

Ordinary Council Meeting Agenda Monday, 15 April 2024

Executive Officer provide a future report upon the conclusion of consultation for Council's final consideration:

- a. **Flameburner**



10.1.2 - Proposed Road Naming Amendment - Lot 9509 Briggs Road, Byford (PA24/100)

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

Authority / Discretion

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

Proponent:	MNG Survey Group
Owner:	P Gangemi
Date of Receipt:	9 February 2024
Lot Area:	8.789ha
Local Planning Scheme No. 3 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a proposal to remove one approved road name (Tori Lane) associated with subdivision at Lot 9509 Briggs Road, Byford.

This removal is required due to the deletion of a laneway from the subdivision design, which was to be called Tori Lane.

Proposals to alter, change or remove approved road names are required to be presented to Council, as this function is not able to be delegated in accordance with the legislative framework of the *Land Administration Act 1997*. Officers recommend support for removal of the name.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 27 October 2014 - OCM070/10/14 – COUNCIL DECISION / Officer Recommendation:

That Council approve the road naming theme of "Equine/Livestock and Family Farming History" for the Byford Meadows Estate, Lot 9500 Briggs Road, Byford as per attachments OCM070.1/10/14 and OC070.2/10/14.

(Note: This included the name 'Tori'.)



Background

The subject site is bound by Thomas Road to the north, Briggs Road to the east, the future Malarkey Road to the west and a public open space reserve to the south. The site is within an area zoned 'Urban Development' and intended primarily for future residential development, forming part of the Byford Meadows estate. The site is depicted following:



Figure 1: Aerial Image

The subdivision layout featured rear loaded lots facing the public open space, necessitating the design of a laneway - this was to be named 'Tori Lane'. However, these lots were modified to become front loaded lots, no longer necessitating laneway access. The approved subdivision layout is shown following:

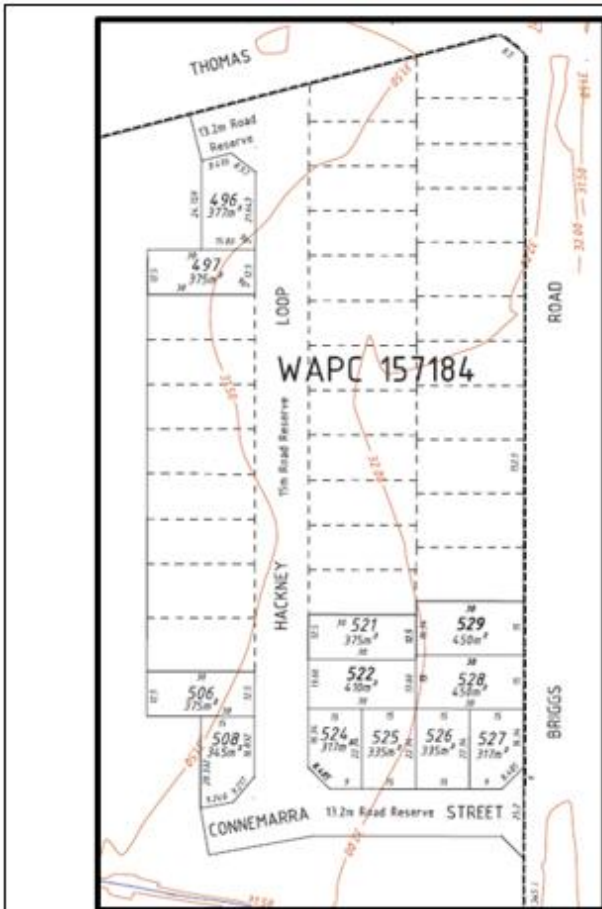


Figure 2: Approved road name layout (WAPC approval 161405)



Figure 3: The proposed final subdivision layout overlaid with the approved road name designations

Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*. The naming process requires the relevant Local Government to endorse any alterations or changes to the names, including removing of names if a road is no longer being proceeded with. The endorsement of the Local Government must then be forwarded to Landgate for final approval. Landgate has delegated authority from the responsible Minister to grant final approval for alterations or changes to road names.

Proposal

The subject application (**attachment 1**) proposes the removal of Tori Lane that is no longer necessary due to the amending of the subdivision design, which deletes the laneway.

Community / Stakeholder Consultation

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

Statutory Environment

Legislation

- *Land Administration Act 1997*

State Government Policies

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



Local Planning Framework

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

Planning Assessment

The name 'Tori Lane' was originally approved by Council in 2014, as part of Council's endorsement of an equestrian/livestock and early family farming history theme for the land. The background to the name of 'Tori' is explained following:

The origin of the Tori horse comes from the Estonian native horse. The state manors of Tori and Avinurme had been used by the Livonian gentry, under contract from Russia, since 1826 for the breeding and rearing of cattle and sheep. The landlords were attempting to make woollen fabric from their Merino sheep, but the damp conditions were fatal for their stock.

While it is recommended that the name be removed, it will be able to be considered for future road names within the estate, commensurate with the endorsed theme.

Options

Option 1

That Council:

1. ENDORSES the removal of Tori Lane in accordance with section 26A (3) of the *Land Administration Act 1997* and forwards the decision to Landgate for final approval.
2. REQUESTS the applicant consider using the name for other roads to be created within the estate.

Option 2

That Council ENDORSES the removal of Tori Lane in accordance with section 26A (3) of the *Land Administration Act 1997* and forwards the decision to Landgate for final approval.

Option 1 is recommended.

Conclusion

The proposal seeks to remove and archive the name Tori Lane due to the change in the subdivision layout. It is considered consistent with the requirements of LPP1.7 and Landgate's road naming policy. It is recommended that Council endorse the proposal, which is to be then forwarded to Landgate for final approval.

Attachments

- **10.1.2 - attachment 1 - Road Layout Plan (E24/3363)**

Alignment with our Council Plan 2023-2033

Liveable
2. Improve maintenance and investment in roads and paths

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1.	There is no noted risk with the consideration of Option 1.						
2.	Council not requesting future re-use of the name could see its important cultural heritage meaning lost for the estate.	Policies and Standards for Geographical naming in Western Australia Local Planning Policy 1.7 - Road Naming	Social Community Outcomes /	Possible	Minor	LOW	Nil.

Voting Requirements: Simple Majority

That Council:

1. **ENDORSES** the removal of Tori Lane in accordance with section 26A (3) of the *Land Administration Act 1997* and forwards the decision to Landgate for final approval.
2. **REQUESTS** the applicant consider using the name for other roads to be created within the estate.



10.1.3 - Proposed Road Naming Application - Lot 9066 Orton Road, Byford (PA23/404)

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

Authority / Discretion

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

Proponent:	McMullen Nolan Group Pty Ltd (MNG)
Owner:	LWP
Date of Receipt:	26 May 2023
Lot Area:	30.6ha
Local Planning Scheme No. 3 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a proposal for the extension, relocation, and removal of roads within The Glades Estate, Byford. This is associated with an updated subdivision design over Lot 9066 Orton Road, Byford, which has resulted in road reconfiguration. The proposed new road naming plan is contained within **attachment 1**.

At its Council Meeting of 10 February 2014, Council endorsed the theme of 'Australian Flora' for the Orton Road Precinct of the Glades. Subsequent stages of development have occurred with road names approved consistent with this theme.

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



Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 September 2023 - OCM233/09/23 - COUNCIL RESOLUTION

That Council:

1. *ENDORSES the following road names in accordance with section 26A(3) of the Land Administration Act 1997; and forwards the proposed road name as contained within attachment 1 to Landgate for final approval:*
 - a. *Pandorea Street*
 - b. *Waratah Lane*
2. *ENDORSES the following second preference road names in accordance with section 26A(3) of the Land Administration Act 1997; to be used in the event that the first preference names are not deemed acceptable by Landgate:*
 - a. *Lomandra*
 - b. *Koda*
 - c. *Cycad*
 - d. *Cuttsia*
 - e. *Tetraria*
 - f. *Hakea*

Ordinary Council Meeting - 10 February 2014 - OCM112/02/14 - COUNCIL RESOLUTION

That Council approve the theme "Australian Flora - Plants of the Swan Coastal Plain and Darling Scarp" for the Orton Road Precinct of The Glades, Byford as per attachment OCM112.2/02/14.

Background

Road names for stages 13 and 14 of The Glades Estate were previously endorsed by Landgate, based on the then subdivision design. This is shown following:

The approved names were as follows:

- Bookleaf Street
- Candle Lane
- Fuchsia Street
- Taxandria Street
- Wiry Lane

Since this approval, the subdivision layout has been amended and approved by the Western Australian Planning Commission (WAPC) on 11 April 2023. This includes realigning Orton Road for its future connection to Tonkin Highway, and changes in street block layout. These changes have resulted in the need to update the 2015 approval, through:

- extension of Bookleaf Street (which replaces Orton Road once realignment occurs);



- removal of Taxandria Street; and
- relocation of Fuchsia Street.

This is shown following:

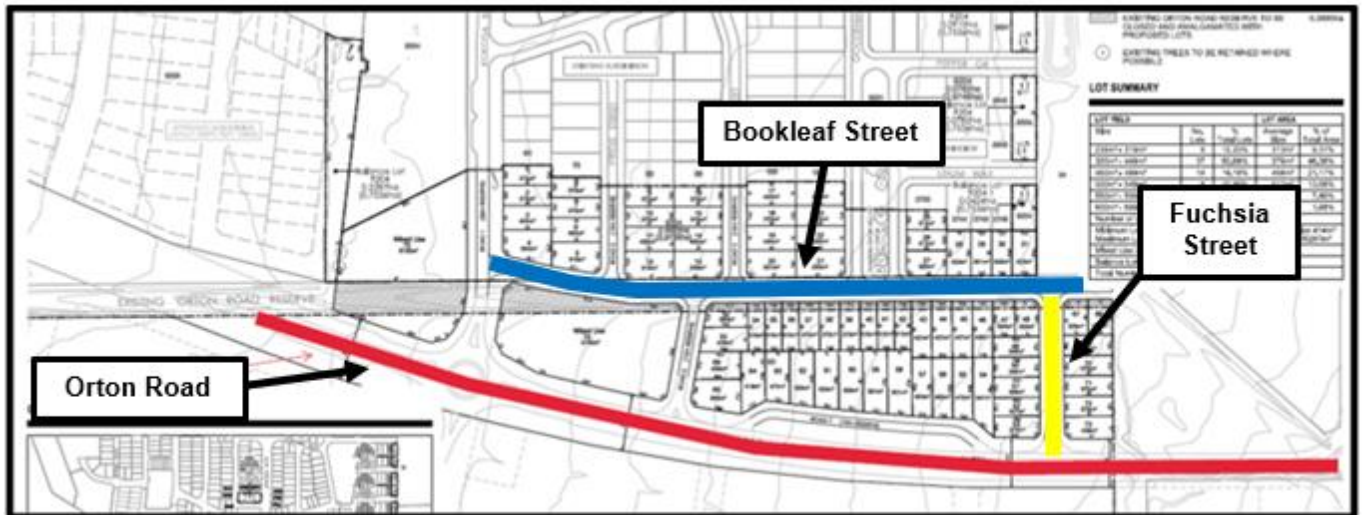


Figure 2: Subdivision approved 11 April 2023

As a result of the revised layout, an amended road naming application is required to which this report is subject. Pandora Street and Waratah Lane were previously endorsed by Council at its Ordinary Council Meeting of 18 November 2023. They have been forwarded to Landgate already for final approval and therefore do not form part of this proposal.

Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*. The naming process requires the relevant Local Government to endorse any alterations or changes to the names approved for roads created as part of subdivision. The endorsement of the Local Government must then be forwarded to Landgate for final approval. Landgate has delegated authority from the responsible Minister to grant final approval for alterations or changes to road names. Approval is therefore required in this instance for the proposed amendments.

Proposal

The application proposes road naming amendments to three roads and the further removal of one road. These are shown in the following figure and identified as follows:

- Relocation of Orton Road, from its existing approved location to the new realignment to the south;
- Application and extension of Bookleaf Street;
- Relocation of Fuchsia Street; and
- Removal of Taxandria Street, as it is no longer a necessary road reserve within the subdivision.

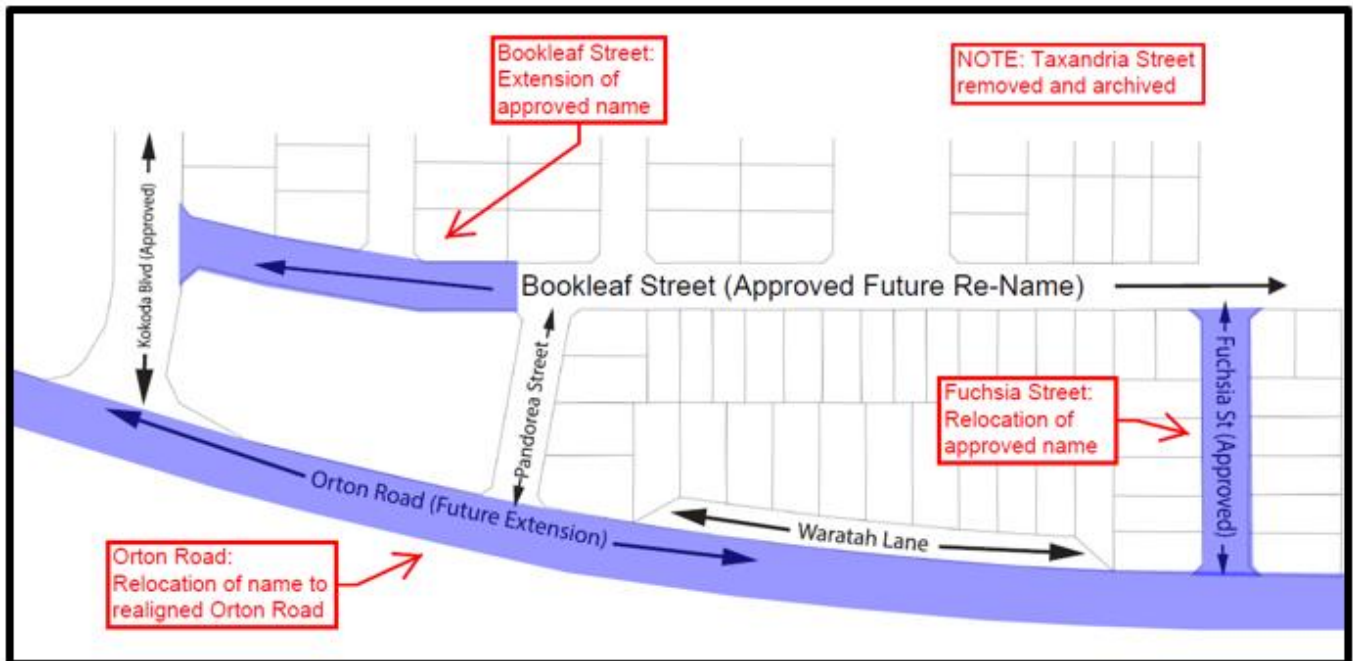


Figure 3: Proposed road name amendments

Officers consider that the proposal (**attachment 1**) to relocate and extend the subject names is necessary, reflecting the approved subdivision layout and Structure Plans for the area. Additionally, the removal and archiving of Taxandria Street for use in a future subdivision is required as it is no longer necessary due to the amendment to the subdivision layout.

Community / Stakeholder Consultation

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

Statutory Environment

Legislation

- *Land Administration Act 1997*

State Government Policies

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

Local Planning Framework

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

Planning Assessment

Consistent with Clause 26A of the *Land Administration Act 1997* and the Shire's Local Planning Policy 1.7 - Road Naming, any proposals to amend already approved road names requires Council's consideration.

In this case, a new subdivision layout has been approved by the WAPC, necessitating a range of flow on amendments to the previously approved road names that were based on the now outdated design. These being:

- Relocation of Orton Road, from its existing approved location to the new realignment to the south;



- Application and extension of Bookleaf Street;
- Relocation of Fuchsia Street; and
- Removal of Taxandria Street, as it is no longer a necessary road reserve within the subdivision.

These are all recommended for support.

In terms of the removed name of 'Taxandria', this remains an appropriate name for use as part of future stages of subdivision. The name Taxandria is the genus name for a group of plants in the Myrtaceae family. The entire genus is endemic to Western Australia, growing near the coast in the South West corner of the State.

Officers recommend that Council endorse the proposal and forward to Landgate, for their final approval.

Options

Option 1

That Council:

1. ENDORSES the relocation of 'Orton Road', the extension of 'Bookleaf Street', the relocation of 'Fuchsia Street' and the removal of 'Taxandria Street', as contained within **attachment 1**, in accordance with section 26A (3) of the *Land Administration Act 1997*; and forwards the decision to Landgate for final approval;
2. REQUESTS the applicant consider using the name 'Taxandria' for other future roads to be created within the estate.

Option 2

That Council ENDORSES the relocation of 'Orton Road', the extension of 'Bookleaf Street', the relocation of 'Fuchsia Street' and the removal of 'Taxandria Street', as contained within **attachment 1**, in accordance with section 26A (3) of the *Land Administration Act 1997*; and forwards the decision to Landgate for final approval.

Option 1 is recommended.

Conclusion

The proposed road naming application is required to ensure consistency with an approved amended subdivision layout. It is considered consistent with the requirements of LPP1.7 and Landgate's road naming policy. It is therefore recommended that Council endorse the proposal, which will then be forwarded to Landgate for final approval.

Attachments

- **10.1.3 - attachment 1 - Road Layout Plan (E24/3446)**

Alignment with our Council Plan 2023-2033

Liveable
2. Improve maintenance and investment in roads and paths



Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1.	There is no noted risk with the consideration of Option 1.						
2.	Council not requesting future re-use of the name could see its important meaning lost for the estate.	Policies and Standards for Geographical naming in Western Australia Local Planning Policy 1.7 - Road Naming	Social Community Outcomes /	Possible	Minor	LOW	Nil.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **ENDORSES** the relocation of 'Orton Road', the extension of 'Bookleaf Street', the relocation of 'Fuchsia Street' and the removal of 'Taxandria Street', as contained within attachment 1, in accordance with section 26A (3) of the *Land Administration Act 1997*; and forwards the decision to Landgate for final approval;
2. **REQUESTS** the applicant consider using the name 'Taxandria' for other future roads to be created within the estate.



10.1.4 - Recommendation on Development Application Submitted Under the Metropolitan Region Scheme - Byford Senior High School Stage 4 (PA24/161)

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

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
----------	--

Proponent: Tag Architects & Department of Finance

Owner: Department of Education

Date of Receipt: 19 March 2023

Lot Area: 13.05 Ha

Local Planning Scheme No. 3 Zoning: Education

Metropolitan Region Scheme Zoning: Urban

Report Purpose

The purpose of this report is for Council to endorse a recommendation and associated conditions relating to a development application for Public Works that has been submitted under the Metropolitan Region Scheme (MRS). The Byford Secondary College has proposed Stage 4 works to expand the school. The application requires determination by the Western Australian Planning Commission (WAPC) under the MRS. The development is exempt from requiring approval under the Local Planning Scheme No.3 (LPS3). The Shire is therefore required to provide the WAPC with a recommendation and conditions to assist in their decision.

The proposed development aligns with the planning framework, and it is recommended that Council supports the application, subject to conditions. There are however important conditions that are required to address elements needed in respect of infrastructure provision, to accommodate the expansion.

Firstly, it is recommended that the Department of Education be responsible for installing a pedestrian crossing of Abernethy Road, which is controlled via traffic signals, in order to improve safety for students crossing this road. With the school's growth increasing by a further 600 students as a result of this development, to a maximum capacity of 2,000 students, there is now clear warrants in place to require the traffic controlled pedestrian crossing of Abernethy Road.



Secondly, a condition is recommended to deal with improving kiss and road accessibility through the school, and additional kiss and ride bays along Abernethy Road, both of which are required to provide a more efficient management of traffic and accessibility for the school.

Subject to conditions, the application can be supported.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background

Existing Development

The subject lot is 13.05ha in size and is in the Byford Town Centre Local Structure Plan area. The site borders the Salvado Catholic College to the west, vacant commercial land to the north, the Briggs Park Community Centre to the south, and the Village Reserve Residential Estate (including Child Care Centre and Public Open Space) to the east. The subject lot is bound by Abernethy Road to the north, Gordin Way to the east and Mead Street to the South and has direct vehicle access on each road.

The subject lot consists of three stages of the school's development, inclusive of general and specialist classrooms, administration block, oval, performing arts centre, science and food technology studio, gymnasium, sports courts, hockey, and soccer field, as well as parking areas. The existing developed area is flat with the site sloping down towards the school oval to the west, with retaining along the interface between the playing fields and wider school site.



Figure 1 - Mead Street Entrance



Figure 2 - Gordian Way Main Entrance



Figure 3 - Abernethy Road Entrance



Figure 4 - Aerial marked up with Crossovers

Proposed Development

The proposed stage four works include the construction of a 3,075m² building, a replacement car park area with 81 car parking bays, and new landscaping to the west of the car park. Site plans, floor plans, elevations and perspectives are contained in **attachment 1** (Development Plans). The purpose of the proposed development is to ultimately accommodate an additional 600 students from its current 1,416 students to a total of 2,000.

The proposed development is summarised as follows:

- Ground Floor - two meeting rooms, reception area, offices, study rooms, toilets, and storage.
- First Floor - six general learning classrooms, two independent learning areas, science labs, IT labs and storeroom, plant, and storerooms.
- Landscaping plus two new fire hydrants, retaining wall and ramp to the north of the 31-bay car park extension to allow for safe pedestrian access.
- Relocations and alteration of the existing hockey and soccer pitch to enable the reconfiguration of the car park, and installation of a retaining wall along the northern edge of the boundary.



- Alteration of the existing drainage basin west of the hockey and soccer pitch.

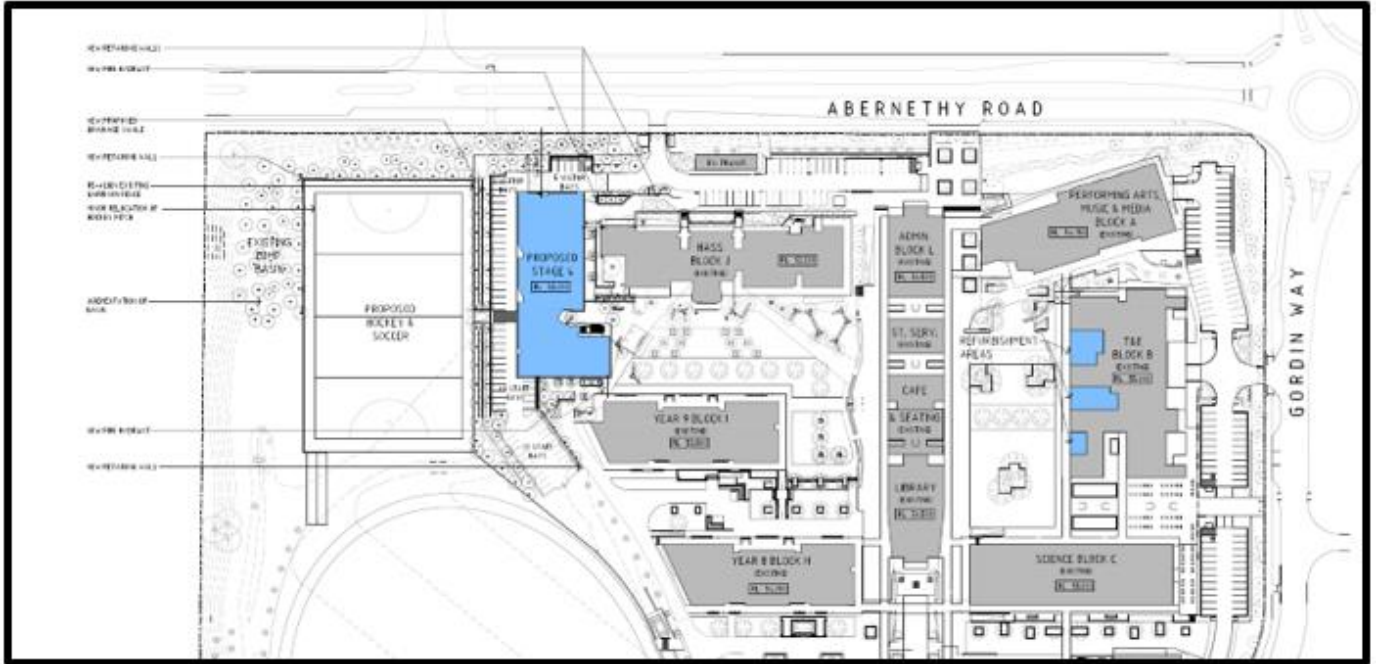


Figure 5 - Site Plan

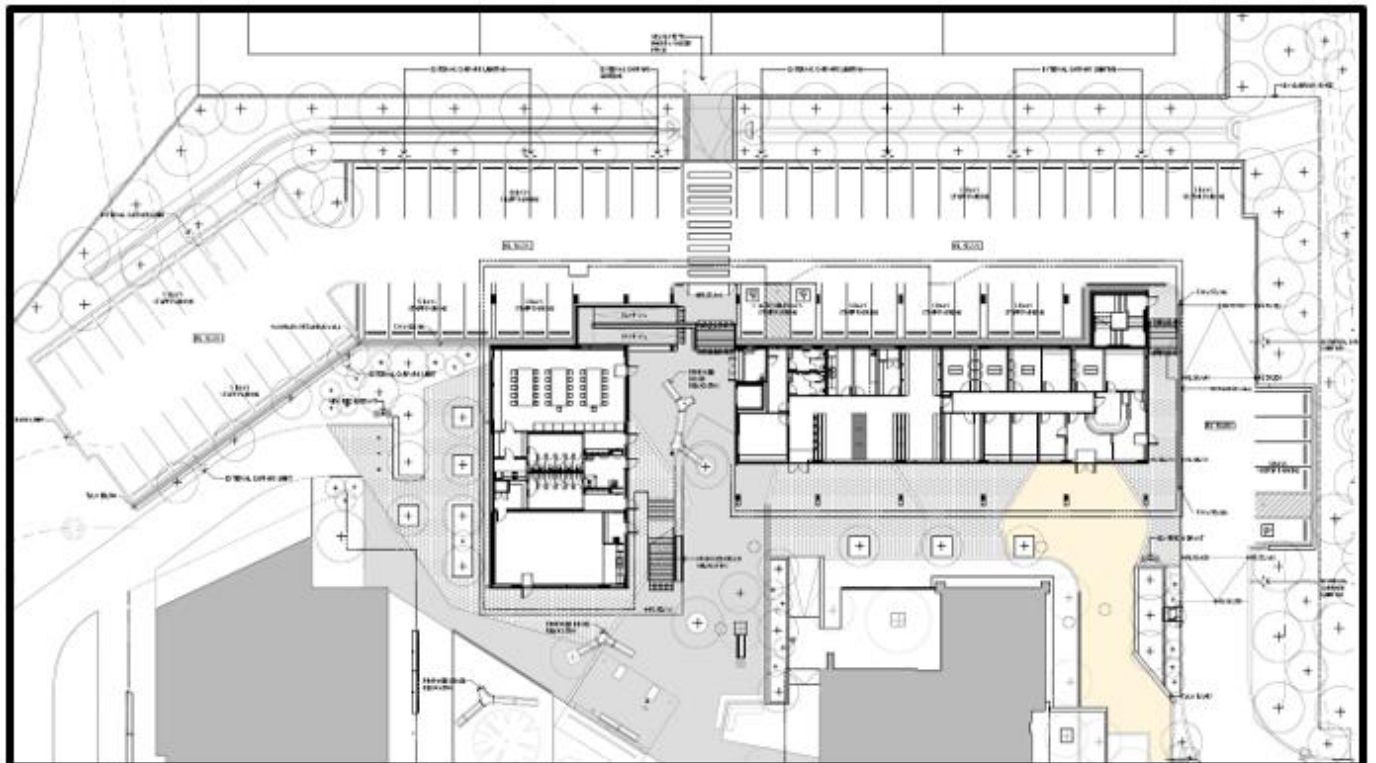


Figure 6 - Carparking Layout Plan



Figure 7 - Ground Floor Layout

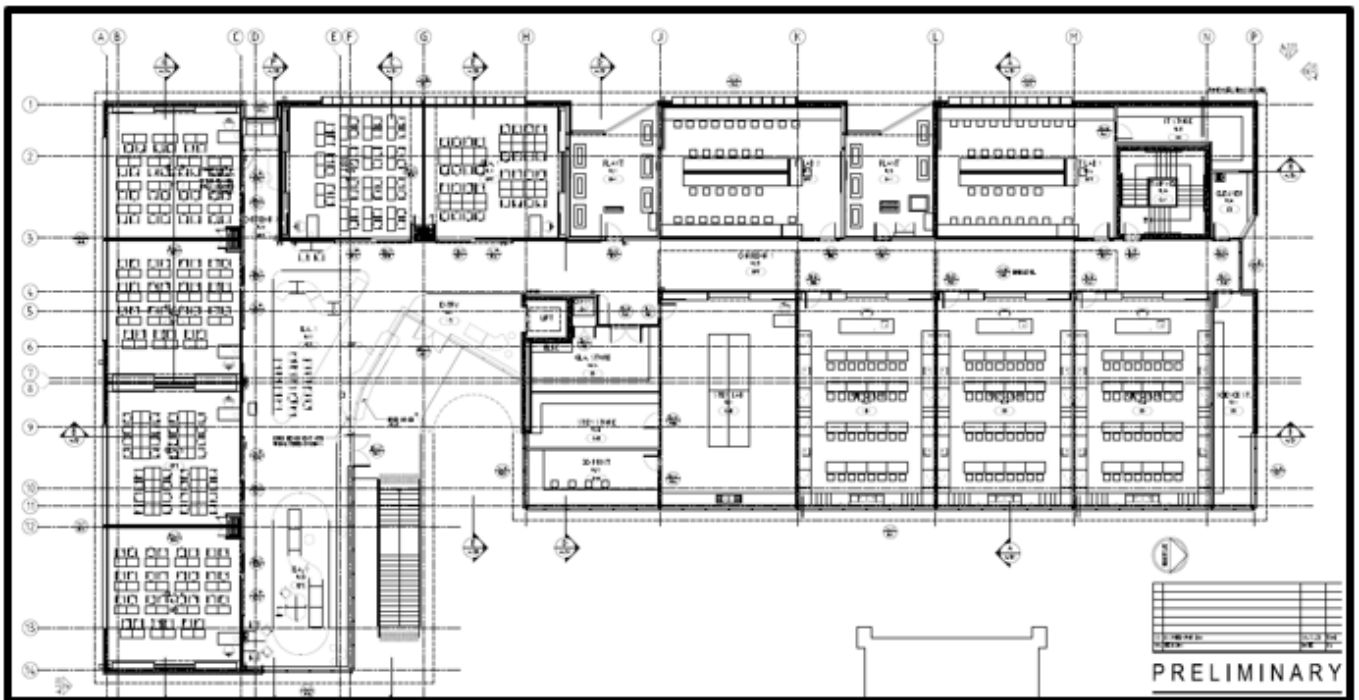


Figure 8 - First Floor Layout



Figure 9 - West and East Elevations

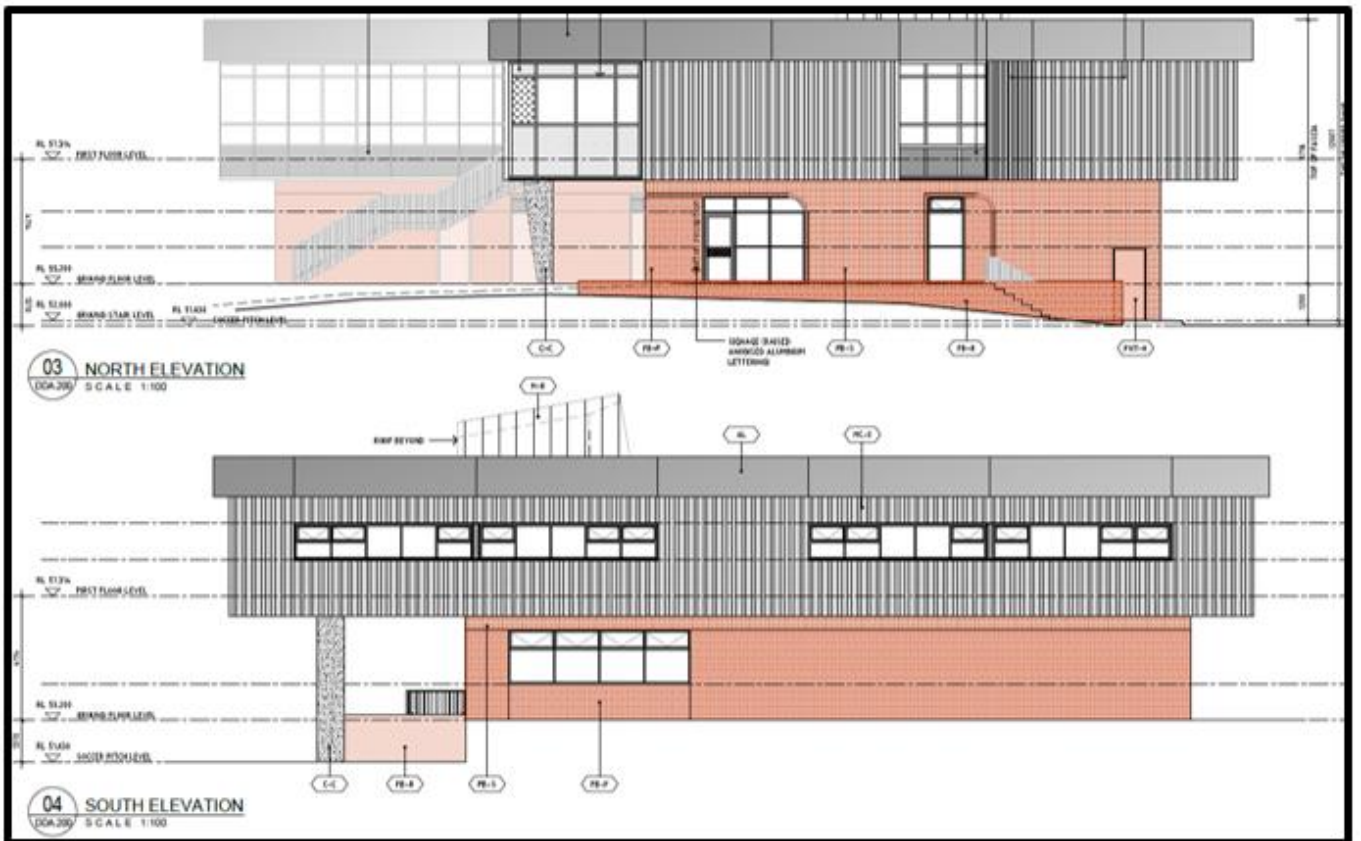


Figure 10 - South and North Elevations



Figure 11 - Material Palette

Community / Stakeholder Consultation

Given the Shire is only a referral body, the application is not subject to advertising under the Shire’s Local Planning Scheme. The application is not subject to advertising by the WAPC.

Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Metropolitan Region Scheme (MRS)*
- *Public Works Act 1902*

State Government Policies

- State Planning Policy 3.7 - Planning for Bushfire Prone Areas (SPP3.7)
- State Planning Policy 7.0 - Design of the Built Environment (SPP7.0)
- Operational Policy 2.4 - Planning for School Sites (OP2.4)

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (LPS3)
- Byford District Structure Plan (LSP)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)



Planning Assessment

An assessment has been undertaken in accordance with Clause 67 of the Deemed Provisions, and all relevant aspects of the state and local planning framework. This is provided following:

Metropolitan Region Scheme (MRS)

The MRS is a broad region scheme which guides Local Planning Schemes and Local Planning Strategies in providing appropriate planning for lots. The subject lot is currently zoned Urban under the MRS, which anticipates the full range of urban services and amenities necessary to support a residential community.

Under section 6 of the *Public Works Act 1902*, any works associated with education purposes on land which is zoned under the MRWA, requires development approval under the MRS by the WAPC. This is by virtue of the *Planning and Development Act 2005*, which provides under Clause 5(2) that a region planning scheme binds the Crown.

Where proposals are considered against the MRS, they are to be assessed in accordance with Clause 30 of the MRS:

Provision	Provided
<i>(i) The purpose for which the land is zoned or reserved under the Scheme</i>	Development of Stage 4 extensions to an existing government public high school is consistent with the Urban zoning of the site under the MRS.
<i>(ii) The orderly and proper planning of the locality</i>	The proposal is consistent with the intended use of the site as a high school, is identified in the LSP, and is therefore consistent with the orderly and proper planning of the locality.
<i>(iii) The preservation of amenities of the locality.</i>	<p>The building and spaces have been positioned and designed to fit well with the planned surroundings of the site.</p> <p>The design matches the character of the existing structures on site. The proposal is not out of context for the development of a school. Further consideration to traffic and noise is discussed further in this report.</p> <p>The issue of student pedestrian safety and efficient accessibility do warrant specific additional requirements for the development to be deemed consistent with orderly and proper planning. That being a traffic light controlled pedestrian crossing of Abernethy Road, a new kiss and ride access linking Abernethy Rd and Mead Street, and additional kiss and ride bays along Abernethy Road.</p>

Local Planning Scheme No. 3 (LPS3)

The subject lot is reserved under the LPS3 as Education. The reserve objectives are as follows:

“Public Purposes which specifically provide for a range of essential education facilities”.

As the proposed extensions provide a range of educational facilities for the growth of the school, the proposed development is generally consistent with the objective of the reserve.



Byford Town Centre Local Structure Plan (LSP)

The subject lot is designated 'Education' under the LSP. The provisions and intent of the LSP is for the lot to facilitate the recognition of a High School within the Town Centre area. As part of the Transit Orientated Development goals of the LSP, the school falls within an 800m walkable catchment and is a prominent landmark to the entrance of the Town Centre. With legible road networks that particularly connect the school to the communities on the northern side of Abernethy Road, the LSP recognises the opportunities for walkability and cycling for the school, and the linkages with the Byford Rail Station. As already mentioned, a key issue is the provision of safe pedestrian access across Abernethy Road, which this development specifically triggers the need for. Also, addressing more efficient access for kiss and ride (drop off and pick up) accessibility, which is important given the substantial increase in capacity produced by the development.

The development of the building located to the west end of the LSP is considered to extensively contribute to the overall success of the Town Centre's objectives, capturing the site as a landmark.



Figure 12 - LSP Map

With the additional 600 students proposed and the further utilisation of the future Byford Train Station, the intent of the site to function as landmark and major activator is likely to be met, subject to improvement in accessibility so as to enable activity to seamlessly blend throughout the broader precinct.

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

The lot is marked as bushfire prone under Department of Fire and Emergency Services mapping (DFES) and therefore requires consideration against SPP3.7.



The applicant has submitted a Bushfire Attack Level (BAL) report which designates the lot as BAL-LOW meaning there is no threat from a bushfire attack. The proposal therefore demonstrates compliance with SPP3.7 and no further consideration is warranted.

State Planning Policy 7.0 - Design of the Built Environment (SPP3.0)

SPP7.0 provides broad design principles for major development within Western Australia. The policy provides a number of objectives which are assessed on a merits-based approach. The proposal is considered against SPP7.0 and meets all seven objectives, as summarised following:

Objective	Officer Comment
<p>Context and character</p> <p>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</p>	<p>The external appearance of the building is proposed to match the existing structures on site, with fabric reflective of the brickmaking past of Byford, set within a modern, uplifting institutional built form.</p>
<p>Landscape quality</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p>	<p>No major loss of any landscaping has been proposed. Further, the applicant has engaged a landscape architect to complete landscaping as part of the development. This will see improvements in the likes of urban tree canopy and shade.</p>
<p>Built form and scale</p> <p>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</p>	<p>The subject lot has existing two storey development along the Abernethy Road frontage, with a prominent first level over a slightly subordinate ground level. The proposal will integrate with this existing bulk and scale of the site, helping frame a key and reassuring landmark as one enters the Byford Activity Centre. The development reinforces the sentiment of education as a key imperative and value for the community.</p>
<p>Functionality and build quality</p> <p>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.</p>	<p>The proposal responds to the growing population in the Byford region. The proposal will provide accommodation for an additional 600 students and relevant staff. An element of the proposal included an improved reconfiguration of existing rooms to facilitate changing needs of the school. This helps reflect modern approaches to secondary learning and teaching, which is important to nurturing effective educational outcomes for the community.</p>
<p>Sustainability</p> <p>Good design optimises the sustainability of the built environment, delivering positive</p>	<p>The proposal provides a range of sustainability measures, promoting local employment, schooling, and enhancing environmental areas through responsive landscaping design. The building continues an approach to efficient</p>



Objective	Officer Comment
environmental, social, and economic outcomes	design, whereby natural lighting is a focus for room configurations and also to help connect with the open landscape of the general setting.
<p>Amenity</p> <p>Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive, and healthy.</p>	<p>The area is designed to be easily navigable, with access from the courtyard on the east seamlessly integrated through the building. As discussed earlier, the proposed development integrates with the existing structures and aligns with the intent of the LSP to establish the site as a prominent landmark in the area.</p> <p>Conditions however are needed to address infrastructure issues, pertaining to pedestrian safety and kiss and ride facility improvement. Pedestrian access is needed to be addressed in the form of a traffic light controlled pedestrian crossing of Abernethy Road. The warrants for this are now exceeded by the addition of 600 students, which this development would result in. Kiss and ride facility needs to be addressed through connectivity between Abernethy Rd and Mead Street, and additional parking on Abernethy Rd.</p>
<p>Legibility</p> <p>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</p>	<p>The building is legible with tiered accesses areas which are defined from multiple approaches from both within the school and the pedestrian access from Abernethy Road.</p> <p>Through appropriate conditions to address improvements to pedestrian access and safety, and kiss and road facility, legibility is considered to be met.</p>
<p>Safety</p> <p>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</p>	<p>The building is designed to be easily secured after hours, which will mitigate any security risks or concerns of potential harm. The existing garrison fence will be reconfigured to ensure the building sits within the bounds of the secured campus.</p> <p>The main safety issue is that of students needing to cross the busy road of Abernethy Road, and particularly the section proximate to the intersection with Gordin Way. Also, the congestion caused by the current lack of an effective kiss and road facility for the school.</p>
<p>Community</p> <p>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</p>	<p>The development provides benefit to the general community in regard to providing further schooling opportunities. The proposal does fit into the social context of a school development and further provides educational expansion to supports its intended users.</p>



Objective	Officer Comment
<p>Aesthetics</p> <p>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</p>	<p>As previously discussed, the proposal is developed in a similar manner to the existing structures on the school, and therefore meets the intent and desired aesthetic of the site. It continues to interpret the important brick history that is connected closely with Byford and sets a modern built form underpinning an uplifting educational experience for students.</p>

Operational Policy 2.4 – Planning for School Sites (OP2.4)

In 2022 the Western Australian Planning Commission (WAPC) prepared OP24 to guide planning for and the development of school sites. The relevant objectives of OP24 have been detailed and addressed:

Objective	Officer Comment
<ul style="list-style-type: none"> • <i>To make provision for school sites and other education facilities and services related to community needs;</i> • <i>To establish the preferred location and design elements for school sites and other education facilities;</i> 	<p>OP24 encourages the development of existing schools where the local demand for these sites have occurred due to the rapid increase in local neighbourhoods. There is an increase in demand and need for the provision of public educational facilities.</p> <p>These objectives of OP24 highlight the necessity of detailed assessment through the development application process to ensure the suitability of the site and the impact of the development on the locality. School sites are best identified and planned for through structure planning. The LSP identifies this site as a designated reserve for 'Education'.</p> <p>However, with the addition of students now proposed through this development, there is now a demonstrable need to address student safety in crossing Abernethy Road, and broader safety in terms of much improved kiss and ride facility. The development can only meet these policy objectives through the addition of traffic light controlled pedestrian crossing infrastructure over Abernethy Road, and the provision of new kiss and road facility as will be set out following in the report.</p>
<ul style="list-style-type: none"> • <i>To ensure that school sites are developable, serviceable and have suitable and safe access;</i> • <i>To ensure that the design and layout of the movement network around school sites provides for the safety of pedestrians,</i> 	<p>While the subject site is an established school site, existing pedestrian infrastructure, particularly in crossing Abernethy Road, is insufficient and places students in an unsafe situation. This safety is exacerbated by the Abernethy Road and Gordin Way roundabout intersection. In order for the development to reflect safe access, and additional condition is required to now warrant the provision of a traffic light controlled pedestrian crossing of Abernethy Road.</p>



Objective	Officer Comment
<i>cyclists, and road users, and encourages active transport.</i>	Further, the school is now reaching a size whereby much better kiss and ride facility is needed, which provides linkage between Abernethy Rd and Mead Street. This will more safely provide for convenient drop off and pick up to occur.

Local Planning Policy 1.6 – Public Art for Major Developments (LPP1.6)

LPP1.6 provides the requirements for any major development over a \$1mil threshold to contribute to public art. The proposed development is estimated to be \$15mil in value and thus falls within the limits of the policy. A condition requiring to the applicant to provide public art in accordance with LPP1.6 is provided as part of the recommended list of conditions.

Access

The applicant has provided a Traffic Impact Analysis (TIA) given the proposal is expected to generate more than 100 vehicle trips in the peak hour. The TIA has been provided to support the development and discusses primarily the Traffic, Access, Network and Car parking to the site.

The application does not seek to alter the existing access to and from the site. The subject site currently has the following access arrangements:

1. A left in left out access onto Abernethy Road - access to parking and for DFES vehicles.
2. An all movement access onto Gordin Way - access to parking and service yard.
3. An exit only access onto Gordin Way - exit from parking and set down/ pick up.
4. An entry only access onto Gordin Way - access to parking and set down/ pick up.
5. An all movement access into Mead Street - access to parking and for DFES vehicles.

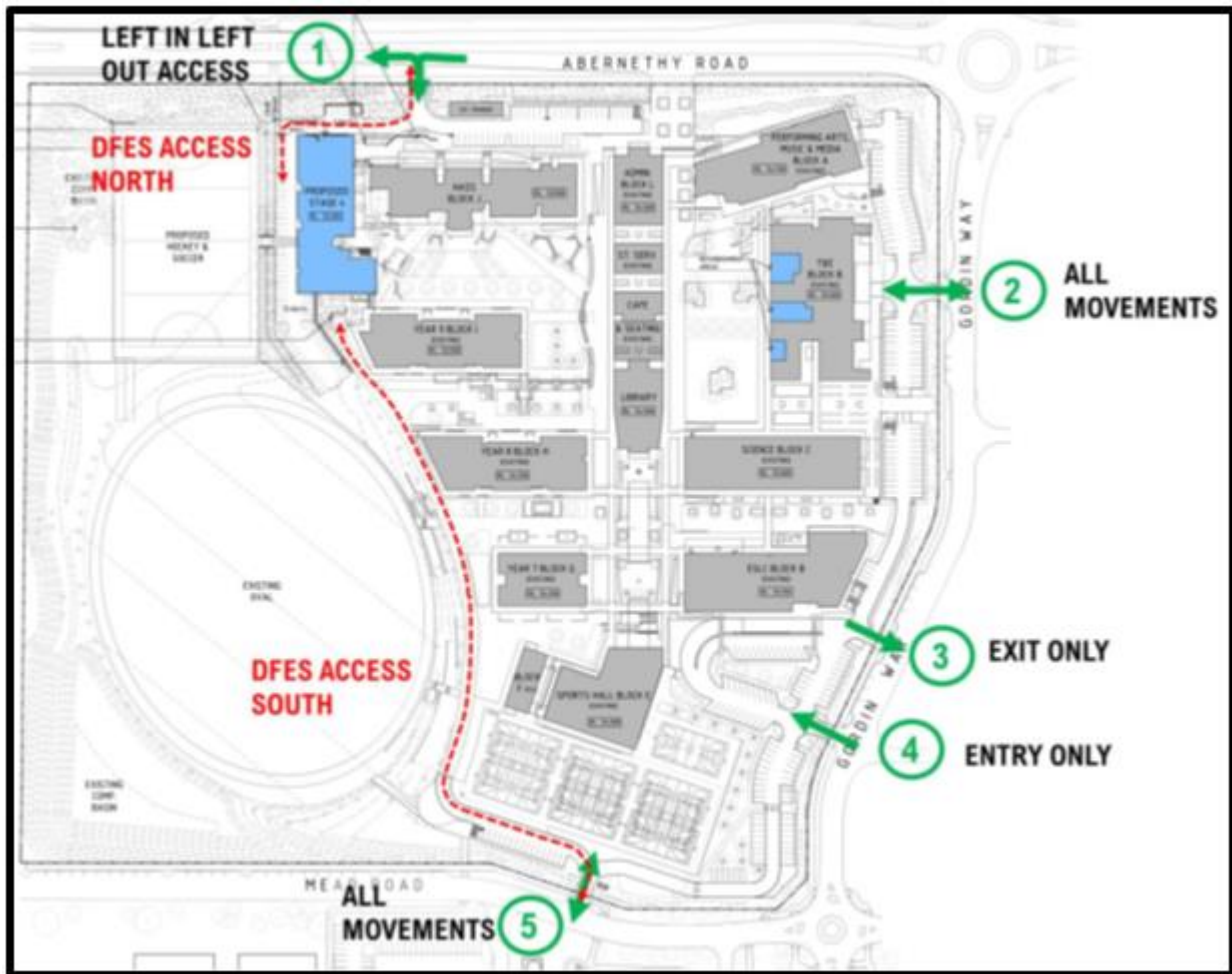


Figure 13 - Crossover Access Layout

It is expected with the alterations to the existing car parking areas that there will be no interference with the existing access arrangements.

Being a high school with students more independent in respect of confidence to walk and/or cycle to and from school, the TIA lacks sufficient recognition of the current safety issues associated with pedestrians crossing Abernethy Road. With large feeder primary schools located on the north side of Abernethy Road, there is a need to address pedestrian safety of crossing this road through dedicated traffic controlled crossing. This is similar in operation and configuration of the pedestrian traffic controlled intersection, in proximity of Pitman Way, on South Western Highway.

The TIA does provide commentary on the current congestion at the Abernethy Crossover (Crossover 1). During peak period site visits to the school and surrounding roads, a queue forms behind the closed gate at the Abernethy Road crossover, and this exceeds the length of the crossover and extends onto Abernethy Road. This is due to the time taken for drivers to complete the gate opening procedure (getting out of their vehicles and walking up to the gate to press a call button to open the gate). The additional parking bays resulting from the expansion of the Byford Secondary College will all be accessed via this crossover, which has the potential to increase the queue length even further.

The TIA provides some traffic management options which are recommended for the WAPC to consider. These management practises are as follows:

- A change of access arrangements when the Abernethy Road crossover gate is closed - consideration of a central island in the crossover to accommodate a button/intercom to enable



drivers to speak to administration staff without the need to leave their vehicle - to limit the time vehicles are waiting to access the school site.

- A short queuing lane could be constructed within the Abernethy Road verge to access the Abernethy Road crossover - to ensure Abernethy Road traffic is not impeded by vehicles waiting to access the school site.

While noting these suggestions, Officers are not confident they will address the known issues. The lack of a safe, legible connection between Abernethy Road and Mead Street prevents what would otherwise be a more effective process of kiss and ride facility, as shown following. Given the adjustments to access being proposed by this application, Officers consider that the linking of existing driveways and car parking areas to become a morning and afternoon kiss and ride facility, would address current traffic issues. This would involve an entry from Abernethy Road, and exit onto Mead Street, which would in turn help distribute traffic more evenly and remove some level of congestion along Abernethy Road. A condition is recommended in this regard.

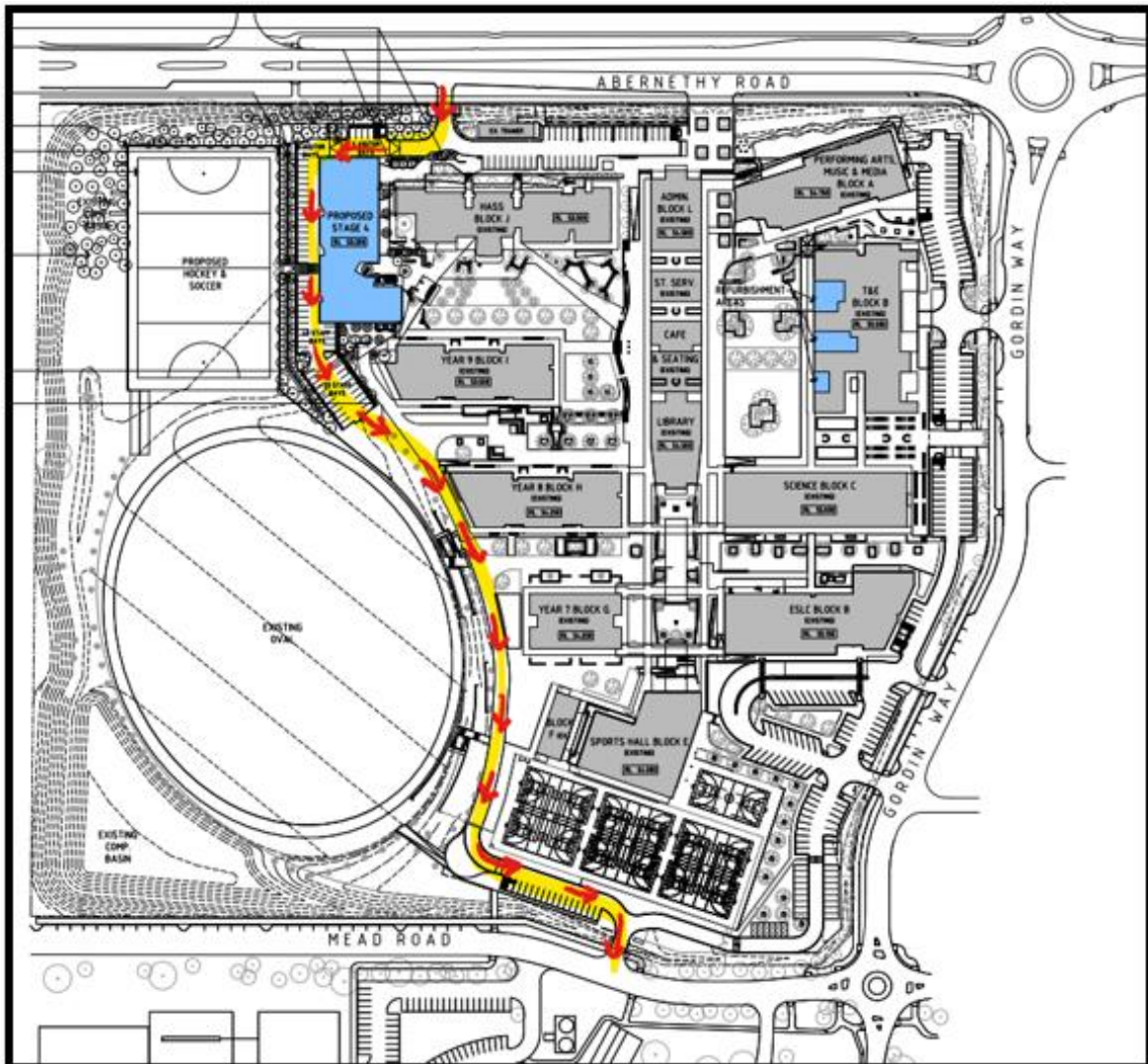


Figure 14 - Kiss and Ride Concept

For vehicles not wanting to enter school grounds, there should also be addition kiss and ride bays within the southern verge of Abernethy Road, designed and constructed by the applicant. These two additional requirements will aid in a safe and more even management of traffic.



Traffic

The Department of Education provides a typical trip rate of 0.5 per student as part of their guidelines. Which therefore given the potential increase of 600 students, the expected total increase of 300 vehicle trips in the morning and 300 vehicle trips in the evening based upon the forecasted 2000 total student capacity. A total of 1000 trips are expected during the peak hour. Given this is only a basis and not a certain outcome, accurate traffic analysis is warranted.

The TIA assumes that these additional trips would be distributed between the on-site set down / pick up bays (accessed via crossovers 3 and 4), the off-site on-street parking along Abernethy Road and Mead Street, and the larger off-site car parks including the Briggs Community Recreation Centre car park, and the car parks for the Byford Town Centre. No complete analysis has been undertaken as part of this expansion whether any further upgrades or parking areas around the school are warranted to be upgraded/expanded.

As mentioned above, Officers in the assessment point to the issue of linking car parking and drop off / pick up facilities, through the notion of a link between Abernethy Road and Mead Street. This will enable convenient access along the north south orientation of the school, which would achieve more efficient movements that help distribute traffic.

The TIA states that during the peak hours the proposal generated via the Abernethy crossover, 56 trips in and 7 trips out during the AM peak, and 6 trips in and 60 trips out during the PM peak.

Peak Hour	Crossover Bays	Trips In	Trips Out	Trip Rate In	Trip Rate Out
AM 8:00-9:00am	87	56	7	0.64	0.08
PM 3:00-4:00pm		6	60	0.07	0.69

Figure 15 - Peak Hour Counts

The TIA has further modelled the proposal's new car parking area will have little effect on the Abernethy Road network. The addition will generate an additional 23 (20 in and 3 out) trips during the peak AM and 21 (2 in and 21 out) trips during the peak PM.

The total movement will be as follows:

Peak Hour	Trips In	Trips out	Change Total
AM: 8am – 9am	76	10	86
PM: 3pm – 4pm	08	81	89

Based upon the above, the TIA has undertaken SIDRA analysis of the local network which has provided a "A" - Level of Service (LOS) to the network which is considered the best outcome for any intersection or road with less than a 10 second delay in stopping for any reason. The SIDRA analysis was forecasted for an ultimate outcome that the school reaches full capacity in 2026. The following figures below showcase a 'A' level for both the AM and PM peak times.

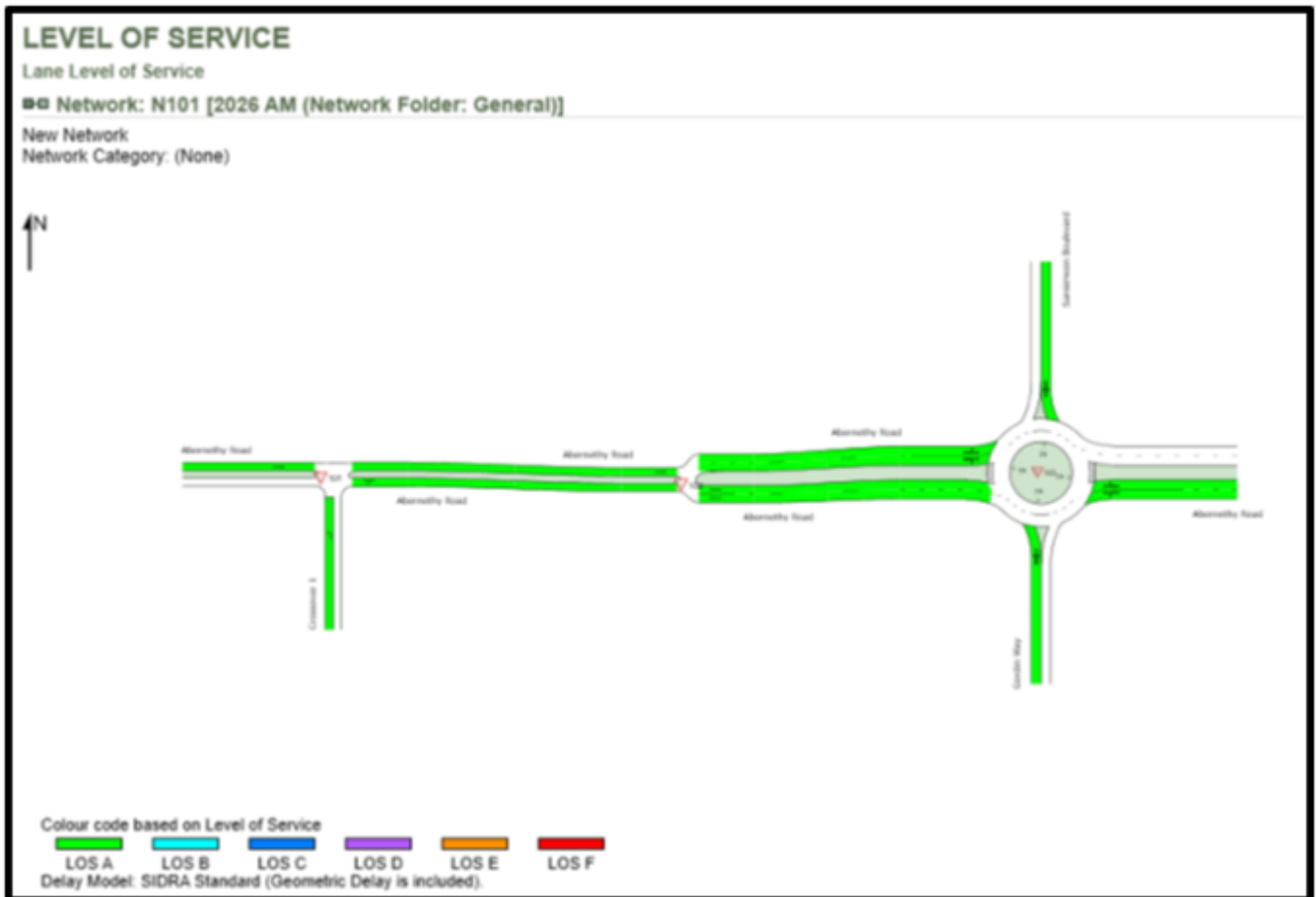


Figure 16 – AM Peak SIDRA Diagram

However, as already mentioned, modelling of a LOS over an extended period does not accurately show the short impact where LOS drops significantly. This drop is caused by unplanned and ad hoc drop off and pick up, which would otherwise be addressed through an improved kiss and ride facility on the western edge of the school.

Also, there is significant concerns regarding the ad hoc measures students utilise in crossing Abernethy Road, in proximity of the Gordin Way roundabout. The addition of nearly 30% addition student capacity, or 600 students, warrants a change in the infrastructure available for pedestrians. This needs to take the form of a traffic controlled pedestrian crossing. This is also important to maintaining sufficient gaps in the flow of traffic along Abernethy Road, to aid better intersection performance particularly of the roundabout and shopping access roads between Gordin Way and South Western Highway.



Car and Bicycle Parking

Based on a total of 2,000 students, the following car parking assessment therefore has been undertaken in accordance with LPS3.

Item	LPS3 Requirement	Required Bays	Proposed
Car parking	14 per 100 students	280 bays	309 Bays
Bicycle parking	1 per 4 students	500 bays	238 Bays (U rail secure bicycle parking areas)

The application complies with the overall car parking requirements however there is a large shortfall in bicycle parking. The Secondary School Planning Guide recommends a total of 153 bays based on the student and teacher numbers the school therefore the proposal complies with the total number of bicycle bays. The variation under LPS3 is not considered acceptable, especially with the importance placed upon pedestrian and cycling access throughout the town centre and broader residential expanse of Byford. A condition is recommended to ensure full provision of bicycle parking.

Stormwater

The application proposes that stormwater from new roofed areas will be contained on site and connect to the proposed internal stormwater system.

The proposed extended car park incorporates permeable paving which removes stormwater runoff from this component of the development and redirects it into the adjacent vegetated swale.

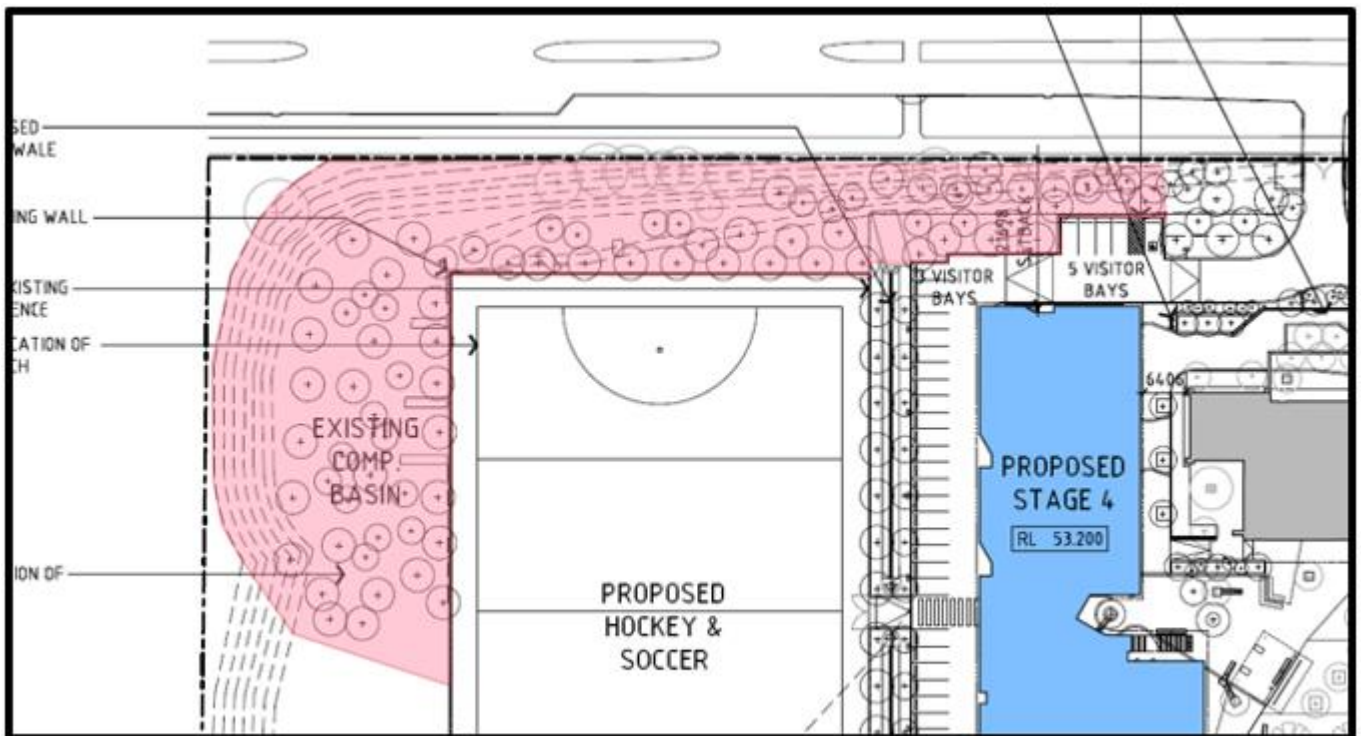


Figure 17 - Stormwater Basin



Landscaping

The application proposes modifications to the existing playing fields located on the western side of the lot. The area contains a stormwater swale which will be required to comply with Water Sensitive Urban Design (WSUD) practises.

Landscaped areas will also include all the areas located adjacent to the new car parking areas which is detailed following.

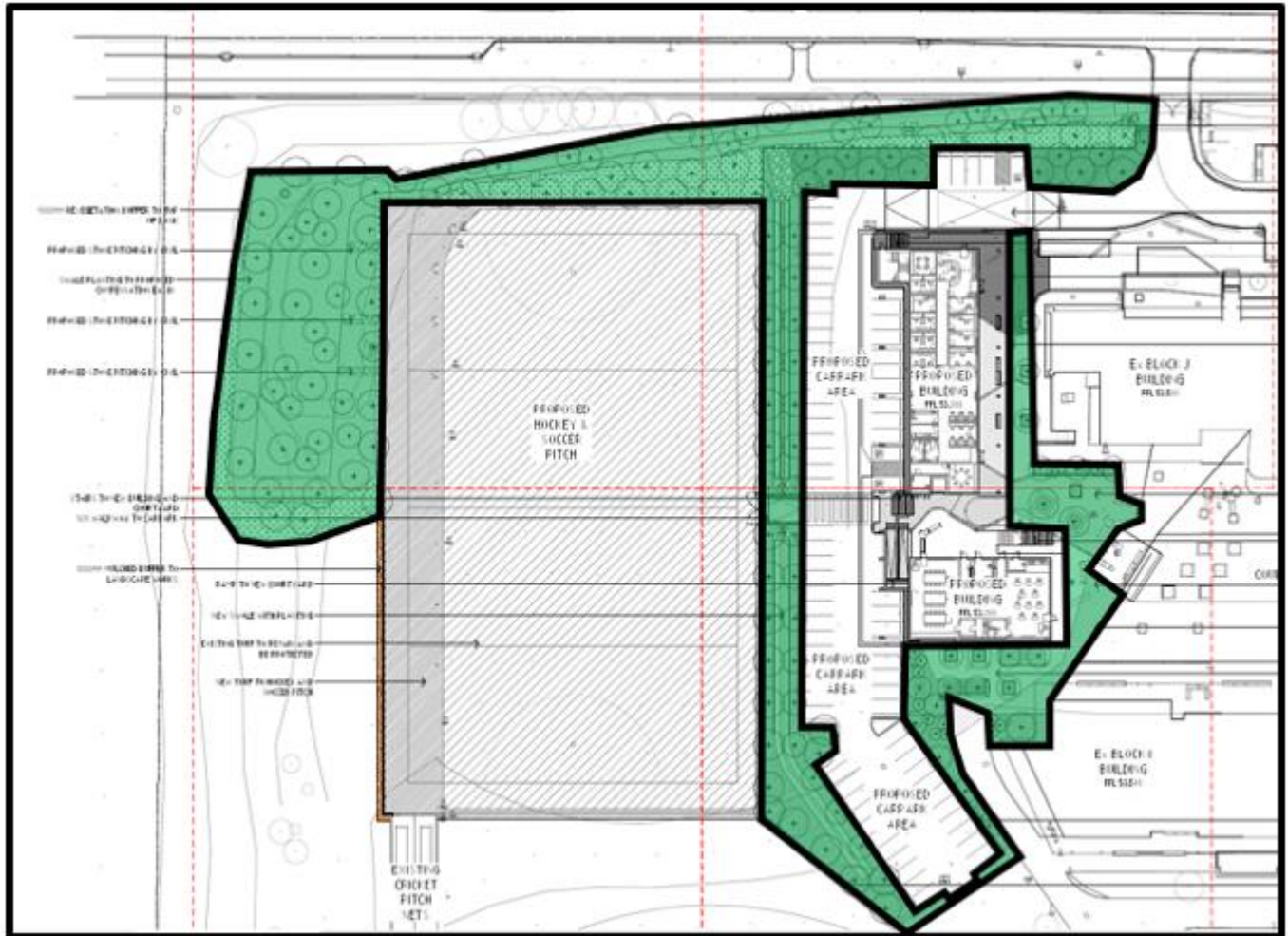


Figure 18 - Landscaped Areas

It is recommended that prior to the lodgement of a building permit a landscaping plan is to be submitted to the Shire and installed prior to occupation of the site.

Waste Management

The proposal discusses the existing waste management on site, which is undertaken from the Gordin Way crossover, however no details have been provided on the waste generation on site and the management of the waste being removed from the site.



Figure 19 - Waste Servicing Area

It is recommended that a Waste Management Plan (WMP) is submitted prior to occupation of the site and carried out for the life of the development. The main operation of the WMP is to ensure waste is collected and taken off site during non-peak hours.

Noise

Under Schedule 2 of the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) certain noise emissions are considered exempt from compliance to an assigned level of noise. Clause 4 of the Noise Regulations states:

“Noise emitted as a consequence of a recreational or educational activity from premises occupied for educational purposes if the activity -

- (a) is conducted under the control of the occupier of the premises; and*
- (b) does not include the use of mechanical equipment other than musical instruments.”*

Given the proposal meets the definition of an educational purpose it is therefore subject to Part 2 Clause 7. This requires that the school is to emit noise in accordance where it is not significant or considered unreasonable.

In the event of any complaints which are associated with educational activity, the Department of Water and Environmental Regulations (DWER) are the responsible body to govern the noise emitted from public schools.



Options

Option 1

That Council RESOLVES to endorse the following Recommendation to the WAPC:

1. That the WAPC APPROVES the development application for the proposed additions to the existing 'Educational Establishment' at Lot 99, 57 Abernethy Road, Byford, subject to the following conditions:

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

Plans and Specification	Development Plans dated December 2023 Bushfire Attack Level Report dated October 2023 Traffic Impact Assessment dated November 2023
-------------------------	---

b. Prior to lodgement of a Building Permit, a detailed Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation. The Stormwater Management Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines.

c. Prior to lodgement of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of Main Roads WA, demonstrating the provision of a traffic controlled pedestrian crossing of Abernethy Road which is designed to safely facilitate student crossing of that road. Once approved, the crossing is to be installed prior to completion and operation of the development.

d. Prior to lodgement of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale depicting the following:

i. The creation of a kiss and ride connection between Abernethy Road and Mead Street, which provides for one way traffic movement and student drop off and pick up along this;

ii. The creation of new kiss and ride bays along the southern verge of Abernethy Road.

Once approved, the crossing is to be installed prior to completion and operation of the development.

e. The vehicle parking areas, accessways, internal roads and crossover must:

i. Be designed in accordance with the relevant Australian/New Zealand Standard;

ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;

iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

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

f. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision



of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.

- g. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- h. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development must be in accordance with the approval Waste Management Plan.
- i. Prior to the lodgement of a building permit, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall detail the following, to the satisfaction of the Shire of Serpentine Jarrahdale:
 - i. Provision of vegetative landscaping within the adjoining verges of the site, and the full management of verges adjoining the site;
 - ii. Detailed planting regime and plans, identifying the number of plants, species, size of tubs;
 - iii. A schedule of planting including the how vegetation is planted, monitored for failure, and replaced where required.

Once approved, the Landscaping Plan shall be implemented prior to occupation and maintained thereafter.

- j. Prior to the commencement of the development, a Construction Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during the peak periods. Once approved, the Construction Management Plan shall be adhered to at all times.
- k. Prior to lodgement of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale, demonstrating the provision of 500 bicycle bays to reflect the requirements of the Local Planning Scheme. These bays are to be placed in a secured location, with safe access for cyclists. Once approved, the bays are to be provided prior to operation of the development.

Option 2

That Council RESOLVES to refuse the following MRS Recommendation:

- 1. That the WAPC REFUSES the development application for the proposed additions to existing Educational Establishment at Lot 99, 57 Abernethy Road, Byford for the following reasons:
 - a. The application has not demonstrated adequate provision of safe pedestrian access of Abernethy Road, which is warranted by the increase in capacity produced by the development.

Option 1 is recommended.



Conclusion

The proposal is considered to meet the intent of the Education reserve under the LPS3. The proposal is Public Works under the definition of the Act and therefore does not require approval through the Shire, but rather through the WAPC under the MRS. The proposal is considered suitable and meets most planning elements, except for adequate pedestrian access across Abernethy Road and adjustments needed in terms of kiss and ride arrangements. These are specifically recommended as conditions of approval.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Development Application (E24/3209)

Alignment with our Council Plan 2023-2033

Thriving
2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
Liveable
4. Invest in facilities and amenities to meet current and future needs

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This option is considered to be the lowest risk option.						



2	That the Council recommends to refuse the development to the WAPC, and the WAPC approve it without adequate conditions.	Ensuring reasons for refusal are valid planning concerns.	Reputation	Possible	Minor	MODERATE	Ensuring reasons for refusal are valid planning concerns. Also providing a without prejudice set of conditions should Option 2 be supported.
---	---	---	------------	----------	-------	----------	--

Voting Requirements: Simple Majority

Officer Recommendation:

That Council RESOLVES to endorse the following Recommendation to the WAPC:

1. That the WAPC APPROVES the development application for the proposed additions to the existing 'Educational Establishment' at Lot 99, 57 Abernethy Road, Byford, subject to the following conditions:
 - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed by the WAPC, except where amended by other conditions of this approval.

Plans and Specification	Development Plans dated December 2023 Bushfire Attack Level Report dated October 2023 Traffic Impact Assessment dated November 2023
-------------------------	---

- b. Prior to lodgement of a Building Permit, a detailed Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation. The Stormwater Management Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines.
- c. Prior to lodgement of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of Main Roads WA, demonstrating the provision of a traffic controlled pedestrian crossing of Abernethy Road which is designed to safely facilitate student crossing of that road. Once approved, the crossing is to be installed prior to completion and operation of the development.
- d. Prior to lodgement of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale depicting the following:



- i. The creation of a kiss and ride connection between Abernethy Road and Mead Street, which provides for one way traffic movement and student drop off and pick up along this;**
- ii. The creation of new kiss and ride bays along the southern verge of Abernethy Road.**

Once approved, the crossing is to be installed prior to completion and operation of the development.

- e. The vehicle parking areas, accessways, internal roads and crossover must:**
 - i. Be designed in accordance with the relevant Australian/New Zealand Standard;**
 - ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;**
 - iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.**

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

- f. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.**
- g. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.**
- h. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development must be in accordance with the approval Waste Management Plan.**
- i. Prior to the lodgement of a building permit, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall detail the following, to the satisfaction of the Shire of Serpentine Jarrahdale:**
 - i. Provision of vegetative landscaping within the adjoining verges of the site, and the full management of verges adjoining the site;**
 - ii. Detailed planting regime and plans, identifying the number of plants, species, size of tubs;**
 - iii. A schedule of planting including the how vegetation is planted, monitored for failure, and replaced where required.**

Once approved, the Landscaping Plan shall be implemented prior to occupation and maintained thereafter.



- j. Prior to the commencement of the development, a Construction Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during the peak periods. Once approved, the Construction Management Plan shall be adhered to at all times.**
- k. Prior to lodgement of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale, demonstrating the provision of 500 bicycle bays to reflect the requirements of the Local Planning Scheme. These bays are to be placed in a secured location, with safe access for cyclists. Once approved, the bays are to be provided prior to operation of the development.**



10.1.5 - Whitby Town Estate Stage 3D Local Development Plan No. 21 (PA23/696)

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

Authority / Discretion

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

Proponent:	Hatch RobertsDay
Owner:	Gold Fusion Pty Ltd
Date of Receipt:	05/09/2023
Local Planning Scheme No 3 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

Report Purpose

The purpose of this report is for Council to consider the proposed Whitby Town Estate Stage 3D Local Development Plan (LDP) No. 21. The LDP proposes variations to State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) and Local Planning Policy 2.2 Residential Development Standards (R25-R60) (LPP2.2). These relate to matters including street setbacks, garage setbacks, street surveillance, visual amenity, and vehicular access, and include provisions relating to fencing, street trees, dwelling orientation, addressing lot boundaries and verandah / portico projections.

It is recommended that Council approve the proposed Local Development Plan, on the basis that the revisions are minor in nature and still enable an effective presentation of development to the surrounding public realm.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background

Under Clause 47 of the Deemed Provisions a LDP may be prepared in the following instances:



- (a) *‘the Commission has identified the preparation of a local development plan as a condition of approval of a plan of subdivision of the area; or*
- (b) *a local planning policy or structure plan requires a local development plan to be prepared for the area; or*
- (c) *another provision of this Scheme requires a local development plan to be prepared for the area; or*
- (d) *the Commission and the local government considers that a local development plan is required for the purposes of orderly and proper planning.’*

On 8 July 2022, the Western Australian Planning Commission (WAPC) issued a conditional subdivision approval for the subdivision of Lots 9010, 23, 24 and 26 Scantling Way, Whitby with a condition requiring the preparation of a LDP. Condition 4 of the subdivision approval states the following:

- 4. *Local Development Plan(s) being prepared and approved for corner lots, lots abutting the proposed public open space and where necessary for tree retention that address (but not limited to) the following:*
 - a) *Dwelling orientation;*
 - b) *Public open space interface;*
 - c) *Vehicular access; and*
 - d) *Garage location.*

On 31 March 2023, the WAPC issued a conditional subdivision approval for the subdivision of Lots 9010, 22, 26 and 29 Scantling Way, Whitby with a condition requiring the preparation of a LDP. Condition 12 of the subdivision approval states the following:

- 12. *Local Development Plan(s) being prepared and approved for lots shown on the plan dated 20 March 2023 (attached) that address the following:*
 - a) *Vehicular Access*
 - b) *Building Orientation*
 - c) *Landscaping in building setbacks*
 - d) *Building entry points*
 - e) *Public interface and relationship with streets and public open space (fencing, lot elevation)*

This proposed LDP seeks to address both aspects of the subdivision applications mentioned above.

The proposed LDP seeks to vary provisions within State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) relating to street setbacks, garage setbacks, street surveillance, visual amenity, and vehicular access, and include provisions relating to fencing, street trees, dwelling orientation, the addressing of lot boundaries, and verandah and portico projections. The proposed LDP provisions are discussed in greater detail within the Planning Assessment section of this report. A copy of the proposed LDP is contained in **attachment 1**. The portion of the Whitby Estate covered by the LDP is shown following:

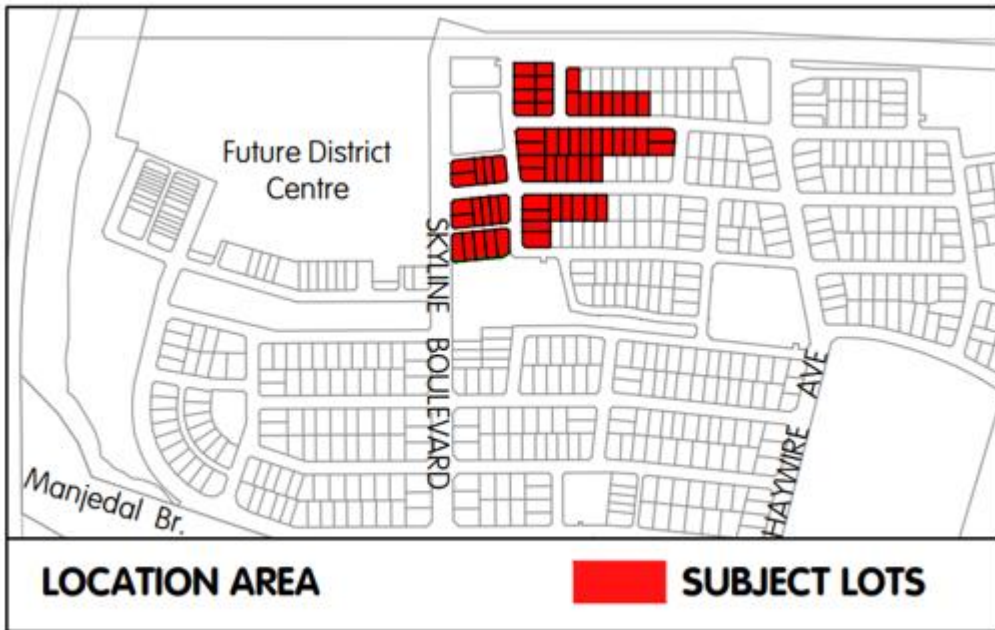


Figure 1 - Area covered by the Local Development Plan

Community / Stakeholder Consultation

Pursuant to Clause 50(1) of the Deemed Provisions the local government is required to advertise a LDP within 28 days of accepting an application. Pursuant to Clause 50(3), the local government may decide not to advertise a LDP if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area. The provisions contained within the LDP are not considered to impact any owners or occupiers within the area covered by the plan or an adjoining area. Therefore, the LDP was not advertised.

WAPC Referral

Under Clause 7.3.2 of the R-Codes, the WAPC's approval is required to amend deemed-to-comply provisions other than those specified within Clause 7.3.1 of the R-Codes. The proposed LDP does contain R-Code variations relating to vehicular access, which are not specified under Clause 7.3.1. As such, the proposed LDP was referred to the WAPC for comment. WAPC approval was received for the variations on 31 January 2024.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 7.3 Residential Design Codes Volume 1

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Local Planning Policy 2.2 Residential Development Standards (R25-R60)



Planning Assessment

Vehicular Access

Section 5.3.5 of the R-Codes states that vehicular access is to be gained off a secondary street, or right of way where possible, rather than a primary street. The proposed dwelling orientations, garage locations and vehicle access provisions shown within the LDP align with this section of the R-Codes, with the exception of corner Lots 851, 509, 468 and 492. The LDP proposes for Lots 851, 509, 468 and 492 to have garage locations and vehicle access which vary the requirement of the R-Codes, proposing that these lots gain access off the primary street. Therefore, the LDP was referred to the WAPC for assessment, under Clause 7.3.1 of the R-Codes. The WAPC approved the variation to the R-Codes related to vehicular access for Lots 851, 509, 468 and 492 on 31 January 2024.

Retaining walls are required to be constructed along the secondary street boundaries to these four corner lots, as an engineering solution to site constraints. This has been reflected within the civil drawings submitted for this subdivision stage. These retaining walls therefore prevent garage locations and vehicle access being achieved off the secondary street. Given this site constraint, the proposed variation for vehicle access is supported by Officers.

Setbacks

Primary street setbacks

The LDP proposes 3m minimum primary setbacks to Lots 882, 832, 833, 834 and 835, which abut the Public Open Space. This primary setback is consistent with the primary street setback requirements prescribed by Local Planning Policy 2.2 Residential Development Standards (R25-R60) (LPP2.2) for R30 lots, and as such, this provision is supported by Officers.

Secondary street setbacks

The LDP proposes a minimum secondary street setback of 1.5m for corner Lot 468. This is consistent with the secondary street setback prescribed by LPP2.2 for R25 lots, and as such is supported by Officers.

Rear laneway setbacks

The LDP proposes 1m minimum garage setbacks for the rear-loading laneway lots (Lots 832-835, 837-839, 843, 844, and 882-884). LPP2.2 prescribes a garage setback of “*Nil – provided laneway is minimum of 6m wide*” for rear loading lots with a density of R50. As such, the proposed 1m rear laneway setback seeks to vary LPP2.2 and is required to be considered by Council.

Officers support the proposal to increase the rear laneway garage setback from Nil to 1m in this location, to allow for improved vehicle manoeuvrability and access within the laneways, and to achieve an appropriate streetscape interface along Fuller Lane. Given location near the district centre and proposals for a future childcare centre nearby, an increased garage setback will assist with safer access through the lane.

This future childcare centre lot is identified within the subdivision approval WAPC 163156 as a significantly sized Commercial lot (refer following). Commercial development within this lot is expected to result in an increase in traffic and pedestrian volumes along Fuller Lane, particularly in regard to a childcare centre development where traffic will increase during peak periods.

A nil garage setback is appropriate for typical 6m laneways, as laneways are generally used for private vehicle access to residential lots. However, given the future land use on the northern boundary of Fuller Lane, this laneway is expected to experience higher traffic volumes than a typical laneway with residential land uses on either side.



Therefore, an increased garage setback along Fuller Lane is deemed appropriate to facilitate a pedestrian-oriented streetscape. Officers are also supportive of a variation to LPP2.2 for a 1m garage setback for Lot 824, which proposes to take vehicular access off its side boundary to Fuller Lane. A 1m garage setback for Lot 824 will ensure a consistent streetscape in alignment with the adjacent rear-loading laneway Lots 844, 843 and 884, along Fuller Lane.

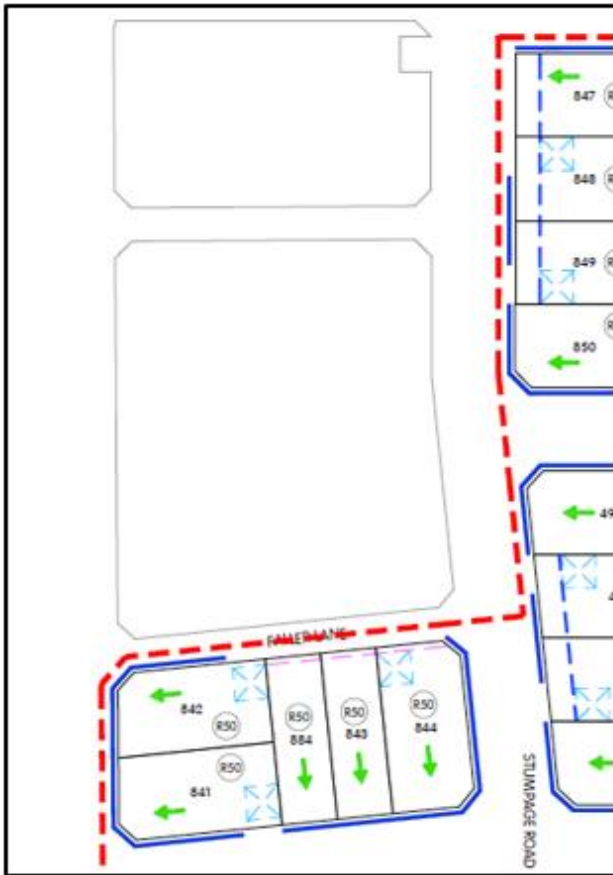


Figure 2. Extract of Proposed LDP

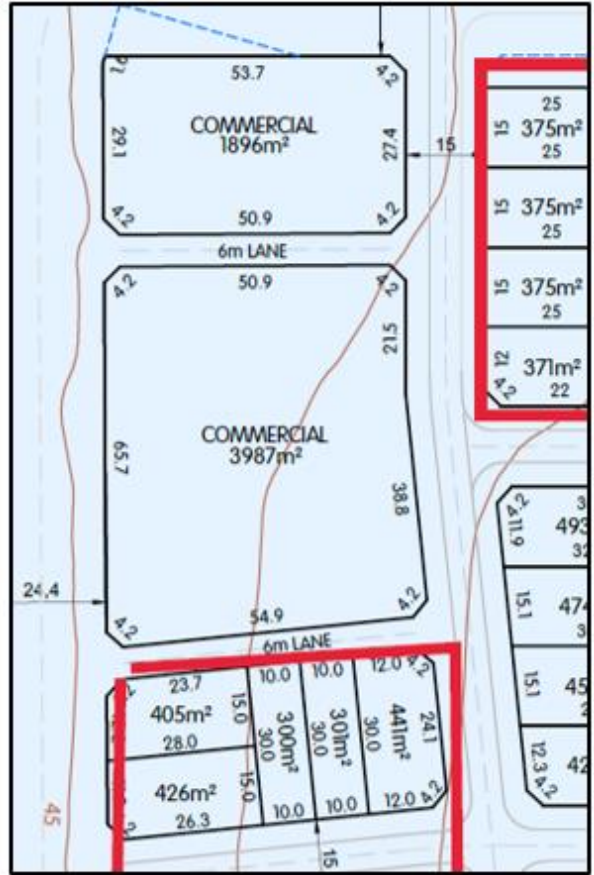


Figure 3. Extract of Subdivision Approval WAPC 163156

Garage setbacks

The LDP proposes garage setbacks of 4.5m for primary streets. LPP2.2 prescribes garage setbacks of 4.5m from the front boundary where footpaths are located at a minimum of 1m from the lot boundary. This 4.5m garage setback is supported by Officers to allow for sufficient space for vehicle parking and verge planting, given that the footpaths are demonstrated as being located greater than 1m from lot boundaries within the civil drawings for this subdivision stage. Therefore, the proposed 4.5m garage setbacks are supported in accordance with LPP2.2.

A provision is proposed for corner lots less than 16m in width, where access is proposed from the primary frontage. The provision proposes that dwellings within these lots may be set back up to 2.5m behind the garage provided that a portico, verandah, or other entry feature, not less than 2.5m wide, is proposed within 750mm of the building line of the garage. This will allow for a streetscape with improved sightlines and passive surveillance, whereby the dwelling and garages are setback appropriately from the streetscape to improve amenity. This provision is therefore supported.

The LDP proposes that all other garages accessed from the primary street are to be set back 1m behind the dwelling building line, or 4.5m from the front boundary, whichever is greater. Section



5.2.1 of the R-Codes states that garages should be setback to maintain sight lines, not obstruct views, and contribute to the streetscape appearance. The proposed provision aims to set back garages appropriately from the lot boundary, to achieve these objectives. LPP2.2 prescribes garages to be setback 4.5m from the front boundary, where footpaths are a minimum of 1m from the boundary. This provision therefore complies with LPP2.2 and the R-Codes and is supported.

Verandah and portico projections

The LDP proposes a provision for verandahs and porticos to not project more than 1.5m into the street setback area for R25-R40 lots, and not more than 1m for R50 lots. Section 5.1.2 of the R-Codes state that a verandah may project into a primary street setback area to a maximum of half the required primary street setback area. Given that the R25-40 lots require a street setback of 3m or 4m, a 1.5m verandah projection is supported for the R25-40 lots. LPP2.2 specifies a verandah projection requirement of 1m for R50 lots, and as such the provision for verandah projections of not more than 1m for R50 lots is also supported.

Passive Surveillance

Addressing of primary and secondary streets

The LDP proposes a standard, supported provision for primary dwelling access to be taken from the frontage defined by the building orientation depicted on the plan.

The LDP proposes a provision for dwellings within corner lots to address primary and secondary streets, with a secondary façade including a 4.5m return with detail matching the primary street elevation (i.e., colours, materials, windows, eaves detailing), and a major opening to a habitable room. Section 5.2.3 of the R-Codes states that buildings are to be designed to provide for surveillance between dwellings and street, and between common areas and the street. This is particularly important for corner lots, which have two street frontages. The proposed provision provides for corner lots to address both street frontages, for the appearance of streetscapes through façade details, and for passive surveillance through a major opening to a habitable room on the secondary street. As such, this provision is supported by Officers.

Habitable rooms

Clause 3.2 of section 5.2.3 of the R-Codes requires that at least one major opening from a habitable room of the dwelling face the street. The LDP proposes a provision for the primary frontage to contain at least one major opening to a habitable room in accordance with building orientation. This provision only states the 'primary frontage', although the provision discussed above requiring a major opening to a habitable room on the secondary street ensures that passive surveillance can also be achieved from the secondary frontages for corner lots. Both provisions are considered acceptable to ensure passive surveillance on the primary and secondary frontages and are supported by Officers.

Street Trees

The LDP proposes a provision for street trees to be provided on all streets 12m or wider, and for vehicle crossovers to be located to avoid conflict with street trees. This provision aims to provide for street trees and to consider street trees when determining crossover locations. By proposing that street trees be planted for all streets 12m or wider, this encompasses all streets within the LDP area, except the two 6m wide laneways. This provision therefore aims to increase tree canopy within the streetscape and is supported.



Fencing

The LDP proposes a provision for front fencing within the primary street setback area to be a maximum height of 900mm above natural ground level, measured from the dwelling side of the front fence, and for the 4.5m secondary street return on corner lots, fencing must be visually permeable above 900mm. This provision is supported, as it provides for visual amenity on primary streetscapes, as well as ensuring that corner lots address both primary and secondary streets, allowing for increased passive surveillance on the secondary street return.

The LDP proposes a provision for visually permeable uniform fencing for the lots abutting the Public Open Space. This provision is supported, as it will allow for high visual amenity within the interface of the POS and private lots and will provide for passive surveillance.

Options and Implications

Option 1

That Council:

1. Pursuant to Clause 52 (1) Part 6 Schedule 2 of *the Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE the Whitby Town Estate Stage 3D Local Development Plan No. 21 as contained within **attachment 1**.
2. Pursuant to Clause 55 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PUBLISH the Whitby Town Estate Stage 3D Local Development Plan No. 21 in accordance with Clause 87.

Option 2

That Council REFUSE the Whitby Town Estate Stage 3D Local Development Plan No. 21 due to inconsistencies with the Residential Design Codes and LPP2.2.

Option 1 is recommended.

Conclusion

This LDP proposes variations to the R-Codes and LPP2.2. The proposed provisions relating to dwelling orientation, primary and secondary street setbacks, garage setbacks, visual amenity and streetscapes, passive surveillance, street trees, and fencing are consistent with the R-Codes and LPP2.2 and are supported. Officers and the WAPC support the proposed variation to the R-Codes Section 5.3.5 relating to vehicular access for Lots 851, 509, 468 and 492, as the engineering requirements of the site prevent secondary street access for these four lots. Officers are also supportive of the proposed variation to LPP2.2 regarding rear laneway setbacks, for reasons of vehicle manoeuvrability and to create a more appropriate streetscape interface with the expected childcare centre development to the north of Fuller Lane. Officers recommend that the proposed LDP be approved.

Attachments (available under separate cover)

- **10.1.5 – attachment 1** – Whitby Town Estate Stage 3D Local Development Plan No. 21 (E24/1261)



Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
Connected
2. Contribute to a well-connected, accessible and health community

Financial Implications

There are no financial implications associated with the proposed application.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this Option.						
2	That Council REFUSES the Whitby Town Estate Stage 3D Local Development Plan No. 21 which results in an appeal to the State Administrative Tribunal, causing financial costs on the Shire and delays in lot creations and home building.	Planning framework, including Local Planning Policy 2.2 Residential Design Standards (R25-R60) Policy, and the Residential Design Codes Volume 1 (R-Codes).	Financial	Possible	Moderate	MODERATE	Accept Officer recommendation.



Continued

Ordinary Council Meeting Agenda Monday, 15 April 2024

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. Pursuant to Clause 52 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE the Whitby Town Estate Stage 3D Local Development Plan No. 21 as contained within attachment 1.
2. Pursuant to Clause 55 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PUBLISH the Whitby Town Estate Stage 3D Local Development Plan No. 21 in accordance with Clause 87.



10.1.6 - Peel Harvey Catchment Council (PHCC) - Contribution Towards Funding of Program for Fencing and Revegetation of Rural Drains and Waterways (SJ744)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to request Council to consider the provision of top-up funding towards the Peel Harvey Catchment Council's (PHCC's) program for fencing of rural drains and waterways. The PHCC can provide farmers with up to \$4,500 per kilometre for fencing, which aim to protect the embankments of drains and waterways as a key measure to manage the health of the Peel Harvey Estuary.

Based on advice received from the PHCC, there is an approximate cost of \$12,000 per kilometre of fencing installed. The proposal for top up funding is to enable a greater uptake of the program by property owners within the Shire.

Officers recommend that Council, as part of budgeting over the next five years, contribute an annual top-up amount of \$1,500 per kilometre of fencing/revegetation, for a maximum length of 15km year. If the maximum uptake occurred, it would involve an annual cost of:

- an annual cost of \$22,500 for the Shire;
- an annual cost of \$67,500 for the PHCC;
- an annual cost of \$90,000 for landowners choosing to access the program.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this issue.

Background

The PHCC's program to fund the fencing of rural drains and waterways has the purpose of managing livestock and contributing to improving the water quality of the Peel Harvey Estuary. The Peel Harvey Estuary has suffered from elevated nutrient levels for many years, much of which is contributed from agricultural land via drains and waterways. Some of the highest nutrient levels are found in Serpentine River, Dirk Brook, Hymus Drain and Karnet Brook. These waterways have sections within the Shire, and thus improving the water quality and health of these waterways can help improve the health of the Peel Harvey Estuary.



Stock with access to waterways or drains do unfortunately degrade the waterway. Dung and urine can contaminate water, either directly or when washed into waterways after rainfall. Dung and urine contain organic matter and nutrients that promote algal growth and decrease a waterway's ability to support a healthy ecosystem. The trampling of banks and beds of waterways also increases streambank erosion and sediment runoff and destroys soil structure through compaction. Eating and damaging foreshore vegetation that stabilises the banks worsens this erosion, with sediment loss more readily occurring as runoff washes down the natural grades of the land to the level of the waterway.

Managing waterways through this program involves fencing off existing foreshore vegetation and banks and controlling weeds to allow natural regeneration. In some cases, planting native seedlings along waterways may also be done additionally, helping to out-compete weed growth and support a healthy ecosystem.

Fencing also helps maintain farming productivity, through keeping nutrients on the farm (as a result of limiting sediment runoff), through improving stock health and enabling more efficient grazing.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

The PHCC approached the Shire last year to discuss whether the Shire may be open to assisting with greater uptake of the fencing program, by providing a financial contribution towards this. Both of the other local governments to whom this program applies (Waroona and Murray) have committed to providing top-up funding for fencing. It should be noted that while the program involves both fencing and revegetation, financial support was only sought for the fencing component.

The PHCC is funded by the State government to deliver the program to fence and revegetate waterways (natural or otherwise) that ultimately flow to the Peel Harvey Estuary. The program is going well except that the landholders are required (by the State) to provide the remaining cost of fencing otherwise not covered by the grant. Based on advice received from PHCC, an average cost of \$12,000 per km currently sees the grant only cover 37.5% of the cost.

The proposal is that the Shire provide an additional \$1,500 per kilometre of fencing on an annual basis, bringing the funded component up to 50% of the total cost per kilometre (capped at 15km per year). The PHCC aims to fence around 15km of drains and waterways within the Shire each year, and this program is committed for the next five years to continue. This would result in an annual cost of \$22,500 for the Shire, with priority locations within the Shire being Serpentine River, Dirk Brook, Hymus Drain and Karnet Brook.

The PHCC currently has five applications for funding in place with landholders in the Shire, totalling 6.7 km of fencing. These landholders have additional fencing that could be undertaken if the funding amount increased. Uptake of the program (number of applications) and length of waterways fenced per application is anticipated to increase if the funding was further contributed to by the Shire.



The PHCC hopes for at least ten landholders per year to apply, with an average minimum of 1.5km to 2km of fencing per landholder. Aiming for 15km is a sound starting point for the Shire, which would see a cost share as follows:

- an annual cost of \$22,500 for the Shire;
- an annual cost of \$67,500 for the PHCC;
- an annual cost of \$90,000 for landowners choosing to access the program.

Officers recommend that Council, as part of budgeting over the next five years, contribute an annual top-up amount of \$1,500 per kilometre of fencing/revegetation, for a maximum length of 15km per year. This is recommended to be done through an amendment to the Shire’s Long Term Financial Plan.

Options

Option 1

That Council REQUESTS the Chief Executive Officer to amend the Long Term Financial Plan to accommodate an annual \$22,500 contribution from the Shire to the Peel Harvey Catchment Council drains and waterways fencing program, for a period of five years commencing 2024/2025 for the support of landowners within the Shire.

Option 2

That Council DECLINES to support the request from the Peel Harvey Catchment Council drains and waterways fencing program for consideration of top up funding.

Option 1 is recommended.

Conclusion

The PHCC’s program to fund the fencing and revegetation of rural drains and waterways has the purpose of managing livestock and contributing to improving the water quality of the Peel Harvey Estuary. Fencing stock out of waterways and revegetating the foreshore area is not just important for the environment, it is an opportunity to increase farm productivity. Providing top-up funding to a successful existing program is an efficient use of Shire resources to assist in increasing uptake of the program and helping manage the natural environment and watersheds of the rural areas of the Shire.

Officers recommend that Council, as part of budgeting over the next five years, contribute an annual top-up amount of \$1,500 per kilometre of fencing/revegetation, for a maximum length of 15km per year.

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



3. Preserve and enhance our natural places, parks, trails, and reserves

Financial Implications

Top-up funding for the Peel Harvey Catchment Council's program for fencing and revegetation of rural drains and waterways is expected to cost up to \$22,500 annually. This is based on a maximum cost of \$1,500 per kilometre of fencing over an anticipated uptake of 15km of fencing annually.

Risk Implications

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered the lowest risk option.						
2	The Shire does not provide top-up funding to the PHCC, resulting in environmental degradation and reputational damage.	PHCC continues to provide core funding and promotes to eligible landholders	Environment / Heritage	Likely	Moderate	MODERATE	None

Voting Requirements: Simple Majority

Officer Recommendation

That Council REQUESTS the Chief Executive Officer to amend the Long Term Financial Plan to accommodate an annual \$22,500 contribution from the Shire to the Peel Harvey Catchment Council drains and waterways fencing program, for a period of five years commencing 2024/2025 for the support of landowners within the Shire.



10.1.7 - Consideration to Advertise Short List Options for Future Regional Level Playground Facility for the Shire of Serpentine Jarrahdale (SJ4111)

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

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
----------	--

Report Purpose

The purpose of this report is for Council to consider the outcomes of the assessment of options for a future Regional Level Playground Facility. The assessment took the form of a multi criteria analysis (MCA) of a long list of potential options, which has resulted in a shortlist of three options being recommended.

Subject to Council's consideration and endorsement of the short list of options, Officers will conduct community engagement to seek feedback. The results of this feedback and final recommendation will then be reported to a future meeting of Council.

Relevant Previous Decisions of Council

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

That Council SUPPORTS the initiation of the project, being a multi-criteria study and community engagement to determine a preferred location for a Future Regional Playground within the Shire of Serpentine Jarrahdale, to be undertaken during the 2024 calendar year utilising internal resources.

Background

The Shire is a hyper-growth local government that is a key location which attracts first homebuyers. A majority of this demographic are established young families, or young couples looking to have children. The Shire's current demographic structure illustrates the large percentage of babies and pre-schoolers service age group, benchmarked against Western Australia, as shown following:



Shire of Serpentine Jarrahdale - Total persons (Usual residence)		2021		
Service age group (years)	Number	%	Western Australia	
			Number	%
a Babies and pre-schoolers (0 to 4)	2,777	8.6		6.1
a Primary schoolers (5 to 11)	3,773	11.7		9.1
a Secondary schoolers (12 to 17)	2,681	8.3		7.4
a Tertiary education and independence (18 to 24)	2,493	7.7		8.2
a Young workforce (25 to 34)	4,896	15.2		14.0
a Parents and homebuilders (35 to 49)	6,747	21.0		20.8
a Older workers and pre-retirees (50 to 59)	3,963	12.3		12.6
a Empty nesters and retirees (60 to 69)	2,673	8.3		10.6
a Seniors (70 to 84)	1,917	6.0		9.3
a Elderly aged (85 and over)	249	0.8		1.9
Total	32,169	100.0		100.0

This demographic structure continues to grow substantially, with the recent ABS Regional Population results for 2023 revealing that Byford alone recorded 394 newborn babies in 2022 - the fourth highest in Western Australia.

In looking to the future, the forecast growth rates reveal a significant level of growth among the younger demographic (0-15 years), showing just how strong the Shire will be as the young family heartland for Perth and Peel. This creates a strong narrative to be able to seek external funding to deliver a range of initiatives, that target this important demographic cohort.

Forecast age structure - 5 year age groups								export	reset
Shire of Serpentine Jarrahdale - Total persons		2023		2029		2036		Change between 2023 and 2036	
Age group (years)	Number	%	Number	%	Number	%	Number		
0 to 4	3,141	8.4	4,210	8.4	5,563	8.5	+2,422		
5 to 9	3,149	8.5	3,857	7.7	4,880	7.5	+1,732		
10 to 14	2,854	7.7	3,691	7.4	4,381	6.7	+1,526		



It is also interesting to consider the location of where this growth is forecast to occur:

Population and age structure - persons aged 0 to 15 years						
Shire of Serpentine Jarrahdale	2023		2036		Change between 2023 and 2036	
Area	Number	%	Number	%	Number	%
Shire of Serpentine Jarrahdale	9,666	26.0	15,658	24.0	+5,992	+62.0
Byford area	6,702	29.7	8,394	24.8	+1,692	+25.3
Cardup area	466	22.9	411	20.6	-55	-11.8
Darling Downs area	647	18.8	685	18.4	+38	+5.9
Hopeland - Keysbrook area	59	11.6	66	12.1	+7	+12.2
Jarrahdale area	388	18.0	356	16.4	-32	-8.3
Mundijong area	870	25.3	5,173	26.2	+4,304	+494.7
Oakford - Oldbury area	101	13.9	95	12.4	-6	-6.2
Serpentine area	434	18.5	477	19.0	+44	+10.1

This provides data driven evidence to the need for a regional play facility and correlates with the qualitative feedback from the last community perceptions survey that identified a desire for such a facility to be built.

Regional play facilities tend to be regarded as major play destinations, which comprise a range of learning, exploring and play functions, supporting a range of experiences for various age groups. They are generally built as a facility which can support a whole day visit, with elements like BBQs and shade pavilions attracting a diverse range of visits and events. They are also associated with other elements of attraction, whether nature based (coast, wetland, river) or amenity based (sporting, civic, cultural activities)

Given the size of the facility, they tend to cost anywhere between \$5m to \$10m and require full time ongoing operational requirements to present the playground daily and ensure maintenance to a very high level. Examples surrounding the Shire include Bibra Lake Regional Playground (City of Cockburn), The Harbour Playground (City of Rockingham), Hotham Park (Shire of Boddington) and Kwinana Adventure Playground (City of Kwinana).

The following is a snapshot of the Kwinana Adventure Playground Facility, which was built in 2016/2017 at a then cost of \$5.5 million. The adventure playground provides for features and uses such as climbing structures, water play area, music play, sand play areas, scooter trail, all abilities facilities, picnic areas / shade and extended play opportunities via skate parks and ovals.

The aim of this project is to look to the future and determine where best to preserve a location for the Shire’s regional level playground facility. This future focus is important, especially as the urban front begins moving through Mundijong and Whitby, delivering a rapid rise in growth in this area, in addition to the rapid growth also taking place in Byford. Council supported the initiation of the project, being a multi-criteria study and community engagement to determine a preferred location for a Future Regional Playground. Officers have undertaken the following as per the initial project scope.

- Initial development of a multi criteria assessment framework to be able to test possible options.



- Formation of an internal cross functional team, to identify a long list of possible options to run through the MCA; and
- This report to Council on the results of the long list, with the intent to adopt a short list for detailed community engagement.

Community / Stakeholder Consultation

Upon adoption of the short list of options, an engagement program will take place including schools, young families, community groups and other relevant stakeholders. Given it is expected that only one kind of a regional facility will be built within the Shire, choosing a location that is future- proofed while accessible and functional for the current community, is critical to being able to succeed in both funding and delivery of the eventual project.

While advocacy as part of future election cycles after 2025 is likely to be a realistic timeframe, having a preferred location endorsed and supported is critical to being able to proceed with a future advocacy program at a time which Council ultimately endorses to align with State and Federal Election cycles.

Statutory Environment

Not applicable.

Comment

The Shire has an opportunity to deliver a prime item of infrastructure and community facility into the future, reflecting the rate of growth that the Shire is accommodating which meets a number of State Government policy objectives. A preferred location allows the Shire to develop a strong narrative in order to successfully advocate for funding, given it will need to rely heavily on external grants to meet the expected capital cost of between \$5m to \$10m. Ongoing operational costs will also be significant, as will depreciation costs, given the expected levels of demand and attraction that such facility will produce.

The size, scale and intent will need to meet the regional requirements as identified by Liveable Neighbourhoods, which identifies 'Regional' spaces as multi hectare, to comprise a range of integrated play experiences and functions that support day long repeat visits. This differs from all other levels of playground facility, which are almost exclusively expected to be delivered by developers as part of their responsibilities in new subdivision and development activities. Thus, this project will be looking at a possible location that can accommodate a major drawcard facility, and which combines with other features to produce the single regional experience expected of it.

As part of the initial project approach and methodology, Officers developed a multi criteria assessment (MCA) framework to test the best possible options of sites that may accommodate a Regional Playground facility. The specific criteria used, and the longlist of potential sites/reserves was determined by an internal cross functional team which included Officers and departments who shared expertise in this space. The final MCA, as determined by the internal cross functional team, addressed the following criteria to assess the long list options:

- Tenure is able to be secured.
- Safe and efficient accessibility, for all modes and access. (Walking, bike, bus, train, car).
- A central and convenient location to current and future population distribution of the Shire.
- An area of between one to two hectares.



- A safe area which has good passive surveillance to all areas of the location.
- Site has good drainage and a natural setting where trees offer opportunities for meaningful integration.
- Delivery of 'Regional Playground' across the site would have a degree of impact to existing natural environment (such as retaining trees).
- A site which has an acceptable shape to facilitate the play space and parking needs.
- Co-location with other natural and/active areas of large open spaces or natural areas.
- Suitability / implementation of Regional Level Playground for the current and future need / expected growth.

These criteria options were weighted against a variable score that ranged from five to one, five being 'Very High' and one being 'Low' (not suitable). The long list of options, as identified by the internal cross functional team, sought to include a variety of sites within the Shire, each with different opportunities and potential outcomes for a future Regional Playground facility. The sites that were identified to be assessed against the MCA are as outlined following in Table 1. **Attachment 2** has images of the areas included in the long list.

Table 1: Long List of site options

1	Woodland Grove open space
2	Cardup Brook co-located near future Orton Road DOS
3	Old Byford Central Crescent Park
4	POS opposite Byford Secondary College, corner Abernethy Road and Gordin Way
5	Keirnan Park
6	Briggs Park
7	Kalimna Reserve
8	Clem Kentish Reserve
9	Jarrahdale on Lot 814 co-located with the future trails centre
10	Jarrahdale Heritage Park (Business Case Plan)
11	Lot 151 Larsen Road - Reserve
12	Langford Park - Jarrahdale
13	Bill Hicks Reserve - Byford



Table 2: Multiple Criteria Assessment Results

An internal cross-functional team was established to assess the long list of site options against the specific criteria. The assessment has shaped a preference of what sites, as taken from the long list, would be the best suited for the future consideration of a Regional Playground facility. Eight Officers took part in the MCA drawn from across the Shire’s Directorates, and the results show a top three preferred sites, as can be seen following:

		Average Score
1	Woodland Grove open space	39.57
2	Cardup Brook co-located near future Orton Rd DOS	37.4
3	Keirnan Park	37.12
4	Kalimna Reserve	34.57
5	Briggs Park	33.42
6	L 151 Larsen Road - Reserve	33.25
7	Bill Hicks Reserve - Byford	33
8	Clem Kentish Reserve	32.71
9	Jarrahdale on Lot 814 co-located with the future trails centre	30.5
10	Jarrahdale Heritage Park (Business Case Plan)	29
11	Langford Park - Jarrahdale	27.5
12	Old Byford central crescent park	27.3
13	POS behind the Salvation Army store, opposite Byford Secondary College	25.42

Woodland Grove Public Open Space, Cardup Brook co-located near future Orton Road District Open Space and Keirnan Park received the highest scored averages across the study. These three sites scored highly against specific criteria that was used to determine the best suitable site for a future Regional Playground within the Shire.

Officers note, with the current growth rate experienced within Byford, that the playground should be in close proximity to this locality. The recommended shortlist shows suitable options, which are all considered accessible from the current and future population growth areas of the Shire:



Woodland Grove Reserve



Key observations:

- suitable size and tenure;
- high degree of local accessibility, lower degree of regional accessibility;
- proximate to the current large population centre of Byford;
- large site with good road frontages, providing for management of parking;
- co-location with planned local community facilities, in the form of a Futsal Facility;
- co-located with existing primary school, which provides a nearby community of interest;
- good opportunities for passive surveillance through configuration towards an edge of the reserve;
- site would require some improvement to address low lying nature especially in proximity to the creek line;
- can be delivered with some impact on the natural environment.



Vicinity of Cardup Brook, next to future Orton Road District Open Space

Key observations:

- suitable size but future land tenure yet to be secured (still in private ownership);
- high degree of local accessibility and regional accessibility, especially with Orton Road to be a road which joins between South Western Highway and Orton Road;
- proximate to the current large population centre of Byford, but also as a southern location is proximate to the future growth area of Mundijong;
- subdivision of land yet to take place, meaning site is yet to be created. Future subdivision design will need to consider road frontages, in order to provide for accessibility and management of parking;
- co-location with planned local community facilities, in the form of a district open space;
- passive surveillance will only take place with future development;



- site may require some improvement, depending on location secured;
- can be delivered with some impact on the natural environment.



Keirnan Park

Key observations:

- suitable size and tenure;
- high degree of accessibility by motor vehicle. Low levels of accessibility by other transport modes;
- not proximate to the current population centre of Byford, but proximate to the larger future population centre of Mundijong;
- only single road frontage, which requires careful management given the large sporting complex that will eventually take place across the land;
- co-location with planned local community facilities, in the form of regional level sporting and recreation facilities;
- low opportunities for passive surveillance unless the site is configured on the Keirnan Street edge;
- generally developable;
- can be delivered with some impact on the natural environment.

Next steps

The preferred short list, if adopted by Council, will allow engagement with the community to determine the kinds of functions and facilities they would like to see delivered with such a proposal, given the diversity of examples that can already be found across the broader Perth and Peel regions. It would be important, for example, to establish the unique point of difference that reinforced the place values held for the Shire by the community.



Upon selecting a preferred site, this would be the basis of longer term advocacy, in order to realise upon delivery.

Options and Implications

Option 1

That Council:

1. ENDORSES the short list options of Woodland Grove Public Open Space, Cardup Brook (co-located near future Orton Road District Open Space) and Keirnan Park for the purposes of undertaking community engagement on the options.
2. REQUESTS the Chief Executive Officer to undertake community engagement for a period of 28 days, which includes opportunities for responses on both preferred location and the kinds of functions and facilities the community would like to see delivered with the future facility.

Option 2

That Council DOES NOT ENDORSE the short list options.

Option 1 is recommended.

Conclusion

A Multi-Criteria Analysis (**attachment 1**) was conducted to identify a shortlist for a Regional level playground facility. Officers consider Woodland Grove Public Open Space, Cardup Brook co-located near future Orton Road District Open Space and Keirnan Park as the preferred shortlist options.

The next stage of the project will be to engage with community members and stakeholders, seeking to determine a preferred location for a Regional Playground, which can then form the basis of future advocacy to fund and deliver the project.

Attachments (available under separate cover)

- **10.1.7 - attachment 1** - Multi-Criteria Analysis Matric table Compiled results - Initiation of Project to Determine a Preferred Location for a Regional Playground (E24/3612)
- **10.1.7- attachment 2** - Maps of the various options included on the long-list (E24/3613)

Alignment with our Council Plan 2023-2033

This proposal aligns with these specific objectives outlined in the Council Plan 2023-2033.

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
2. Strengthen and grow the local tourism industry
Liveable
1. 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
2. Contribute to a well-connected, accessible and health community
3. Empower the community to engage with the Shire and collaborate on matters that are important to them

Financial Implications

The community engagement will be conducted by Officers internally, and therefore will not need an additional funding allocation in the current financial year's budget.

Consideration will need to be given before submitting any grant for capital costs, and Officers expect the majority of the project could only occur if funded through external sources. This could include State and Federal Government grants, Lotterywest grants and/or grants from private developers of local businesses, given the community purpose of the project. Grants will be central to the project taking place.

Once built, ongoing operational, maintenance, and other lifecycle costs would be significant and need careful analysis before proceeding to deliver.

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	Community consultation occurs and builds unrealistic expectations that the project is about to comment.	Community engagement framework	Reputation	Possible	Moderate	MODERATE	Be very clear about what the project is about, being the early planning phase only.



2	If Council does not adopt a preferred shortlist, it will miss the opportunity to apply for regional playground grants.	Maintain current playground facilities to an acceptable level.	Social Community Outcomes /	Possible	Moderate	MODERATE	Nil
---	--	--	-----------------------------	----------	----------	----------	-----

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- ENDORSES** the short list options of Woodland Grove Public Open Space, Cardup Brook (co-located near future Orton Road District Open Space) and Keirnan Park for the purposes of undertaking community engagement on the options.
- REQUESTS** the Chief Executive Officer to undertake community engagement for a period of 28 days, which includes opportunities for responses on both preferred location and the kinds of functions and facilities the community would like to see delivered with the future facility.



10.1.8 - Local Planning Scheme No. 3 - Amendment No. 3 - Omnibus Amendment (PA24/165)

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

Authority / Discretion

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

Proponent: Shire of Serpentine Jarrahdale

Report Purpose

The purpose of this report is to consider a proposed Omnibus Scheme Amendment to the Shire's Local Planning Scheme No. 3, pursuant to Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*). Council is also requested to make a determination as to whether the amendment is a 'basic', 'standard' or 'complex' amendment pursuant to Regulation 34 of the *Regulations*.

Officers recommend that Council adopt the Proposed Scheme Amendment as a 'basic' amendment and recommend that the Proposed Scheme Amendment be approved.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

This report proposes an Omnibus Scheme Amendment to Local Planning Scheme No. 3. Officers have identified seven minor administrative changes needed to Local Planning Scheme No. 3 now that the document has been in operation for almost 12 months. These amendments have been grouped within an Omnibus Amendment for efficiency. These amendments are considered by Officers to constitute a 'basic' amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*, as they are to correct administrative issues, and to ensure consistency across the provisions of the local planning scheme. As this amendment is basic in nature, public advertising will not be required.

Community / Stakeholder Consultation

As the proposed Omnibus Amendment is considered a Basic Amendment, under Part 5 Division 4 Clause 57 of the *Regulations*, advertising is not required.

Statutory Environment

Legislation

- *Planning and Development Act 2005*



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

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3

Planning Assessment

This Omnibus Scheme Amendment proposes seven minor modifications to Local Planning Scheme No. 3. Six amendments are administrative in nature, and one amendment is proposed to ensure consistency within the local planning scheme. The below provisions of the Scheme are recommended to be amended.

Clause 34 Variations to site and development requirements

Clause 34 (2) currently states the below. The words ‘a’ and ‘an’ should be removed from this statement, as indicated below. This will resolve a grammatical error, provide a more coherent statement, and will not result in changes to the meaning or interpretation of the text.

34.

(2) “The local government may approve an application for a development approval that does not comply with an additional site and development requirements”.

Schedule 3 Special Control Areas

Officers recommend an amendment relating to Schedule 3 Special Control Areas. Within this table, there is an incorrect reference to SCA3 within the SCA2 row, as below. This provision is intended to relate to development within SCA2. In its current state, this provision is not able to be applied as intended and it provides incorrect information, as SCA3 does not relate to State Planning Policy 2.3 Jandakot Groundwater Protection Policy. This is required to be amended to refer to SCA2.

SCA2	Jandakot Groundwater Protection	To protect groundwater quality and quantity. To ensure land uses within the SCA are compatible with the protection and maintenance of groundwater.	1. Development within SCA3 should be consistent with State Planning Policy 2.3: Jandakot Groundwater Protection Policy and the Department of Water and Environmental Regulation’s Water Quality Protection Note No. 25 – Land Use Compatibility Tables for Public Drinking Water Source Areas (as amended).
------	---------------------------------	---	---

Figure 1. Extract from Schedule 3 Special Control Areas

Clause 4.5 Ancillary Dwellings

Clause 4.5 states additional site and development requirements for ancillary dwellings. Clause 4.5 (1)(c) states the below. The word ‘generally’ is required to be removed from this statement. For reasons relating to visual amenity, all ancillary dwellings are required to be located behind the primary dwelling setback and be sited to minimise amenity impacts to the surrounds. According to Clause 5.5.1 of the Residential Design Codes Volume 1 (R-Codes), ancillary dwellings should be located behind the street setback line. The removal of the word ‘generally’ will remove ambiguity regarding these requirements, ensuring an optimal streetscape outcome.

4.5 (1)

(c) ancillary dwellings shall generally be located behind the primary dwelling setback and be sited to minimise conflict with surrounding uses.



Schedule 4 Clause 4.6 Vegetation

This amendment proposes to remove the duplication of the word 'approval' within Clause 4.6 (3), indicated below. This will resolve a grammatical error and will not result in any changes to the meaning of the statement.

4.6.

(3) *The local government may require revegetation as a condition of development **approval** where the proposed development includes the removal of existing tree(s) and/or vegetation*

Clause 17 Zoning Table

This amendment proposes to modify Table 3 Zoning Table to align with the Table 2 Zone objectives. Table 2 states that an objective of the 'Mixed Use' zone is to allow for the development of showrooms. However, the land use 'bulky goods - showroom' is identified as a 'X' use within the Mixed Use zone under the Zoning Table, and therefore is not permitted by the Scheme within this zone. This must be amended, as the strategic objectives and the land use permissibility of the Mixed Use zone do not align, and the Scheme therefore contains contradicting provisions. This amendment is considered to constitute a 'basic amendment' under the Regulations, as it aims to ensure consistency with another provision of the local planning scheme.

The Mixed Use zone is aimed at providing for a variety of land uses, ranging from residential to certain commercial activities, and encompasses showroom developments. The zone objectives table states the strategic, overarching objectives of each zone, and as such the zoning table must be made to align with this strategic intent. Showrooms are an appropriate land use within the Mixed Use zone, however, are often significant developments which may have impacts on streetscapes and amenity. Therefore, this land use should require development approval. As such, the 'bulky goods – showrooms' land use should be amended within the zoning table as a 'D' use within the Mixed Use zone.

Mixed Use	<ul style="list-style-type: none"> • To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. • To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.
-----------	--

Figure 2. Extract from Part 3 Clause 16 Table 2 - Zone objectives



USE AND DEVELOPMENT CLASS	ZONES														
	Residential	Urban Development	Rural Residential	Rural Smallholdings	Rural	Environmental Conservation	Light Industry	General Industry	Industrial Development	District Centre	Neighbourhood Centre	Rural Townsite	Mixed Use	Service Commercial	Special Use (refer Note 1)
abattoir	X	X	X	X	A	X	X	A	A	X	X	X	X	X	
agriculture – extensive	X	X	X	D	P	X	X	X	X	X	X	X	X	X	
agriculture – intensive	X	X	A	A	D	X	X	X	X	X	X	X	X	X	
amusement parlour	X	A	X	X	X	X	A	X	A	D	X	X	A	D	
animal establishment	X	X	X	D	D	X	X	X	X	X	X	X	X	X	
animal husbandry – intensive	X	X	X	X	D	X	X	X	X	X	X	X	X	X	
art gallery	X	D	X	D	D	X	X	X	X	P	D	D	D	X	
bed and breakfast	A	A	A	A	D	A	X	X	X	X	X	P	X	X	
betting agency	X	A	X	X	A	X	X	X	X	D	X	X	D	X	
brewery	X	A	X	D	D	X	D	D	D	I	I	X	A	X	
bulky goods showroom	X	A	X	X	X	X	D	X	D	X	X	X	X	P	
caravan park	X	X	X	X	A	X	X	X	X	X	X	X	X	X	
car park	X	D	X	X	X	X	D	D	D	D	D	A	D	D	

Figure 3. Extract from Part 3 Clause 17 Table 3 – Zoning table

Schedule 6 SCA4 and SCA5 Separation Distances

Schedule 6 prescribes separation distances relating to Special Control Area 5. SCA5 aims to control development within close proximity of a site which may be considered a nuisance or offensive by virtue of noise, dust, gas, odour, fumes, lighting overspill and health concerns. An abattoir is located at Lot 5 Butcher Road, Darling Downs, of which a 500m separation distance is required. Schedule 6 (6.2) incorrectly lists an abattoir at 49 Butcher Road, Darling Downs. This address is an administrative error, as 49 Butcher Road, Darling Downs is a residential lot.

This entry is intended to refer to Lot 5 Butcher Road, Darling Downs, and is required to be amended to ensure that the appropriate separation distance is applied around this land use. This separation distance buffer is also required to be amended within the Scheme Map, to demonstrate a 500m separation distance buffer around Lot 5 Butcher Road, Darling Downs, instead of the residential lot located 49 Butcher Road, Darling Downs.



6.2 - SCA5 - Separation Distances

Type of Industry	Address	Separation Distance
Abattoir	640 Yangedi Road, Keysbrook	500m
Abattoir	458 Gossage Road, Oldbury	500m
Abattoir	Lot 504 Yangedi Road, Keysbrook	500m
Abattoir	49 Butcher Road, Darling Downs	500m
Manure Works (Enclosed)	252 Boomerang Road, Oldbury	400m
Manure Works (Outdoors)	76 Punrak Road, Hopeland	850m
Piggery	567 Utley Road, Hopeland	1,000m
Egg Farm	1324 Thomas Road, Oakford	300m
Clay Brick manufacturing	97 Kiln Road, Cardup	1,000m
Poultry Farm (Meat)	47 Manning Road, Hopeland	700m
Poultry Farm (Meat)	151 Casuarina Road, Oldbury	300m
Poultry Farm (Meat)	101 King Road, Oakford	500m
Poultry Farm (Meat)	526 Gossage Road, Oldbury	500m
Poultry Farm (Meat)	12 Tunney Road, Oldbury	500m
Poultry Farm (Meat)	259 King Road, Oldbury	600m
Poultry Farm (Meat)	322 Hopeland Road, Hopeland	800m

Figure 4. Schedule 6 (6.2) SCA5 – Separation Distances

86



Figure 5. Local Planning Scheme No.3 Map 01 - Darling Downs Locality



Scheme Maps – Special Control Area 9 (SCA9)

Special Control Area 9 - Byford and Mundijong Community Infrastructure Development Contribution Area (SCA9) has been incorrectly omitted from the scheme maps and legend. This omission is an administrative error which is required to be corrected to depict SCA9 on the scheme maps and legend as shown under Schedule 7.4 of the Scheme.

Options

Option 1

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to ADOPT the proposed Scheme Amendment No. 3 to Local Planning Scheme No. 3 - Omnibus Amendment as contained in **attachment 1** and DETERMINE the proposed Scheme Amendment to be a 'Basic' amendment in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - a. "an amendment to correct an administrative error"
 - b. "an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme"
2. Pursuant to and Regulation 58(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES a copy of the proposed Scheme Amendment No.3 to Local Planning Scheme No. 3 - Omnibus Amendment as contained in **attachment 1**, to the Western Australian Planning Commission.

Option 2

That Council, pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to NOT ADOPT the proposed Scheme Amendment No.3 to Local Planning Scheme No. 3 - Omnibus Amendment.

Option 1 is recommended.

Conclusion

This Omnibus Scheme Amendment proposes a basic scheme amendment relating to administrative errors and minor inconsistencies within Local Planning Scheme No. 3. The majority of the amendments contained within this Omnibus are simple grammatical errors, with one amendment relating to an inconsistency between the strategic intent of a zone, and the permissibility of land uses. As these amendments are minor in nature and will result in a more coherent and consistent local planning scheme, Officers recommend that Council adopt the proposed Omnibus Scheme Amendment.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** - Scheme Amendment No. 3 - Omnibus Amendment Report (E24/3626)



Alignment with our Council Plan 2023-2033

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

Financial Implications

There are no financial implications relating to this matter.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	That Council, resolves to NOT ADOPT the proposed Scheme Amendment No.3 to Local Planning Scheme No.3 - Omnibus Amendment which creates an administrative inefficient document to be applied to development assessment.	Planning Framework	Social Community Outcomes /	Possible	Moderate	MODERATE	Accept Officer Recommendation



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to ADOPT the proposed Scheme Amendment No. 3 to Local Planning Scheme No. 3 - Omnibus Amendment as contained in attachment 1 and DETERMINE the proposed Scheme Amendment to be a 'Basic' amendment in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - a. "an amendment to correct an administrative error"
 - b. "an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme"
2. Pursuant to and Regulation 58(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES a copy of the proposed Scheme Amendment No.3 to Local Planning Scheme No. 3 - Omnibus Amendment as contained in attachment 1, to the Western Australian Planning Commission.



10.1.9 - Proposed Local Structure Plan - Mundijong Precincts E1 and E2 (PA23/860)

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

Authority / Discretion

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

Proponent:	Rowe Group
Owner:	Various Landowners
Date of Receipt:	7 November 2023
Lot Area:	117.8 hectares
Local Planning Scheme No. 3 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

Report Purpose

The purpose of this report is for Council to consider the submissions received during the advertising of the proposed Mundijong Precincts E1 and E2 Local Structure Plan and make a recommendation to the Western Australian Planning Commission (WAPC) on whether the proposed Structure Plan should be approved. It is recommended that the Structure Plan be approved subject to modifications.

Relevant Previous Decisions of Council

(Previous decisions pertaining to E1 portion)

Ordinary Council Meeting - 10 April 2012 - OCM117/04/12 - COUNCIL DECISION/OFFICER RECOMMENDATION

That Council, pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No. 2 determine that the proposed Local Structure Plan for the Mundijong Precinct, Lots 6, 7, 9000, 9001, 9003 & 9005 Adams Street, Mundijong is not to be advertised until modifications included in the Schedule of Modifications as per attachment OCM117.8/04/12 and the inclusion of the local centre are undertaken to the satisfaction of the Director Development Services.



*Ordinary Council Meeting - 22 October 2012 - OCM065/10/12 - COUNCIL DECISION / Officer Recommendation - **extract***

2. Pursuant to Clause 5.18.3.7(a) of Town Planning Scheme No. 2, adopts the Local Structure Plan for Lots 6, 7, 9000, 9001, 9003 & 9005 Adams Street, Mundijong subject to the following:
 - a) The modifications, included in the Schedule of Modifications as per attachment OCM065.5/10/12, being undertaken to the satisfaction of the Director Development Services;
 - b) The Local Water Management Strategy being deemed acceptable by the Director Engineering, the Department of Water, and the Water Corporation;
 - c) The Noise Management Plan being approved by the Director Development Services, on advice from Main Roads WA; and
 - d) The Landscape and Built Form Guidelines being approved by the Director Strategic Community Planning.
3. Subject to compliance with part 2, forwards the Local Structure Plan to the Western Australian Planning Commission for consideration pursuant to Clause 5.18.3.9 of Town Planning Scheme No. 2.

Ordinary Council Meeting - 10 February 2014 - OCM116/02/14 - COUNCIL DECISION / Officer Recommendation:

That Council:

2. Note the decision of the Western Australian Planning Commission to approve the Mundijong Precinct E1 Local Structure Plan, pursuant to Clause 5.18.3.12 of the Town Planning Scheme No. 2, as detailed in their correspondence dated 30 October 2013, as provided in attachment OCM116.2/02/14.
3. Adopt the Mundijong Precinct E1 Local Structure Plan provided as attachment OCM116.1/02/14, modified in accordance with the requirements of the Western Australia Planning Commission, pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2

(Previous decisions pertaining to E2 portion)

*Ordinary Council Meeting - 8 July 2013 - OCM001/07/13 - COUNCIL DECISION - **extract***

That:

1. Council, pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No 2 determine that the proposed Local Structure Plan for the Mundijong Precinct, Lot 50 Cockram Street and Lot 119 Sparkman Road, Mundijong is not to be advertised until modifications included in the updated Schedule of Modifications dated 8 July 2013, as per attachment OCM001.7/07/13, are undertaken to the satisfaction of the Director Planning.

Ordinary Council Meeting - 14 July 2014 - OCM005/07/14 COUNCIL DECISION / Amended Motion:

That Council advise the Western Australian Planning Commission that it adopts the Local Structure Plan for Lot 50 Cockram Street and Lot 119 Sparkman Road, Mundijong, subject to the Acoustic Assessment being prepared to the satisfaction of the Shire, on advice from Main Roads Western Australia prior to approval being granted by the Western Australian Planning Commission.



Ordinary Council Meeting - 25 May 2015 - OCM079/05/15 COUNCIL DECISION / Officer Recommendation:

That Council:

- 1. Adopt the Mundijong Precinct E2 Local Structure Plan provided as attachment OCM079.1/05/15, modified in accordance with the requirements of the Western Australia Planning Commission, pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2.*
- 2. Note the decision of the Western Australian Planning Commission to approve the Mundijong Precinct E2 Local Structure Plan, pursuant to Clause 5.18.3.12 of the Town Planning Scheme No. 2, as detailed in their correspondence dated 12 March 2015, as provided in attachment OCM079.2/05/15.*

Background

A proposed Local Structure Plan has been prepared for various lots within Mundijong Precincts E1 and E2, as identified within the Mundijong District Structure Plan. Precincts E1 and E2 are bounded by Mundijong Road, Scott Road, and Adams Street/Taylor Road. The Structure Plan area is 117.8 hectares of land zoned Urban Development under the Shire of Serpentine Jarrahdale's Local Planning Scheme No. 3, and Urban under the Metropolitan Region Scheme. This Proposed Structure Plan seeks to replace the previous two structure plans for the subject land, and particularly aim to modernise and update the design approach taking account of the updated District Structure Plan that has recently received approval from the WAPC.

Explaining this further, there are currently two approved Local Structure Plans over the subject site. These are the Mundijong Precinct E1 Taylor Road/Adams Street Mundijong Local Structure Plan, which was approved in 2013, and the L50 Cockram Street and Lot 119 Sparkman Road, Mundijong Local Structure Plan, which was approved in 2015. The proposed Local Structure Plan has been prepared to provide an updated Local Structure Plan to reflect the current planning framework.

The proposed Structure Plan has been prepared to guide and inform future subdivision and development of the site. The Structure Plan proposes 1,900 new residential dwellings, mostly with a density of R30-R60 and a portion of R20-25 along the western interface. The Local Structure Plan proposes 12.05ha of Public Open Space, including a 1.3ha Neighbourhood POS, as well as a Primary School site.



Figure 1: Subject Site



Figure 2: Proposed Mundijong Precincts E1 and E2 Local Structure Plan

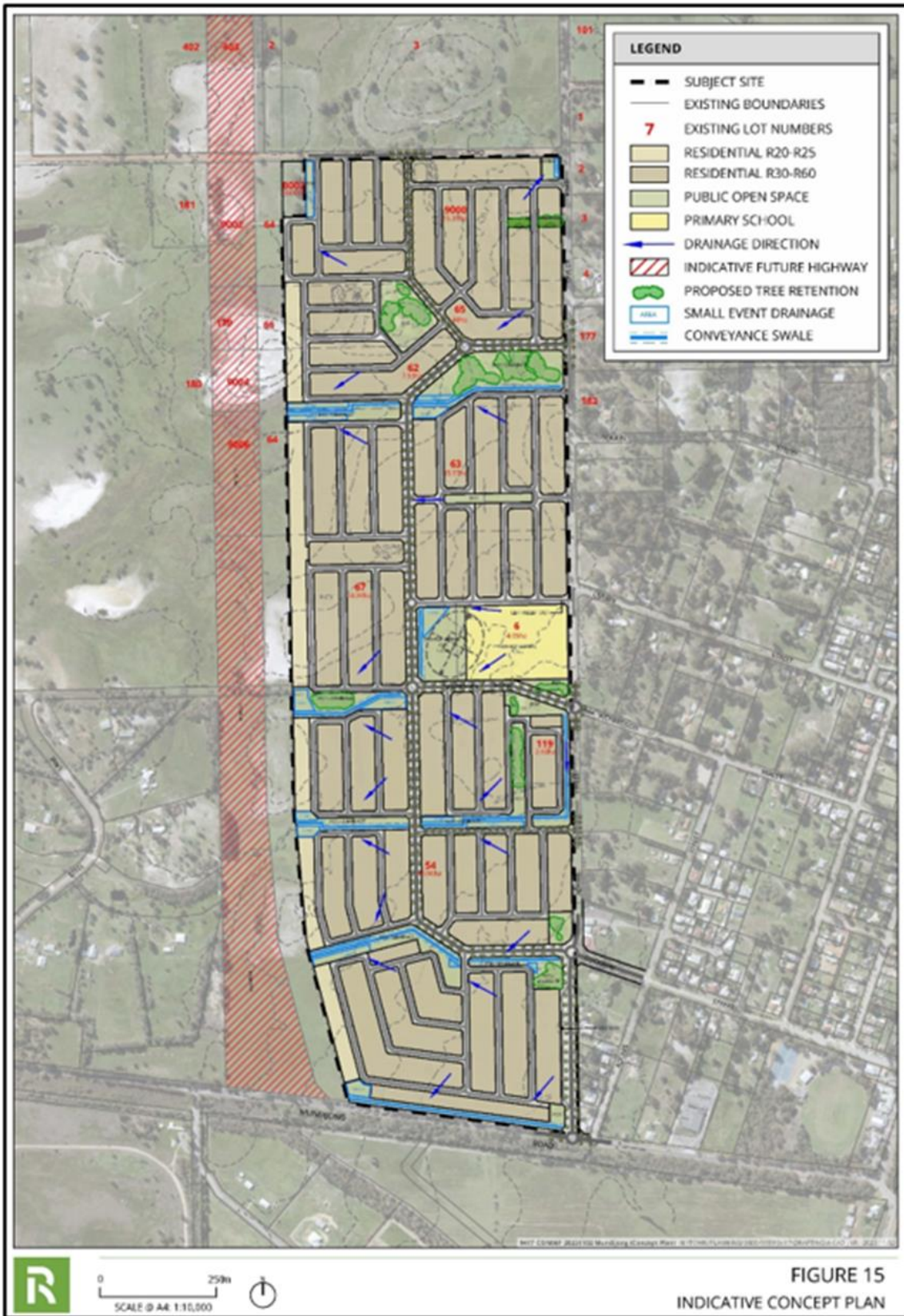


Figure 3: Proposed Indicative Concept Plan



Community / Stakeholder Consultation

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed Local Structure Plan was advertised for a period of 42 days, from 21 December 2023 to 9 February 2024. 19 submissions were received. 13 of these submissions were received from government agencies and six were received from residents and landowners.

Government Agencies

12 submissions were received from government agencies. No objections were received from ATCO, Department of Primary Industries and Regional Development, Department of Planning, Lands and Heritage Historical Heritage Conservation, and Department of Energy, Mines, Industry Regulation and Safety. Comments and concerns were raised by Water Corporation, Department of Biodiversity, Conservation and Attractions, Department of Transport, Public Transport Authority, and Department of Health. Objections were received from Main Roads Western Australia, Department of Water and Environmental Regulation, Department of Fire and Emergency Services, and Department of Education. The concerns raised by these submissions are recommended to be addressed through modifications to the local structure plan and appendices.

Main Roads' submission also requested modifications to the LSP, Noise Management Plan, Bushfire Management Plan, Local Water Management Strategy, and Transport Impact Assessment. These modifications included the reflection of additional land requirements associated with Planning Control Areas and the Tonkin Highway extension, and scenarios regarding the Mundijong Road/Adams Street intersection.

Water Corporation highlighted that the LSP's proposal to establish water and sewer connections, is in alignment with the Water Corporation's long-term planning for Mundijong. Water Corporation highlighted that the delivery of the LSP is dependent on the timeframes for the delivery of the pump station, which has been accounted for within their 5-year Capital Investment Program. The LSP must also be amended to reflect changes to land requirements within the infrastructure corridor as a result of Planning Control Areas.

Department of Biodiversity, Conservation and Attractions highlighted the lack of consideration of environmental assets located on and adjacent to the subject site within the LSP, Local Water Management Strategy, and Environmental Assessment Report. These assets include Bush Forever Site 360, a Conservation Category Wetland, and threatened and endangered species populations.

Modifications were requested by Department of Water and Environmental Regulation regarding the proposed drainage strategy of the site and the Local Water Management Strategy (LWMS), particularly in relation to stormwater discharge into the Water Corporation owned infrastructure corridor to the west of the site, as well as issues regarding private lot drainage and separation from groundwater.

Department of Fire and Emergency Services raised objections regarding inconsistencies between the Bushfire Management Plan (BMP) and LSP, vegetation classifications, and bushfire hazard issues.

The Department of Education objected to the proposed location of the Primary School site and recommended that the primary school be located as per the Mundijong District Structure Plan.

The government agency submissions raising concerns or requesting modifications are discussed in detail in the planning assessment portion of this report.



Landowners and Residents

Six submissions were received from residents and landowners. Two submitters were supportive of the facilitation of the development of housing to cater for the Shire's population growth. One submitter did not object nor support, requesting further information which was provided. Three residents raised objections to the proposed Local Structure Plan.

Several residents objected to the proposed residential densities, voicing their preference for low density housing. The LSP proposes a base residential density of R30, with a transitional area of R20-R25, and areas of R40-R60 subject to locational criteria. The base density code of R30 is supported by Officers, as this is consistent with the Mundijong District Structure Plan density range of Low (Suburban) R20-R35. However, Officers recommend that the proposed transitional and locational criteria for the higher density ranges be modified to more accurately represent the densities allocated by the Mundijong District Structure Plan, and the WA Planning Manual Guidelines for Structure Plans.

Two residents raised concerns regarding increased traffic and noise levels. The LSP and Transport Impact Assessment (TIA) demonstrate measures to account for increased vehicular traffic within the site. However, modifications are required to the TIA and LSP in regard to the movement network. Importantly, the design facilitates a north south connector that will help alleviate traffic congestion from the likes of Adonis Street and Paterson Street and is reflected of the new District Structure Plan.

One resident raised concerns as to the loss of flora and fauna on site. Modifications are recommended to be made to the LSP, the Environmental Assessment Report, and the Local Water Management Strategy to opportunities to maximise vegetation retention potential. Compared to the previous approved structure plans, this new structure plan does provide some additional capacity for increased vegetation retention.

An objection was raised in regard to the proposed location of the primary school site. The proposed location is inconsistent with the state and local planning framework and is not supported by Officers. This is recommended to be adjusted.

These objections are considered further within the planning assessment section of this report.

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

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



- Mundijong District Structure Plan
- Local Planning Policy suite

Planning Assessment

Planning Framework

The subject site is zoned Urban under the Metropolitan Region Scheme, Urban Settlement under the Shire of Serpentine Jarrahdale's Local Planning Strategy, and Urban Development under the Shire of Serpentine Jarrahdale's Local Planning Scheme No. 3.

The site falls within the Mundijong District Structure Plan (DSP). The DSP requires structure plans to be prepared within identified Local Structure Plan Precincts, prior to subdivision and development. As the subject site is identified as Precincts E1 and E2, a structure plan has been prepared to guide subdivision. The DSP identifies these precincts as having a Residential land use, with an intended Primary School and network of public open spaces. As mentioned, previously approved structure plans for the precincts are proposed to be updated and replaced by this proposed structure plan. This is considered necessary, given the Shire has advanced a new district structure plan for Mundijong, and 10 years has passed since the original structure plans were progressed and approved.

Planning Control Area 179 Mardella Freight Rail Realignment

Planning Control Area (PCA) 179 Mardella Freight Rail Realignment was declared in December 2023, and affects the subject site. This PCA identified additional land requirements within the south western portion of the LSP site, shown below, for the Tonkin Highway Project. The LSP needs to be modified to account for this PCA.

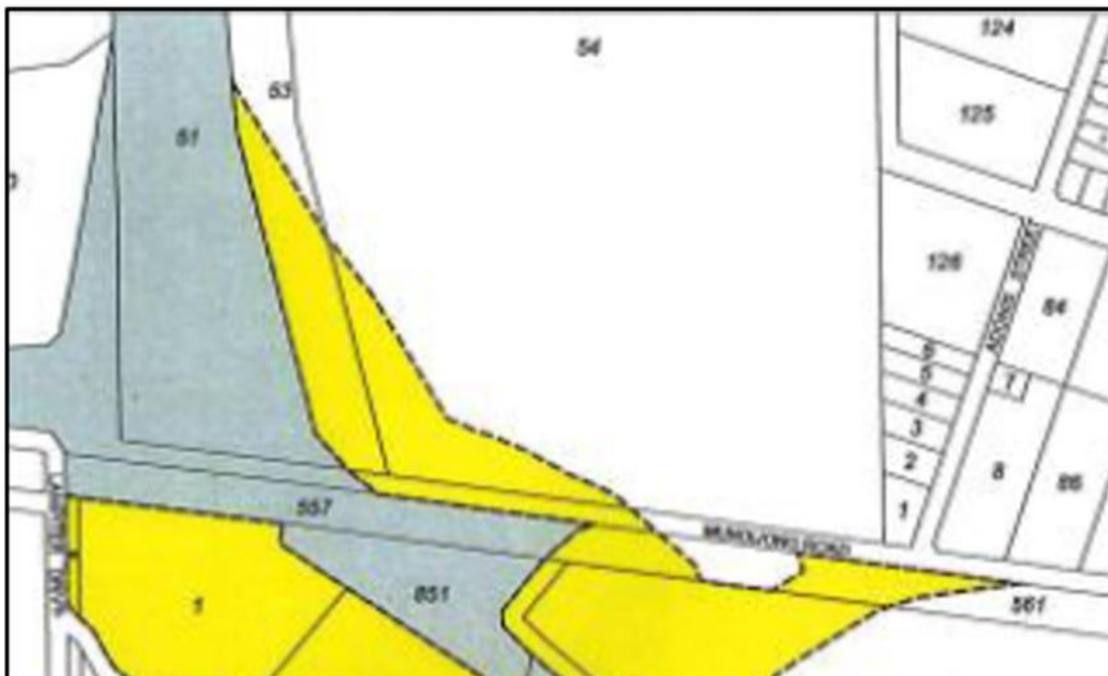


Figure 4: Planning Control Area 179

Residential Density

The LSP proposes residential densities of R30-R60 across much of the subject site, with a portion of transitional R20-R25 along the western interface with the Tonkin Highway reserve and the Water Corporation infrastructure corridor. The LSP proposes higher density ranges than is



identified by the Mundijong District Structure Plan (DSP). The LSP proposes a base code of R30, with locational criteria for R40 lots located within 400m of public open spaces and at the end of street blocks, and R60 lots located within 200m of public open spaces and at the end of street blocks. The proposed 400m catchment around POS for R40 lots is inappropriate, as this catchment would essentially encompass the entirety of the LSP site, resulting in higher densities not necessarily being applied near the high amenity locations.

Officers recommend that these density ranges be modified to align with the DSP and the WA Planning Manual Guidance for Structure Plans. A density code of Residential R15 is recommended for the lots along the western portion of the site to provide a transitional density and sensitive interface to the Tonkin Highway corridor, and in accordance with the DSP, which identifies a range of R10-R15 along this western interface. This is also important to limit the density of development to the West Mundijong Industrial Area, located just on the western side of the future Tonkin Highway.

A base density code of R30 is proposed to be applied, which is consistent with the DSP, which identifies densities of Low (Suburban) R20-R35. Officers recommend modifications to the locational criteria for R40, R50 and R60 densities as the proposed locational criteria based on large catchments would not result in the increased densities being applied in high amenity locations such as overlooking public open space. Officers recommend the locational criteria be amended to allocate the increased densities to lots which abut or overlook public open spaces, and are located at the end of street blocks, to ensure a higher density urban outcome in high amenity areas.

Movement Network

Road network

The LSP proposes a 24m wide Neighbourhood Connector A Spine Road traversing north-south through the site, with 15m wide Access Streets as internal roads within residential precincts. It is recommended that the Neighbourhood Connector A be widened 27.2m to accommodate for street trees within the street's median strip. Roads adjacent to POS must also be widened to 14m, in lieu of 13.2m, in accordance with Liveable Neighbourhoods, which states that road reserves are to be reduced by 1m adjacent to POS.

The main access point to the site is proposed at Mundijong Road. It is proposed that the Adams Street road reserve be extended southward, connecting to Mundijong Road via a new intersection. This is consistent with the Mundijong DSP. The Transport Impact Assessments (TIAs) associated with the DSP and the proposed LSP both forecast this road as a 30m wide Integrator B. However, the LSP depicts the new portion of Adams Street as a 24m wide Neighbourhood Connector A. Therefore, this must be amended to reflect a 30m width, to align with the DSP and development contribution plan (which will be amended to include this road). A modification has been recommended in relation to this. The LSP does not reference upgrades to the existing portion of Adams Street/Taylor Road abutting the subject site. This existing portion of Taylor Road and Adams Street is required to be upgraded to an Integrator B standard in alignment with the DSP. Officers recommend modifications to Part 1 of the LSP to reflect this requirement.

The Taylor Road upgrade, Adams Street extension, and the Mundijong Road intersection are identified within Development Contribution Area 3, under the proposed Amendment No. 2 to Local Planning Scheme No.3.

Main Roads recommend that the LSP include two scenarios for the interim design of the Mundijong/Adams Street intersection, accounting for the design of the future Tonkin Highway/Mundijong Road intersection. Scenario One involves the existing Adonis Street access



being converted to a cul-de-sac, and Adams Street being extended to a new intersection with Mundijong Road, of which road design by the proponent is required to align with the future Tonkin Highway project. Scenario Two proposes to create a cul-de-sac at the southern extension of Adams Street, with the Adonis Street intersection remaining open until such time as the Tonkin Highway/Mundijong Road intersection is upgraded to the ultimate road design, at which point the Adams Street intersection will be constructed.

Officers support Scenario One being included within the LSP, as the preferred option consistent with the Mundijong DSP. Such also reflects Element 2 R14 of Liveable Neighbourhoods, which documents the importance of planning differences between routes seeking regional mobility, vs those made for local accessibility. This provision documents that parallel streets should be provided back from major arterials, understanding the importance to protect arterials for mobility purposes. This protection being afforded through a strong parallel route along the arterial, that is designed with accessibility in its street detail and function.

A temporary cul-de-sac at the Adams Street extension will not provide adequate connectivity to the site and will create a dependency on timeframes associated with the delivery of the Tonkin Highway/Mundijong Road intersection. Given the expected increases in traffic volumes associated with the development of the subject site, direct access to Mundijong Road is necessary and thus Adonis Street being converted into a cul-de-sac, and Cockram Street extended through to the new Adams Street extension.

The modification sets out road replanning as follows:

1. Cockram Street extended through to the new north south road (Adams Street), with appropriate roundabout intersection.
2. The north south road (Adams Street) having a suitable intersection with Mundijong Road.
3. Adonis Street being converted to a cul-de-sac, or if shown possible, a left in left out.
4. Cockram Street and Adonis Street intersection being treated as a roundabout.
5. Richardson Street and Adams Street being treated as a roundabout.

These will be requirements associated with implementation of the Structure Plan. These are shown following:



Figure 5: Map showing road structure changes to account for the structure plan

The LSP states that the main north-south movements through the site will be facilitated by a central spine road, and the LSP Concept Plan indicates that the spine road will continue to Scott Road. However, the Movement Network Plan shows that the portion of the Spine Road which connects to Scott Road will not be classed as a Neighbourhood Connector, and does not reference an upgrade to Scott Road, nor details for the Scott Road/Spine Road intersection. It is recommended that the road connection to Scott Road be identified as a Neighbourhood Connector with an intersection as a roundabout, to allow for a central spine road to traverse the entire site from north to south to facilitate traffic as intended and key links to the Mundijong District Centre and primary school.

It is also required to ensure pedestrian connectivity takes place to the town centre and school as part of the first stage of subdivision. Given the likely first stage of subdivision occurring around the sewer pump station, the developer is required to extend the footpath network as follows, to ensure new residents have safe walking and cycling options from the beginning of the estate.

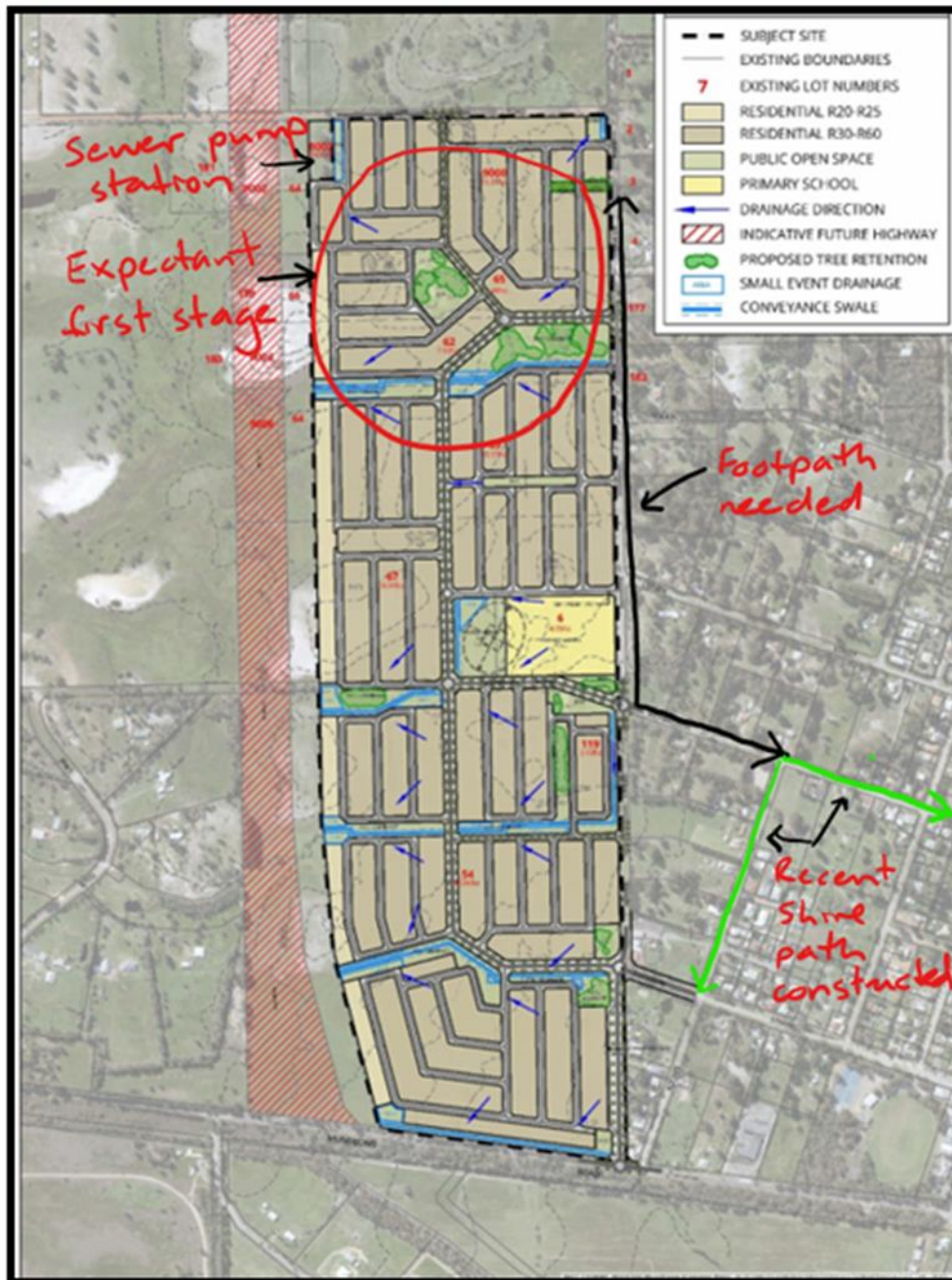


Figure 6 - Footpath extension required for first stage of subdivision

The LSP proposes a road network which creates isolated residential 'precincts'. This road network is aimed at reducing through traffic along residential streets, facilitating the majority of vehicle movement along the Spine Road. However, within each precinct, looped roads with limited connectivity are proposed. For example, there is only one entry and exit point into the southernmost residential precinct, below. This is required to be modified, as this creates poor vehicular and pedestrian connectivity and emergency services access. Connectivity should occur at points A and B as shown following:



Figure 6A: Proposed Local Structure Plan Lack of Connectivity

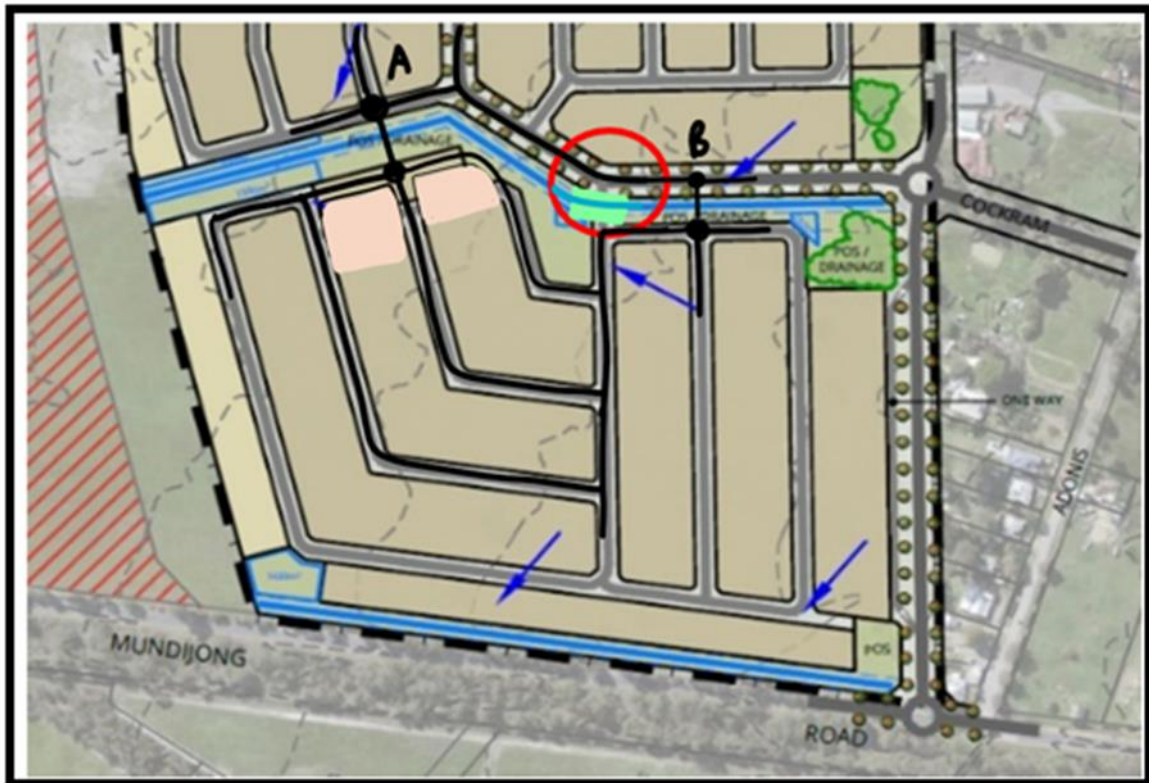


Figure 6B: Connectivity should occur at points A and B



Water and Sewage Servicing

The LSP site will achieve a connection to a reticulated water supply through an extension of the recently constructed water main along Paterson Street. This is in alignment with Water Corporation's long-term planning for the Mundijong urban area.

The absence of a reticulated sewerage connection is currently a major constraint to subdivision and development within the Mundijong District Structure Plan area. The LSP proposes to establish a sewerage connection to the subject site through an extension of existing sewerage infrastructure within Byford. This sewerage connection will deliver reticulated sewerage to the Mundijong urban area and will facilitate future subdivision and development within this area, to accommodate the projected growth and housing needs of this area.

Wastewater Pump Station

A waste water pump station is proposed to the north-west of the subject site. This pump station is a part of the Water Corporation's long-term planning for the Mundijong urban area. The subdivision and development of the LSP site is dependent on the timeframes for the delivery of this pump station, which has been accounted for within the Water Corporation's 5-year Capital Investment Program. A 50m odour buffer for residential development has been accounted for.

Stormwater Drainage

The LSP proposes a drainage strategy comprised of a pit and pipe network to contain small-scale runoff, and living streams and bioretention areas within POS, conveying stormwater to flood storage areas (FSAs), mostly within the adjacent Water Corporation owned infrastructure corridor adjacent west of the subject site.

Private Lot Drainage

The Local Water Management Strategy (LWMS) proposes soakwells at the front of private lots, with subsoil drains at the rear. Due to the site's clayey soils, low infiltration rate and high perched water, Officers have concerns regarding the capacity for the soakwells to cater for impervious runoff. It should be noted that the calculated infiltration rate does not account for the poor infiltration of the clayey soils which cover much of the site, as this rate was calculated in relation to sand profiles. Subsoils are not supported by Officers within private lots, and are only to be permitted within road reserves and POS. The LSP proposes for the first 15mm of runoff to be infiltrated through the soakwells within lots larger than 225m². The LWMS states that smaller lots under 225m² which are unable to manage this 15mm volume will have a 'shared soakage' at the shared lot boundary. This approach is not acceptable, and all lots greater than 300m² should be required to contain the first 15mm of runoff onsite via soakwells no deeper than 600mm, and all lots under 300m² must have a direct connection established, in lieu of a proposed 'shared soakage structure' within private lots. Modifications have been recommended in relation to this.

Water Corporation Infrastructure Corridor

The LSP proposes stormwater water discharge into Flood Storage Areas (FSAs) within the infrastructure corridor to the west of the site, owned by Water Corporation, and partially within the future Tonkin Highway Road Reserve, owned by Main Roads. Given that the drainage strategy is dependent on outflow into this corridor, and that the infrastructure corridor is an integral part of the Water Corporation's long-term planning, the proposed drainage strategy must be to the satisfaction of Water Corporation and Main Roads. Additionally, Planning Control Area 179 impacts the designs of the infrastructure corridor must be account for.



The LSP proposes that the detailed design of the infrastructure corridor occur at the future UWMP stage. However, given that the LSP layout is dependent on discharge into this corridor, further details, and design to the satisfaction of Water Corporation is vital at the structure plan stage. The LWMS depicts that the FSAs servicing Catchments 1, 3 and 5 encroach into the future Tonkin Highway reserve. The LWMS must clarify and modify the locations of the FSAs, to demonstrate that no FSAs are to be located within this road reserve, unless Main Roads approves such to occur. Based on the submission from Main Roads, this is not supported and will require the current FSAs within the Tonkin Highway reserve, MRS reserves, and Planning Control Areas, relocated.

Further details are required as to the methods of discharge, contingencies for post-development of the Tonkin Highway, as well as demonstrating that pre-development outflows are equal to post-development outflows. Details are also required on the monitoring and maintenance arrangements of the FSAs within easements, including responsibilities of Water Corporation and the Shire of Serpentine Jarrahdale.

The District Water Management Strategy (DWMS) associated with the DSP identifies three basins within the site. The proposed location of the largest FSA (Ct-03) aligns with the DWMS, however is proposed to be relocated within the infrastructure corridor. There is no FSA proposed to be located at the discharge point of Catchment 6. The DWMS depicts one basin on either side of this drainage corridor. The LSP states that an FSA is not required at this location as the catchment's pre-development outflow exceeds the inflow from upstream catchments. However, further detail is required to demonstrate how the living streams in this catchment will offset any increased excess runoff from impervious surfaces within the catchment.

Separation distances

The LSP and LWMS proposes insufficient 300mm groundwater separation distances. This is not supported by Officers as 500mm of separation are required for POS, including all FSAs and BRAs, and a 600mm separation is required for road reserves. Modifications have been recommended in relation to specific separation distances. Fill requirements are dependent on groundwater separation distances, and as such this is a significant concern, as reduced separations will result in increased fill required, which may impact vegetation retention. Conversely, too much fill also impacts upstream development by requiring higher amounts of fill also. Accordingly, this issue must be properly rectified.

Primary School

The LSP proposes a Primary School located north of Sparkman Road, adjacent to the Neighbourhood POS. The proposed Primary School location is not supported by Officers or the Department of Education, as it is inconsistent with the Mundijong District Structure Plan, State Operational Policy 2.4 Planning for School Sites, Liveable Neighbourhoods, and for reasons relating to land ownership.

The proposed location of the primary school is inconsistent with the Mundijong District Structure Plan. The DSP depicts a primary school to be located within the southern portion of the site. The LSP proposes relocating this primary school 500m further north and states that this proposed location will deliver a centrally located school site. However, given the location of the existing Mundijong Primary School, the intended locations for other primary schools within neighbouring precincts (such as 300m north of the LSP site), and additional primary schools required within the DSP, the proposed relocation of the primary school site will likely hinder the viability of these primary schools within neighbouring catchments. It is considered appropriate to locate the primary



school as is prescribed by the DSP, to allow for better servicing of the southern portion of Precinct E, and a more balanced distribution of primary schools within the DSP area.

The proposed Primary School site does not satisfy the frontage and streetscape requirements under State Operational Policy 2.4 Planning for School Sites (OP2.4) and Liveable Neighbourhoods. These documents require at least three road frontages for primary schools, with one frontage being a Neighbourhood Connector, and at least one frontage being a lesser order street (minimum Access Road B). Roads around school sites should contain on-street parking adjacent to the school, and dual use paths on either side of the roads. The LSP proposes a Neighbourhood Connector A (Sparkman Road) along the southern boundary of the primary school site. However, this frontage only extends halfway along the school's interface, as it is obstructed by a POS, as shown following. Therefore, this does not constitute as a frontage to a Neighbourhood Connector and will not deliver the requirements for parking and footpaths under Liveable Neighbourhoods and OP2.4. An Access Street C is proposed along the northern frontage of the school site; however, this does not meet the requirement of an Access Street B, and the LSP states that these Access Streets will only include footpaths on one side of the road. Therefore, this cannot be considered as adequate street frontage to the school. It should be noted that the LSP does not prescribe upgrades of the existing Adams Street road reserve along the eastern boundary of the school site. Therefore, in its current form, the proposed location of the primary school is not consistent with OP2.4 or Liveable Neighbourhoods and does not provide adequate assurance of street frontage requirements, parking, and footpaths.

Furthermore, Officers do not support the proposed Primary School location, for reasons regarding landholding distributions. The LSP proposes to locate the primary school wholly within Lot 6 Adams Street, Mundijong. All other landholdings within the LSP site are under the ownership of Kerrboyle Pty Ltd, Qube Adams Street Mundijong Development Pty Ltd, and Mundijong 888 Pty Ltd. The Primary School has been proposed within the only lot within the subject site which is under private ownership other than the abovementioned landowners. Additionally, Lot 6 Adams Street is sized 4ha, in comparison to the significantly larger lot sizes within the LSP site. Therefore, the Primary School will encompass the entirety of this lot, resulting in a burden to this landowner and potentially impacting the future delivery of the Primary School to service the residential population within the Structure Plan area. A detailed submission was received from Altus Planning on behalf of the landowners of Lot 6 Adams Street, Mundijong, highlighting that consultation has not occurred between the proponent and these landowners, and that the proposed location is inappropriate given the reasons highlighted by Officers above.

Given the objections to the proposed location of the Primary School site received from the Department of Education and the landowners of Lot 6 Adams Street, Mundijong, and for the reasons discussed above, Officers recommend a modification to the structure plan to identify the Primary School site in the location depicted by the Mundijong DSP.

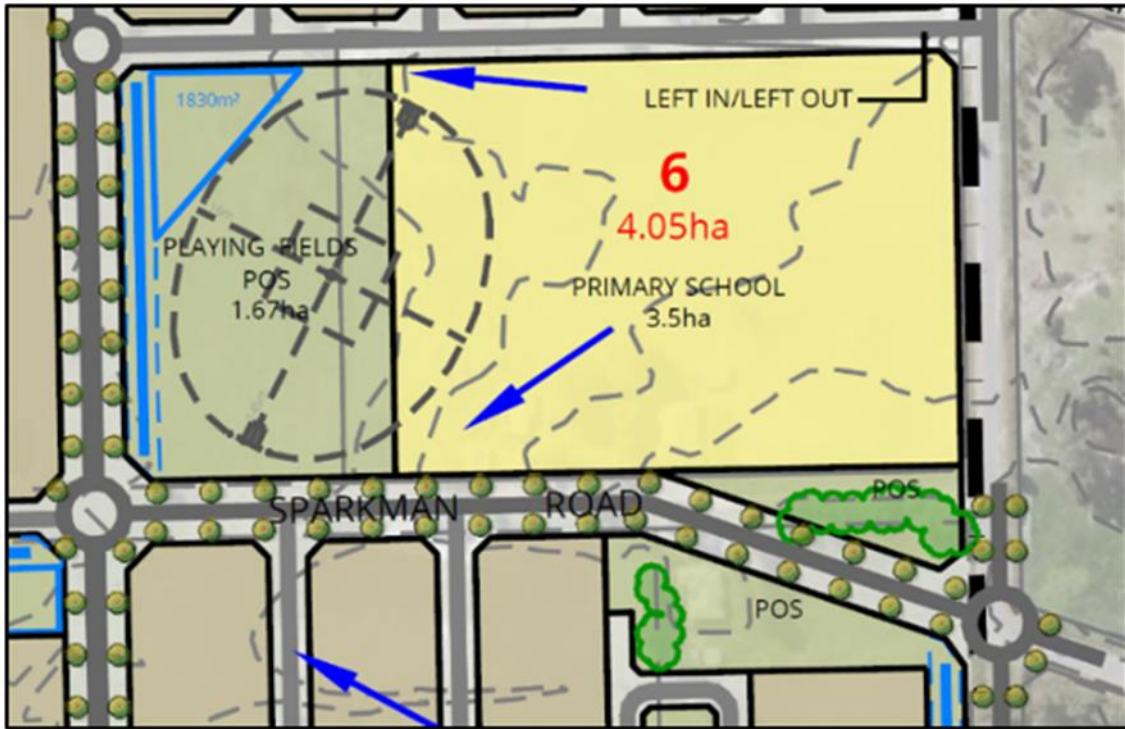


Figure 7: Proposed Primary School location

Public Open Space

The Mundijong District Structure Plan and its associated DWMS depict several major drainage lines being accommodated through Multiple Use Corridors (MUC). The LSP proposes a MUC within the northern portion of the site, in alignment with the DSP. However, the LSP does not propose MUCs in the two locations identified by the DSP, as shown below.



Figure 8: Mundijong District Structure Plan

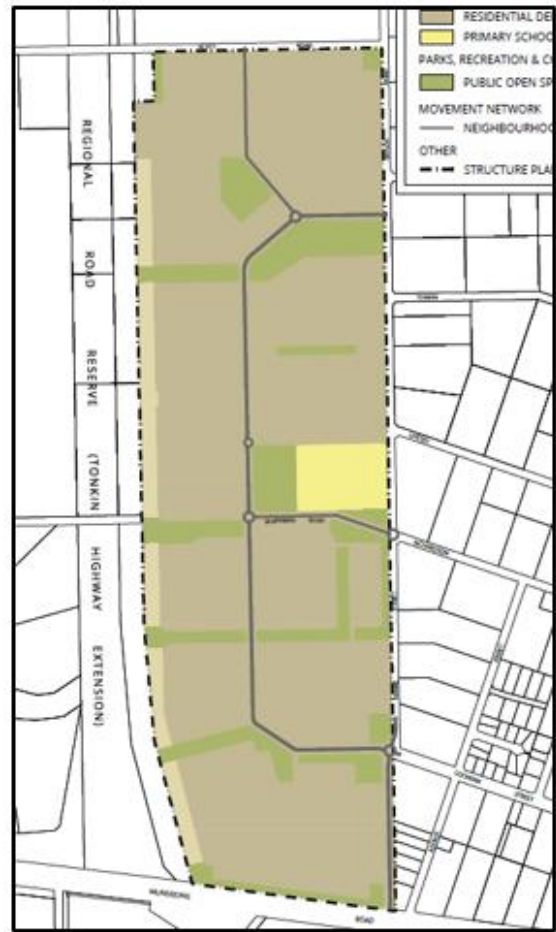


Figure 9: Proposed Local Structure Plan

The LSP proposes 12.05ha of Public Open Space, achieving above the 10% required. However, most of the POS is proposed in the form of narrow drainage POS without clear information as to how usable open space will be provided. Based on the lack of information, the LSP does not adequately provide Multiple Use Corridors which are able to be used for recreation as well as servicing drainage functions. This results in concerns that usable POS may be underprovided.

For example, POS 13, 14 and 17 are narrow and linear with an over 30% drainage function for 1:1 year events. POS 17 is also not sufficiently sized to serve as a POS function nor as a 'buffer' between the site and the Bush Forever site to the south of Mundijong Road and needs to be widened. POS 6 is not proposed to have a sufficient size or shape to adequately function as a POS and is not shown as servicing a drainage function. Officers recommend that this POS be reflected as a vegetated road reserve median instead.

The distribution of POS should therefore reconfigure to achieve a more appropriate balance between drainage POS and usable open space for recreation purposes. A modification to reconfigure the POS to incorporate an increased proportion of usable POS and a reduced proportion of narrow, linear, and restricted drainage-based POS, while ensuring that the 10% POS provision can be achieved across the LSP site, is recommended by Officers.

Further, Officers seek to reduce the number of MUCs from the current five to three, as generally shown following, in order to reduce the amount of land consumed by MUCs and to also reduce the maintenance burden that these would otherwise create.

This is shown following:

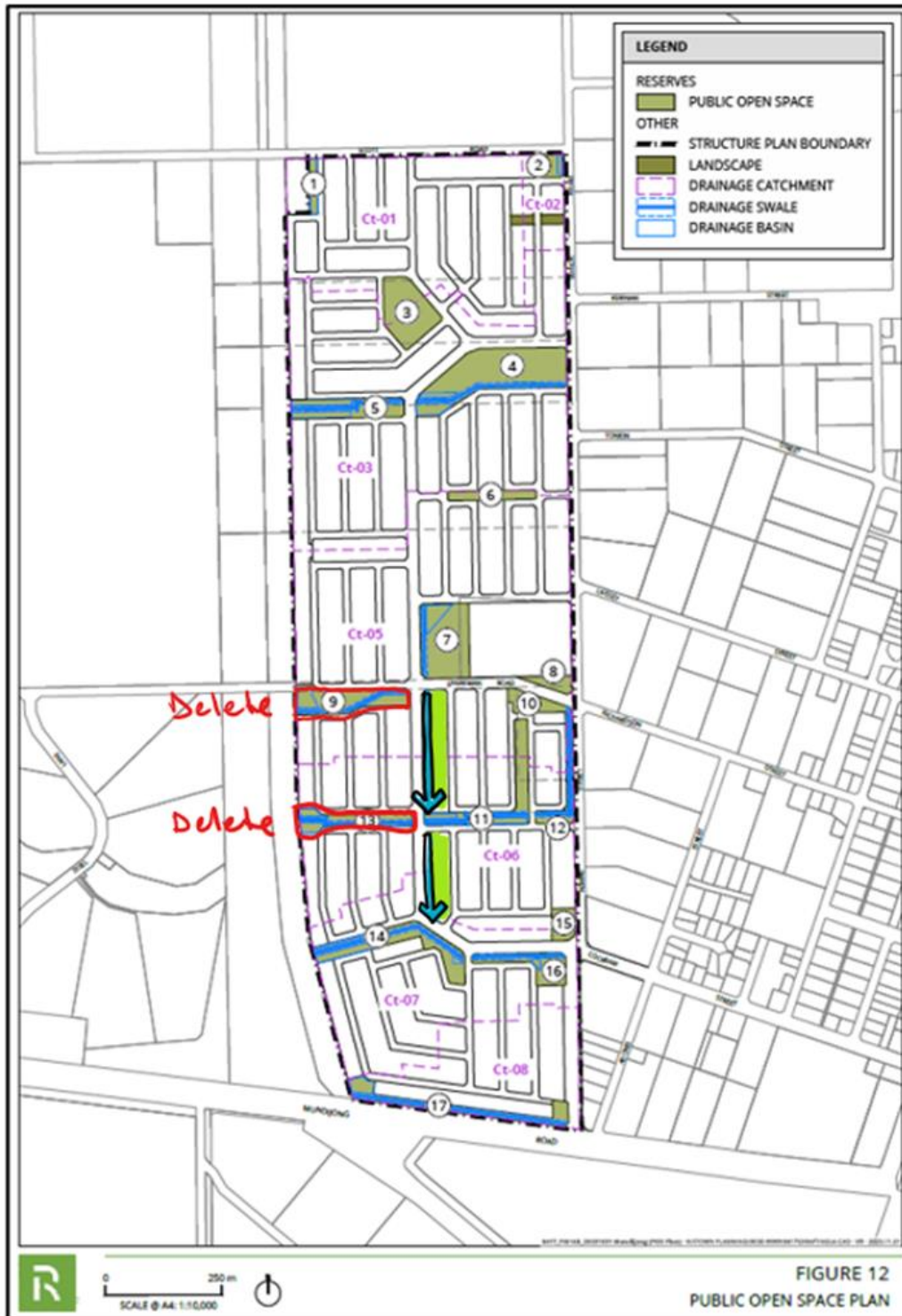


Figure 10: Public Open Space Plan

The LSP and appendices must clarify the irrigation of all POS, including demonstrating that the required groundwater licenses are able to be acquired. Groundwater sampling within the LWMS demonstrates that water quality may not be suitable to irrigate the POS. The LWMS states that future UWMPs will demonstrate irrigation sources, however the LWMS should be modified to adequately demonstrate the irrigation strategy for POS to demonstrate a sufficient water supply at the structure plan stage.



The LSP proposes a Neighbourhood Public Open Space (NPOS) adjacent to the Primary School, containing playing fields. The DSP identifies a NPOS located within Precinct E2, however, the LSP proposes to relocate this 400m north, within Precinct E1. The Primary School lot is shown as 3.5ha. As State Operational Policy 2.4 Planning for School Sites requires 4ha of land for primary schools, a shared-use agreement would be required for a portion of the NPOS, and the playing fields are shown as being contained within the two land parcels. However, the LSP does not include the Department of Education support to such an agreement at this stage, and as such it is preferred for the land to be provided separately for the NPOS and the primary school unless otherwise agreed.

The Landscape Strategy demonstrates that the NPOS is not sufficiently sized to contain an oval without changes to the proposed POS layout and drainage strategy. The LSP demonstrates that a portion of the NPOS is to be used as restricted drainage, which is not preferred given the LSP site's already high proportion of drainage POS. If the NPOS is to serve as the main open active POS within the subject site, it must be appropriately sized and designed to serve this function. Officers recommend that the NPOS be located as identified within the DSP and is to be provided separately to the primary school.

Bushfire Management

The LSP proposes for public open spaces to be maintained and classified as 'Low Threat'. However, given the vegetation proposed within these spaces, particularly within the living steams, this classification is inaccurate and must be amended to accurately represent the bushfire hazard. The BMP also incorrectly classifies much of the subject site's surrounding mature vegetation as 'excluded'. Therefore, an updated BMP is required to accurately demonstrate the vegetation on site.

A perimeter road has not been proposed alongside the western boundary of the site, therefore resulting in the residential lots along the western interface being subject to BAL-40 and BAL-FZ (Flame Zone) Ratings. Officers and DFES do not support the creation of residential lots within areas higher than a BAL-29 rating. It is proposed that these BAL-40 and BAL-FZ lots be developed once a lower rating can be achieved through development to the west of the site, such as the Tonkin Highway project and the West Mundijong Industrial Area.

This is insufficient and does not demonstrate compliance with the Guidelines for Planning in Bushfire Prone Areas, as adequate separation has not been achieved from the hazardous vegetation to the west of the site. The Bushfire Guidelines state that separation to hazardous vegetation is to be achieved through a perimeter road and is only to be achieved through a Fire Service Access Route (FSAR) where a perimeter road cannot be achieved. The BMP proposes an FSAR within the Water Corporation infrastructure corridor and does not demonstrate why a perimeter road is unfeasible. There is no evidence demonstrating that an FSAR can be achieved within this third-party owned land located outside of the LSP site. Officers and DFES do not support the proposed FSAR and recommend that a perimeter road be provided within the subject site. As such, an updated BMP, and potential modifications to the LSP layout are required to accurately classify bushfire risk and achieve adequate separation to bushfire hazards. Modifications have been recommended by Officers in relation to this.

Environment

The Environmental Assessment Report contained in Appendix 8 does not cover the entire LSP site or the proposed LSP layout. The LSP and Environmental Assessment Report lack detail on flora and fauna species on site, such as tree numbers, the locations of species and significant vegetation, and tree canopy coverage.



The LSP states that the site holds almost no ecological value from a native fauna perspective and does not acknowledge the presence of endangered fauna on site. However, the LSP site provides remnant habitat to the endangered Black Cockatoo species, and Priority 4 species such as Bandicoots. The LSP proposes 'Tree Retention' areas, mostly within POS. However, there are significant patches of vegetation which are not identified for retention, such as the area shown below. The LSP should include an up-to-date assessment of the flora and fauna populations on site and should demonstrate the linkage between vegetation which is found to hold ecological value, and the tree retention areas. The LSP states that as a condition of subdivision approval, measures are to be taken to protect retained vegetation as shown on the structure plan map. Officers recommend this section should be modified to specify that this is to include a tree pick-up and survey and should not only limit vegetation protection to the areas 'identified on the structure plan map'. Given the fauna populations and remnant habitat on site, it is also recommended that a Fauna Management Plan be required as a condition of subdivision approval. Modifications to Part 1 of the LSP to reflect these requirements at the subdivision stage have been recommended.



Figure 11: Patch of Existing Vegetation

The LSP site is located within a Multiple Use Wetland, and is adjacent to Bush Forever Site 360, which contains a Conservation Category Wetland (CCW) located along the southern boundary of Mundijong Road. This CCW contains threatened flora species such as the Critically Endangered *Synaphea sp. Serpentine* and vulnerable *Morelotia australiensis*. The LSP Report, Environmental Assessment Report, and the Local Water Management Strategy do not adequately address the impacts of the development of the subject site on the hydrology and surface water of the CCW and its populations. The Department of Biodiversity, Conservation and Attractions (DBCA) provided a submission identifying these concerns.



Officers recommend a modification to address the potential hydrological impacts on the threatened flora populations and the CCW located within the Bush Forever Site 360 and ensure that the proposed development of the site will not impact the threatened flora populations or the Conservation Category Wetland within Bush Forever 360 to the satisfaction of the DBCA and the Shire.

Noise Management

The Noise Management Plan prepared for the subject site prescribes measures for noise amelioration from the Tonkin Highway and Mundijong Road. This assessment must be revised to also consider the impact of Planning Control Area 178 Mundijong Freight Rail Realignment and the future freight rail located within Lot 557 and 561 Mundijong Road, Planning Control Area 179 Mardella Freight Rail Realignment, and the West Mundijong Industrial Area. Officers recommend a modification to ensure the Noise Management Plan also addresses these potential noise impacts.

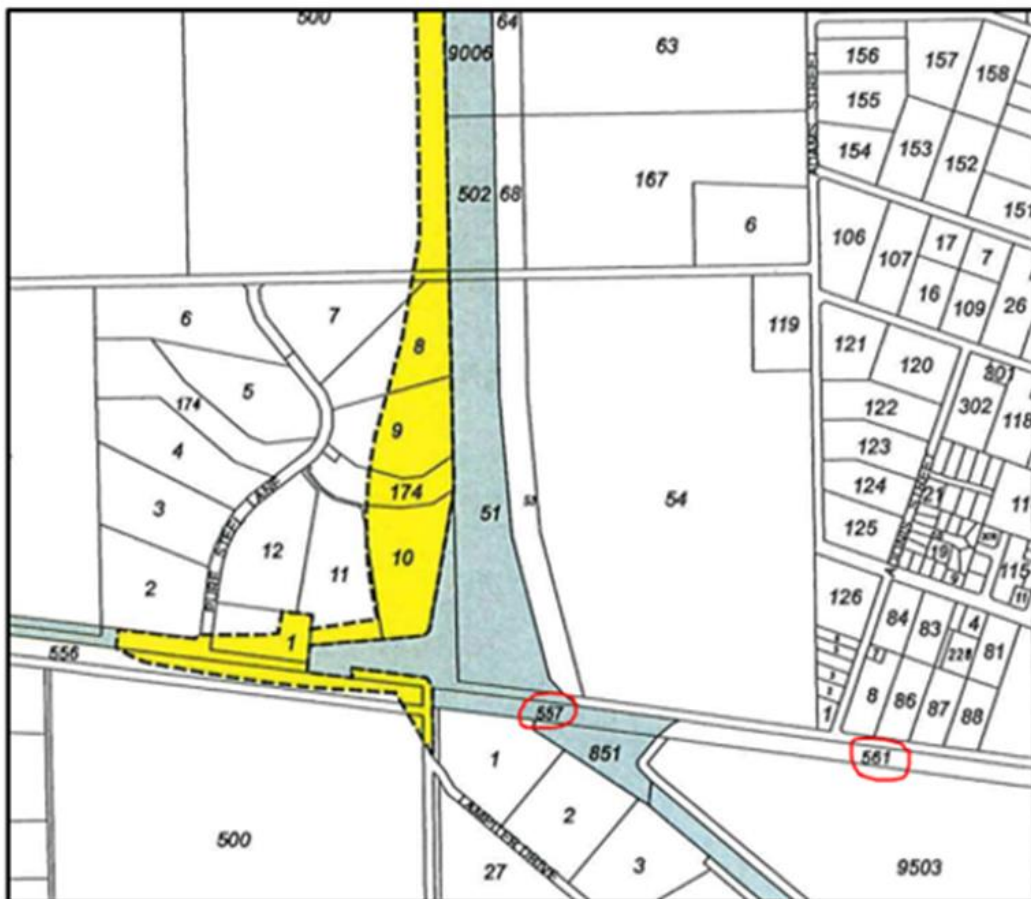


Figure 12: Planning Control Area 178 Mundijong Freight Rail Realignment

The Noise Management Plan states that a noise barrier may be constructed as a noise bund, acoustic fence, or a combination. This does not ensure compliance with the Shire's preferred outcome and should be required as a 2.4m high noise wall. The noise wall is shown as ending at the southern boundary of the north-westernmost residential lots as shown in Figure 13. This will create an uneven visual outcome, and it is recommended that the noise wall be extended along the interface of these lots. The noise wall is also demonstrated as being disconnected along the southern boundary of the site, with a portion proposed at the north of the POS, as shown in Figure 14. This will create a poor outcome regarding visual amenity and may impact drainage functions



as the noise wall encroaches within the proposed POS. Officers recommend a modification that the noise wall extend along the southern boundary of the POS.

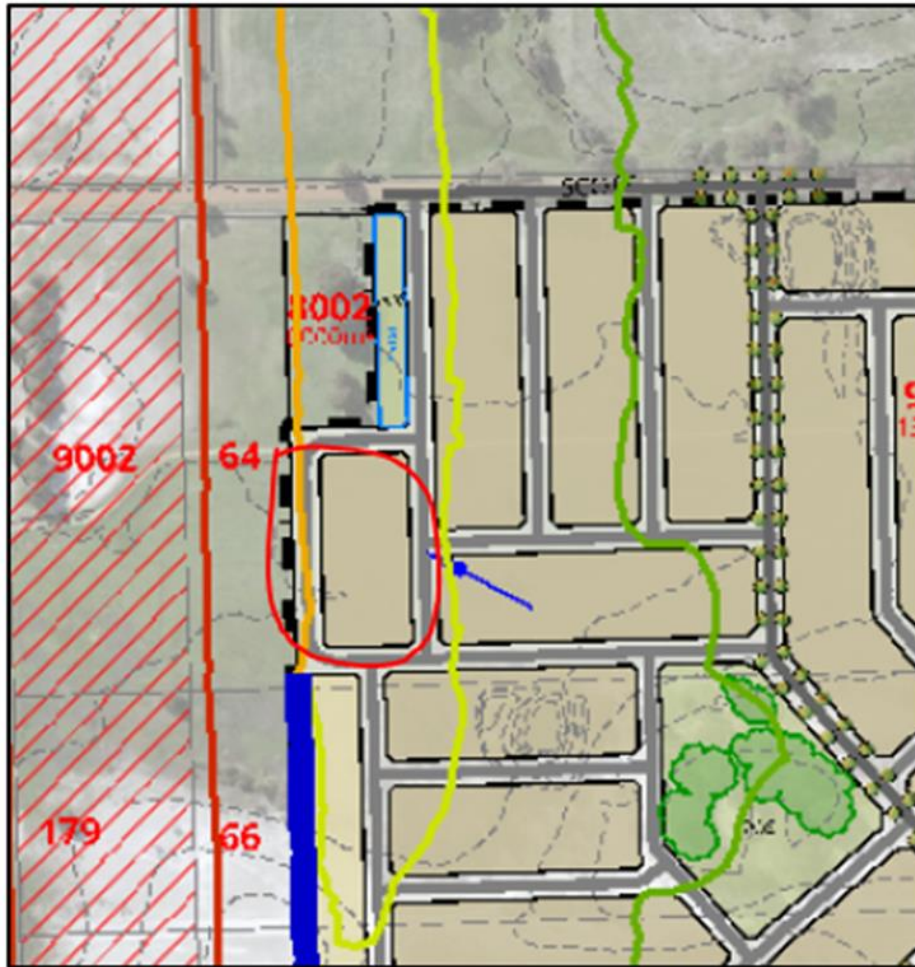


Figure 13: Transport Noise Assessment – Western Boundary Noise Wall

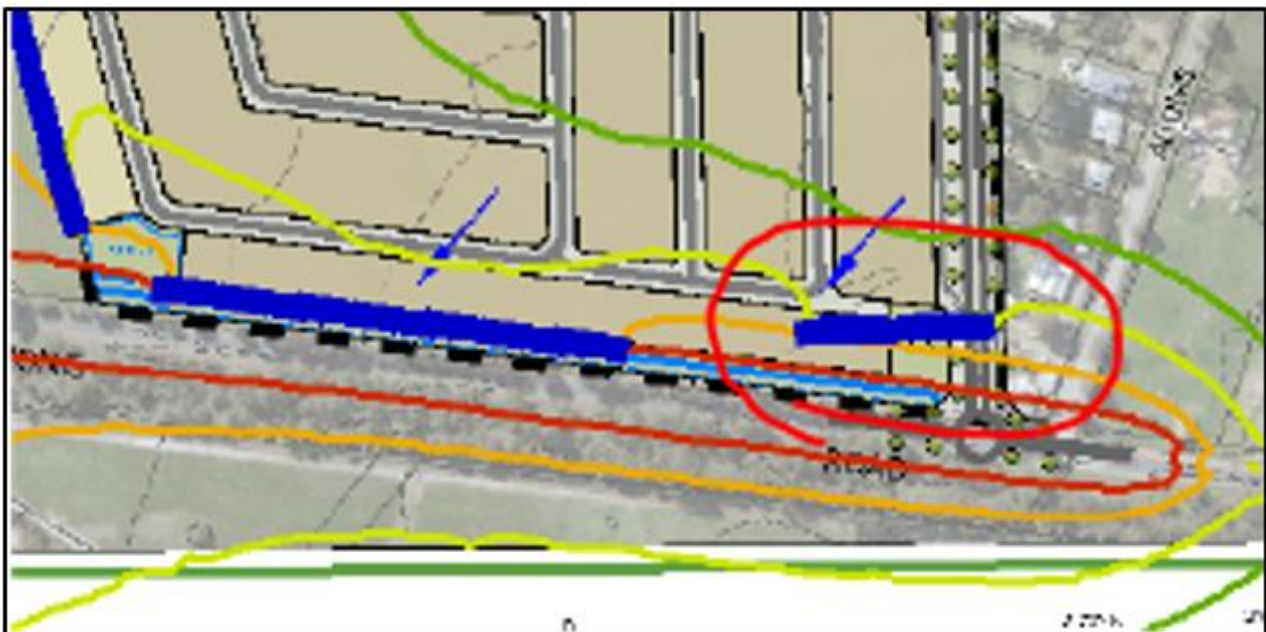


Figure 14: Transport Noise Assessment – Southern Boundary Noise Wall



Options

Option 1

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within **attachment 2**.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVE the Mundijong Precincts E1 and E2 Local Structure Plan, subject to the Schedule of Modifications contained within **attachment 3**.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES the following documents to the Western Australian Planning Commission:
 - a. a list of the submissions considered by the local government;
 - b. any comments by the local government in respect of those submissions;
 - c. a schedule of proposed modifications to address issues raised in the submissions and planning assessment;
 - d. the local government's assessment of the proposal based on appropriate planning principles; and
 - e. the recommendation by the local government to approve the Proposed Structure Plan, subject to modifications.

Option 2

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DOES NOT ENDORSE the schedule of submissions and comments contained within **attachment 2**.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission REFUSE the Mundijong Precincts E1 & E2 Local Structure Plan.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES the following documents to the Western Australian Planning Commission:
 - a. a list of the submissions considered by the local government;
 - b. any comments by the local government in respect of those submissions;
 - c. a schedule of proposed modifications to address issues raised in the submissions and planning assessment;
 - d. the local government's assessment of the proposal based on appropriate planning principles; and
 - e. the recommendation by the local government to refuse the Proposed Structure Plan.

Option 1 is recommended.



Conclusion

The local structure plan proposes 1,900 new residential dwellings, 12.05ha of Public Open Space, including a Neighbourhood POS, and Primary School site. Submissions received raised concerns and objections related to the primary school site, residential densities, the movement network, drainage, public open space, and bushfire management. It is considered that these concerns can be adequately addressed through modifications to the local structure plan and its technical appendices as recommended by Officers. Importantly, the proposed local structure plan is expected to provide new residential dwellings to accommodate for the projected population growth of the Mundijong Urban Area and will facilitate future development within the Mundijong District Structure Plan area, through establishing connections to services. Officers recommend that the WAPC approve the proposed local structure plan, subject to modifications.

Attachments

- **10.1.9 - attachment 1** - Mundijong Precincts E1 and E2 Local Structure Plan Report and Appendices (IN23/28606)
- **10.1.9 - attachment 2** - Summary of Submissions (E24/24)
- **10.1.9 - attachment 3** - Schedule of Modifications (E24/3562)

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
3. Preserve and enhance our natural places, parks, trails, and reserves
4. Invest in facilities and amenities to meet current and future needs
5. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment
Connected
1. Invest in community recreation and support local clubs and groups to increase opportunities for participation



- | |
|---|
| 2. Contribute to a well-connected, accessible and health community |
| 3. Empower the community to engage with the Shire and collaborate on matters that are important to them |
| 4. Facilitate an inclusive community that celebrates our history and diversity |

Financial Implications

There are no direct financial implications relating to this matter.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is the option with the lowest strategic risk.						
2	That Council recommends refusal of the structure plan and the WAPC approve it, without the input of Shire recommended modifications.	Planning Framework	Social Community Outcomes /	Possible	Moderate	MODERATE	Give reason for decision.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within attachment 2.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVE the Mundijong Precincts E1 and E2 Local Structure Plan, subject to the Schedule of Modifications contained within attachment 3.



- 3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES the following documents to the Western Australian Planning Commission:**
- a. a list of the submissions considered by the local government;**
 - b. any comments by the local government in respect of those submissions;**
 - c. a schedule of proposed modifications to address issues raised in the submissions and planning assessment;**
 - d. the local government's assessment of the proposal based on appropriate planning principles; and**
 - e. the recommendation by the local government to approve the Proposed Structure Plan, subject to modifications.**



10.1.10 - Reserve 19895 - Request to Relinquish Vesting Over Reserve 19895 - Lots 279 and 1343 Kargotich Road, Oakford (SJ2201)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to enable Council to consider options associated with Reserve 19895.

The Shire has been approached by the adjoining landowner of Lot 208 Kargotich Road, whose landholding surrounds the two lots which comprise Reserve 19895. That landowner is requesting the Shire consider relinquishing its vesting over the Reserve, so that he can request to purchase the land from the State Government (who have the legislative authority to deal on Crown land in defined circumstances).

The Reserve consists of two Crown allotments, being Lot 279 and Lot 1343 Kargotich Road, Oakford. The Crown land is vested to the Shire of Serpentine Jarrahdale, with a purpose of Municipal Purposes. There are no other limiting conditions on the vesting, other than for its stated purpose.

Officers do acknowledge that the current configuration of the Reserve makes its viable use challenging, but not impossible. While not currently being substantially used, Officers consider there will be the need to retain its vested Crown land holding, to be able to support future municipal uses that may be required as growth of the Shire continues.

Accordingly, Officers recommend that support for the relinquishing of the vesting is contingent on the landowner and the State Government providing, through whatever means agreed, a replacement reserve of equivalent size, vesting and utility, within the Shire. This replacement land needs to be to the satisfaction of Council, and at no cost to the Shire, and only once this is demonstrated should Council agree to relinquish its vesting over Reserve 19895.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 25 March 2002 - CRP108 - COUNCIL RESOLUTION / Committee Recommended Resolution

Council advises Mr Michael Dagostino of Lot 208 Kargotich Road, Oakford it is prepared to relinquish Reserve 19895 subject to:

- 1. Provision of an alternate reserve for "Municipal Purposes" on the south eastern corner of Lot 208 Kargotich Road, Oakford of equivalent size to that being relinquished.*



2. The applicant bearing all direct and indirect costs of the transfer, including the costs of Council's solicitors reviewing all documentation.
3. Any screen planting around the new reserve to be planted by the applicant on Lot 208.
4. No restrictions to be put on the use of any static water supply constructed on the land.

Background

Reserve 19895 is Crown land located on Kargotich Road, Oakford. The Reserve was created in 1928 (Government Gazette 7 September 1928), for a listed purpose of school teachers quarters. The reserve consists of two lots, being Lot 279 and Lot 1343.

In 1983, the Reserve was vested to the Shire of Serpentine Jarrahdale for the purpose of 'Bush Fire Brigade Depot'. In 1989, the vesting order was amended to 'Municipal Purposes'. The following image shows the location of the Reserve, in conjunction with the surrounding privately owned land parcel of Lot 208:

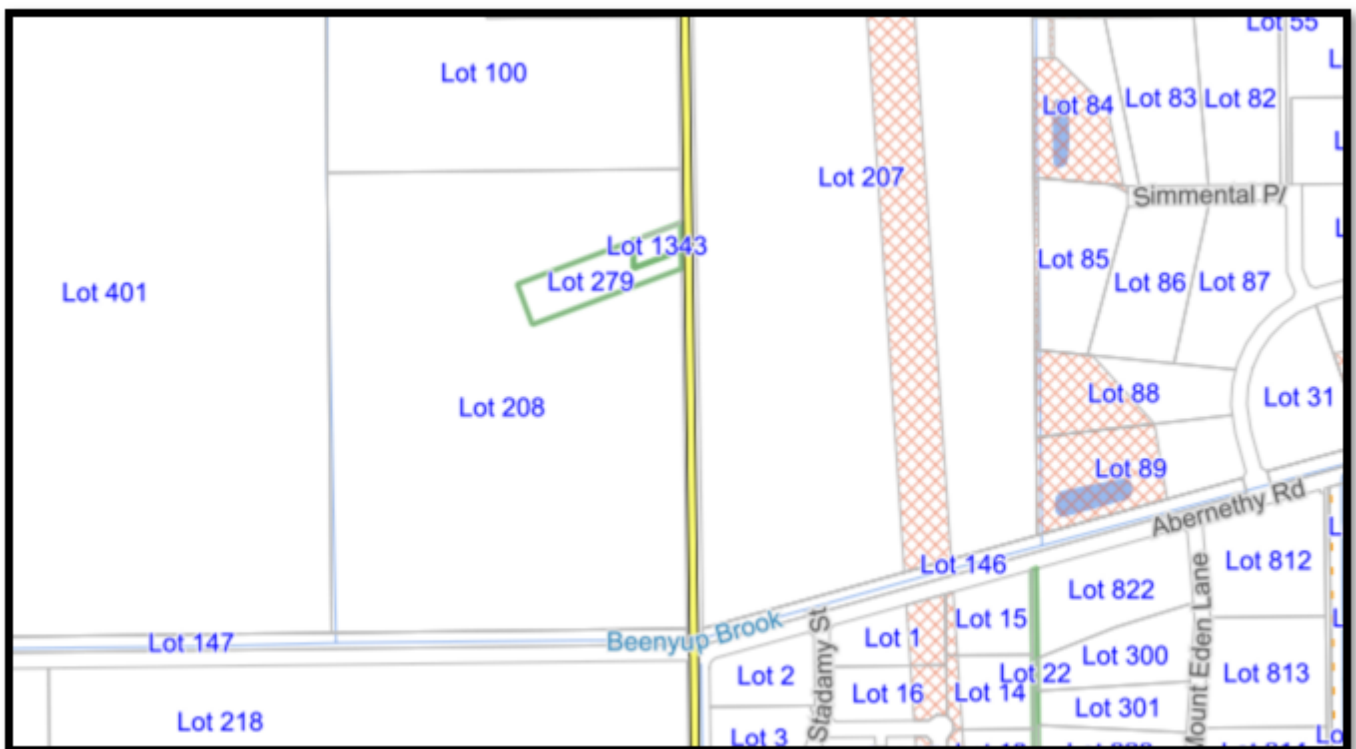


Figure 1 - Map of Reserve 19895 (Lots 279 and Lot 1343) showing its location compared to the surrounding privately owned land

In March 2002, following an enquiry by the landowner of Lot 208, Council resolved that it was prepared to relinquish its vesting over Reserve 19895 subject to four conditions:

1. There be provision of an alternate reserve for "Municipal Purposes" on the south eastern corner of the landowner's land, being of equivalent size to Reserve 19895.
2. That there be no direct or indirect costs of this transfer to the Shire, with all costs (including Shire solicitor costs) being met by the owner of Lot 208.
3. That any screen planting around a new reserve site be planted by the owner of Lot 208.
4. That no restrictions be put on the use of any static water supply constructed on the land.



This did not eventuate at the time, with the landowner not supportive of the conditions forming part of Council's decision. At the time of writing this report, the 2002 Council decision represents the only formal Council decision pertaining to the request.

There have been additional requests made by the landowner subsequent to the original request in 2002. These included in 2011, 2014, 2016, 2017, 2018 and 2019. Shire records indicate that while various Officers discussed the matter with the landowner over this period, the discussions did not eventuate in any further firm proposal being presented to Council.

In October 2019, the landowner was elected as a Councillor. The Chief Executive Officer declared a financial interest in dealing with any requests pertaining to Reserve 19895, due to Councillors voting on matters relating to the employment of a Chief Executive Officer. As a result, the matter was handled by the Deputy Chief Executive Officer to provide advice on. In October 2020, the landowner (who was a Councillor) advised that he did not intend to pursue the matter further at that time.

In the intervening period, Reserve 19895 was identified as one of four potential sites for the Oakford Fire Station. In August 2020, following an extensive selection process involving community engagement, Council resolved that Lot 106 Wills Place (off Pony Place) be the preferred location for the new Oakford Bushfire Brigade building. No decision was made regarding Reserve 19895 as one of the non-preferred sites.

The landowner, who is no longer a Councillor, has again approached the Shire with a request that the Shire relinquish its vesting over the Reserve, so they can approach the State Government to acquire the land.

Community / Stakeholder Consultation

Consultation has been undertaken with Department of Planning, Lands and Heritage as to the process of Crown land acquisition. However, until such time that the Shire formally relinquishes its vesting over the Reserve, the process cannot begin.

Statutory Environment

Legislation

- *Land Administration Act 1997*
- *Planning & Development Act 2005*

Comment

Request

The landowner of Lot 208 Kargotich Road has expressed renewed interest in acquiring Reserve 19895. There is a long history to this request, and Council's only documented decision in this regard was that resolved in 2002. This 2002 decision set a number of conditions that had to be fulfilled, before the Shire would consider relinquishing its vesting order. The most relevant being that *"an alternate reserve for Municipal Purposes on the south eastern corner of the landowner's land, being of equivalent size to Reserve 19895"* be provided. This would have essentially involved the following reconfiguration:



Figure 2 - Lot 208 Kargotich Road

The landowner has advised they are not willing to consider this option and would rather deal directly with the State to purchase the land, should the State ultimately receive the Shire's decision to relinquish its vesting over the Reserve.

In essence, until and unless the Shire agrees to relinquish its vesting, the matter cannot proceed. Furthermore, there would be no financial return to the Shire in this regard, as the proceeds of Crown land sale return to the State Government, who have the authority to deal on Crown land. This is unlike fee simple (freehold) land, which a local government may own and may choose to deal on.

Finally, the State Government have a process of disposal which includes whether Crown land can be used by any other cross government agency, so there is no guarantee that relinquishing a vesting order would produce the result desired by the landowner of Lot 208.

Issues to consider

The current vesting order carries a Municipal Purposes designation, with no other limiting conditions. It is a very useful purpose to have designated, given it provides for a range of municipal related purposes that could occur on the reserve.



While it is acknowledged that there is no current use of the Reserve taking place, and that an earlier purpose had been for a bush fire brigade depot (which is being located elsewhere), there will be a variety of future possibilities that could be accommodated. Given the range of municipal purposes undertaken by a local government authority, including the full range of administration, depot, sport, recreation, civic, cultural and conservation functions, a future need may emerge, and which could be met from a reserve such as Reserve 19895.

Consistent with the 2002 decision of Council, while it is acknowledged that the current configuration of the Reserve is not ideal for either the Shire or the private landowner of Lot 208, Officers consider that there should be no decision made to relinquish the vesting unless, and only if, a replacement reserve of equivalent size and utility, within the Shire, is provided. This replacement Crown reserve needs to be to the satisfaction of Council, and of no cost to ratepayers, and only once this is demonstrated should Council relinquish its vesting over Reserve 19895.

Options

Option 1

That Council advises the landowner of Lot 208 Kargotich Road, Oakford and the Department of Planning, Lands and Heritage, that it will only agree to relinquish the Shire’s vesting over Reserve 19895, if the following preconditions are met to the satisfaction of Council:

1. An alternative piece of Crown land, of the same size as Reserve 19895, is provided with the same vesting purpose to the Shire of ‘Municipal Purposes’.
2. That the location of this Crown land is deemed suitable by Council, considering the current location of Reserve 19895 on a highly accessible road network and convenient to current and future development areas of the Shire.

Option 2

That Council advises the landowner of Lot 208 Kargotich Road, Oakford and the Department of Planning, Lands and Heritage, that it agrees to relinquish the Shire’s vesting over Reserve 19895.

Option 1 is recommended.

Conclusion

This report outlines the background and request from the landowner of Lot 208 Kargotich Road, who is seeking to acquire Reserve 19895. Officers do not support this taking place unless, and only if, suitable replacement Crown land is provided to the Shire, for the same vesting purposes, so that future Shire needs for can be assured.

Attachments (available under separate cover)

- **10.1.10 - attachment 1** - correspondence from landowner (IN24/3995)
- **10.1.10 - attachment 2** - correspondence from the Department of Planning, Lands and Heritage (IN24/4021)

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

Financial Implications

The Shire will receive no financial benefit from the sale. The State Government would receive any financial consideration from the transaction.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is considered the lowest risk option, taking account of the future needs of the organisation as they may appear.						
2	The land being relinquished without a replacement Crown reserve, causing a shortage of available land for Shire purposes into the future.	Nil	Financial	Likely	Major	SIGNIFICANT	Accept Option 1.

Voting Requirements: Absolute Majority

Officer Recommendation:

That Council advises the landowner of Lot 208 Kargotich Road, Oakford and the Department of Planning, Lands and Heritage, that it will only agree to relinquish the Shire's vesting over Reserve 19895, if the following preconditions are met to the satisfaction of Council:

- 1. An alternative piece of Crown land, of the same size as Reserve 19895, is provided with the same vesting purpose to the Shire of 'Municipal Purposes'.**
- 2. That the location of this Crown land is deemed suitable by Council, considering the current location of Reserve 19895 on a highly accessible road network and convenient to current and future development areas of the Shire.**



10.1.11 - West Mundijong Industrial Area Utility Research Project - Removal from Corporate Business Plan (SJ2201)	
Responsible Officer:	Manager Economic Development
Senior Officer/s:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

- Proponent: Shire of Serpentine Jarrahdale
- Owner: Shire of Serpentine Jarrahdale
- Date of Receipt: N/A
- Lot Area: N/A
- Local Planning Scheme No 3 Zoning: N/A
- Metropolitan Region Scheme Reservation: N/A

Report Purpose

The purpose of this report is for Council to consider the removal of the ‘West Mundijong Industrial Area Utility Research Project’ from the Corporate Business Plan. As part of the 2023/2024 Budget process, the West Mundijong Project was adopted to research the potential for servicing solutions for the West Mundijong Industrial Area.

With the advancement of time since budget adoption, there have been updates on two key items of infrastructure, which indicate a traditional servicing solution being now likely. These are specifically:

- Water Corporation progressing with developers the delivery of the Mundijong Reticulated Sewer Solution, which will service both residential development in Mundijong and future stages of industrial subdivision within West Mundijong.
- Western Power advancing upgrades to the Byford substation, with the addition of a further transformer to increase power generating capacity.
- The first stage of industrial subdivision underway, which includes utilising available power generating capacity to release lots to the market.



The above improves the situation for West Mundijong and the Shire more broadly, and points to a traditional infrastructure solution being advanced which is far more preferred than a solution which may involve non-traditional approaches. Accordingly, the utility research project is considered unnecessary, at this time, to take place.

Officers do however recommend that further advocacy be undertaken, specifically of Western Power and Water Corporation, based on additional infrastructure needs as follows:

1. To have Western Power begin planning for a new terminal site and substations within the Shire, consistent with the Perth and Peel @3.5m Strategic Plan and associated Frameworks document which identifies such being required;
2. To have Water Corporation advance delivery of major water storage reservoirs in the escarpment near Byford Tank (Byford) and Mundijong Reservoir, to serve future development. This is also consistent with the Perth and Peel @3.5m Strategic Plan and associated Frameworks document.

This forms the basis of the Officer recommendation.

Relevant Previous Decisions of Council

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

That Council:

6. *ADOPTS, in accordance with section 6.2 of the Local Government Act 1995, the Municipal Fund Budget as contained in attachment 1 - Amended, Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2024 incorporating amendments as per the following table: Description Expenditure Type Amount Increase Transfer to Reserve – Investment Reserve Transfer to Reserve \$55,789.*

*Special Council Meeting – 31 July 2023 - SCM017/07/23 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

2. *ADOPTS the Corporate Business Plan 2023-27 at attachment 3;*

Background

The Shire has been planning for the development of the West Mundijong Industrial Area since 2008. This strategically located 440-hectare parcel of land has the potential to create several industrial lots and employ in excess of 13,600 people at full buildout. Enabling the development of the West Mundijong Industrial Area is consistent with whole-of-government strategies for a well-coordinated approach to growing Australia's capacity to develop industry, grow the economy and provide local jobs. Such also reflects broader planning objectives to improve levels of employment self-sufficiency and self-containment, in order to balance the vast amount of new residential development taking place.

A significant opportunity exists in West Mundijong to support and enable growth of economic and enterprise industry, supported by a rapidly growing population and key infrastructure such as Tonkin Highway Extension, Freight Rail Realignment and Westport. With the first industrial subdivision recently approved by the Western Australian Planning Commission and site works commenced, the area is set to deliver on the strategic goals of creating new business investment and employment for the Shire.



However, despite being zoned and progressed for development, infrastructure upgrades as identified in the Perth and Peel @3.5m Strategic Plan and associated Frameworks document need to be advanced to ensure ongoing development occurs.

Officers have been in discussions with a range of developers of both industrial and residential land within Mundijong. These discussions point to a strategic intent for short term development, but also the need to ensure servicing agencies are ready with infrastructure delivery to support such development and growth. The priority for the Shire is traditional infrastructure solutions, especially as land is now zoned for development. Added to this are major infrastructure projects (namely the Tonkin Highway extension), which will make West Mundijong and Mundijong more generally very accessible to the metropolitan region.

The background to the Utility Research Project was to consider non-traditional infrastructure solutions, given engagement with developers had indicated concerns about waiting for the normal roll out of infrastructure. There has been progress since that time however, which now points to traditional, and developer delivered infrastructure enabling progressive development to occur.

Community / Stakeholder Consultation

Officers have been in discussion with developers and servicing authorities in order to continue advancing the needs of the Shire.

Statutory Environment

State Government Policies

- Perth and Peel @ 3.5 million

Local Planning Framework

- West Mundijong Industrial Area Structure Plan
- Mundijong District Structure Plan

Comment

Current Status - Stage 1 Subdivision Works

A recent update from the proponent in March 2024 for Stage 1 of West Mundijong advised that the civil works are progressing and on track for achieving titles for sale, by the end of 2024. With specific reference to power utility requirements, it was noted that:

- The proponent is continuing to devise a power solution through collaboration with Western Power.
- With respect to the Mundijong sewer solution, this is being worked on in conjunction with another developer to have Water Corporation prioritise deliver of this.

This deals with the most two critical elements of infrastructure that were proving challenging to the facilitation of development within West Mundijong, being power and sewer. The above shows an intent to address these infrastructure requirements in the short term, which is important given the rate of growth taking place and the anticipated future growth planned for Mundijong and West Mundijong.



Commitments received in terms of servicing infrastructure include:

- Water Corporation progressing with developers the delivery of the Mundijong Reticulated Sewer Solution, which will service both residential development in Mundijong and future stages of industrial subdivision within West Mundijong.
- Western Power advancing upgrades to the Byford substation, with the addition of a further transformer to increase power generating capacity.

This creates the opportunity to discontinue the Utility Research Project, on the basis that it is (and remains) the Shire's preference for traditional infrastructure solutions, that have the backing and reliability of State Authorities versus non-traditional, more costly, and higher risk solutions.

Looking to the future - further advocacy

Whereas these infrastructure solutions are important in the short term, there are broader issues present which concern Officers in respect of future infrastructure delivery. These broader issues have been captured in the Perth and Peel @3.5m Strategic Plan and associated Frameworks document, in the form:

1. Having Western Power begin planning for a new terminal site and substations within the Shire.
2. Having Water Corporation advance delivery of major water storage reservoirs in the escarpment near Byford Tank (Byford) and Mundijong Reservoir, to serve future development.

This is shown on the future Service Infrastructure map:

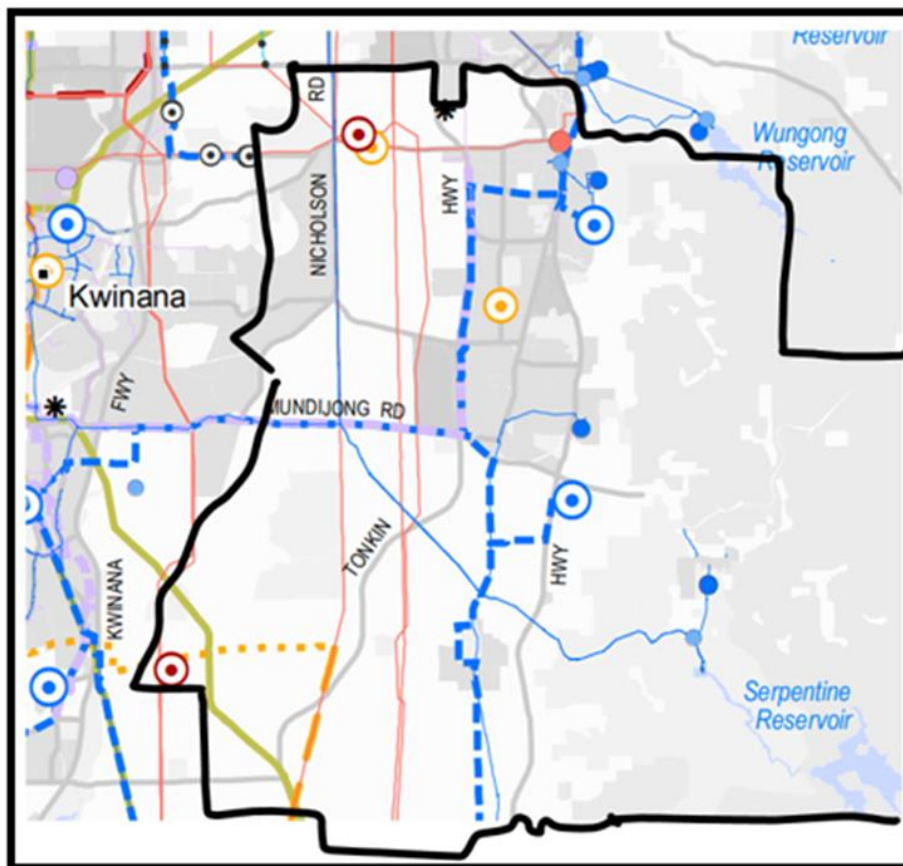





Figure 1 - Map showing planned utility requirements



These show the following:

 New terminal	Two identified, one in the vicinity of Nicholson Road and Thomas Road and the other in the vicinity of the southwest corner of the Shire, in Hopelands.
 New substation / investigation	Two identified, one in the vicinity of the new Nicholson Road terminal and the other between Byford and Mundijong.
 Water tank/reservoir	Two identified, in the Byford escarpment and the other in the Mundijong escarpment.

Based on this information, Officers consider that Western Power and Water Corporation are key agencies which will have a significant influence on the capacity of development to take place in a planned, coordinated, manner. Whereas advocacy needs to continue with these agencies, Officers also consider there to be the opportunity of engagement with Infrastructure WA, which has a core purpose to provide advice and assistance to the WA Government on infrastructure matters. Their advice informs infrastructure investment decision-making, which particularly is important to the Shire, given the significant amount of competition which exists for infrastructure investment.

This is considered an important advocacy opportunity for the Shire, in order to ensure that Infrastructure WA is aware of the critical need for the infrastructure identified in the Perth and Peel @3.5m Strategic Plan and Frameworks documents, as completed in 2018.

Options

Option 1

That Council:

1. NOTES that the Corporate Business Plan will be amended to account for the removal of the project in a future reporting period.
2. REQUESTS the President of the Shire and Chief Executive Officer write to the Chief Executive Officers of Infrastructure WA, Western Power, and Water Corporation, and the responsible Ministers, to seek their commitment to the utility infrastructure identified in the Perth and Peel @3.5 Strategic Plan and associated Frameworks document

Option 2

That Council NOTES that the Corporate Business Plan will be amended to account for the removal of the project in a future reporting period.

Option 1 is recommended.

Conclusion

For a number of factors, as outlined in this report, the Utility Research Project for the West Mundijong Industrial Area is no longer considered necessary, given the progress of Stage 1 subdivision and commitments reached on delivering improved power capacity at the Byford substation and the reticulated sewer solution for Mundijong. There are, however, a range of other infrastructure requirements identified going forward, and this report identifies for Council's



awareness. It is recommended that this form the basis of further advocacy, given how critical such infrastructure is to the coordinated development of the Shire.

Attachments (available under separate cover)

Nil.

Alignment with our Council Plan 2023-2033

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

Financial Implications

The project to research to understand the opportunity for serving solutions for the West Mundijong Industrial Area is no longer considered necessary, enabling a saving in the budget of \$30,000. If supported by Council, the adjustment can be considered as part of the third quarter budget review.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this Option						
2	The Shire discontinues the study but does not maintain ongoing advocacy, creating a risk that Shire required infrastructure is delayed.		Social Community Outcomes /	Possible	Moderate	MODERATE	Accept Option 1.



Continued

Ordinary Council Meeting Agenda Monday, 15 April 2024

Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

1. **NOTES** that the Corporate Business Plan will be amended to account for the removal of the project in a future reporting period.
2. **REQUESTS** the President of the Shire and Chief Executive Officer write to the Chief Executive Officers of Infrastructure WA, Western Power, and Water Corporation, and the responsible Ministers, to seek their commitment to the utility infrastructure identified in the Perth and Peel @3.5 Strategic Plan and associated Frameworks document



10.2 Infrastructure Services reports:

10.2.1 - Award Request for Tender - RFT 02/2024 - Pre-Booked Bulk Verge & Illegal Dumping Collection Services (SJ4398)	
Responsible Officer:	Manager Waste and Fleet
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is to seek Council approval for award of RFT 02/2024 – Pre-Booked Bulk Verge and Illegal Dumping Collection Services.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 11 December 2023 - OCM308/12/23 - COUNCIL RESOLUTION</i> Extract <i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>NOTES the summary of the asbestos findings and planned actions and requests that the Chief Executive Officer present a follow-up report in 2024 to determine to future of the site.</i> 2. <i>CALLS TENDERS for procurement of:</i> <ol style="list-style-type: none"> a) <i>2 green waste verge collections per annum for a term of 2 years with the option to extend for a further 1 year; and</i> b) <i>pre booked bulk waste collection services for the Shire of Serpentine Jarrahdale residents combined with illegal dumping collection services for a term of 2 years with the option for a further 1 year.</i>

Background

As per Council resolution of 11 December 2024 Ordinary Council Meeting, Officers have tendered for pre-booked bulk verge and illegal dumping collection services for a period of two years, with an option to extend for a further 12 months. The tender documents specified the likelihood of two free bookable bulk verge services per annum for residents, with a 3m³ limit.

Community / Stakeholder Consultation

Nil.



Submissions

The Request for RFT 02/2024 – Pre-Booked Bulk Verge & Illegal Dumping Collection Services was advertised on Saturday 10 February 2024 and closed at 2.00pm on Thursday 29 February 2024.

The Tender was advertised on Tenderlink and was also advertised in the following papers:

- West Australian Newspaper;
- Examiner (Serpentine Jarrahdale & Armadale);
- Pinjarra/Murray Times (Inc. Mandurah Coastal Times);
- Sound Telegraph (Rockingham & Kwinana).

Two (2) submission were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

All tender submissions comply with the request for tender guidelines and compliance criteria.

The Tender submission was received from the following company:

#	Company Name
1	Steann Pty Ltd
2	WA Recycling Service

Evaluation Panel

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

- Manager Waste and Fleet;
- Coordinator Waste;
- Coordinator Fleet.

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

Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	50%
Relevant experience with: <ul style="list-style-type: none"> • Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years 	15%



EVALUATION CRITERIA	WEIGHTING
Tenderers' Resources, Key Personnel, Skills, and Experience with: <ul style="list-style-type: none"> • Capacity to deliver the services including: • Key personnel / Professional skills; • Describe the key personnel who will be involved in the work, including past work of a similar nature. 	20%
Demonstrated Understanding with: <ul style="list-style-type: none"> • Project schedule; • Process for delivery of goods/services; • Project Management Plan; • Critical assumptions; and • Any additional information. 	15%

Comment

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

Following the assessment of all tender submissions against the selection criteria, the tender submitted by Steann 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 Steann Pty Ltd be accepted.

Number of Services

To provide tenderers an understanding of requirements, the tender documents specified that each household would be allotted two free pre-booked services with a limit of 3m³ per collection. Based on this allotment of free services, a take up rate of 30% has been calculated. The tender documents also allow for additional pre-booked services to be provided in lieu of payment of a fee.

WALGA better practice guidance which aims to minimise waste, recommends 1 free service. Most recently, the Cities of Melville and Fremantle introduced pre-booked bulk verge collections and provided residents with 1 free service. This is also the case with the Cities of Stirling and Joondalup that offer pre-booked skip bin services. The City of Swan allows two free services per year.

In lieu of the Waste Transfer Station closure and the amount of illegal dumping experienced by the Shire, it is recommended that Council approve two free pre-booked services per household per annum. This is also important because the pre-booked collections introduce a 3m³ limit per collection.



It is also understood that some residents may have additional waste in a given year. To assist in these cases, it is being proposed that additional services are charged for based on the fees below, which represent a cost recovery amount. With the exception of the City of Melville, all the previously mentioned local governments have an option to charge for additional services. The charge ranges from \$86 to \$200 per additional service depending on the local government.

Fee/ Charge Description	Proposed Fee	Notes
Additional Pre-booked Bulk Verge Collection Service (3m ³ limit)	\$160 + GST	Based on 100% recovery of cost of collection, disposal, and administration

This new charge applicable under the *Local Government Act 1995* can be introduced as part of the 2024/25 budget and fee schedule for adoption by Council in July 2024. The pre-booked service would therefore start after the charge is introduced following the budget adoption by Council.

How will the Pre-booked Bulk Verge Collection Service work

- Resident accesses the link for the booking on the Shire’s website.
- Resident is provided with information about waste reduction, alternative means to manage the materials where possible and how to place materials on the verge.
- Resident is also provided with information about what materials can be placed on the verge for collection and the applicable volume limit of 3m³.
- Resident is informed that if the volumes exceed the 3m³ limit, their second free service will need to be consumed or in case of a third service, they will need to make arrangements for payment for the additional volume to be collected.
- Resident enters their address to identify which Collection Area they belong to.
- Based on the Collection Area, residents are shown the next available Collection Days.
- Resident then books their service and receives confirmation of the booking.
- Resident is notified once the job is completed.
- The contractor will notify the Shire of any neighbouring properties that have placed materials on the verge without a booking.
- Shire staff will visit the property and inform the residents to either book a service if the option is available in the coming week, or to remove the materials from the verge until the next available service.

Customer Service

It is anticipated that additional customer service will be needed to roll out and establish this new service at least during the first three months. The estimated cost of providing this additional customer service is \$15,000 which will be funded from the 2024/25 waste budget.

Managing neighbours placing out verge materials without bookings

As this is a new collection service model, it is expected that some residents may mistake that the waste put out for collection by their neighbour, indicates a traditional verge collection for the entire street is taking place. In order to prevent and minimise these occurrences, an intensive



communications campaign will need to be implemented, to raise awareness about how the new system works and how residents can access the system or seek help from the Shire to do so.

It is still anticipated that when the service is first introduced, Waste and Ranger team staff will be required to make site visits to reinforce the messaging and also inform residents to either book their service, or to take the verge materials back inside their property. Additional resources will be required during the first three months of the roll out to ensure a more orderly implementation. It is proposed to engage a part-time staff member for this initial three month period if required, at an estimated cost of \$15,000, which will be funded from the 2024/2025 waste budget. This will ensure the necessary community education can occur.

Collection Days

The table below shows the collection areas for green waste verge collection recently completed by the Shire. The Shire has a mix of urban and rural properties and a large area to cover. As per the table below, there are a lot more dwellings in the Byford and Cardup areas (7,720), which is Area 4, compared to Areas 1, 2 and 3 with an approximate average of 1,500 dwellings in each area.

Area	Locations	Households
Area 1	Mardella, Serpentine, Hopeland, Keysbrook	1,369
Area 2	Mundijong, Whitby, Karrakup, Jarrahdale	11,479
Area 3	Darling Downs, Oakford, Oldbury	1,740
Area 4	Byford, Cardup	7,720

To optimise the service delivery across the Shire and achieve cost efficiencies, collections have been scheduled as per the table following. This ensures that Area 4 with the highest number of households has more opportunities to book a service. It also ensures that the rural area collections in each round are not too widespread. Lastly, this also provides an opportunity for all households to book a service on a monthly basis.

Collection Day	Collection Area - Suburbs
1 st Tuesday of each month	Area 1 - Mardella, Serpentine, Hopeland, Keysbrook
1 st Wednesday of each month	Area 4 - Byford
2 nd Tuesday of each month	Area 2 - Mundijong, Whitby, Karrakup, Jarrahdale
2 nd Wednesday of each month	Area 4 - Byford
3 rd Tuesday of each month	Area 3 - Darling Downs, Oakford, Oldbury
3 rd Wednesday of each month	Area 4 - Byford
4 th Tuesday of each month	Area 4 - Cardup, Byford



Collection Day	Collection Area - Suburbs
4 th Wednesday of each month	Area 4 - Byford

Online Booking Platform

It is proposed that the preferred contractor (Steann Pty Ltd) will use the Wastedge software and online booking platform to manage bookings and notifications for the service. This is the same software that the City of Melville is using with a simple and user-friendly interface.

It is understood that the process to set up the platform to the Shire's needs could take two to four months. This timeframe also accounts for testing and staff training (including Shire Customer Service team).

Commencement Date

In March 2024, Council resolved to engage the contractor (Steann) for provision of three green waste verge collections in the first 12 months of the contract. Following consultation with Steann, it was determined that the most suitable time for the additional green waste collection is July 2024. Accordingly, the three green waste verge collections would be in April, July, and October 2024. This also accounts for undertaking vegetation management work in the lead up to the restricted and high threat bushfire periods, rather than during these periods. This is important from a fire prevention perspective.

The scheduled green waste verge collections work on the basis that all households in the same area, place their materials on the verge in a given week. On the other hand, for the pre-booked bulk verge collection services, only a limited number of households that have pre-booked their verge collection are permitted to be placing bulk waste out on the verge.

Therefore, to avoid confusion between the two types of services, especially at the start of the new pre-booked service, it is important that they are not implemented at the same time.

There is also a need to provide the online platform service provider with sufficient time to tailor the booking platform to the Shire's requirements. In addition, in July 2024 new Fees and Charges can be introduced for the additional pre-booked bulk verge collections, as part of the 2024/2025 budget adoption.

Considering all of the above, it is recommended that the pre-booked collection service commence during the month of August, 2024.

Statutory Environment

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

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

Subdivision 2 – Fees and Charges of the *Local Government Act 1995* in relation to introducing new fees and charges for services.

Options

The following options have been identified:



Option 1

That Council:

1. AWARDS the contract as recommended in CONFIDENTIAL attachment 1 – RFT 02/2024 – Pre-Booked Bulk Verge and Illegal Dumping Collection Services for an initial period of two (2) years (1 May 2024 till 30 April 2026) with an option to extend for one (1) year at the Chief Executive Officer's discretion to Steann Pty Ltd to provide:
 - a. Two (2) free pre-booked verge collection services per household per annum; with
 - b. The pre-booked collections commencing in August 2024.
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFT 02/2024 – Pre-Booked Bulk Verge and Illegal Dumping Collection Services.
3. NOTES the introduction of the proposed fee of \$160 plus GST for each additional pre-booked bulk verge collection service in the 2024/25 Fees and Charges schedule.

Option 2

1. That Council AWARDS the contract as recommended in **CONFIDENTIAL attachment 1** - RFT 02/2024 – Pre-Booked Bulk Verge and Illegal Dumping Collection Services for an initial period of two (2) years (1 May 2024 till 30 April 2026) with an option to extend for one (1) year at the Chief Executive Officer's discretion to Steann Pty Ltd based to provide:
 - a. One (1) free pre-booked verge collection service per household per annum; with
 - b. The pre-booked collections commencing in August 2024.
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFT 02/2024 – Pre-Booked Bulk Verge and Illegal Dumping Collection Services.
3. NOTES the introduction of the proposed fee of \$160 plus GST for each additional pre-booked bulk verge collection service in the 2024/25 Fees and Charges schedule.

Option 3

That Council NOT AWARD the contract and retender.

Option 4

Council NOT AWARD the contract and NOT retender i.e. – nil action.

Option 1 is recommended.

Conclusion

Steann Pty Ltd has been assessed as being able to meet the requirements of the contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money. Therefore, it is recommended that Council support Option 1 and the contract be awarded to Steann Pty Ltd.

The additional service fee to be introduced as part of the 2024/25 Fees and Charges provides flexibility for households with additional waste, to use the Shire's contractor to have the materials removed.



Commencement of the pre-booked collections in August allows for the added green waste collection in July, along with time to develop the online booking platform and introduce the new service fee.

Attachments (available under separate cover)

- **10.2.1 – CONFIDENTIAL attachment 1 – RFT 02/2024 – Pre-Booked Bulk Verge & Illegal Dumping Collection Services - Evaluation Report (E24/3646)**

Alignment with our Council Plan 2023-2033

Liveable
5. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment

Financial Implications

At a 30% take up rate based on 13,500 households; the pre-booked bulk verge collections are anticipated to cost the Shire \$364,500 per annum.

In addition to this, if 26 additional collection days are booked for illegal dumping collections, it will cost the Shire \$93,600 for those collections.

Development and management of the software platform required for bookings and schedules will cost the Shire an initial set up fee of \$27,720, and an on-going maintenance fee of \$2,775 per month, equating to \$33,300 per annum.

Accordingly, the total value of the contract is estimated to be approximately \$519,920 per annum, which can be accommodated within the waste budget.

It is also anticipated that \$30,000 will need to be set aside for the additional casual staffing resources required during the commencement of the service. This amount will be budgeted for in the 2024/25 budget.

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	Take-up rate of two free services could be significantly higher leading to additional	Allow for sufficient take up based on	Financial	Unlikely	Minor	MODERAT	Choose Option 2 to lower costs



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	
	costs for collection and disposal.	industry standard.					
1 & 2	Frustration with complexity of booking system and missed jobs	Allow time for set up of booking platform with collections commencing in August 2024	Social / Community Outcomes	Possible	Moderate	MODERATE	NA
2	Public backlash as a result of the provision of 1 free 3m ³ service	Allow for two free collections.	Social / Community Outcomes	Likely	Major	SIGNIFICA	Choose Option 1 with 2 free services
2	Possible increase in illegal dumping as a result of insufficient options for waste disposal.	Allow for two free collections	Social / Community Outcomes	Possible	Moderate	MODERATE	Choose Option 1 with 2 free services
3 & 4	Delays in procurement of the services resulting public backlash.	Award the tender to Steann Pty Ltd.	Social / Community Outcomes	Almost	Moderate	SIGNIFIC	NA

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **AWARDS** the contract as recommended in CONFIDENTIAL attachment 1 – RFT 02/2024 – Pre-Booked Bulk Verge and Illegal Dumping Collection Services for an initial period of two (2) years (1 May 2024 till 30 April 2026) with an option to extend for one (1) year at the Chief Executive Officer’s discretion to Steann Pty Ltd to provide:
 - a. Two (2) free pre-booked verge collection services per household per annum; with
 - b. The pre-booked collections commencing in August 2024.
2. **AUTHORISES** the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFT 02/2024 – Pre-Booked Bulk Verge and Illegal Dumping Collection Services.



Continued

Ordinary Council Meeting Agenda Monday, 15 April 2024

- 3. NOTES the introduction of the proposed fee of \$160 plus GST for each additional pre-booked bulk verge collection service in the 2024/25 Fees and Charges schedule.**



10.3 Corporate Services reports:

10.3.1 - Confirmation of Payment of Creditors - March 2024 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Nil.

Community / Stakeholder Consultation

Not Applicable.

Statutory Environment

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

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

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

Comment

In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, schedules of all payments made through the Shire'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 March 2024 to 31 March 2024 is provided in **attachment 1**.

Options

Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 March 2024 to 31 March 2024, totalling \$6,772,169.72

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 01 March 2024 to 31 March 2024, totalling \$6,772,169.72

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 31 March 2024 (E24/4326)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 29 January 2024 to 27 February 2024 – Redacted (E24/4327)
- **10.3.1 - attachment 3** – Fuel Purchasing Cards Report – 01 February 2024 to 29 February 2024 – Redacted (E24/4328)

Alignment with our Council Plan 2023-2033

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

Financial Implications

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

The accounts paid under delegated authority for 01 March 2024 to 31 March 2024 totalled \$6,772,169.72



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

Officer Recommendation

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 March 2024 to 31 March 2024 totalling \$6,772,169.72 as contained in attachment 1.

**10.3.2 - Monthly Financial Report – February 2024 (SJ4229)**

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

Authority / Discretion

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

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 of 28 February 2024.

Relevant Previous Decisions of Council

Special Council Meeting – 31 July 2023 – SCM016/07/23 - 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 2022/23 for reporting material variances shall be:

a) $\geq 10\%$ of the amended budget and $\geq \$10,000$ of the amended budget; or

b) $\geq \$150,000$ of the amended budget

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

Background

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

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

Community / Stakeholder Consultation

Nil.



Statutory Environment

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

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

CommentMonthly Financial Report

The attached report shows the month end position as at the end of 28 February 2024.

The municipal surplus as of 28 February 2024 is \$19,122,481 which is favourable, compared to a budgeted amount of \$15,050,648. This is primary due to a higher than anticipated opening position which will be resolved in March 2024 once the prior year surplus is allocated by Council.

Further information on material variances are listed in the analysis below with the majority of the variances being adjusted in the mid-year budget review and will be reflected in the March Monthly report.

Operating Activities**Operating Revenue**Rates

Favourable variance of \$179,001 primarily due to:

- Permanent variance in Interim Rates – \$179,001.

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 variance of \$965,761 primarily due to:

- Higher than anticipated interest received on Term Deposits - \$851,605.
- Interest on rate installment due to higher than anticipated rate payers choosing installment payment option - \$53,907.

Other Revenue

Favourable permanent variance of \$137,326 primarily due to:

- Refund received from Telstra due to overcharge in prior months - \$82,618

Profit on Asset Disposal

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



Operating Expenses**Employee Costs**

Favourable variance of \$886,774 primarily due to vacancies across organisation. Employee saving are offset by increases in labour hire costs in materials and contractors to cover these vacant budgeted roles.

Materials and Contracts

Favourable variance of \$261,905. This is resulting from a net balance of overspends offsetting underspends over multiple categories as detailed below:

- Permanent unfavorable variance in Agency Labour hire of \$370,368 to cover vacancies in budgeted positions.
- Permanent unfavourable variance in Software subscriptions of \$85,594 and Subscriptions and Licences of \$50,173.
- Unfavourable variance in external contractors of \$84,594.
- Permanent unfavourable variance in plant and parts of \$61,166.
- Permanent favourable variance of bulk waste disposal due to unanticipated closure of Waste Transfer Station of \$114,408 and timing variance in refuse collection \$304,539, enquiry with vendor on recent invoice amount charged.
- Favourable variance in Materials of \$300,116
- Favourable variance in Emergency services of \$175,336.
- Favourable variance in Legal expense of \$125,445

Utility Charges

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

Depreciation

Unfavourable variance of \$2,592,232 primarily due to a higher than anticipated asset value following the 2022/23 revaluation, resulting in higher than anticipated depreciation.

Finance Costs

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

Insurance Expenses

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

Other Expenditure

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

Loss on Disposal of Assets

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



Investing Activities

Contributions/Grants for the Construction of Assets

Favourable variance of \$366,147 primarily due to unbudgeted Developer Contributions received:

- Byford DCP - \$182,761
- West Mundijong DCP - \$113,431
- Community Infrastructure DCP - \$34,386

Proceeds from Disposal of Assets

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

Capital Expenditure

Unfavourable variance of \$148,545 primarily due to the following projects completed over budget:

- 80280 - Briggs Park Dugouts - The over spend was due to design certification costs being more than anticipated. - \$15,598. Unfavourable permanent variance.
- 80314 - Nettleton Road - Officers are awaiting line marking to be completed before submitting the final claim for additional grant funding which will cover the over spend - \$16,574. Unfavourable timing variance.
- 80411 - Mundijong Road - Officers will be submitting the final claim for additional grant funding for this project which will cover the over spend - \$30,576. Unfavourable timing variance.
- 80289 - Karnup Rd & Yangedi Rd intersection - Refund of the final 50% retention to the contractors after the 12 month defects period has ended - \$14,963. Unfavourable variance.
- 80366/80367 Kubota Mower - 1 large Machine purchase instead of 2 smaller mowers - \$310 unfavourable net variance of both jobs.

The following project was completed under budget:

- 80441 - Duel Cab- CEO - Purchase less than anticipated - \$11,168. Favourable permanent variance.

The following project is currently tracking under budget due to timing of project delivery:

- 80202 - Drainage Renewal - \$31,751.

Financing Activities

Proceeds from new Borrowings

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

Transfer from Reserve

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

Repayment of new Borrowings

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

Payment for principal portion of lease liabilities

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



Transfer to Reserve

Variance of \$1,000,529 due primarily to

- Byford DCP - \$182,761
- West Mundijong DCP - \$113,431
- Community Infrastructure DCP - \$34,386
- Higher than anticipated interest earned on reserved backed Term Deposits - \$672,869

Options

Option 1

That Council RECEIVES the Monthly Financial Report for February 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 February 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 – February 2024 (E24/4168)

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 of 28 February 2024, the Shire’s respective cash position was as follows:

Municipal Fund: \$11,405,158

Trust Fund: \$304,221

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for February 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

Officer Recommendation

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



10.3.3 - Consideration of a ward and representation review in 2024 (SJ4038)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to enable Council to consider whether to proceed with a ward and representation review at this time.

Relevant Previous Decisions of Council

Special Council Meeting – 30 January 2023 – SCM001/01/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. Having CONSIDERED the submissions made to the local government during the public notice period in Attachment 1 and HAVING REGARD to the following factors:

- community of interests; and*
- physical and topographic features; and*
- demographic trends; and*
- economic factors; and*
- the ratio of councillors to electors in the various wards*

ADOPTS, for the reasons of:

- Ensure suitable representation, considering our current and future population numbers;*
- Current ward reflects our demographic and geographic diversity;*
- Ensure suitable representation of all communities with an overarching popularly elected president representing the Shire as a whole;*
- As reflected in the community survey results.*

the following as its preferred ward and representation configuration:

- Six Councillors plus Shire President distributed evenly across three wards with no changes to existing ward boundaries.*



*Special Council Meeting – 30 January 2023 – SCM003/01/23 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

That Council

7. REQUESTS that the Chief Executive Officer prepare a report regarding a future ward and representation review to Council following the 2023 ordinary local government election and lists for consideration a ward and representation review as part of the 2023-24 Annual Budget and Corporate Business Plan process.

Background

In 2022, the Minister for Local Government introduced electoral reforms that resulted in

- the direct election of Mayors and Presidents in larger local governments; and
- set caps on the maximum number of elected members a Council could have based on population.

At the Shire, the second of these reforms necessitated a reduction in elected members by at least one member. In January 2023, Council resolved to submit a proposal to the Local Government Advisory Board following a ward and representation review that reduced the number of elected members by two. This establishes a configuration of six Councillors plus Shire President, distributed evenly across three wards with no changes to existing ward boundaries.

This proposal was supported by the Local Government Advisory Board and signed off by the Minister in time to commence for the 2023 ordinary local government election. Following the 2023 ordinary local government election, the composition of the Council is a directly elected President and six Councillor positions.

At the time of Council's decision, it resolved to request that the Chief Executive Officer prepare a report regarding a future ward and representation review to Council following the 2023 ordinary local government election, and lists for consideration a ward and representation review as part of the 2023-24 Annual Budget and Corporate Business Plan process.

Representation

As part of the reforms, local government are required to have a maximum number of elected members based on their population. The thresholds are as follows:

- local governments with a population of less than 5000 will have between 5 and 7 members
- local governments with a population between 5000 and 75,000 members will have between 5 and 9 members
- local governments with a population above 75,000 will have between 9 and 15 members.

The Shire's population is approximately 38,000 people. This means that for some time the maximum number of elected members permitted will be nine.

Wards

Legislation provides that a district can be divided into Wards by the Governor on the recommendation of the Minister (who in turn takes recommendations from the Local Government Advisory Board).

Wards are a construct of the electoral process.



It is convenient to think of wards as being similar to electorates in State and Federal Government. However, importantly wards do not operate in entirely the same way. Wards only restrict the powers of the elector. The circumstances where an elector is eligible to vote in multiple wards are limited but a candidate may be elected in any ward if they are an elector in the entire district.

There is no requirement to reside or own property in the ward that a candidate runs in.

This is because the Act is clear that Councillors do not represent a ward – Councillors represent the interests of electors across the district. This is enforced by legislation provisions that forbids separate ward accounts to be kept under the *Local Government (Financial Management) Regulations 1996*.

The ward structure of a local government is linked to the representation through representative democracy and as detailed in the comment part of this paper, reducing the overall number of Councillors can change the relevant weighting or value of each elector's vote.

The current ward boundaries came into being in 2018. Between 2018 and the 2023 ordinary local government election, the Shire had nine Councillors distributed evenly across three wards. This arrangement kept distribution fairly even.

At the 2021 ordinary local government election, the number of electors in each ward was:

- North Ward - 7,020 (34.46%)
- Northwest Ward - 7,214 (35.41%)
- South Ward - 6,137 (30.01%)

Prior to the changes in 2018, the Shire of Serpentine Jarrahdale had nine Councillors distributed unevenly across three wards, with different boundaries and population levels. In the pre-2018 configuration the North Ward had four councillors, the Northwest Ward had two and the Southern Ward had three Councillors.

This demonstrates the types of changes to ward, the scale of changes possible and representation that occur following a review to keep up with changing demographics.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Schedule 2.2 of the Act set outs the requirement for a local government to periodically review its ward boundaries and the number of offices of Councillor for each ward. In 2023, amendments to the Act resulted in the maximum number of years between ward and representation reviews increasing from 8 to 10 years.

Comment

Representation

As part of a ward and representation review, the Shire could propose increasing numbers from the current amount of seven to eight (7 Councillors + President) or nine (8 Councillors + President).



As detailed below, because the Shire operates with a three ward structure, adding members without amending the ward structure or significantly altering the ward boundaries, would result in an uneven distribution of elected members across wards and an unfavourable Councillor/Elector ratio.

Changes in population also impact the elector to representative ratio. As of 23 September 2023, the number of electors in each ward were as follows:

- North Ward 8,037 (36.0%)
- Northwest Ward 7,739 (34.1%)
- South Ward 6,517 (29.2%)

The population in all the Shire's wards is growing. Between 2021 and 2023 the number of electors in each of the wards grew by the following amounts:

- North Ward 14.49%
- Northwest Ward 7.28%
- South Ward 6.19%

However, population growth between wards is not even. Between 2021 and 2023 the relative proportion of electors in each ward changed as follows:

- North Ward up 4.47%
- Northwest Ward down 3.70%
- South Ward down 2.70%

The population changes in the Shire have further increased the proportional elector to representative deviations. This ratio is calculated by subtracting the Councillor/Elector ratio for a ward from the average Councillor/Elector ratio. The result is then divided by the average Councillor/Elector ratio and multiplied by 100 to give a percentage. According to the Local Government Advisory Board's policy, a deviation plus or minus 10 per cent should exist. As of 23 September 2023, the deviations were as follows:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviations
North	8037	2	4018.5	8.155
Northwest	7739	2	3869.5	4.144
South	6517	2	3258.5	-12.299
Total	22293	6	(Avg) 3715.5	

Keeping deviations within the plus or minus 10 per cent is not a legislative requirement. The South Ward is the only ward outside of the threshold recommended in the Local Government Advisory Board's policy.



It is worth noting that the South Ward was also outside of this threshold when the LGAB approved the Shire's recommended ward configuration to give effect to the Minister's reforms.

Potential ward structures

If Council was of the mind to conduct a ward and representation review, it is worth considering the various forms that reconfigured wards could take in order to achieve the LGAB threshold.

While the boundaries have evolved, the district has been divided into three wards for some time. As noted, when the matter was previously considered by Council, an increase in the number of Councillor positions to seven or eight while keeping the three ward configuration unaltered will result in an uneven distribution of councillors between the wards and exacerbate the elector/representative deviation.

Maintaining a three ward configuration

Achieving a less uneven elector/representative deviation with a three-ward configuration would require expanding the area covered by the South Ward and reducing the areas covered by the Northwest Ward and North Ward. This could be achieved by 'moving' approximately 600 electors from the North Ward into the South Ward and 'moving' approximately 250 electors from Northwest Ward to the South Ward. This type of configuration would result in a no ward having a greater deviation more than 1 per cent but may not accord with the factors that are required to be considered by a local government when proposing ward boundaries.

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviations
North	7437	2	3718.5	-0.080
Northwest	7489	2	3744.5	-0.780
South	7367	2	3683.5	0.861

Geographically, the North Ward is already the smallest of the Shire's wards and the South Ward the largest and this type of reconfiguration may not be consistent with communities of interest.

Another approach is keeping the same boundaries but adding one elected member to the North Ward and Northwest Ward while keeping the number of South Ward elected representatives at two. This was one of the options rejected by Council in 2022 because it over-corrects the deviation in the South Ward.

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	%Ratio Deviations
North	8037	3	2679.0	3.862
Northwest	7739	3	2579.6	7.427
South	6517	2	3258.5	-16.933
Total	22293	8	(Avg) 2786.6	



No wards

A no ward configuration is the only means to guarantee an even elector distribution. A no ward configuration is now mandatory for smaller local governments (band 3 and 4) but brings with it complexities.

The Local Government Advisory Board describes the advantages and disadvantages of a no ward system in the following table:

The advantages of a no ward system	The disadvantages of a no ward system
<ul style="list-style-type: none"> • Elected members are elected by the whole community not just a section of it. Knowledge and interest in all areas of the Council's affairs would result broadening the views beyond the immediate concerns of those in a ward. • The smaller town sites and rural areas have the whole Council working for them. • Members of the community who want to approach an elected member can speak to any elected member. • Social networks and communities of interest are often spread across a local government and elected members can have an overview of these. • Elected members can use their specialty skills and knowledge for the benefit of the whole local government. • There is balanced representation with each elected member representing the whole community. • The election process is much simpler for the community to understand and for the Council to administer. 	<ul style="list-style-type: none"> • Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members. • Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area. • There is potential for an interest group to dominate the Council. • Elected members may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues. • It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area.

Aligning ward boundaries to new State Electoral Boundaries

Another proposal could be to align the Shire's ward boundaries to State Government electoral boundaries. This follows the creation of the Oakford District. Approximately, 3,000 people or 8.5 per cent of the Shire's population reside in the newly created Oakford District. However, this relatively small population means that even by having one elected member representing an 'Oakford District Ward' would result in a deviation much greater than the 10 per cent threshold.

Even with an increase in the number of Councillors to eight (with seven Councillors), the ratios in the remaining district cause the deviation in the Oakford District to be estimated above 31%.

Other options



There are many additional options for a future ward structure. Ward boundaries are lines on a map and can be drawn in just about any manner. However, when considering options, the legislation requires that Council give consideration to:

- Community of interests
- Physical and topographic features
- Demographic trends
- Economic factors; as well as
- Ratio of Councillors to electors in various wards.

Should the Shire conduct a ward and representation review?

If commenced now, a ward and representation review could make recommendations that could be implemented in time for the 2025 ordinary local government elections.

The case for conducting a ward and representation review at this time is that the review associated with the Minister's reform program was focused on representation levels within the existing ward boundaries. That review did not contemplate the myriad of possibilities associated with ward configurations.

The case for not conducting a ward and representation review at this time is that there may be little need to adjust ward boundaries, other than:

1. increasing representation on Council and making the significant adjustments to ward configuration that would be required to achieve elector distributions; and/or
2. dealing with the ratio deviation of the South Ward which currently is 2% outside of the recommended threshold and may grow over time. As highlighted, because of the likely pattern of population distribution and growth, achieving a ward configuration that meets the threshold into the future will need to adjust boundaries significantly. This includes reducing the Shire's geographically smallest ward further, or go to a no ward structure which was not previously supported by Council.

Overall, Officers do not recommend commencing a ward and representation review at this time.

Officers are not aware of widespread community concerns regarding the ward and representation but do have reservations regarding the workload of Council with its current 6+1 configuration. Officers are equally mindful that this was the configuration endorsed by Council less than twelve months ago. It is also worth noting that the Shire's overall representation levels are well within the Minister's legislative enforced thresholds.

Conducting a ward and representation review comes with an opportunity cost. This opportunity cost is both Elected Member and Councillor time. Competing priorities include the major review of the Corporate Business Plan and preparation of the 2024-2025 annual budget. There is also a reputational risk involved in seeking to take the public's time through an engagement campaign on what is quite a niche topic, where there is no immediate threat or legislative requirement.

The next legislative required review is in 2033 but the need for a review could be reasonably expected to be considered after the 2025 ordinary local government elections, following a term with the current configuration.

However, if Council wished to proceed now with a ward and representation review, the timetable would be as follows:



- May and June 2024 – Collect data and identify options
- July 2024 – Council approves discussion paper
- August and September 2024 – Public submission period
- November 2024 – Council agrees on proposed configuration and makes submission to Local Government Advisory Board
- January 2025 – Approval by Minister with commencement at the 2025 ordinary local government election

With the State Government entering caretaker mode in February 2025 for the State Government election, approval by the Minister of the ward and representation configuration would need to occur before this period.

Options

Option 1

That Council NOTES the report regarding a future ward and representation review following the 2023 ordinary local government election, and RESOLVES to take no action at this time.

Option 2

That Council REQUESTS that the Chief Executive Officer commence a ward and representation review, in time for implementation at the 2025 ordinary local government election.

Option 1 is recommended.

Conclusion

This report describes factors to consider in response to Council’s request to present a report on a ward and representation review being undertaken. Officers do not recommend commencing a ward and representation review at this time, for the reasons discussed in this report. This is now presented for Council consideration.

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

Financial Implications

The ward and representation review would need to be conducted within existing budget constraints.

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	Conducting a ward and representation review at this time would come at an opportunity cost in respect to Officer and Councillor time relative to other priorities, which could impact upon achievement of those other priorities.	Resources allocated by Council for Governance functions.	Organisational Performance	Possible	Moderate	MODERATE	Carefully manage existing resources and workloads accordingly.

Voting Requirements: Simple Majority

Officer Recommendation

That Council **NOTES** the report regarding a future ward and representation review following the 2023 ordinary local government election, and **RESOLVES** to take no action at this time.



10.4 Community Engagement reports:

10.4.1 - Equine Advisory Group - Equine Priorities Update and Recommendations (SJ4426)	
Responsible Officer:	Manager Community Activation
Senior Officer:	Director Community Engagement
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to:

- Receive an update on the progress against Equine Priorities from July 2023, and
- Consider recommendations from the Equine Advisory Group (February 2024 meeting).

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 17 July 2023 – OCM176/07/23 - COUNCIL RESOLUTION / Officer Recommendation:</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>RECEIVES</i> the progress update on the status of work undertaken on the Equine Priorities, as contained at attachment 2. 2. <i>REQUESTS</i> the Chief Executive Officer to progress “Strategy C1 Signage, Maps and Supporting Information” from the Equine Trails Master Plan in the 2023/24 financial year. 3. <i>SUPPORTS</i> the continuation of the Equine Advisory Group and <i>REQUESTS</i> the Chief Executive Officer to seek nominations for the Equine Advisory Group for appointment after the local government election.

Background

The purpose of the Equine Advisory Group is to provide the Shire with advice regarding the needs and priorities of the Serpentine Jarrahdale equine community and support Council in the delivery of projects to enhance the local equine industry and community.

The functions of the Equine Advisory Group are to:

- Advocate to the Shire on behalf of the Serpentine Jarrahdale equine industry and community, representing their needs.



- Contribute to the development, implementation, and review of projects to enhance and support the Serpentine Jarrahdale equine industry and community.
- Form partnerships with and support the engagement of a broad cross-section of the Shire of Serpentine Jarrahdale equine community.
- Provide recommendations to the Council, as required, in relation to support and development of the equine industry and community in the Shire of Serpentine Jarrahdale based on stakeholder input.

Council endorsed a list of Equine Priorities developed by the Equine Advisory Group at its meeting on 17 July 2023. The priorities are diverse and cover direct service provision by the Shire to the equine community, planning for future infrastructure, working in partnership with the equine community and advocacy to State Government agencies to enhance the use of equine facilities in the Shire.

Community / Stakeholder Consultation

At the Equine Advisory Group meeting on 15 February 2024, the Equine Priorities document was discussed. The minutes from this meeting are included with this report as **attachment 1**. The current Equine Advisory Group considered which priorities should continue, be discontinued, or added for implementation during the term of their membership - being up until the next ordinary Local Government election in October 2025. The updated priorities document as recommended by the current Equine Advisory Group is included as **attachment 2**.

Statutory Environment

Nil.

Comment:

Equine Priorities Update

Since the adoption of the Equine Priorities in July 2023, Shire Officers have worked collaboratively with the Equine Advisory Group, local equine clubs, equine businesses and external government agencies, to further enhance and support Serpentine Jarrahdale equine industry and community.

The current Equine Advisory Group considered the Equine Priorities document in February 2024. The document contains 40 actions and a summary of the status of the actions is provided below (consistent with **attachment 2**):

- 18 completed.
- 3 not progressing.
- 1 not started / for future consideration
- 1 to be removed.
- 14 Ongoing.
- 3 In Progress.

Highlights of actions that have been completed, or are ongoing, include:

- Appointment of the part time Shire Equine Officer.
- Jarrahdale horse trails entering the detailed planning stage with DBCA, with funding secured.



- Equine Road Safety Campaign being re-run in 2024.
- Updating equine signage in 2023/24 in Darling Downs.

Equine trails signage and equine safety are considered to be ongoing priority areas for the current Equine Advisory Group, with recommended actions moving forward outlined following.

Equine Advisory Group Recommendation

The Equine Advisory Group reviewed the Equine Priorities document and discussed items that had not yet started, and identified the following actions for consideration to be progressed by Shire Officers in 2024/25:

1. *Ensure an assessment of existing and clarity on required signage is included within the Equine Trails Masterplan.*

Given upgrades to signage at the Darling Downs Equestrian Park are currently being completed, which has a current signage plan, the Equine Advisory Group identified that upgrades and improvements to signage at other horse trails in the Shire was the next natural progression for this action as contained with the Equine Priorities document.

In the Shire's Equine Trails Master Plan, the Implementation Plan identifies the following Strategy (**attachment 3**) relating to horse trail signage:

Strategy C1: Signage, Maps and Supporting Information

Provide consistent and reliable signage, maps & supporting information for equine trails within the Shire.

Rationale:

Horse trail signage has been identified as a key issue on the majority of the existing equine trails through community consultation and on-ground site visits. Installing contemporary trail signage is a key component to upgrading each of the equine trails to enhance trails for both enjoyment and safety. Existing signage on the equine trails is generally worn/dated and information requires significant upgrade. It is important that equine trails have effective signage which aligns with the requirements for their level of difficulty (consistent with WA Horse Trail Classifications).

The availability and dissemination of horse trail related information is also important as this was rated as poor for multiple equine trails in the community survey. Trails WA and the Shire website both provide information and maps for the Shire's equine trails, and it is important that these websites are continually updated to align with the new information and trails identified in this Master Plan. The existing information relating to equine trails across the Shire is generally inconsistent, outdated, limited and unreliable. Information relating to equine trails is also available on a range of third-party online sources with user-generated content, such as AllTrails, which varies in accuracy and consistency.

As part of the development of this Master Plan, existing equine trails were audited and mapped. This information should now be used to update current maps and develop reliable equine trail maps and supporting information for the newly identified trails. The maps and information can be in printed form, online and/or integrated into interactive online applications. It is important that equine trail maps and information are presented in a range of formats to cater for all levels of technological ability. It is also important that outdated equine trail information is removed from circulation.



Shire Officers support this action being progressed. Should the recommendation be supported by Council, further engagement will occur with the Equine Advisory Group to determine a priority order for horse trail signage plans to be developed. Work to develop plans for sign type and location per bridle trail can be completed with in-house resources, however the broader design and branding strategy is recommended to be completed via the engagement of a Design Agency, as occurred with the Jarrahdale Trails Town branding to ensure consistency of style across all Shire Equine Reserves and trails. This is to be submitted for Council consideration as part of the 2024/2025 budget setting process.

Following the completion of signage plans, Shire Officers will explore external grant opportunities or allowances within existing signage renewal budgets to deliver signage improvements and upgrades to horse trail signage in the Shire.

2. *Run an awareness campaign to educate people on how horses and other vehicles can safely interact on trails and roads.*

Shire Officers developed an Equine Road Safety Awareness Campaign in 2023, to educate people on how horses and other road users can safely interact on roads and trails. The Equine Road Safety Awareness Campaign was targeted at all Shire residents, horse riders, cyclists, walkers, and commuters and commenced in March 2023 and concluded with Road Safety week for additional impact and relevance. Road Safety Week ran from 15 May to 22 May, 2023, and highlighted the impact of accidents on roads and educated on ways to reduce them.

The campaign consisted of 4 x short videos, posters and postcards which were distributed in key areas around the Shire, newspaper advertisement, EDM graphic, LCD screen graphic, Shire Officers email signature banner and social media campaign (Facebook and Instagram). A small number of wheelie bin stickers were distributed as a more lasting reminder of the campaign.

In May to June 2024, the full campaign from 2023 will be re-run. Shire Officers have submitted a road safety grant seeking funding from the Road Safety Commission for an additional radio campaign and purchase of additional wheelie bin stickers to enhance the campaign for 2024. The outcome of this is not yet known.

The Equine Advisory Group determined this to be an ongoing priority, as the Shire is growing rapidly bringing urban dwellers into the more rural areas of the Shire who may not be aware of the rules on the road regarding equine use. There was a serious equine accident in the Shire in late 2023, causing injury to 2 people, which has further highlighted the need for this safety campaign. The 2024 campaign is supported by the Equine Advisory Group, local WA Police, WA Horse Council, and local equine interest groups.

The Equine Advisory group would like this campaign to be an ongoing annual feature that the Shire will run on behalf of the equine community.

Options

Option 1

That Council:

1. RECEIVES the progress update on the status of work undertaken on the Equine Advisory Group Priorities, as contained at **attachment 2**, and NOTES the priorities that are recommended to remain ongoing for the current Equine Advisory Group.
2. REQUESTS the Chief Executive Officer progress the recommendations from the February 2024 Equine Advisory Group meeting, being:



- a) Progress strategy C1 of the Shire’s Equine Trails Masterplan (Implementation Plan) via the development of an Equine Signage and Wayfinding Branding Guide.
 - b) Continue to deliver road safety initiatives aimed at educating people on how horses and other vehicles can safely interact on trails and roads.
3. NOTES a business case for the development of an Equine Signage and Wayfinding Branding Guide will be presented as part of the 2024/25 budget setting process for Council consideration.

Option 2

That Council:

- 1. RECEIVES the progress update on the status of work undertaken on the Equine Advisory Group Priorities, as contained at **attachment 2** and NOTES the priorities that are recommended to remain ongoing for the current Equine Advisory Group.
- 2. NOTES the recommendations from the February 2024 Equine Advisory Group meeting but DOES NOT SUPPORT these being progressed at this time.
- 3. REQUESTS the Chief Executive Officer advise the Equine Advisory Group that a reconsideration of priorities is to occur.

Option 1 is recommended.

Conclusion

Over the past 3 years, Shire Officers have worked collaboratively with the Equine Advisory Group, local equine clubs, equine businesses and external government agencies, to further enhance and support the Serpentine Jarrahdale equine industry and community.

An update on the Equine Priorities document is provided to Council as **attachment 2** to this report, with many priorities to remain ongoing with the current Equine Advisory Group.

A recommendation by the Equine Advisory Group is presented to Council for its consideration, being:

- a) Progress strategy C1 of the Shire’s Equine Trails Masterplan (Implementation Plan)
- b) Continue to deliver road safety initiatives aimed at educating people on how horses and other vehicles can safely interact on trails and roads.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Equine Advisory Group Minutes – 15 February 2024 (E24/2216)
- **10.4.1 - attachment 2** – Equine Advisory Group Priorities Update – February 2024 (E24/4278)
- **10.4.1 - attachment 3** – Strategy C1, Equine Trails Master Plan Extract (E23/7679)

Alignment with our Council Plan 2023-2033

Connected
3. Empower the community to engage with the Shire and collaborate on matters that are important to them.



Financial Implications

Budget allocations to progress the identified Equine priorities will be submitted as part of the 2024/2025 Budget setting process for Council’s consideration.

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	Development of horse trail plans for other horse trails in the Shire may set expectations within the equine community that they will be delivered by the Shire, which may not be the case if funding cannot be secured for the implementation of the signage plans moving forward.	Installation of signage to remain subject to annual budget processes and scheduled renewal allocations for the appropriate reserves	Reputation	Possible	Minor	MODERATE	Further engagement with Equine Advisory Group
2	Not supporting the recommendation from the Equine Advisory Group could result in the Group and/or individual members feeling that their feedback or input is not valued by Council	Recommendation from the Equine Advisory Group aligns with Council’s endorsed Equine Priorities list and Equine Trails Master Plan	Strategic Stakeholder Relationships	Unlikely	Minor	LOW	Explain basis for decision.



Continued

Ordinary Council Meeting Agenda Monday, 15 April 2024

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **RECEIVES** the progress update on the status of work undertaken on the Equine Advisory Group Priorities, as contained at attachment 2 and **NOTES** the priorities that are recommended to remain ongoing for the current Equine Advisory Group.
2. **NOTES** the recommendations from the February 2024 Equine Advisory Group meeting but **DOES NOT SUPPORT** these being progressed at this time.
3. **REQUESTS** the Chief Executive Officer advise the Equine Advisory Group that a reconsideration of priorities is to occur.



10.4.2 - Proposed Licence agreement with the public transport authority Western Australia for rail land at Serpentine - PTA Plan 5088 (SJ514)

Responsible Officer:	Community Projects Specialist
Senior Officer:	Director Community Engagement
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider a licence agreement with the Public Transport Authority of Western Australia (PTA) to licence a portion of reserve located at Serpentine Rail for community purposes.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 14 May 2012 – OCM144/05/12 - COUNCIL DECISION / Officer Recommendation

1. *Agrees to the terms and conditions of the Licence between the Shire of Serpentine Jarrahdale and the Public Transport Authority of Western Australia as outlined in Licence Plan L5088 in Serpentine as with attachment OCM144/05/12.*
2. *Accepts the licence fee of \$1.00 peppercorn rent per annum, on demand (excluding GST).*
3. *Authorise the President and Chief Executive Officer to sign the licence agreement.*

Background

The Shire has previously had a licence agreement with the PTA for a portion of the Railway Reserve in the Serpentine townsite, for the purposes of car parking near the station, where the Australind stops to pick up and drop off passengers. It is standard practice that the PTA licence Local Governments to use land like this as carparking space, to enable the local government to control parking and to maintain the area.

The previous agreement was for a period of 10 years, commencing on 1 July 2011 and expiring on 1 July 2021.

Community / Stakeholder Consultation

Engagement has occurred with the PTA in the development of the new license agreement.

Statutory Environment

- *Local Government Act 1995*



Associated Council Policies

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

Comment

Council policy - Lease and licence management is silent where the Shire is the licensee.

The term of the proposed licence is for 10 years, with commencement dates to be provided by the PTA.

The annual licence fee is a peppercorn rent of \$1.00 per annum.

There is car parking on the licenced area, with no built infrastructure. The annual maintenance budget is \$5,000 with the Shire recently undertaken tree pruning.

A precedent copy of the PTA agreement is enclosed at **attachment 1**. Upon payment of the agreement preparation fee, Officers will be sent a draft licence for review.

It is recommended that the Chief Executive Officer be authorised to sign this licence agreement.



Licensed Area - Aerial



Licensed Area – Ground view

Options

Option 1

That Council:

1. AUTHORISES the Chief Executive Officer to engross the Licence between the Shire of Serpentine Jarrahdale and the Public Transport Authority of Western Australia on the following terms.
Term: 10 years
Area: Part of reserve area totalling 3658.00 sqm
Rent: \$1 / Peppercorn
Reviews: 24 months to market, subject to change of use with PTA's consent
Permitted Use: Community Purpose – Beautification
2. AUTHORISES the Chief Executive Officer to sign the licence agreement.

Option 2

That Council DOES NOT AUTHORISE Officers to engross the Licence between the Shire of Serpentine Jarrahdale and the Public Transport Authority of Western Australia.

Option 1 is recommended.

Conclusion

The Shire has previously had a licence agreement with the PTA for a portion of the Railway Reserve in the Serpentine townsite for the purposes of car parking, near the station where the Australind stops to pick up and drop off passengers. It is standard practice that the PTA licence Local Governments to use land like this as carparking space, to enable the local government to control parking and to maintain the area.



Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Proposed Licence agreement between PTAWA and Shire of Serpentine Jarrahdale (E24/3872)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
3. Strengthen and grow the local tourism industry
4. Ensure sustainable and optimal use of Shire resources and finances
Liveable
1. Advocate for public transport and focus on connectivity within communities
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 leasing preparation fee is \$550.00. The annual licence fee is a peppercorn rent of \$1.00 per annum. Annual maintenance budget for licenced area \$5000.00

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	Liability risk for the Shire to allow operations on a property with no legal agreement in place.	Engagement with PTA to re-negotiate a new license agreement.	Financial	Possible	Minor	LOW	Option 1
---	--	--	-----------	----------	-------	-----	----------

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- AUTHORISES the Chief Executive Officer to engross the Licence between the Shire of Serpentine Jarrahdale and the Public Transport Authority of Western Australia on the following terms.**

Term: 10 years

Area: Part of reserve area totalling 3658.00 sqm

Rent: \$1 / Peppercorn

Reviews: 24 months to market, subject to change of use with PTA's consent

Permitted Use: Community Purpose – Beautification

- AUTHORISES the Chief Executive Officer to sign the licence agreement.**



10.4.3 - Community History Awards - Commemorative recognition for naming of award category (SJ514)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to consider acknowledging the efforts of local historian and initiator of the Shire's Local History Collection, Ms Janette (Jan) Skillington, by naming an award in her honour in the inaugural Community History Awards.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

As part of the Serpentine Jarrahdale Library Service's programming to recognise and celebrate the Shire's community history, planning has commenced for the inaugural Community History Awards. The awards will acknowledge the efforts of those who have contributed to preserving and sharing our diverse heritage.

There are four categories for entry in the awards:

- Written Memoir
- Photographic Memory
- Original Research
- Oral History

Nominations for the Community History Awards will occur in May 2024, with presentation of the awards scheduled for June 2024.

Judging of the awards will be carried out by Shire Officers and Jarrahdale Heritage Society and Serpentine Historical Society representatives. Entries in the competition will be evaluated against a set criteria for each category.



Community / Stakeholder Consultation

Ms Skillington unfortunately passed away in 2023. Her partner has been approached regarding the naming of the award in Ms Skillington's honour, and he has provided his verbal permission and gratitude to acknowledge the important work done by his late partner.

Statutory Environment

Nil.

Comment

Ms Skillington, along with Wilma Mann, was the architect of the Shire's Community History Collection and was passionate about recording and preserving the local history of Serpentine Jarrahdale. Ms Skillington worked for the State Library as an archivist and applied that knowledge in the creation and expansion of the SJ Remembers Community History Collection. She was also instrumental in establishing the SJ Library Friends Group in 2011, a group of volunteers who provided support and assistance in helping promote the Serpentine Jarrahdale Library Service. Supported by SJ Library Friends, Ms Skillington was instrumental in obtaining funding for the purchase of oral history recording equipment and for the training of many community members in oral history interviewing techniques.

Ms Skillington was awarded Life Membership of the Group, recognising the contribution her volunteering had in the community. Ms Skillington was also a supporter of the Library and was a frequent and appreciated visitor to the library. She lived with her partner in the Shire since 1990 and was known and well regarded.

This year, the SJ Library Service is launching the Shire's inaugural Community History Awards. Shire Officers believe it is fitting to name an award in Ms Skillington's honour, given her contribution to the community history collection, and more broadly the Shire. It is proposed to name the oral history category in her honour, being the Jan Skillington Oral History Award.

The Community History Awards will still proceed if naming of an award isn't approved, with the award simply named the Oral History Award.

Separate to this, it is also proposed that the Shire develops a Commemorative Recognition Policy to provide a consistent and effective administration of requests by members of the public, Shire Officers, or Elected Members for commemorative recognition of Shire facilities (owned or managed by the Shire) and awards which honour individuals, organisations or events that have made a significant contribution to the Shire or the development of Western Australia.

Options**Option 1**

That Council:

1. ENDORSE the naming of the oral history category as the Jan Skillington Oral History Award, in the inaugural and subsequent Community History Awards.
2. REQUESTS the Chief Executive Officer to develop a Commemorative Recognition Policy, to provide a framework for commemorative recognition of Shire facilities (owned or managed by the Shire) and awards which honour individuals, organisations or events that have made a significant contribution to the Shire or the development of Western Australia.



Option 2

That Council DOES NOT ENDORSE the naming of the Jan Skillington Oral History Award, or the development of a Naming Policy for the Shire.

Option 1 is recommended.

Conclusion

Ms Skillington made a significant contribution to local history and the community in the Shire of Serpentine Jarrahdale, creating our Community History Collection. Shire Officers believe it is warranted to name an award in Ms Skillington’s honour, given her contribution to the local history collection, and more broadly the Shire. It is proposed to name the oral history category in her honour, being the Jan Skillington Oral History Award.

Attachments (under separate cover)

Nil.

Alignment with our Council Plan 2023-2033

Connected
4. Facilitate an inclusive community that celebrates our history and diversity

Financial Implications

Funding has been allocated in the 2023/24 Budget for Community History programming.

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	Community members could be disappointed if the Shire did not consider the efforts and contributions of Ms Skillington significant enough to name a Community History Award in her honour.	Engagement with Ms Skillington's partner and SJ Library Friends' members.	Reputation	Unlikely	Minor	LOW	Option 1.
---	---	---	------------	----------	-------	-----	-----------

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **ENDORSE** the naming of the oral history category as the Jan Skillington Oral History Award in the inaugural and subsequent Community History Awards.
2. **REQUESTS** the Chief Executive Officer develop a Commemorative Recognition Policy to provide a framework for commemorative recognition of Shire facilities (owned or managed by the Shire) and awards which honour individuals, organisations or events that have made a significant contribution to the Shire or the development of Western Australia.



Continued

Ordinary Council Meeting Agenda Monday, 15 April 2024

10.5 Executive Services reports:

Nil Reports

**10.6 Confidential reports:**

The meeting is to be closed to members of the public whilst item 10.6.1 is discussed.

10.6.1 - CONFIDENTIAL - Criminal Procedure Act 2004 - Lot 10, 30 Leaver Way, Cardup (PA23/422)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Confidentiality Provisions

This report is confidential in accordance with Section 5.23(2)(d) and (f) of the *Local Government Act 1995*, which permits the meeting be closed to the public for business relating to the following:

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating, or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety.*

A full report is provided to Councillors under a separate cover. The report is not available for publication.



The meeting is to be closed to members of the public whilst item 10.6.2 is discussed.

10.6.2 - CONFIDENTIAL - Criminal Procedure Act 2004 - Lot 101, 956 Kargotich Road, Oldbury (PA24/172)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Confidentiality Provisions

This report is confidential in accordance with Section 5.23(2)(d) and (f) of the *Local Government Act 1995*, which permits the meeting be closed to the public for business relating to the following:

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating, or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety.*

A full report is provided to Councillors under a separate cover. The report is not available for publication.



The meeting is to be closed to members of the public whilst item 10.6.3 is discussed.

10.6.3 - CONFIDENTIAL - Allegation of breach of code of conduct SJ2024-1 (SJ3105)

Disclosure of Officer's Interest:

No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the *Local Government Act 1995*.

Confidentiality Provisions

This report is confidential in accordance with Section 5.23(2)(b) and (f) of the *Local Government Act 1995*, which permits the meeting be closed to the public for business relating to the following:

- (b) the personal affairs of any person; and*
- (f) a matter that if disclosed, could be reasonably expected to —*
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating, or dealing with any contravention or possible contravention of the law; or*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.*

A full report is provided to Councillors under a separate cover. The report is not available for publication.



Continued

Ordinary Council Meeting Agenda Monday, 15 April 2024

- 11. Urgent business:**
- 12. Elected Member questions of which notice has been given:**
- 13. Closure:**