



Shire of  
Serpentine  
Jarrahdale

# Ordinary Council Meeting Confirmed Minutes

## 7pm

## Monday, 15 May 2023

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### Contact Us

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#### 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](http://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 2023 –

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
08/05/23	Q & A (OCM)	✓	✓	A	✓	A	✓	✓	✓	A
08/05/23	WORKSHOP (Strategic Community Plan Major Review)	✓	✓	✓	✓	A	✓	✓	✓	A
01/05/23	PCF	✓	A	✓	✓	✓	✓	✓	✓	A
26/04/23	PCF	✓	A	✓	✓	A	✓	✓	A	A
17/04/23	OCM	✓	✓	A	✓	✓	✓	✓	A	✓
17/04/23	Q & A cont. (OCM)	✓	✓	A	✓	✓	✓	✓	A	✓
11/04/23	Q & A (OCM)	✓	✓	✓	A	A	✓	✓	A	A
03/04/23	PCF	✓	✓	A	✓	A	✓	✓	✓	✓
27/03/23	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
13/03/23	Q & A (OCM)	✓	A	✓	✓	✓	✓	✓	✓	A
08/03/23	WORKSHOP (Status update / report on 2022-23 CEO KPIs)	✓	A	A	A	A	A	✓	✓	A
02/03/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/02/23	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓



Continued

## Ordinary Council Meeting Minutes Monday, 15 May 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
27/02/23	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
20/02/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/02/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
15/02/23	WORKSHOP (Community Perception Survey)	✓	✓	✓	✓	✓	✓	✓	✓	A
13/02/23	Q & A (OCM)	✓	✓	A	✓	A	✓	A	✓	✓
06/02/23	PCF	✓	A	✓	✓	A	✓	✓	✓	✓
06/02/23	SCM	✓	A	✓	✓	A	✓	✓	✓	✓
30/01/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/01/23	Q & A (SCM – 6 February 2023)	✓	✓	✓	✓	✓	✓	✓	✓	A
23/01/23	Q & A (SCM – 30 January 2023)	✓	✓	✓	✓	✓	✓	A	✓	✓
23/01/23	WORKSHOP (Catalyse Presentation - Community Perception Scorecard)	✓	✓	✓	✓	✓	✓	A	✓	✓

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



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

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

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



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 15 May 2023 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

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

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

## Minutes

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

#### Attendees:

**Councillors:** M Rich.....Presiding Member

D Atwell  
M Byas  
R Coales  
M Dagostino  
T Duggin  
S Mack  
L Strange  
D Strautins

**Officers:** Mr P Martin.....Chief Executive Officer  
Mr R Najafzadeh.....Director Infrastructure Services  
Mr B Oliver.....Director Community Engagement  
Mr F Sullivan .....Director Corporate Services  
Mr A Trosic .....Director Development Services  
Dr K Parker .....Manager Governance and Strategy  
Ms M Gibson.....Governance Officer – Council and Committees  
(Minute Taker)

**Leave of Absence:** Nil.

**Apologies:** Nil.

**Observers:** 24

### 2. Public question time:

#### 2.1 Response to previous public questions taken on notice:

##### Ordinary Council Meeting – Monday, 17 April 2023

Questions asked by Ms Pauline Holmes at the Ordinary Council Meeting – Monday, 17 April 2023. Correspondence was sent to Ms Holmes on Monday, 1 May 2023 (OC23/7501).



Question 1

Where is the integrity of process for item 10.6.1 – Confidential – Allegation of breach of code of conduct – SJ2023-1 (SJ3105) on tonight’s agenda when confidential information has been disclosed to Facebook on “The Real Oakford Community Page” on 21 March 2023 by Mrs Lee Bond?

*Response (Chief Executive Officer)*

*If you have a concern with the conduct of Officers or Councillors regarding any matter there are pathways available through the frameworks provided for in legislation. I am available to meet with you to discuss the pathways associated with making a formal complaint through the appropriate channels.*

Question 2

What avenue is available to residents when we find select elected members are working with Facebook trolls to undermine our Council and Shire for personal political gain and trying to destroy the reputation and standing of other elected members?

*Response (Chief Executive Officer)*

*Legislation sets out the roles and responsibilities associated with the conduct of elected members as well as the pathways available to any person wishing to make an allegation of breach of conduct expected of an elected member. If you have specific concerns or allegations that you wish to progress I am available to meet with you to discuss the pathways associated with making a formal complaint through the appropriate channels.*

Questions asked by Mr and Mrs Leeann and Steven Schneider at the Ordinary Council Meeting – Monday, 17 April 2023. Correspondence was sent to Mr and Mrs Schneider on Friday, 21 April 2023 (OC23/7777).

Question 1

When was the Serpentine Jarrahdale Shire Town Planning Scheme changed relating to the distance, that now allows further projections building entirely outside of a building envelope in the Claire Morris Estate in Darling Downs, as per planning applicant PA23/94 current submission for proposed outbuilding Lot 601, 142 Bruns Drive Darling Downs has been submitted to be entirely outside the building envelope?

*Response (Director Development Services)*

*The subject land is zoned Rural Living A. The Rural Living A zone was introduced to the Scheme by Amendment No. 47, which was gazetted on 9 December 1994.*

*This included the following provision pertaining to development outside of a building envelope:*

*d) no building shall be constructed on a lot other than within the approved building envelope without the written approval of the Council;*

*Accordingly, subject to written approval being granted by Council, a building can be constructed outside an approved building envelope within the Rural Living A zone which Claire Morris Estate is.*



Question 2

Why are you considering approving the submission PA23/94 for a property outbuilding to be erected facing North and South which will detract from the streetscape and visual amenity of neighbouring residents in the Claire Morris Estate on Lot 601, 142 Bruns Drive Darling Downs, the exact same position that we applied for in 2010 and were denied on multiple applications, when all adjoining neighbouring properties outbuildings have only been approved as facing East and West?

*Response (Director Development Services)*

*All applications for development approval are required to be assessed on their individual planning merits, considering relevant planning matters. In terms of streetscape impact, the report states:*

*“The streetscape impacts are not considered relevant in this application due to the setback proposed to Bruns Drive (79m) and as the development will generally be located behind the existing dwelling, outbuilding and water tank, providing for a high degree of screening of the development from the street”*

*In respect of visual amenity, the report states:*

*“The open framed portion of the outbuilding is proposed to be set back 4m from the northern boundary. The actual north facing external wall of the outbuilding however, is set back a further 4m, being 8m from the boundary. Views of the structure from the neighbouring property to the north will be screened by existing mature vegetation present along the boundary...”*

*And*

*“The vegetation as a result will provide filtered views of the development from the adjoining property, softening the appearance of the outbuilding. Furthermore, the open side of the outbuilding is located closest to the northern boundary, which is considered to further reduce the presence of the outbuilding.”*

*And finally:*

*“The single dwelling on the adjoining property is configured with a garage and outbuilding on the south side of the property, which separates sensitive private amenity areas from the proposed location of the outbuilding as sought by this application. Specifically, the development is located approximately 50m in a south-east direction from key habitable areas of the dwelling on the adjoining property. The outbuilding as a result will not form part of the neighbouring vistas of the habitable areas of that dwelling.”*

Question 3

Your Manager of Statutory Planning and Compliance, has advised us via email, that every building application received by the SJ Shire are processed on individual merit.

*Can you please advise why some applications are approved on merit alone and without further consultation, as our applications were disapproved on multiple occasions for building outside of the building envelope “location - shed to be relocated to minimise any projections beyond building envelope”, as per the Council Town Planning Scheme laws and guidelines?*



*Response (Director Development Services)*

As stated above, the Scheme allows for buildings outside of a building envelope subject to Council approval. This application was advertised to the adjoining landowner for a period of 14 days from 13 February 2023 to 27 February 2023, in accordance with Local Planning Policy 1.4 - Consultation for Planning Matters. One submission was received objecting to the proposal. The report has regard to the submission, and specifically assesses the development according to the planning merits of the application taking account of the objections raised.

**2.2 Public questions:**

**Public question time commenced at 7:01pm.**

**Mr Bill Denholm, Karrakup WA 6122**

For the past 2 years during football season, we run the Auskick format on Briggs Lower Oval on Friday nights. This consists of children in Pre-primary, year 1, year 2, and incorporates Starkick, children with disabilities. 220 children are registered, that's possibly 180 young families.

On Briggs Upper we have 2 games being played and BMX is also run at the same time, so parking is a major problem, but it has run fairly smoothly with both clubs cooperating and with the help of the Shire facilities crew, things are ok. Until last Friday night. We try to maximise the parking along Mead Street and the new Shire parking on the North side of the Rec Centre, so as to utilise the 3 entry points to the lower oval. Remember these are young families, many with prams and these 4 wheel trollies to carry chairs, blankets, etc. So back to Friday night.

**Question 1**

What bright spark decided to put their own padlock, a large one, on the access gate on the North West side of the Rec Centre? This is also an Ambulance Access point. Was any Shire permission given, if so, why?

*Response (Director Infrastructure Services)*

On Friday afternoon, Officers were made aware of the service entry gate at the rear of the Recreation Centre being locked with a padlock that the Recreation Centre and Shire staff did not have a key for. Upon investigation, the owner of this padlock remains unknown and it has been removed today. The Shire controlled padlock remains in-situ.

**Question 2**

Are the Councillors and Shire Officers aware of the unnecessary and unfounded negative publicity this causes the Shire, due to the selfish act of an individual?

*Response (Chief Executive Officer)*

Yes and we apologise for any inconvenience caused by this unauthorised action last Friday.

**Question 3**

What procedures will be put in place to eliminate this ever happening again, where an individual can lock a Shire facility with a private lock?



*Response (Director Infrastructure Services)*

*Whilst we cannot guarantee this will never happen again, individuals or organisations that are found to be tampering with Shire controlled assets will be dealt with appropriately.*

**Mrs Lee Bond, Box 44 Armadale WA 6122**

Question 1

What is the procedure for deferral of Serpentine Jarrahdale rates by a ratepayer, is a document required to be signed by the ratepayer requesting a deferral?

*Response (Director Corporate Services)*

*There is a joint application form for the Local Government Rates, Water Corporation Annual Charges, Emergency Services Levy and Underground Electricity Connection Charges rebates. Water Corporation accepts applications over the phone, telephone 1300 659 951, and also provides an online application facility via [www.watercorporation.com.au](http://www.watercorporation.com.au) or you can pick up a form at the Shire Office and we will forward it to the Water Corporation on your behalf. Additional information about this state government program is available on ConcessionsWA's website.*

Question 2

Who reads the questions and statements and authorises their presentation to Council meetings by members of the gallery before they are permitted to be read, if in doubt, is advice taken from anyone with a legal background?

*Response (Chief Executive Officer)*

*No Officer or elected member authorises public questions asked or public statements. Officers do not routinely seek legal advice on questions or statements.*

*Questions and statements are provided by Officers to the Shire President and all Councillors prior to the meeting.*

*The conduct of Council meetings are provided for in the Shire's Standing Orders. The provisions include that any Councillor present may raise a point of order.*

Question 3

Is the President of the Shire involved in matter GCLM of 2022 Serpentine Jarrahdale Shire v Rich and Another?

*Response (Chief Executive Officer)*

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

**Presiding Member, Councillor Rich asked if there were any public questions from the floor at 7:09pm.**



**OCM089/05/23**

**MOTION**

**Moved Cr Mack, seconded Cr Duggin**

**In accordance with clause 11.1(c) of the *Standing Orders Local Law 2002 (as Amended)* that the Council now adjourn for a period of 15 minutes at 7:11pm.**

**MOTION LOST 4/5**

**Presiding Member, Councillor Rich asked if there were any public questions from the floor at 7:11pm.**

**Mr Garry Tomlinson, Jarrahdale WA 6124**

A question about the sandmining application that has been reapplied for. Why all the residents in Millbrook Estate didn't get the letter as they are unregistered now?

*Response (Shire President)*

*There is distance limitations on the area that is provided with the letters for items like this.*

*Response (Director Development Services)*

*All applications are advertised in accordance with Council Policy. This application has been referred to those landowners consistent with the Council Policy. Direct letters are only one avenue to make a submission, the application is also available for comment on the Shire's YourSay SJ page.*

**In accordance with clause 15.9 of the *Standing Orders Local Law 2002 (as Amended)* the Presiding Member, Councillor Rich adjourned the meeting for a period of 10 minutes at 7:18pm, to resume at 7:28pm.**

**Officers assisting the Meeting stopped the recording of the Meeting.**

**Presiding Member, Councillor Rich reconvened the meeting at 7:28pm, with the following in attendance:**

**Councillors:** M Rich.....Presiding Member

- D Atwell
- M Byas
- R Coales
- M Dagostino
- T Duggin
- S Mack
- L Strange
- D Strautins

**Officers:** Mr P Martin.....Chief Executive Officer  
 Mr R Najafzadeh.....Director Infrastructure Services  
 Mr B Oliver.....Director Community Engagement  
 Mr F Sullivan .....Director Corporate Services  
 Mr A Trosic .....Director Development Services  
 Dr K Parker .....Manager Governance and Strategy  
 Ms M Gibson.....Governance Officer – Council and Committees  
 (Minute Taker)



**Officers assisting the Meeting resumed the recording of the Meeting.**

**Public question time concluded at 7:28pm.**

**3. Public statement time:**

**Public statement time commenced at 7:28pm.**

**Mr Steve McCabe, Landcare SJ Inc.**

Good evening, Councillors. I am honoured to speak here this evening on behalf of Landcare SJ to share some insights about the valuable benefits that our organisation delivers to the community thanks to the support of, and partnership with, the Shire of Serpentine Jarrahdale.

Firstly, I'd like to acknowledge the important role the Shire plays in supporting Landcare SJ. Our partnership has enabled us to implement numerous projects that have had a positive impact on the environment, sustainability and the local community.

Through our partnership, we have been able to provide education, resources and technical assistance to local landowners, helping them to adopt sustainable practices and reduce their environmental footprint. These practices not only benefit the environment but also contribute to the economic viability of the region by promoting the long-term environmental sustainability of the Shire of Serpentine-Jarrahdale.

Our close connection with the community has allowed us to collaborate with the Shire to develop and maintain parks, natural reserves, and public spaces in the region to a degree that would be prohibitively expensive for the Shire to achieve on its own. One example of many I could choose is the fencing and active care of Brickwood Reserve. By working together, we have been able to design and implement projects that enhance the natural beauty of the region while also providing opportunities for the community to enjoy and connect with nature.

A key benefit of our partnership is the engagement of the local community in our projects. Through events, workshops, and other outreach efforts, we have been able to involve members of the community in our work, raising awareness of environmental issues and encouraging community action, engaging over 800 volunteers each year. This has helped to create a sense of pride and ownership in the community, as well as a greater understanding of the importance of environmental sustainability.

The support and partnership of the Shire of Serpentine Jarrahdale has been critical to the success of Landcare SJ. Together, we have been able to deliver numerous benefits to the community, including the development of more sustainable agricultural practices, the enhancement of public spaces and the engagement of the community in environmental issues. We look forward to continuing our partnership with the Shire and working together to create a sustainable and thriving community for future generations.

**Mr Bill Denholm, Karrakup WA 6122**

I wish to acknowledge a distinct change in attitude and pro-activeness in the Shire's parks and maintenance crew. New personnel appear to be working with the clubs and community to achieve these improved outcomes, i.e. topdressing of the lower oval. It's amazing what can be achieved with the right personnel.



**Ms Lara Iozzi, representative for Spagnolo Developments Pty Ltd, regarding Item 10.1.3 - Proposed Child Minding Centre - Lot 9511 Briggs Road, Byford (PA23/153)**

Good evening Council, my name is Lara Iozzi. I am a representative of the developer of the proposed child minding centre at 9511 Briggs Road, Byford, being considered tonight at Agenda Item 10.1.3.

The developer has under contract 6 lots which form part of the Byford Meadows Stage 7 subdivision.

I sent an email to all Councillors on Friday requesting proposed condition 7 of the officer's recommendation be deleted. Given time constraints, I will only refer to conditions 7(iii) and (iv) tonight.

Condition 7(iii) requires the construction of more than 200 metres of footpath. Child minding centres typically generate low demand for walking / cycling / scooter trips as most patrons will have prams or young children with them.

The WAPC's Transport Impact Assessment Guidelines provide that the typical walkable catchment is 400 metres or a 5-minute distance. There are less than 10 dwellings within a 400 metre walkable catchment along the route of the required footpath. The number of child care centre patrons or staff likely to use this path would be minimal, if any. The construction of this footpath is premature as the need for it is not warranted at this time or by our centre.

Condition 7(iv) requires us to fully fund the design and upgrade of 160 metres of Briggs Rd (south) to an urban standard. Our Transport Impact Statement provides that only 40% of traffic generated by our development is estimated to use this section of Briggs Road. This equates to:

*180 daily vehicle trips generated (equivalent to 4.7% increase on existing volumes)*

*34 AM / PM peak trips generated (equivalent to around 8% increase on existing volumes)*

In accordance with the WAPC TIA Guidelines as our development increases traffic by less than 10% along the relevant section of road it is unlikely to have a material impact on that section of road.

In addition, there are other current developments proposed along Briggs Road that will also be adding traffic to the relevant section of road. These have been referenced in my email. One of those developments is adding traffic to the relevant section in very similar volumes to the traffic our site is generating.

We also understand that a school site is proposed along Briggs Road (opposite our site) and this site would clearly add considerable traffic, in a much more material way than our site.

The costs to design and construct the footpath and the road upgrade are very significant and would make our development unviable.

As we can demonstrate that our site is not creating a material need for the proposed footpath or for the upgrading of Briggs Road it is not equitable or reasonable for these conditions to be imposed on our development. We request that conditions 7(iii) and (iv) are deleted this evening. Thank you for your time.

**Mrs Lee Bond, Box 44 Armadale WA 6122**

I have attended many Serpentine Jarrahdale Shire Council Meetings for well over twenty years and have seen the very worst of both Councillors, Council Officers and gallery members, but the OCM on 17/4/2023 was the lowest form of behaviour and brought this Council into a level of disrepute of enormous magnitude. Gallery members should be able to attend meetings without running the gauntlet of abuse displayed at this meeting. Integrity, honesty and any hope of decency was abandoned to attack individuals and this has left our Shire with a stain not even bleach will remove.

**Mr Athol Wigg, Byford WA 6122**

Thank you Madam President for the opportunity to comment on Agenda Item 10.2.3 which will provide a 5 year certainty of ongoing finance to the Landcare SJ Board. Landcare in this Shire over the past 30 years has contributed to the enhancement and sustainability of our natural environment.

Landcare SJ provides access to grants and National Resource Management funding, supporting the 250 residents who access free verge planting, co-ordinating the RUOK revegetation planting and some 500 volunteers in a wide range of Land Care activities including the construction of nesting facilities for the Endangered Black Cockatoo, a project which has been acknowledged both nationally and internationally.

**Public statement time concluded at 7:39pm.**

**4. Petitions and deputations:****Mr JJ Stephens regarding item 10.1.1 - Development Application - Proposed Amendment to Delete Condition of Development Approval - Lot 87, 26 Karbro Drive, Cardup (PA23/54)**

Application for Arena Lights. To Support our Arena lights.

Light study was assessed at 35 degree angle by Accredited Lighting Specialist, which met all the Australian Rules and Regulations. Reports are in the application.

We have also tried to source Shrouds for the lights, but they don't make them for these small type of lights.

Furthermore, we have already angled the lights down to a 14 degree angle to minimise the light to the South facing property. As requested / recommended by Shire, even though it already meets the Australian Standards at 35deg, as stated on the Lighting report and that it doesn't bother the South facing neighbour. The South facing property has given us a written statement and that he hasn't got a problem at all with the lights, and that he supports it. This written statement is also in the amended application.

We ask for the Council to consider our application with no conditions, as we have already angled down the lights and done everything the Shire has requested and asked for and beyond.

**Mr and Mrs Trevor and Sue Symonds (read on behalf by Mr Bill Denholm) regarding item 10.1. 1 - Development Application - Proposed Amendment to Delete Condition of Development Approval - Lot 87, 26 Karbro Drive, Cardup (PA23/54)**

Page 1. Regarding the spill from arena lights. My chickens need to be locked up at night once dark in their "coop" for protection from foxes. They are not locked up permanently in a coop as Applicant states. Needs to get facts correct. They are let out into a very large



yard in daytime. At night when arena lights are on you need no torch to go and do this as enough spillage of light to see very well.

Page 2. Applicants comments regarding need for arena lights state that they need the arena lights for use in hot weather to ride when heat has cooled down and animal welfare needs to be taken into account. She states that the Equestrian Australia rules state that horses must not be ridden in heat above 35 to 36 degrees but fails to say that the rule applies to the Equestrian federation run shows and events. Mrs Stephens and their children however have been seen on many occasions riding in the middle of the day in 37+ temp for over an hour jumping etc. So the need to have arena lights at night for the welfare of their horses is a bit far from the truth. The applicant can't be too concerned about their own horses welfare riding in the heat in the middle of summer days so why the need for arena lights

Page 7. The Applicant states that our outside security lights are just as bright if you look at them directly. The issue here isn't about looking into the lights as applicant states but about light spill. The difference is we have 3 security lights that are only 50 watts each that are on for approx. 5 minutes if movement outside so we can see if there is anything there. As applicant says quote "The purpose of a light is to be able to see". Well I would like to see if we had an intruder or something out there that shouldn't be there. The applicants have 6 lights facing arena and 3 facing their own house. The Council even commented on how bright the lights were for this type of environment at the 19 September 2022 Council Meeting.

Page 8. The applicant states that the arena lights need to be safe and have no shadowing etc. to be safe. I can understand that to a certain degree.

Other arenas I have seen do not seem to have lights as powerful as the applicants and intruding into other properties.

The applicant also states that my photo of the arena lights taken from my back verandah that the surrounding areas are black. Our shed is blocking off some light and it is only a phone camera that at night doesn't take the best photos so not getting the best light spill but clearly shows how high up the trees the lights shine and these trees are at least 4 to 6 metres off the boundary fence of the south property.

Page 10. The arena lights do shine in your eyes at night when driving in. It's like a car with high beam on and I fail to see what applicants comment about sitting in car and that the car has a roof has to do with it and must have sight problems and shouldn't be driving. So anyone that is blinded by high beams of cars shouldn't be driving as they have eye problems. Really. I am sure all of us have been blinded at some time by high beams. So none of us should be driving.

Page 11. The applicant states that we are always out their taking photos of the arena lights whenever they use them. The only reason we have taken photos since January was because a stop notice from the Shire was given to them to not use the lights till sorted out but once again they break the rules by continuing to use them. Taking photos was the only proof that the lights were being used. We have never taken photos of any of them riding in the arena. Our concern is the lights. Once again as proof of light spill and most of the photos do not show their property anyway just the light spill on the trees in the southern property. The applicant states that there has been nonstop complaints from April 2022.

The only complaints from us have been 1. Arena lights. 2. Dust from arena. 3. Fill brought into paddock 5 in April 2022 and cattery in July 2022. Although we are being accused of



the only people putting in complaints. There were complaints about a lot of other issues but not from us. In the Equine plan submission by applicants last year a neighbour on the other side put their submission in for it and part of it is about the Arena lights shining into their bedroom. Their submission from then is on page 2 of this summary of submissions. Mrs Stephens would not come over to fence line and discuss the dust when Mr Symonds waited at the fence for about 10 minutes to discuss the silica dust when she was raking the arena with their machine and had one of her small children with her and you could not see the machine for the silica dust. Not much concern her child's health breathing in silica dust. The applicants left us no choice but to put our complaints in writing to the Shire as they were breaking Shire health regulations with the silica dust.

All we wanted to ask was for them to turn the sprinklers on before riding and raking. The sprinklers that the previous owner installed not the applicants as they stated in their Equine management application. Another lie.

Page 12. The applicant states that the photos of the lights used in this summary of submissions cannot be used as not time and date stamped. I have no idea as I didn't print this up but they are all on my phone the time and date if anyone wants to verify it.

Page 13. The applicant states they are not wanting to check the letterbox for fear of more fines or issues. It's simple once again in their own words spoken to us "Just stick to the rules" and there would not be a problem. We are not the ones breaking all the rules. I fear going down the back of our property now without my husband with me as we have been called over to the fence many times and arguments started by applicants. They tell us to leave them alone. It's the other way round. We have never started anything over the fence.

Page 17. Applicants state why did we not complain about the arena before they moved in as arena was built 4 years ago.

We had no reason to as the previous owners didn't have arena lights then and the arena was hardly ever used as the applicants husband got very ill with cancer so she didn't have time to ride. But if they did use the arena the previous owners put the sprinklers on so no dust problem. The sprinklers that the applicants stated in their Equine application that they installed. Another lie. The arena also does not have any of the drainage under it as stated in their Equine application and we advised the Shire of this but no one seems to have checked it so that's another lie they have told the Shire but it appears it has been passed. HOW?

It seems they do things and then suffer the consequences after. Like the arena lights. And other complaints by others about the huge amount of trees cut down and trying to open a very large machinery hire business from a special rural property and there are more I believe. The applicants have frequently told us they have money and will get what they want and tell us to stick to the rules. The mind boggles.

Page 20. We agreed with what the Shire recommended at the September 2022 meeting that the lights should face north pointing at their own property. This is not what the applicants want. The applicant says, "It is not just about what we want".

No that's exactly right. Are they considering anybody else or in the future. I would say it's all about them really. They come here from suburbia and think they can just change all the rules set out by the Shire for this lovely special rural setting.

This has been a very lovely place for 25 years. Not anymore.

Attachment 3 Deemed Provisions-C1 67.





Figure 5. Clearly shows that our water tank and shed have light spill to be able to see them on the west lot boundary. These are approx. 50 metres from arena. It also shows considerable light spill on the south lot boundary.

Our concern is that given the drone is quite high and well above the tree canopy it does not show the light spill that is actually under the tree canopy but my photos do. The light spill is much more than 3 metres as stated. The trees are approx. 4 to 6 meters back from boundary fence.

**Mr William Marshall from Edenlife regarding item 10.1.2 - Proposed Lifestyle Village (Grouped Dwellings) and incidental Communal Facilities - Lots 59, 60 and 61 Briggs Road and Lot 62 Thomas Road, Byford (PA23/177)**

Coverage

- What are we building?
- Key features
- Operational
- Our homes
  - Modular and relocatable
- The site
- Current community - Australind
- Affordability
- Economics
- Questions?

Model/offering

- 202 home secure community for 55's and over (land lease)
- Choice of architecturally design modular homes (Inc. specs)
- Affordable – separate upfront land cost from home purchase, long term land lease
- Access to Commonwealth rent assistance
- Resort style community facilities – Clubhouse inc. indoor heated pool, gymnasium, theatre, arts and crafts, BBQ and games room, bowling green, hobby shed, recycling and more
- Solar community with power allowance included in weekly rent
- Security – lock and leave, CCTV, key card access
- Sustainability – recycling, water storage, community garden
- We take care of the operations and management of the community – onsite manager
- Weekly fee includes rates, covers all maintenance of all community facilities, maintain communal gardens and grounds (see AFSA report)
- Rebates still available (Comm Rent Assist, rates)
- No stamp duty on home



- And most important, no exit fees.
- When it comes time to sell
  - We know your home and community the best, sell on your behalf
  - You have the option of choosing your own sales agent
  - New buyer needs to qualify
  - Sales agent fees generally 2-3%

#### Operational

- Owned and operated by Edenlife, a wholly owned subsidiary of The Lester Group
- Onsite manager, sales staff
- Land lease model, 60 year agreement with home owners
- Use of residential codes
- Agreement as per Residential Parks (Long-stay Tenants) Regulations 2007
- Age criteria applies (55+ years)
- Long term accountability to homeowners and the surrounding community, local government
- Delivering on commitments

#### Our homes

- Architecturally designed
- Exceed 6-star rating
- Built by Summit Homes, long standing reputable builder
- Relocatable
- Built to last
- Concrete floors
- Steel framed stud walls, gyprock lined
- Colorbond roof
- High ceilings, mix of pitched and skillion
- Mix of external treatments
- Quality fixtures and fittings

#### Economics

- Approximately \$15m in civils and earthworks construction (local)
- Clubhouse/community facilities approx. \$7m
- Home construction approximately \$55m
- Onsite employment, landscaping contract, maintenance contract (local)



- Once completed and homes occupied, approximately 350 additional community residents
- Affordable focus, diversity in housing options
- Approx \$1m operating budget PA

**Mr David Maiorana from Rowe Group regarding item 10.1.3 - Proposed Child Minding Centre - Lot 9511 Briggs Road, Byford (PA23/153)**

Rowe Group acts on behalf of Spagnolo Developments Pty Ltd in relation to an application for development approval for a Child Minding Centre at Lot 9511 Briggs Road, Cnr Indigo Parkway, Byford.

Spagnolo Developments Pty Ltd are under contract to purchase six (6) approved lots included as part of Subdivision Approval (WAPC Ref: 158666) which forms part of the Byford Meadows Stage 7 subdivision. Subdivision works associated with Stage 7 are substantially progressed.

Mr David Maiorana (Rowe Group) will be speaking in support of the proposed development. Mr Marc Spagnolo is also in attendance this evening.

Whilst the Development Application shall be determined by the Metro Outer Joint Development Assessment Panel (JDAP), Council is required to provide its recommendation to the JDAP via a Responsible Authority Report (RAR).

We have reviewed the RAR prepared by the Shire's planning department and acknowledge the recommendation that the development be approved, subject to some conditions.

For the purpose of correcting some preliminary matters, we would like to draw the Shire Administration's attention to the following:

- The landowner details included on page 1 of the Form 1 RAR summary refer to 'Nino' Gangemi. This should be amended to 'Pino' Gangemi.
- The application detail at page 5 of the RAR refers to a lot size of 2389m<sup>2</sup>. This should in fact be 2522m<sup>2</sup>.

We acknowledge the Officer's recommendation for approval however wish to raise concerns with the following conditions:

**Condition 7**

- 7. Prior to issue of a building permit, detailed plans being submitted to and approved by the Shire, depicting the following road and footpath infrastructure upgrades:
  - i. The full extension of Indigo Parkway to Briggs Road as a 'T' intersection with a median strip constructed up to Briggs Road;*
  - ii. The full extension of Caspian Chase as a 'T' intersection up to Briggs Road;*
  - iii. The existing footpath on Larsen Road being extended west across Briggs Road, then north to connect with the footpath infrastructure across the full frontage of the development site;*
  - iv. The 160m section of Very Poor Condition of Briggs Road from Caspian Chase south, being upgraded to match the upgrades occurring north of Caspian Chase, as shown on Drawing Number BYFGGC12-R01. This includes a road upgrade to that section**



*of road, to become a sealed, kerbed and drained road, with concrete footpath on the western side verge.*

It is understood parts i. and ii. of Condition 7 would be satisfied as part of subdivision works associated with Byford Meadows Stage 7, which would be completed prior to an application for a building permit being submitted. These aspects of Condition 7 are accepted.

Parts iii. and iv. relate to works that do not abut or directly relate to the proposed child minding centre. We therefore consider the road and footpath upgrading works to be unreasonable and should be deleted.

Our reasons follow:

#### Larsen Road Footpath Upgrades

- The length of footpath that would need to be constructed to satisfy the condition would be in excess of 200m.
- There would be a very low demand from existing residents along Larsen Road wanting to walk to/from the proposed development, as there are only about 10-15 houses (in total) within 500m walking distance. Beyond that, parents would be expected to drive to the centre.
- Drawing Number BYFGGC12-R01 identifies a 'future 2.5m dual use path' on the western side of Briggs Road and a 'future 2.5m footpath' on the eastern side of Briggs Road. The drawing also depicts existing v-drains on both sides of the road. Works required to construct a footpath (in association with road works required by 7. iv.) would be significant and would impose an unreasonable and inappropriate burden on the developer of the child minding centre.
- In any event, the demand for this section of footpath to be provided would only occur when either:
  - The school site is developed; or alternatively;
  - The land east of Briggs Road (within the approved Briggs Larsen Local Structure Plan) is subdivided.
- For the above reasons, we request part iii. of Condition 7 be deleted.

#### Briggs Road Upgrades

- A 160m section of Briggs Road would need to be upgraded to satisfy the condition.
- The Shire has previously sought to have the developer of the Byford Meadows subdivision undertake the Briggs Road upgrading works now set out by Condition 7. iv., including as part of the Stage 7 subdivision works and an earlier subdivision relating to Lot 370 (the school site). It was successfully (and reasonably) argued by the subdivider/project engineer at the time that these works were unreasonable on the basis that these works should be undertaken as part of the development of the school site. This was accepted by the Shire's engineers and the relevant condition cleared.
- The fact this matter has been raised again now appears opportunistic and does not satisfy the relevant tests for relevance or reasonableness of a planning condition.
- It is our view the road upgrading works should reasonably only be applied at the time:
  - The school site is developed or alternatively;



- The land east of Briggs Road (within the approved Briggs Larsen Local Structure Plan) is subdivided.
- The project traffic engineer has provided the following summary analysis of traffic volumes relevant to Briggs Road:

(Note: NB = North Bound, SB = South Bound, vpd = vehicles per day)

The 2022 traffic volumes along Briggs Road are:

- Daily 3,829 vpd (1,898 NB / 1,931 SB)
- AM Peak 449 vph (254 NB / 195 SB)
- PM Peak 411 vph (209 NB / 202 SB)

The development is estimated to generate the following vehicle trips and % increases:

- 450 daily vehicle trips (11.7% increase)
- 86 AM Peak trips (19.2% increase)
- 87 PM Peak trips (21.2% increase)

Only 40% of the development traffic is estimated to use the section of Briggs Rd South of Caspian and so the increase on this section of road is lower at approximately:

- 180 daily vehicle trips (4.7% increase)
- 34 AM Peak trips (7.8% increase)
- 34 PM Peak trips (8.3% increase)

The volume of traffic generated by the proposal is relatively minor and does not in itself warrant the requirement for this section of Briggs Road to be upgraded at the developer's cost.

- For the above reasons, we request part iv. of Condition 7 be deleted.

#### Conditions 16 & 17

*16. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing common infrastructure, as established through Amendment 208 (once gazetted) to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.*

*17. Prior to issue of a Building Permit, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.*

Whilst Conditions 16 and 17 are recommended to be applied to this development approval, they were also included as conditions of the Stage 7 subdivision approval. As such, the contributions required for the six (6) lots comprising the child minding centre site will already have been paid as part of the preceding subdivision.

We accept that if the six (6) lots were instead created as a single lot (which is not proposed), the Shire would wish to have a mechanism to require contributions to be provided as part of the development of the site.

However, it is our understanding the Development Contribution Plan would not require contributions to be paid for all six lots and upon development of the child minding centre.



Therefore, whilst the retention of Conditions 16 and 17 is provisionally accepted, this would be on the basis that an accompanying Advice Note be included as part of the Shire's recommendation to the JDAP to the effect that:

*'With regard to Conditions 16 and 17, if contributions have been received from the constituent lots created as part of WAPC reference 158 666, no further contribution for the development will be required.'*

#### Conclusion

In summary, we appreciate the Shire's recommendation that the application for a child minding centre at Lot 9511 Briggs Road, Byford be approved. We also respectfully request the following amendments to the recommended conditions:

- Deletion of Condition 7. iii. and 7. iv.
- Inclusion of an Advice Note to accompany Conditions 16 and 17.

## **5. President's Report:**

Good evening, and welcome to the Ordinary Council Meeting for May 2023.

I would like to begin tonight by acknowledging two important funding commitments relating to our Shire announced as part of the WA Government's State Budget last week.

Firstly, 36.3 million dollars was allocated to deliver the Byford Health Hub.

This is a major commitment securing the future of the Health Hub, which will provide an integrated and extensive health service to our Shire's most populated suburb. This is an increase to the total commitment of 11.6 million dollars.

Secondly, an additional 2 million dollars was committed to fund Stage 1A of the Keirnan Park Recreation and Sporting Precinct.

Each of these projects play a major role in our journey to providing contemporary facilities for our growing community.

Council and Shire staff have advocated extensively to secure support for these projects, and on behalf of both I thank the State Government for their commitment to our community.

Moving on, it was great to see such strong attendance at SJ's local Anzac Day services last month, despite the wet weather.

It's always an honour to present at the Anzac Day ceremony. Congratulations to the Serpentine Jarrahdale RSL and the Shire staff who worked hard to deliver both the Dawn Service and Traditional Service.

Sticking with the theme of events, I was please to attend the launch of the Shire's Equine Road Safety campaign last month.

As Western Australia's leading equine community, horses play a major part in the lives of many SJ residents and ensuring their safety while using our roads is a key priority for the Shire. With the start of National Road Safety week that started yesterday, I would urge all road users to drive and ride safely on our roads.

It was also great to meet with the Bushfire Advisory Committee to discuss the ongoing mitigation works currently occurring across our Shire.



## Ordinary Council Meeting Minutes Monday, 15 May 2023

Mitigation burns are an important part of keeping our community bushfire prepared, with key burns recently carried out along South Western Highway and Rapids Road.

Thanks to the Shire staff and local bush fire brigade volunteers who have overseen these important works.

I'd like to close tonight's report by acknowledging the hard work and effort that went into preparing the SJ Food and Farm Fest.

Unfortunately the event had to be called off at the last minute due to severe weather. However, the work of the Serpentine Jarrahdale Food and Farm Alliance in the lead up was extensive.

The Shire is proud to be a major supporter of the Food and Farm Fest, and we look forward to working with this dedicated local group in the future.

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

17 April 2023	Photo Op - Kargotich Road	Oakford
	Monthly Meeting with Hugh Jones	Byford
	Special Q&A Agenda Briefing	Civic Chambers
	Ordinary Council Meeting	Civic Chambers
19 April 2023	Weekly Meeting with Shire President	Shire Offices
	Presentation to Peel Development Commission	Shire Offices
	Peel Development Commission and Minister Don Punch MLA Sundowner	Shire Offices
20 April 2023	Meeting with Hugh Jones and Main Roads	Byford
	Bush Fire Advisory Committee (BFAC)	Shire Offices
21 April 2023	Photo Op - Thomas Road Fencing	Oakford
	Starkick Open Day	Byford
22 April 2023	Momentum Obstacle Course Race (Sat & Sun?)	Bolinda Vale
	Jarrahdale Ghost Walk	Bruno Gianatti Hall
24 April 2023	Beenyup Primary School ANZAC Ceremony	Beenyup Primary School
25 April 2023	Anzac Day 2023	Mundijong
26 April 2023	Weekly meeting with CEO	Shire Offices
	Pre-SAC meeting WALGA	Teams Meeting
	Briefing on Horse Road Safety launch with Director Community Engagement	Shire Offices
	Peel Harvey Biosecurity Group (PHBG) Committee meeting	Google Meet meeting
	Policy Concept Forum (PCF)	Civic Chambers



27 April 2023	Reform of the Local Government Act 1995 Webinar 2 - Optional :Preferential Voting	On-line
	'Make every journey safe' Horse Road Safety Campaign	Serpentine Sports Reserve
	Byford Bushrangers AGM	Bill Hicks Reserve
1 May 2023	Meeting with Hon Simone McGurk MLA - Minister for Training, Water and Youth	Perth
	Special CEO Employment Committee Meeting	Civic Chambers
	Policy Concept Forum	Civic Chambers
2 May 2023	WALGA Environment and Waste Policy Team meeting	Online
3 May 2023	State Council Regional Meeting	Armadale
8 May 2023	Strategic Community Plan Major Review – EMG and Council Workshop	Shire Offices
	Special Audit, Risk and Governance Committee Meeting	Civic Chambers
	Q&A Agenda Briefing	Civic Chambers
9 May 2023	Growing Regions Program Discussion	Online

## 6. Declaration of Councillors and Officer's interest:

Chief Executive Officer, Mr Paul Martin declared a Financial Interest in item 8.1 – Special CEO Employment Committee Meeting – 1 May 2023. The nature of the interest is the CEO Employment Committee deals with matters regarding my employment. The extent of the interest is I am the CEO. Mr Martin will leave the Chambers while this item is discussed.

Shire President, Councillor Michelle Rich declared an Impartiality Interest in item 10.2.3 - Procurement arrangement for Natural Resource Management (NRM) Services) (SJ204). The nature of the interest is I am a community board member of Landcare SJ. The extent of the interest is I am a community board member of Landcare SJ.

Shire President, Councillor Michelle Rich declared an Impartiality Interest in item 10.2.4 - Licence for 12 Paterson Street Mundijong (L080). The nature of the interest is I am a community board member of Landcare SJ. The extent of the interest is I am a community board member of Landcare SJ.





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

**7.1 Ordinary Council Meeting – 17 April 2023**

OCM090/05/23

**COUNCIL RESOLUTION**

Moved Cr Atwell, seconded Cr Duggin

That the minutes of the Ordinary Council Meeting held on 17 April 2023 be **CONFIRMED (E23/5223)**.

**CARRIED UNANIMOUSLY 9/0**

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

**8.1 Special CEO Employment Committee Meeting – 1 May 2023**

The Chief Executive Officer, Mr Martin declared a Financial Interest in item 8.1 and left the Meeting at 8:11pm prior to this item being discussed.

Attachments (available under separate cover)

- attachment 1 – Special CEO Employment Committee Meeting Minutes – 1 May 2023 (E23/5617)

Voting Requirements: Simple Majority

OCM091/05/23

**COUNCIL RESOLUTION**

Moved Cr Strange, seconded Cr Byas

That Council:

1. **RECEIVES** the Unconfirmed Minutes of the Special CEO Employment Committee Meeting held on 1 May 2023 (E23/5617).
2. **ADOPTS** CEO Employment Committee Resolution CEO005/05/23 and:
  1. **NOTES** the CEO's correspondence in attachment 2 agreeing to the process for conducting the CEO performance review contained in attachment 1.
  2. **ADOPTS** Council Policy - CEO Performance Review Cycle as contained in attachment 1 as the documented process for conducting the CEO performance review in accordance with the Shire of Serpentine Jarrahdale Standards for CEO Recruitment, Performance and Termination.

**CARRIED UNANIMOUSLY 9/0**

Mr Martin returned to the Chambers at 8:13pm.

Presiding Member, Councillor Rich advised Mr Martin of the Council Resolution for item 8.1.



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## 8.2 Special Audit, Risk and Governance Committee Meeting – 8 May 2023

Attachments (available under separate cover)

- attachment 1 – Special Audit, Risk and Governance Committee Meeting Minutes – 8 May 2023 (E23/5976)

Voting Requirements: Simple Majority

OCM092/05/23

### COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Atwell

That Council:

1. RECEIVES the Unconfirmed Minutes of the Special Audit, Risk and Governance Committee Meeting held on 8 May 2023 (E23/5976).
2. ADOPTS Audit, Risk and Governance Committee Resolution ARG005/05/23 and:
  1. RECEIVES the 2021/22 Annual Financial Report (attachment 1) and the Audit Report (attachment 2) from the Office of the Auditor General as per attachment 1, in accordance with Section 7.2 of the *Local Government Act 1995*.
  2. NOTES the Office of the Auditor General Interim Audit Management Report (attachment 3) and Final Audit Management Report (attachment 4).

CARRIED UNANIMOUSLY 9/0



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

<b>9.1 - Notice of Motion – Environmentally Sustainable Design Considerations for Development within the Shire of Serpentine Jarrahdale (SJ4083)</b>	
<b>Councillor</b>	Councillor Duggin
<b>Disclosure of Officers Interest:</b>	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 Duggin via email on Tuesday, 2 May 2023.

The Notice of Motion is “That Council REQUESTS the Chief Executive Officer prepare a report to Council within three months, to explain potential options for expanding environmentally sustainable design controls and/or incentives for new development within the Shire, together with recommended approaches that could be taken in this regard.”

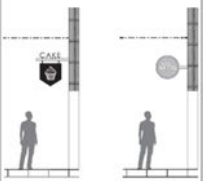
**Officer Comment**

The current Local Planning Policy for Byford Town Centre includes a range of provisions pertaining to environmentally sustainable building design. These are highlighted in the following extracts:

DESIGN ELEMENT	DESIGN OBJECTIVES	POLICY REQUIREMENTS
<p><b>4.3 BUILDING ARTICULATION AND BUILDING MATERIALS</b></p> <p>Building articulation refers to the three dimensional modelling of a building. The composition and detailing of the building facade has an impact on the apparent scale as well its appearance from the public domain. Building facades can be articulated to create a strong street address and enrich the character of the street.</p> <p>Refer to Figure 6.</p>	<p><b>O4.3.1</b> Provide built form of architectural quality and visual interest.</p> <p><b>O4.3.2</b> Promote buildings of articulated design and massing, with building facades that contribute to the character of the street and public domain.</p> <p><b>O4.3.3</b> Encourage building facades to respond to environmental conditions and promote energy efficient design principles.</p> <p><b>O4.3.4</b> Utilise building articulation elements of appropriate scale to their use and context.</p>	<p><b>R4.3.1</b> Extensive expanses of blank and flat facades facing the public realm must be avoided. As a guide, facades at street level should articulate at intervals of 6.0 to 10.0 metres.</p> <p><b>R4.3.2</b> Corner Developments shall through the incorporation of a design element reinforce both street frontages to enhance the streetscape and add visual interest.</p> <p><b>R4.3.3</b> Facades facing the public realm shall have balanced proportions and architectural integrity and shall be modulated to add variety and interest. This may include but is not limited to:</p> <ul style="list-style-type: none"> <li>- Projections and/or recessions;</li> <li>- Balconies, roof gardens and verandahs;</li> <li>- Tower elements on corner sites. Increased street wall heights at corners must take into consideration solar access requirements and shall not exceed an additional 4.0 metres in height (the equivalent of one storey);</li> <li>- Shade devices (including awnings), noise barriers and privacy screens;</li> <li>- Expression of building entries with awnings, porticos, recesses, blade walls and projecting bays;</li> <li>- Deep window reveals;</li> <li>- Interesting roof forms; and varied colours and materials.</li> </ul> <p><b>R4.3.4</b> Building articulation should have regard to the preferred character for the precinct.</p> <p><b>R4.3.5</b> Building facades shall be articulated and detailed with an emphasis on vertical form to create a perception of complimentary bulk and height.</p> <p><b>R4.3.6</b> Exterior walls of buildings are required to feature a composite of construction materials. Face brickworks, stucco trim or rendered masonry shall be the dominant materials and are to be complimented by detail elements of alternative materials such as:</p> <ul style="list-style-type: none"> <li>- Face and rendered/painted brick work/block work of contrasting colour;</li> <li>- Stone cladding;</li> <li>- Clear glazing;</li> <li>- Limestone block;</li> <li>- Timberwork (including recycled) and/or;</li> <li>- Corrugated sheet metal cladding.</li> </ul> <p><b>R4.3.7</b> Light coloured (including limestone) bricks shall not be used as dominant cladding material. Some light colours may be allowed where they are considered to complement the local landscape.</p> <p><b>R4.3.8</b> Materials should be selected to:</p> <ul style="list-style-type: none"> <li>- Achieve simplicity and strength of design;</li> <li>- Avoid busy compositions and;</li> <li>- Assist in providing comfortable thermal conditions;</li> <li>- Avoid high levels of reflectivity.</li> </ul> <p><b>R4.3.9</b> All new developments within the Byford Town Centre LSP area must demonstrate best practice in ecologically sustainable design. This implies equivalence with a minimum 6-star energy rating for residential developments and 5-star for commercial developments, under the Green Building Council of Australia rating system.</p> <p><b>R4.3.10</b> The use of bulk and/or reflective insulation to walls, ceilings and roofs is required.</p> <p><b>R4.3.11</b> The use of building materials which are low embodied energy materials, recycled or recyclable, come from renewable sources, or involve environmentally acceptable production methods, is recommended.</p> <p><b>R4.3.12</b> The use of rainforest timbers and timbers from old growth forests should be restricted.</p>



DESIGN ELEMENT	DESIGN OBJECTIVES	POLICY REQUIREMENTS
<p><b>4.17 LANDSCAPING AND URBAN ECOLOGY</b></p> <p>Landscape has an important function - not only as an aesthetic backdrop, but also as a structuring element that creates a sense of place and identity. Creating a location that facilitates and encourages social interaction and community spirit.</p>	<p><b>O4.17.1</b> Create a safe and pleasant living and working environment.</p> <p><b>O4.17.2</b> Provision of landscaped areas which area complements the surrounding developments.</p> <p><b>O4.17.3</b> Improve stormwater quality and reduce quantity.</p> <p><b>O4.17.4</b> Improve the microclimate and solar performance.</p> <p><b>O4.17.5</b> Improve the air quality.</p> <p><b>O4.17.6</b> Retain and protect existing remnant vegetation contributing to strong sense of place.</p> <p><b>O4.17.7</b> Protect existing biodiversity and nature links and create new urban ecology.</p> <p><b>O4.17.8</b> Introduce distinctive local plants to create a greater sense of identity and awareness of the uniqueness of the local flora.</p> <p><b>O4.17.9</b> Include art in landscape as part of enhanced sense of place, connection with the land and ambience.</p> <p><b>O4.17.10</b> Design buildings according to Birds Friendly Building Design.</p> <p><b>O4.17.11</b> Deep soil area for every development and minimum one tree requirement per lot.</p>	<p>R4.17.1 A landscape plan shall be submitted with every application for planning approval to demonstrate the manner in which the external areas of the site will be finished in terms of hard and soft landscaping.</p> <p>R4.17.2 All developments are to be appropriately landscaped to contribute to the amenity of the area, the aesthetic quality of the associated buildings and reflect the streetscape character.</p> <p>R4.17.3 Landscaping is of an appropriate scale relative to the road reserve and building bulk.</p> <p><b>R4.17.4</b> Retain and incorporate existing vegetation where possible to reduce solar glare.</p> <p><b>R4.17.5</b> Landscaping shall be designed using water sensitive design principles.</p> <p><b>R4.17.6</b> Take into account the provision of shade. Vegetation can be incorporated into a development's sustainable design features by reducing heat load through the shading of walls.</p> <p><b>R4.17.7</b> Car parks shall be appropriately landscaped, overlaid with a regular grid of trees between parking rows to provide visual break-up, shade and infiltration of stormwater. Trees shall be planted every 5th parking bay within vegetation swales and bioretention tree pits. Where relevant provide permeable surfaces for car parking and rear access.</p> <p>R4.17.8 Landscaping themes and species must be consistent with the Byford Town Centre Public Realm Guidelines (LPP 3.5)</p> <p>R4.17.9 Artificial and natural sculptural habitat, insect hotels, birdhouses should be provided.</p> <p><b>R4.17.10</b> Provide opportunities for urban agriculture and community garden where possible.</p> <p><b>R4.17.11</b> Introduce green walls and green roofs where possible, making use of biophilic urban design principles and water sensitive urban design (WSUD).</p>

DESIGN ELEMENT	DESIGN OBJECTIVES	POLICY REQUIREMENTS
<p><b>4.13 SIGNAGE</b></p> <p>The treatment of signage applied to buildings is a critical element in the overall streetscape of the Byford Town Centre. Signs play an important role in the commercial function of the centre, however it has the potential to detract from the visual amenity of the town centre. Signage should be carefully considered and appropriate to the building design and form.</p> 	<p><b>O4.13.1</b> Provision of signage which is informative and contributes positively to the overall streetscape and is not excessive or obtrusive.</p> <p><b>O4.13.2</b> Provision of signage which is creative, individual, handcrafted, unique and drawing from local character is strongly encouraged.</p>	<p>R4.13.1 All signage in the LSP area requires the planning approval from the Shire. A Signage Strategy will be required for every development application, where signage is proposed.</p> <p>R4.13.2 Signage shall be of high design standards and shall be integrated into the building design and shall not adversely impact visual amenity or conflict with architectural features. Signage should be kept simple and only display information that relates to the activities carried out on the premises.</p> <p>R4.13.3 Appropriate locations for signage include: - Hanging from the awning; - Ground floor shop front windows and; - Ground floor facades.</p> <p>R4.13.4 Signage mounted below an awning shall: - Provide a minimum clearance of 2.7 metres above finished pavement level; - Be limited to one such sign per street frontage of the subject tenancy and; - Be limited to a maximum size of 2.0m<sup>2</sup>.</p> <p>R4.13.5 Window signs shall cover no more than 33% of the window.</p> <p>R4.13.6 Signs attached to the building facades should be aligned with and relate to the design lines of the façade. Wall sign are permitted with an aggregate area of 0.4m<sup>2</sup> per 1.0 metre of street frontage of the subject tenancy (up to a maximum aggregate area of 10m<sup>2</sup>).</p> <p>R4.13.7 Building identification is the only signage permitted above the ground floor. The use of affixed individual letters and/or numbers is encouraged.</p> <p>R4.13.8 Repetition of the same sign contained on the same elevation is not permitted unless it is deemed by the Shire to not have an adverse visual impact.</p> <p>R4.13.9 A coordinated presentation for all signs is required where there are multiple occupancies or uses with a single building development.</p> <p>R4.13.10 The following signage is not permitted: - Roof mounted signs; - Signage on the front face or on top of an awning fascia; - Free standing pylon structures, box-like signs, three dimensional signs, flags or bunting. - Advertising signs on the public footpath; - Flashing signs; - Sequined or glittering signs.</p> <p><b>R4.13.11</b> Illuminated signs may be permitted and where suitable the use of LED lighting or solar powered lighting is strongly encouraged.</p>

The Notice of Motion explores whether similar provisions could be extended to all development within the Shire, and how this could be approach. Given the range of options in respect of how to approach this, having time to investigate and report back to Council on the options is considered appropriate.

**Attachments (available under separate cover)**

Nil.



Continued

**Ordinary Council Meeting Minutes  
Monday, 15 May 2023**

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**Voting Requirements:** Simple Majority

**OCM093/05/23**

**COUNCIL RESOLUTION / Councillor Recommendation**

**Moved Cr Duggin, seconded Cr Strange**

**That Council REQUESTS the Chief Executive Officer prepare a report to Council within three months, to explain potential options for expanding environmentally sustainable design controls and/or incentives for new development within the Shire, together with recommended approaches that could be taken in this regard.**

**CARRIED UNANIMOUSLY 9/0**

**9.2 - Notice of Motion – Coordination of Telecommunication Infrastructure and Future Growth within the Shire (SJ4083)****Councillor**

Councillor Duggin

**Disclosure of Officers Interest:**

No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the *Local Government Act 1995*.

**Notice of Motion**

A Notice of Motion was received from Councillor Duggin via email on Tuesday, 2 May 2023.

The Notice of Motion is:

“That Council REQUESTS the Chief Executive Officer to undertake a forum with telecommunication providers and developers within the Shire, with the intent to:

1. Increase the awareness among telecommunication providers of the rate of growth taking place and how this requires additional planning for the location and delivery of telecommunication infrastructure; and
2. Increase collaboration between telecommunication providers and developers to plan for such infrastructure as part of future development.”

**Officer Comment**

The Shire is forecast to continue its rapid growth rates, as the urban cells of Byford and Mundijong experience ongoing significant development. With this growth, there is a need for infrastructure coordination across the full remit of infrastructure utilities, transport, education, open space, community facilities and telecommunications.

Structure plans are referred for comment to state agencies and service providers, as part of standard processes. The Notice of Motion would request the CEO to undertake a forum seeking to continue advocacy for coordination of infrastructure delivery, with the forum seeking to bring together developers and telecommunication providers.

A forum is considered to supplement the ongoing activities associated with structure planning and infrastructure coordination, and will assist in maintaining awareness of the Shire’s hypergrowth status.

**Attachments (available under separate cover)**

Nil.



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**Voting Requirements:** Simple Majority

Councillor Recommendation

That Council REQUESTS the Chief Executive Officer to undertake a forum with telecommunication providers and developers within the Shire, with the intent to:

1. Increase the awareness among telecommunication providers of the rate of growth taking place and how this requires additional planning for the location and delivery of telecommunication infrastructure; and
2. Increase collaboration between telecommunication providers and developers to plan for such infrastructure as part of future development.

**OCM094/05/23**

**COUNCIL RESOLUTION**

**Moved Cr Dagostino, seconded Cr Duggin**

**That Council:**

1. **REQUESTS the Chief Executive Officer to undertake a forum with telecommunication providers and developers within the Shire, with the intent to:**
  - a. **Increase the awareness among telecommunication providers of the rate of growth taking place and how this requires additional planning for the location and delivery of telecommunication infrastructure; and**
  - b. **Increase collaboration between telecommunication providers and developers to plan for such infrastructure as part of future development.**
2. **Following completion of Part 1, REQUESTS the Chief Executive Officer to prepare a report to Council within 60 days of the forum, recommending any further amendments required to current Local Planning Policy No. 4.6 (Telecommunications Infrastructure) to ensure such policy represents best practice with a focus on ensuring that telecommunications carriers work together to utilise existing tower infrastructure where possible.**

**CARRIED UNANIMOUSLY 9/0**

*Reason for difference to Officer Recommendation*

*To encourage further discussion on the location of mobile phone towers.*



## 10. Chief Executive Officer reports:

### 10.1 Development Services reports:

<b>10.1.1 - Development Application - Proposed Amendment to Delete Condition of Development Approval - Lot 87, 26 Karbro Drive, Cardup (PA23/54)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	As below
Owner:	JJ and Yolanda Stevens
Date of Receipt:	13 February 2023
Lot Area:	2.6 hectares
Town Planning Scheme No 2 Zoning:	'Special Rural'
Metropolitan Region Scheme Zoning:	'Rural'

### Report Purpose

The purpose of this report is for Council to consider a development application which seeks to delete a condition of a previous decision of Council, in relation to lighting of a horse arena previously approved retrospectively at Lot 87, 26 Karbro Drive, Cardup. Pursuant to Clause 77(b) of the Deemed Provisions, the following condition is proposed by the application to be deleted:

*“e. Within 60 days of the date of this approval, the existing lighting shall be modified to only light in a northern direction. This is to involve the relocation of the current south facing lights (on the north side of the arena) to be positioned on the south side of the arena, and redirected to shine to the north only.”*

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

For the reasons outlined in the report, Officers recommend Council approve the development application seeking to remove Condition (e) of the existing approval subject to conditions to ensure the amenity of the adjoining landowners is not adversely impacted upon.





**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 19 September 2022 - OCM208/09/22 - COUNCIL RESOLUTION*

1. That Council APPROVES the development application for the retrospective keeping of five horses, horse arena and retrospective removal of trees, but not including any prospective tree removal or paddocks 7 and 8, at Lot 87, 26 Karbro Drive, Cardup, as contained within attachment 1, subject to the following conditions:

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

Plans and Specifications	Plans P1 received at the Shire’s Offices on 15 June 2022; and Equine Management Plan (P2) dated 25 May 2022.
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b. Within 60 days of this approval, a Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall demonstrate suitable replacement of native vegetation within the existing eastern vegetation zone on the subject land, to offset the 2400sqm of tree canopy removed from the southwest corner of the subject land. The Revegetation Plan shall include;

- i. The number of trees/saplings to be planted including the use of advanced plantings of minimum height of 1m at establishment;
- ii. The species of the trees/saplings, with selection of species local and native to the area;
- iii. The location of the revegetation;
- iv. The planting period of the trees/saplings;
- v. How the ground will be prepared prior to planting; and
- vi. A commitment to ongoing maintenance and replacement of failed trees.

Once approved, the Revegetation Plan shall be implemented by the winter of 2023 and maintained to the satisfaction of the Shire of Serpentine Jarrahdale.

c. All existing trees and vegetation on site shall be retained and protected from livestock. This approval does not include approval for any of the 26 trees that were proposed to be removed, and these are to be instead retained.

d. Within 60 days of the date of this approval an updated Equine Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale detailing an irrigation regime for the horse arena. Once approved the updated Equine Management Plan shall be adhered to in its entirety at all times.

e. Within 60 days of the date of this approval, the existing lighting shall be modified to only light in a northern direction. This is to involve the relocation of the current south facing lights (on the north side of the arena) to be positioned on the south side of the arena, and redirected to shine to the north only.

f. Within 60 days of the date of this approval a Drainage Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale ensuring that stormwater from the horse arena is managed to prevent sand and sediment runoff impacting adjacent properties. Once approved stormwater shall be managed in accordance with the Drainage Management Plan at all times.



## Background

### Existing Development

The subject site is located within a rural residential area of Cardup. Land use in the locality primarily comprises of rural residential development and rural uses of a moderate scale, such as the keeping of horses. There are several properties with horse arenas, some of which include arena lights. The subject site is developed with a single house and paddocks for the keeping of horses.

The site is developed with an existing horse arena, which was approved retrospectively. The horse arena includes a series of lights along its northern edge, which provide light in a south facing direction. There are three double-sided 200-Watt (W) floodlights that provide light to the arena, enabling the use of the arena during the evening/night time period.



Figure 1: Aerial imagery of the site



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### Previous Application

At the Ordinary Council Meeting of 19 September 2022, Council resolved to grant development approval for the retrospective keeping of five horses, horse arena and removal of trees, subject to conditions. Specifically, Condition (e) was included to modify the existing position of the lights to the south side of the arena to ensure lighting is maintained in a north direction, falling into the subject site. The purpose of this condition was to ensure light spilled back into the subject land, rather than into adjoining properties. This was to address amenity aspects.

Subsequent to the decision being made, the applicant advised that in their opinion it would be difficult to reconfigure the lighting, due to the position of the arena and the cost of relocating lighting. While noting the difficulties and cost, Officers advised that the condition was required to be complied with, and that the retrospective nature of approval needed to consider the amenity issues and conditions to be imposed to manage such.

Subsequently, the applicant has now made application to delete the condition.

### Proposal

The applicant seeks to remove Condition (e) from the previous determination. The condition presently reads as follows:

*“e. Within 60 days of the date of this approval, the existing lighting shall be modified to only light in a northern direction. This is to involve the relocation of the current south facing lights (on the north side of the arena) to be positioned on the south side of the arena, and redirected to shine to the north only.”*

The applicant, as part of their proposal, has submitted a Lighting Report prepared by a lighting consultant to demonstrate, in their opinion, that the lights in their current location meet the acceptable levels received at adjoining residences within a rural residential locality and thus do not represent an unacceptable amenity impact. The Lighting Report, in the opinion of the author, details compliance with the Australian/New Zealand Standard 4282-2019: Control of obtrusive effects of outdoor lighting (Australian Standard).

The lights would be used on a daily basis for a two-hour maximum period, during the hours of sunset and early evening period to no later than 8:00pm. The applicant considers that due to the two-hour duration and compliance with the Australian Standard, despite daily use, such represents an acceptable amenity impact.

It is also noted particularly that the reangling of the lights, having been recently done by the applicant, aid in achieving compliance.

Plans of the lights can be seen as follows, though the full set of development plans can be viewed in **attachment 1**.



**Figure 2: The lights have been turned down to a 14-degree angle since the item was presented to Council in 2022**

### **Community / Stakeholder Consultation**

Advertising was carried out for a period of 14 days, between 17 February 2023 and 3 March 2023 in accordance with Local Planning Policy 1.4 – Consultation for Planning Matters. During this period, one submission was received objecting to the proposal. The full objection can be viewed within **attachment 2**. In summary, the relevant planning matters raised in the objection relate to the light pollution and impacts to amenity of neighbouring properties when the lights are in operation. The concerns raised are discussed under the relevant headings of the report.

### **Statutory Environment**

#### Legislation

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

#### Local Planning Framework

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



### Planning Assessment

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

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

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

A full assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 3**. For the purpose of this assessment, discussion has been confined to the objection resulting in the application being presented to Council and the merits of removing the condition.

### Amenity

Clause 67(n) of the Deemed Provisions, requires the Local Government to consider the impact of the development upon the amenity of the locality. An objection was received during advertising raising concerns of the use of the horse arena lights resulting in amenity impacts, specifically light pollution.

To address concerns of light pollution, the applicant provided a Lighting Report prepared by an accredited lighting consultant (**attachment 1**). The report has been prepared to address the AS/NZS 4282-2019 which relates to the control of obtrusive effects of outdoor lighting. The AS sets acceptable limits of light that can be received at nearby residences. The acceptable limits differ depending on the character and form of development of the locality that the site is situated in. Several of the 'Environmental Zone' categories are shown below, from the Australian Standard.

<b>TABLE 3.1</b>		
<b>ENVIRONMENTAL ZONES</b>		
<b>Zones</b>	<b>Description</b>	<b>Examples</b>
A0	Intrinsically dark	UNESCO Starlight Reserve. IDA Dark Sky Parks. Major optical observatories No road lighting - unless specifically required by the road controlling authority
A1	Dark	Relatively uninhabited rural areas No road lighting - unless specifically required by the road controlling authority
A2	Low district brightness	Sparsely inhabited rural and semi-rural areas
A3	Medium district brightness	Suburb areas in towns and cities

**Figure 3: Environmental zones and their classifications**  
**('A2' is applicable), as shown in AS/NZS 4282-2019**



In this instance, the locality has a low level of background light during night periods. This is due to the low intensity rural residential development that comprise the character of the area. Properties are generally 2-hectares in size, resulting in development that is sparsely located development. The low ambient light of the locality emanates mainly from lights surrounding dwellings or outbuildings. There are also a small number of street lights and lights on the gates or driveways of properties. Therefore, Officers consider that it is appropriate to apply an 'A2' environmental zone to this locality.

Based on the 'A2' category, the Australian Standard provides acceptable maximum light that should be received at sensitive receptors. These limits are depicted in the below table:

<b>TABLE 3.3</b>			
<b>MAXIMUM LUMINOUS INTENSITIES PER LUMINARIE</b>			
<b>Zone</b>	<b>Luminous intensity (I), cd</b>		
	<b>Non-curfew L1</b>	<b>Non-curfew L2</b>	<b>Curfew</b>
A0	See Note	See Note	0
A1	2 500	5 000	500
A2	7 500	12 500	1 000
A3	12 500	25 000	2 500

**Figure 4: Acceptable levels of light received in the different Environmental zones, as extracted from AS/NZS 4282-2019**

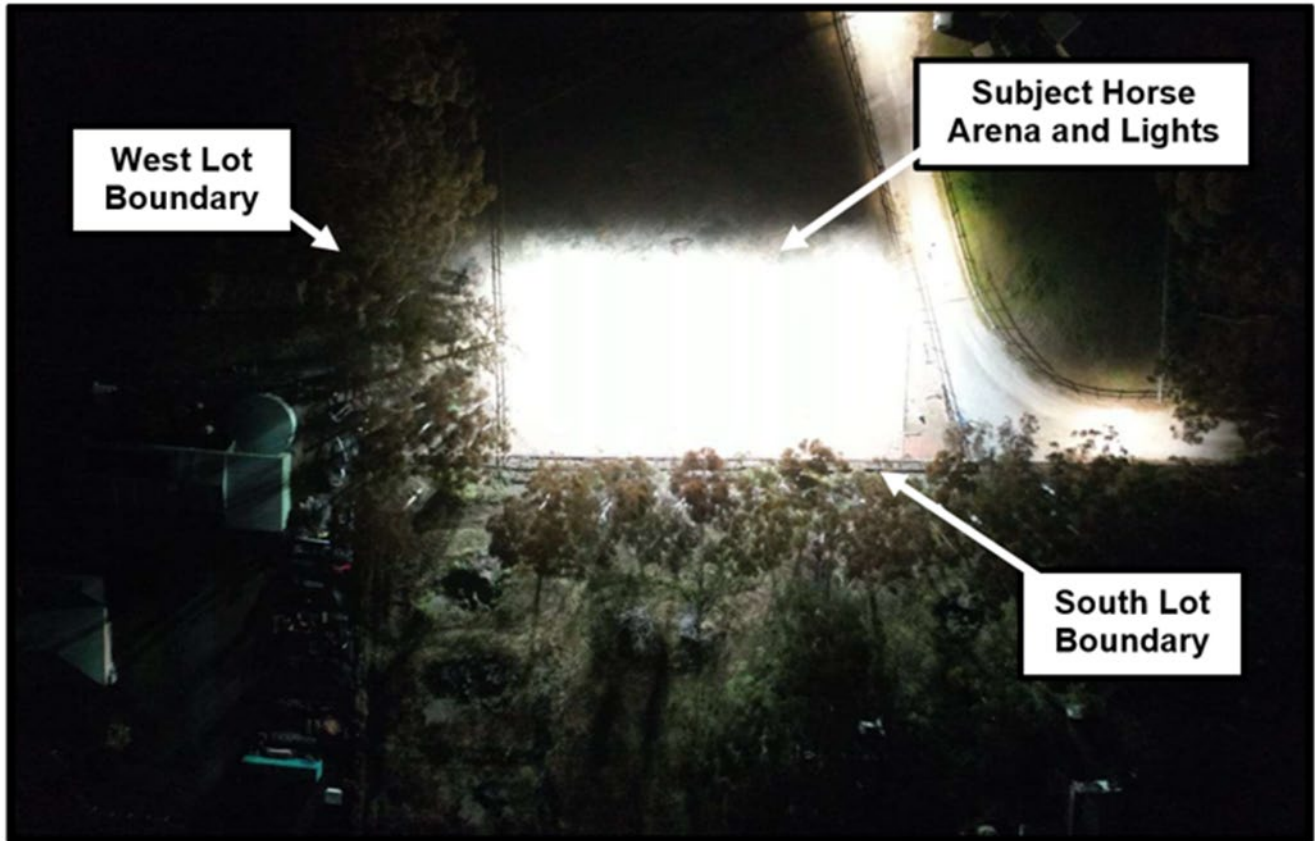
For the 'A2' environmental area, the maximum lumen intensity that should not be exceeded is 7,500 candela (cd) during non-curfew hours and 1,000cd during curfew times. The Australian Standard states that curfew hours are typically 11pm to 6am at night-time. The report details light measurements taken from several locations, including along property boundaries and at the neighbouring residences. It demonstrates that the lighting meets the 1,000cd curfew period limits at all locations. The neighbouring dwelling to the south-west would receive a maximum of 455cd. The highest readings of 927cd are recorded at the house of the neighbour to the south.

Officers are satisfied that the report demonstrates that as the lights as a result of meeting the 'Luminosity Intensity Limits' of the Australian Standards, the visibility of the lights will not result in amenity impacts to the adjoining properties.

Furthermore, the use of the arena lights is proposed to occur for a maximum period of two hours, per day during the twilight to evening hours. This would occur between 6:00pm and 8:00pm, less during the summer months when the sun sets later in the evening. A condition to limit the use of the lights during the period between 6:00pm to 8:00pm for a duration of no more than two hours per day is recommended to be imposed to ensure the use of lights generally occur when there is generally background ambient lighting present, reducing the time the lights operate past sunset where the characteristic of the locality does not typically comprise of lights being visible beyond a property boundary.



In terms light spill, the application confirms that the lights have been angled to a 14-degree angle which results in light spill occurring to a depth of 3m to the property to the south. Officers note however, that based on the aerial drone image below the spill appears to be greater. To address this, Officers consider light shields can be installed which angles light in a controlled manner inside the property, avoiding light spilling outside of the boundary. A condition requiring further angling of the lights, or light shields being installed, is also recommended in order to reduce spill to no more than 3m to the property to the south.



**Figure 5: Drone footage showing arena light spill at night**



**Options and Implications**

Option 1

That Council APPROVES the development application to remove Condition (e) of approval PA22/535 as contained within **attachment 1**, for Lot 87 (26) Karbro Drive, Cardup, subject to the following conditions:

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

Plans and Specifications	Development Plans (P1) received at the Shire’s Offices on 13 February 2023; and Lighting Report (P2) dated 27 March 2023.
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- b. Within 30 days of the date of this approval, the lights are to be further angled downwards or alternatively have shields placed on them, in order to limit light spill to no greater than 3m into the southern adjoining property.
- c. Use of the lights must only occur between 6:00pm - 8:00pm.

Option 2

That Council REFUSES the development application to remove Condition (e) of approval PA22/535, at Lot 87 (26) Karbro Drive, Cardup, due to concerns that the lighting may still pose an unacceptable amenity impact.

The implications of Option 2 would be that the applicant would be required to comply with Condition (e) of the 19 September 2022 decision of Council. That being to relocate the current south facing lights (on the north side of the arena) to be positioned on the south side of the arena, and redirected to shine to the north only.

The applicant would also have the right to seek a review of the refusal, by the State Administrative Tribunal.

Option 1 is recommended.

**Conclusion**

This application has been presented to Council due to objections received relating to the amenity impacts of the subject horse arena lights. The application demonstrates that the use of the lights received at adjoining residences comply with the ‘A2’ category of AS/NZS 4282-2019. As such, Officers in addition to a condition requiring further lighting adjustment, are satisfied that the removal of the condition will not result in adverse amenity impacts.

**Attachments (available under separate cover)**

- **10.1.1 - attachment 1** - Development Plans (E23/5229)
- **10.1.1 - attachment 2** - Summary of Submissions (E23/3358)
- **10.1.1 - attachment 3** - Clause 67 Assessment (E23/5231)





### Alignment with our Strategic Community Plan

<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Outcome 2.3</b>	A productive rural environment
<b>Strategy 2.3.1</b>	Identify and promote rural and agriculture industry opportunities
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.

### Financial Implications

Nil.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks considered to be associated with Option 1.						
2	That Council resolves to refuse the application and the applicant seeks a review of the decision at the State Administrative Tribunal.	Shire of Serpentine Jarrahdale's Town Planning Scheme No. 2	Reputation	Possible	Minor	LOW	Ensuring reasons for refusal are valid planning matters.



**Voting Requirements:** Simple Majority

**OCM095/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Duggin, seconded Cr Strange

That Council **APPROVES** the development application to remove Condition (e) of approval PA22/535 as contained within attachment 1, for Lot 87 (26) Karbro Drive, Cardup, subject to the following conditions:

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

Plans and Specifications	Development Plans (P1) received at the Shire’s Offices on 13 February 2023; and Lighting Report (P2) dated 27 March 2023.
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b. Within 30 days of the date of this approval, the lights are to be further angled downwards or alternatively have shields placed on them, in order to limit light spill to no greater than 3m into the southern adjoining property.

c. Use of the lights must only occur between 6:00pm - 8:00pm.

**CARRIED 5/4**

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

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



**10.1.2 - Proposed Lifestyle Village (Grouped Dwellings) and incidental Communal Facilities - Lots 59, 60 and 61 Briggs Road and Lot 62 Thomas Road, Byford (PA23/177)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Allerding and Associates
Owner:	Oyster Reef Holdings Pty Ltd
Date of Receipt:	15 March 2023
Lot Area:	8.78 hectares
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban' and 'Other Regional Roads'

**Report Purpose**

The purpose of this report is for Council to consider a Responsible Authority Report (RAR) (**attachment 1**) prepared for a development application for a Lifestyle Village in the form of a 'Grouped Dwelling' development at Lots 59, 60, 61 Briggs Road and Lot 62 Thomas Road, Byford. The application proposes the creation of 202 lots, incidental communal facilities, full internal road system, landscaped areas and elements of the southern multiple use corridor. The application includes elevations and several design options of dwellings for approval to be made available for future purchasers of the lots.

The physical works associated with the dwellings do not form part of this application, given the range of choices that purchasers have in terms of dwellings. The selection of final dwellings is ultimately sales led and purchasers select a home from the range of designs and also the lot they wish to locate it upon. As such, a site plan showing the layout of each dwelling has not been provided at this stage, but will form the basis of a future LDP process once approval for this application has been granted.

The application has a development value of more than \$10 million, and therefore is required to be determined by the Metro Outer Joint Development Assessment Panel (MODAP). The MODAP will replace Council as the decision-making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The report is presented to Council to consider the RAR that will be presented to the MODAP, consistent with established delegations.



The proposal is consistent with the existing and future planning framework and as a result, the RAR (**attachment 1**) recommends that the application be approved subject to conditions. The development reflects the intent of the approved structure plan for the land, which designates the land for aged and dependent persons development. The lifestyle village will provide a development solution for particularly a full range of aged persons, being accessible by ages 55 and upwards.

### Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

### Background

#### Existing Development

The subject site of four parcels of land with a total area of approximately 8.78ha, is located within Byford, to the south of Thomas Road and to the east of Briggs Road. The subject site is zoned 'Urban Development' under Town Planning Scheme No. 2 (TPS2) and is designated 'Residential' under the Byford District Structure Plan (DSP) and the Local Structure Plan (Lots 59-62 Briggs Road, Byford) (LSP).

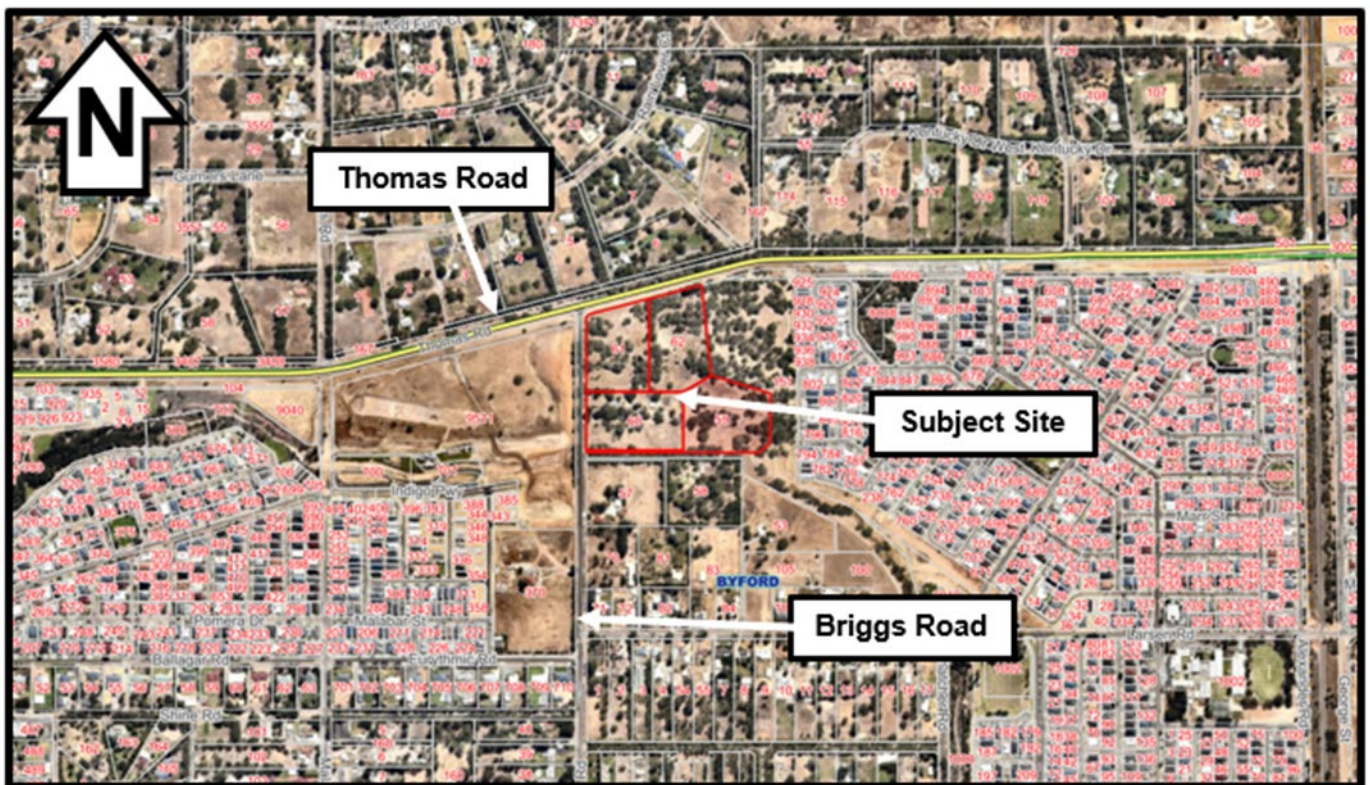


Figure 1: Aerial Locality Plan



### Proposed Development

The application seeks approval for a 'Lifestyle Village' in the form of a 'Grouped Dwelling' development with incidental communal aspects, and includes the following components:

- Creation of 202 lots;
- Clubhouse, including a swimming pool;
- Lawn bowling greens;
- Pottery shed;
- Community garden;
- Workshop;
- Arts and crafts building;
- Parking spaces for boats and caravans
- Multiple use corridor and drainage reserve; and
- Internal streets and landscaping areas.

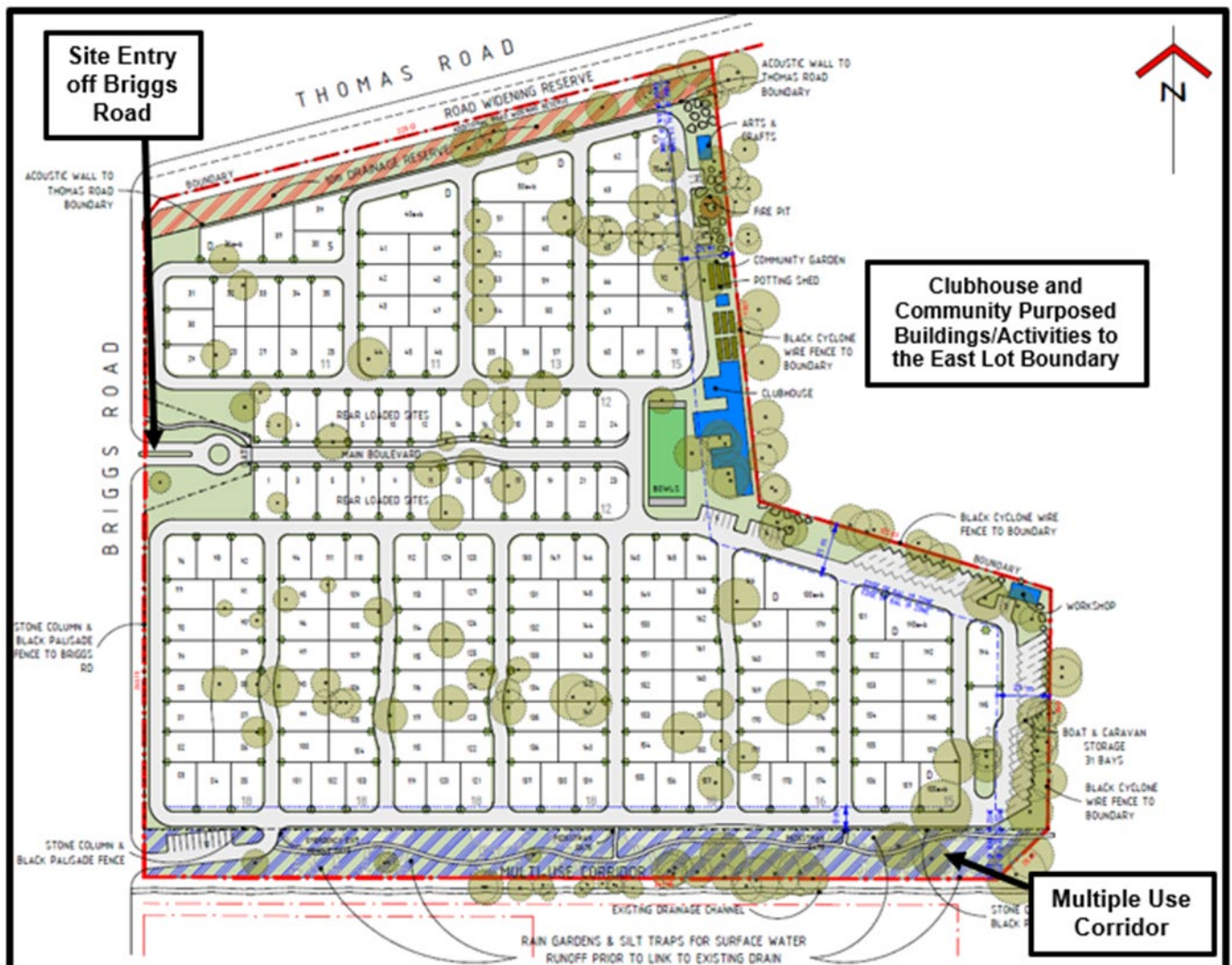


Figure 2: Site Plan



Figure 3: Plans of two of the ten designs

Full details of the development are contained within **attachment 2**.



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**Community / Stakeholder Consultation**

The application was advertised for a period of 28 days from 28 March 2023 to 25 April 2023 to surrounding landowners within a 500m radius of the subject site, in accordance with LPP1.4 – Consultation for Planning Matters. The application was also advertised on the Shire’s website for the same period. At the conclusion of the consultation, five submissions were received, consisting of three submissions either objecting or raising concerns with aspects of the proposal. Two submissions were received either in support of the proposal, or did not object to it.

The objections and concerns relate to the following issues which are discussed under the relevant headings of the report:

- Noise - the concerns about noise have been addressed in the Form of Development and Amenity section of this report.
- Traffic - the concerns about traffic have been addressed in the Traffic section of this report.
- Density - consideration has been given to the density of the development within the Local Structure Plan section of this report.
- Loss of privacy - a concern raised was that due to the increase in density, there would be a loss of privacy for residents to the south. Officers however consider that the development would be separated to the south by the Multiple Use Corridor public open space reserve and a drain. A condition is also recommended to facilitate a future Local Development Plan, which would address interface of development to the MUC.
- Rural amenity - Despite the concern regarding the loss of rural amenity, it is noted that the approved Local Structure Plan sets the amenity expectation that residential development would occur on this site in the future. The design of the development is dealt with in the form of development and amenity section.

A summary of the submissions received, including the applicant’s response and Officer comments, is contained within **attachment 3**.

**Main Roads Western Australia (MRWA)**

The application was referred to MRWA for a period of 42 days. MRWA, in their letter dated 11 April 2023, indicated they were unable to provide a recommendation on the proposal due to requiring a Traffic Impact Statement (TIS). A TIS was supplied to the Shire and forwarded to MRWA on 24 April 2023.

As it stands, MRWA’s position remains one of non-support and the Shire has not received any updated referral response to advise otherwise. The Shire has previously been advised that as of 30 May 2022, Thomas Road from Rockingham Road to South Western Highway is under MRWA administration. However, at the time of writing, this portion of Thomas Road remains an Other Regional Road (blue road) under the MRS and the Shire has delegation to provide a recommendation to the DAP in accordance with Delegated Instrument 2017/02 in this instance.

**Department of Fire and Emergency Services (DFES)**

DFES has provided a submission requiring modifications to the Bushfire Management Plan in relation to vegetation classification and other matters. Furthermore, DFES has discussed a redesign of the development to increase the setback between the bushfire hazard and habitable buildings (clubhouse). A condition is recommended for an updated BMP to be prepared to the satisfaction of the Shire, as well as relocation of the clubhouse facility.



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Department of Water and Environmental Regulation (DWER)

The application was referred to DWER for a period of 42 days. DWER, in their submission, have provided comments in relation to the departure of the proposal from the approved Local Water Management Strategy (LWMS) and recommended a condition requiring this to be updated. A condition has been recommended in this regard. Furthermore, advice has been provided for the applicant in relation to clearing of vegetation and obtaining a groundwater license. This has been passed on to the applicant.

Department of Planning Lands and Heritage (DPLH)

DPLH Westport Division advised that they have no comments on this application. DPLH Land Use Planning Division did not make a submission.

Water Corporation

Water Corporation have provided advice for the applicant regarding connection to reticulated water and sewerage, which has been passed on to the applicant.

**Statutory Environment**

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes)

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy (Strategy)
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3)
- Byford District Structure Plan 2020 (DSP)
- Lots 59-62 Briggs Road, Byford Local Structure Plan (LSP)
- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP 4.15)
- Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)
- Local Planning Policy No 24 - Designing Out Crime (LPP24)





## **Planning Assessment**

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 4**.

### Town Planning Scheme No.2 (TPS2)

The subject site is zoned 'Urban Development' under the Shire's TPS2. Clause 5.18 of TPS2 sets out the objective of the 'Urban Development' zone as *"to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances"*. This objective is facilitated through the preparation of structure plans, which guide land use permissibility and development.

The subject site is identified as 'Residential Low (Suburban): R20-R35' within the Byford District Structure Plan 2020 (DSP). Further to the DSP, a site-specific Local Structure Plan (LSP) was approved in 2010 which includes a designation of 'Residential'. These designations inform appropriate land uses intended for the site. The development is generally compliant with the LSP provisions which is discussed later in the report.

### Local Planning Scheme No. 3 (LPS3)

The site would remain zoned 'Urban Development' under LPS3. The provisions of LPS3 relating to the 'Urban Development' zone also rely on the preparation of a structure plan. As mentioned, the site is subject to an LSP, which has been further considered in the following sections of the report.

### Land Use

The proposed development falls within the TPS2 definition of 'Grouped Dwelling' as found within State Planning Policy 7.3 – Residential Design Codes (Volume 1) (R-Codes), which is as follows:

*"A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property."*

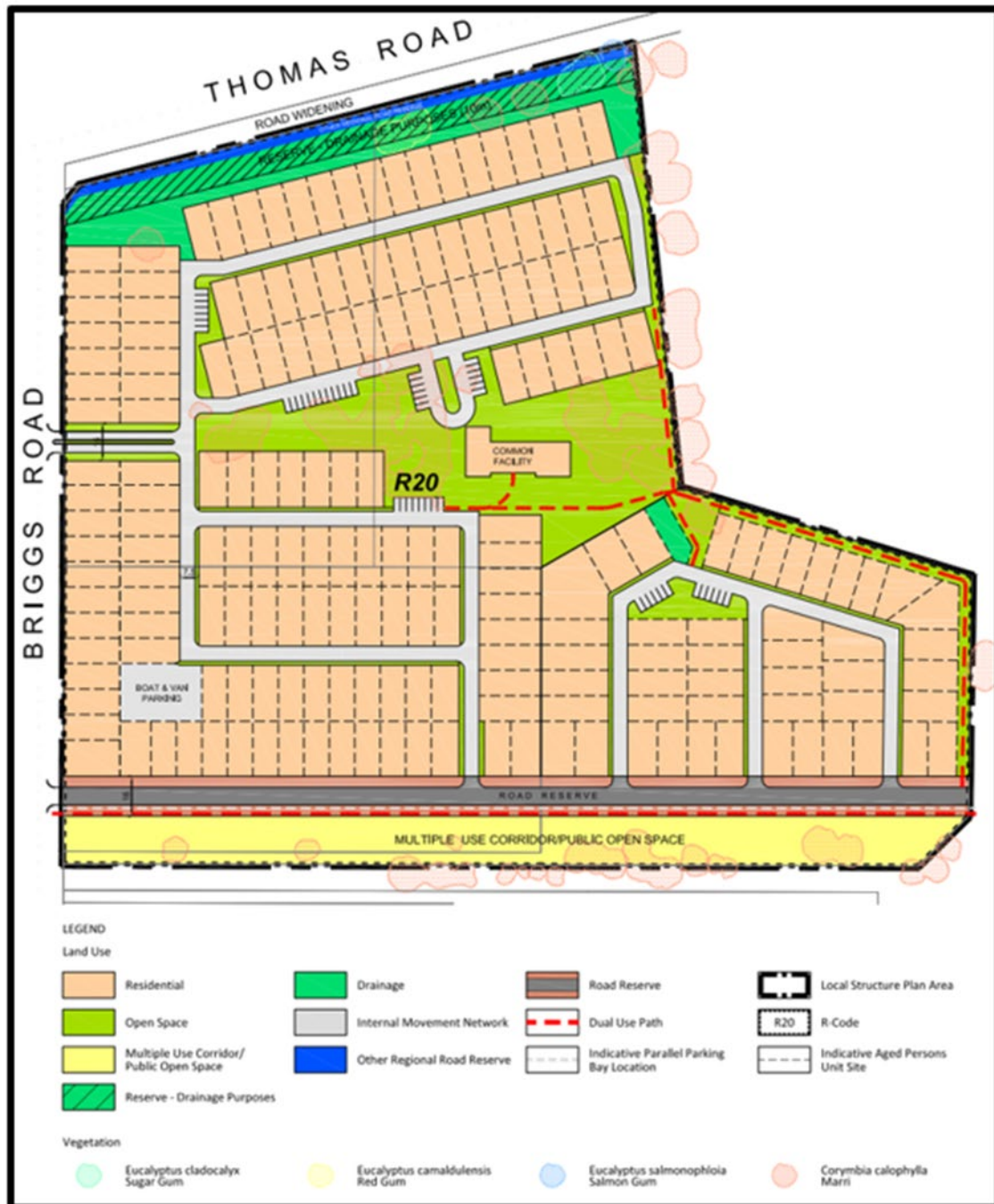
The 'Grouped Dwelling' land use is an 'AA' land use within the 'Residential' zone, as designated under the structure plans. This means, *"that the Council may, at its discretion, permit the use"*. Therefore, the proposed land use is considered consistent, subject to a merits-based assessment.

### Local Structure Plan (Lots 59-62 Briggs Road, Byford) (LSP)

The purpose and objectives of the approved LSP for this site are twofold:

- *To provide a high quality aged or dependent persons' dwellings development within the subject area that will help meet the needs of the frail and ageing in the Byford community.*
- *To provide guidance for future development of the land.*

There is a specific intent for aged or dependent persons, which is met by the application in question. The LSP also provides a general layout of development, to which the proposal generally meets. The lot layout provided within the LSP is shown following:



**Figure 4: Extract of the Local Structure Plan**

While generally consistent, the proposal seeks approval for a modified development layout from the approved LSP. These modifications to the LSP include:

- A reduction in the drainage area to the north of the site, adjacent to Thomas Road from 4,733m<sup>2</sup> down to 2,328m<sup>2</sup>;
- Reduced width of the road reserve to the south of the site;
- An increase in the number of dwellings from 196 to 202; and
- An average lot size of 336m<sup>2</sup>, whereas the average lot size for the R25 density is 350m<sup>2</sup>.



Despite these variations, the LSP is a document that provides guidance to development, and is required to be given regard to in undertaking assessment of the application. The LSP also aims to provide high-quality development for aging members of the community. Officers consider the development meets this intent of the LSP.

#### Form of Development and Amenity

Clause 67 of the *Deemed Provisions* specifically (m) relates to the form of the development that is required to be assessed. The proposal will ultimately provide 202 dwellings of various designs, across 164 standard sites, 24 rear loaded sites and 14 duplex sites. The selection of dwellings will be sales led and purchasers will select a home from a range of designs and also the lot they wish to locate it on. As such, a site plan showing the layout of each dwelling has not been provided at this stage.

In line with the LSP, the dwellings are intended to meet the requirements of State Planning Policy 7.3 – Residential Design Codes (Volume 1) (R-Codes), specifically in terms of setbacks, open space and outdoor living. This however cannot be fully determined until a sale has occurred and a particular lot and house type chosen. To ensure that each dwelling does not require an individual development application and that sites are afforded an appropriate level of residential amenity, it is recommended that a Local Development Plan (LDP) is prepared for the site to set out relevant planning controls for the area.

The applicant has included an example of what such provisions may look like within the additional information provided (**attachment 5**). This includes a 1m lot boundary setback requirement and reduced front setbacks for carports. Officers are satisfied that the preparation of an LDP would allow for a process to assess the built form of the development, establish the character of the area and ensure an appropriate level of amenity for residents. A condition is recommended in this regard.

Several dwelling designs have been provided as part of the application, as contained within the attachments. Some examples of these are depicted below:





**Figure 5: Series of Dwelling Designs**

The dwellings are generally of a contemporary design and simple form typical of development expected in a lifestyle village. The appearance incorporates earthy tones and appears to feature materials consistent with the rural character of the Shire, including timber weatherboard/cladding. The dwellings also include verandahs and pitched roofs consistent with rural building design. It is considered that the information provided demonstrates that the proposed built form would create desirable streetscapes and a consistent approach to development.



The development also proposes a clubhouse (714m<sup>2</sup>), workshop (60m<sup>2</sup>) and an arts and crafts workshop (60m<sup>2</sup>). All these buildings are located along the eastern lot boundary. The workshops are considered modest in scale and sited so as to not adversely impact on the character or amenity of the locality. The clubhouse is larger in scale than the other community facilities, as depicted below:



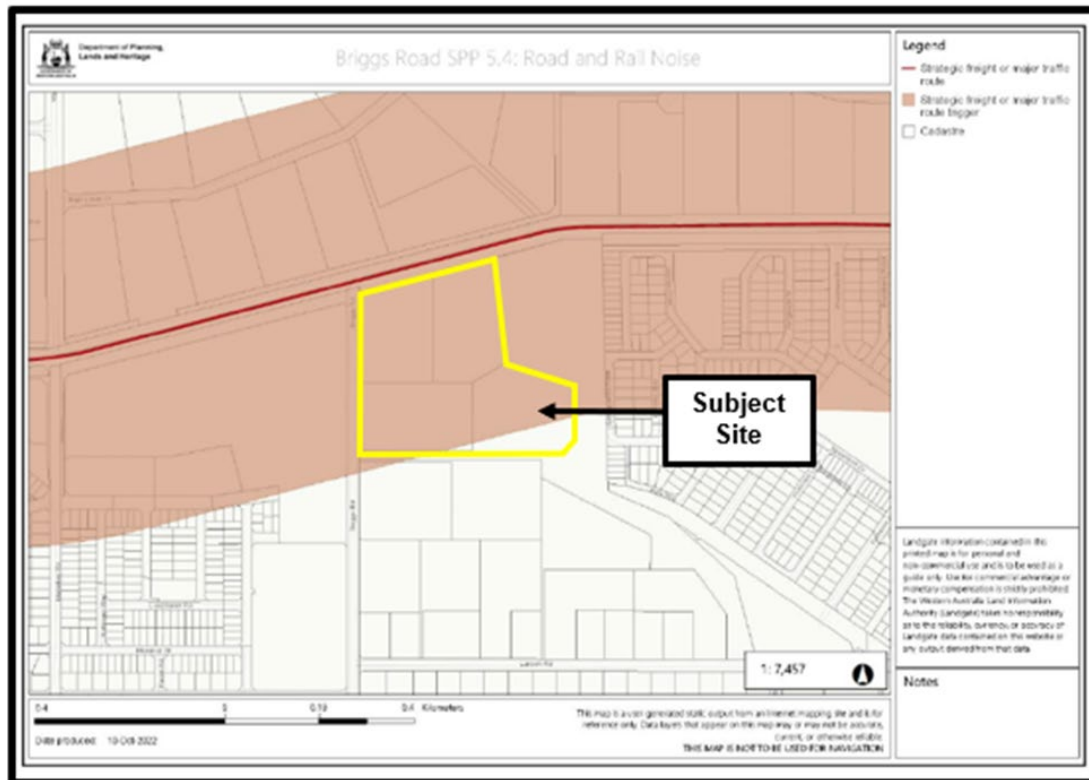
**Figure 6: Perspective of the Clubhouse**

This building abuts public open space to the east where there is established vegetation. It is considered that due to the siting, form and external appearance of the clubhouse, it would not adversely impact upon the amenity of the locality or that of surrounding landowners. The design replicates the form and design features of the dwellings proposed.

#### *Noise*

Whilst the subject development is not considered noise generating, the site is located in close proximity to Thomas Road, an 'Other Regional Road' designated under the MRWA hierarchy. As such, it is important to ensure that traffic noise from Thomas Road does not adversely impact upon the residential amenity of the occupants of the site.

State Planning Policy 5.4 - Road and Rail Noise (SPP5.4) seeks to ensure that the community is protected from unreasonable levels of transport noise. Table 1 of SPP5.4 sets out distances between a road carriageway and a development site to determine whether an assessment against the policy is required. In this case, the distance is 300m and the site lies within this distance, as depicted below:



**Figure 7: The red shaded area is the 300m transport buffer distance**

To support the proposal and ensure consistency with SPP5.4, an Acoustic Assessment has been provided with the application. SPP5.4 sets out noise targets to be achieved for both within the dwelling and on land external to the dwelling. The Acoustic Assessment details that the dwellings located adjacent to Thomas Road would exceed the noise targets and proposes either a 2.4m high noise wall on the boundary facing Thomas Road, or design considerations to lot placement and public open space, combined with individual design by way of Quite House Design.

The proposed site plan indicates a Noise Wall located on the northern boundary adjacent to the drainage reserve. Based on the Acoustic Assessment provided, it is considered that this noise wall will ensure an appropriate level of amenity is afforded to occupants, consistent with SPP5.4. A condition requiring that the noise walls and boundary fencing to be in accordance with Local Planning Policy 4.25 - Uniform Fencing has been recommended by Officers which will address the visual appearance of the wall when viewed from the public realm.

### Traffic

Clause 67 of the *Deemed Provisions*, specifically (s) and (t) relate to the ability of the development to manage access and egress arrangements, and whether the traffic generated by the proposal would be suitable considering the local road network. The category of the vehicles associated with the proposed development will predominantly comprise of resident's passenger vehicles and waste collection vehicles.

Several changes are currently being undertaken to the local road network, separate to this development. The section of Briggs Road where this development would take access is yet to be upgraded to an 'urban standard', however engineering plans have been approved which show the upgrade taking place in accordance with the subdivision of land opposite the subject site (Byford Meadows Stage 8). This does not include the section of verge however adjoining the subject land.



In order to address this, it is a standard requirement that the adjoining verge be upgraded as part of development taking place. This is required to match an urban standard, comprising a suitable footpath, drainage improvements, undergrounding of power and landscaping etc. This forms a recommended condition of approval.

In looking beyond Briggs Road, there are a number of planned road upgrades in the locality, which include:

- (1) The Thomas Road Upgrade Project is to include a left in left out treatment to the intersection of Thomas Road and Briggs Road;
- (2) A solid median strip and left in left out treatment to the intersection of Indigo Parkway and Briggs Road; and
- (3) A number of road closure treatments to the Byford road network to reduce through-traffic and 'rat runs' within the Byford Trotting Complex.

These are pictured in the following figure:

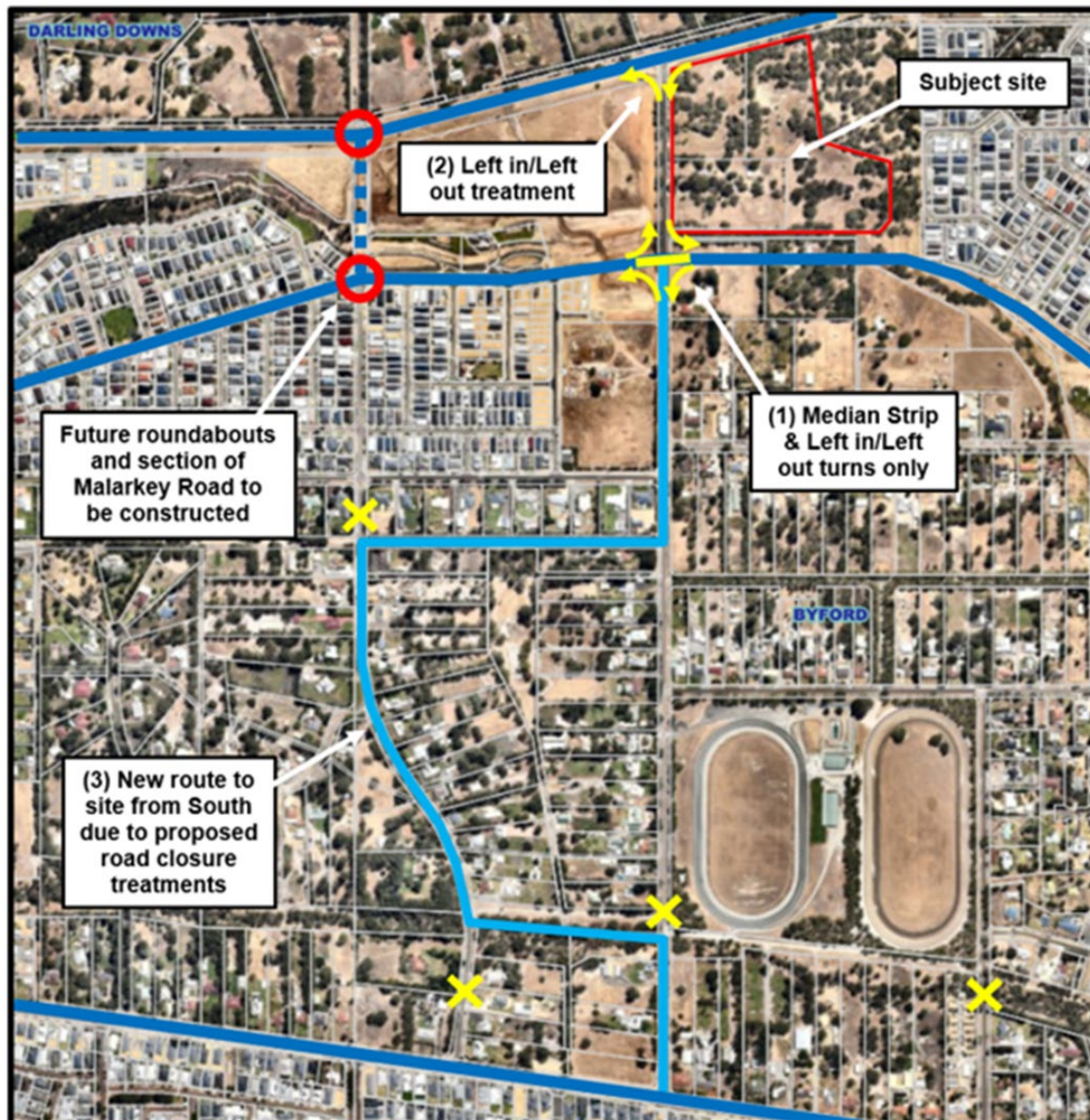


Figure 8: Details of the future road upgrades to the local road network



A Traffic Impact Statement (TIS) has been prepared to address the impact on the existing and future local road network. Submissions during the consultation period were received raising traffic concerns.

The standard trip generation rates for 'housing for aged and disabled persons' is less than a standard residential development rate. Therefore, it is considered that the number of vehicles generated by this development is less when compared with the residential development that the LSP initially allowed for. The TIS models that during the morning peak hour it is anticipated that only 40 vehicle movements would be generated by the proposal.

This would not substantially increase the traffic volume on the road network and is unlikely to have an adverse impact in the future. The TIS also concludes that no further upgrades to the local road network are warranted by this development.

Officers generally concur with this finding, given the road upgrades taking place as part of the subdivision works for Byford Meadows Stage 8. However, there is a safety issue associated with the lack of an urban standard verge on the eastern verge area adjoining the subject land, and connecting the subject land southwards to the local footpath network on Larsen Road.

As shown in the following image, the site will be isolated from a safe pedestrian path, and Officers consider that this needs to be addressed as part of approval of the development. By including a footpath on the eastern verge that connects south to the existing network along Larsen Road, elderly residents (specifically) will not be forced to cross Briggs Road and access the path network being built by the adjoining subdivision. This will enable safer access to amenities like the Byford Town Centre.



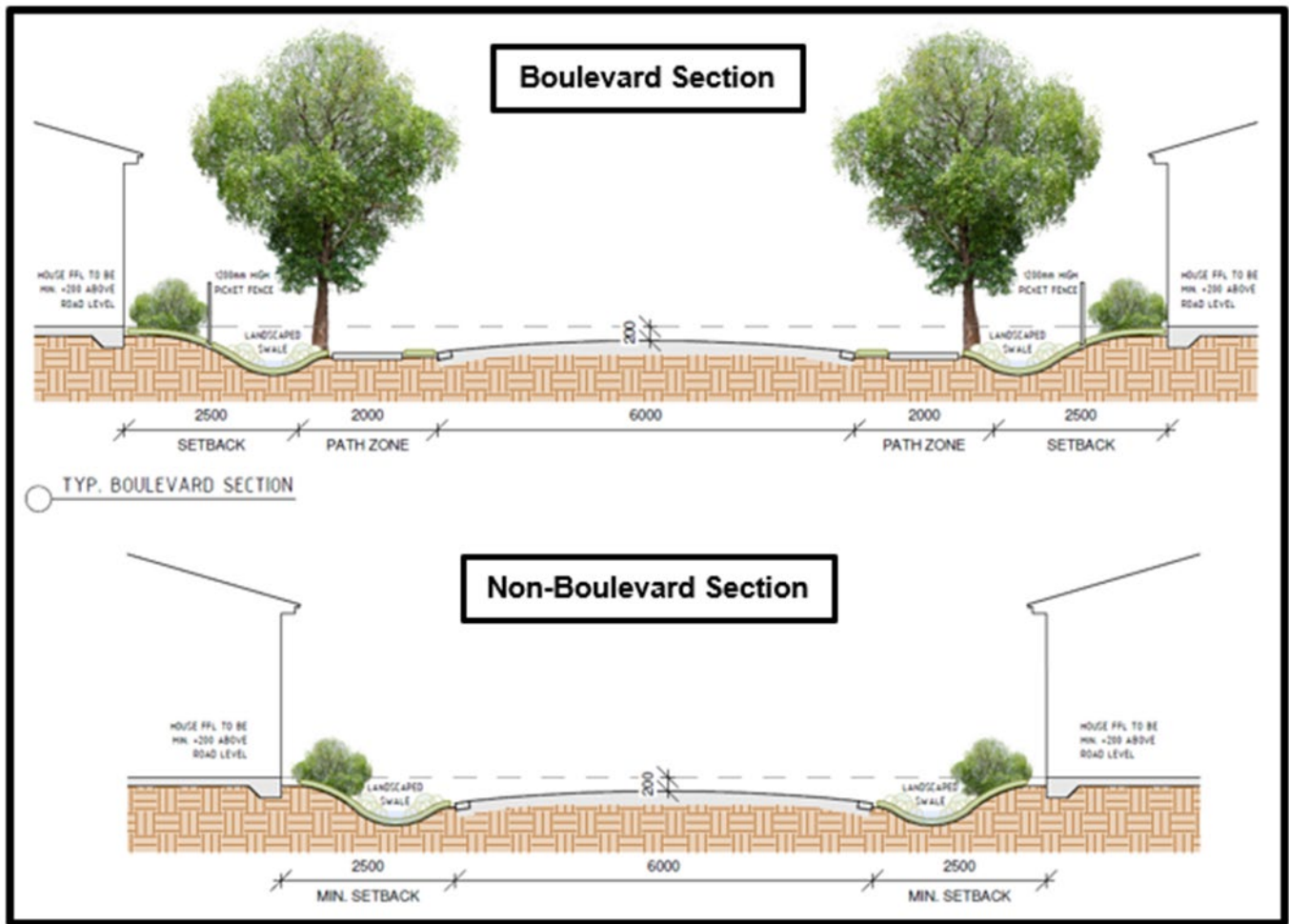


As a final note, the TIS also recommends the following matters to be addressed in the detailed design phase. A condition is secured on this basis:

- Design of trailer and caravan parking areas;
- Pedestrian connection points to the surrounding Byford network; and
- Design of pedestrian, gopher and cycling facilities.

#### *Internal Roads and Pedestrian Network*

In terms of carriageway widths associated with grouped dwelling developments the State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes) requires a 12m minimum total width, inclusive of a minimum 5.5m wide road and 1.2m wide footpath. The current layout of the communal streets provides a 6m wide road only. No footpaths are provided apart from on the main boulevard that leads to the communal facility to the east of site. This is detailed below.



**Figure 9: The main boulevard section is shown on the top image and the typical street elevation at the bottom**

The applicant proposes that internal roads, as private roads only, will be enforced through their design and development rules, to not exceed a speed limit of 8km/hr. This design and enforced speed regulation in the private estate, will enable safe sharing of space by both vehicles and pedestrians.

#### Car Parking

Clause 5.3.3 of the R-Codes requires for grouped dwellings, one visitor bay for every four dwellings. The development proposes 51 visitor parking bays for grouped dwelling developments.

#### Stormwater Management

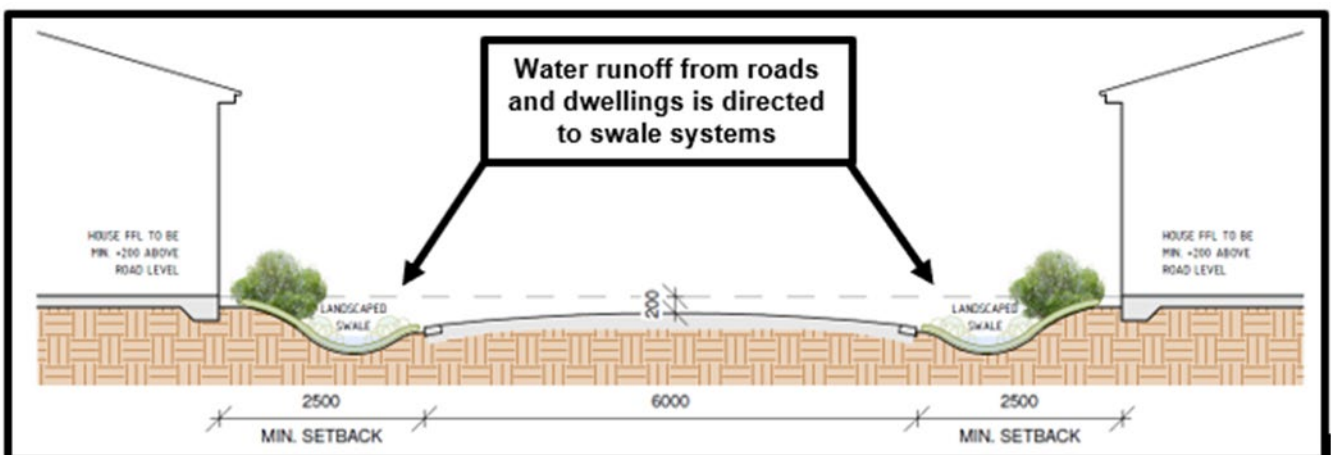
Clause 67 (q) of the *Deemed Provisions*, relates to the suitability of the land for the proposed development, considering issues of stormwater. The applicant has provided a Stormwater Management Plan (SWMP) to this effect, which is able to be viewed within **attachment 2**.

The site has a fall of 3m from the high point in the south-east to the low point at the north-west. The site is also classified as a 'flood prone' area, elevating the importance of effective stormwater management.



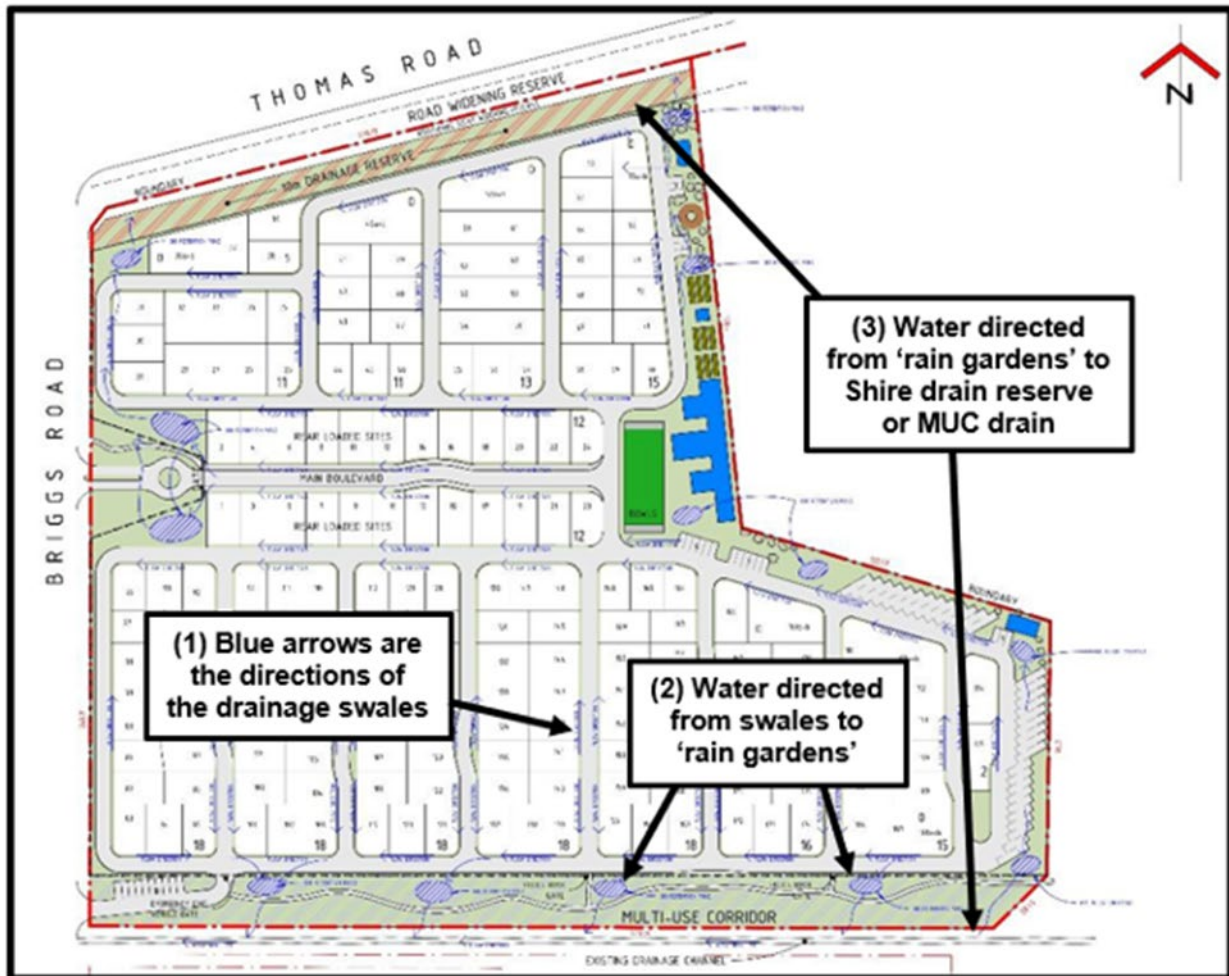
**Figure 10: Existing natural surface/groundwater movement (blue) towards the North-West corner of the lot**

The proposal seeks to manage stormwater runoff from the private roads and buildings through a series of roadside drainage swales adjacent to the internal roads of the development. The vegetation within the swales would strip nutrients from the water prior to infiltration.



**Figure 11: A section of a typical streetscape layout**

Water that is not infiltrated will be directed through the swale system to bio retention basins ('rain gardens') and eventually to the drainage infrastructure to the north of the site or the Multiple Use Corridor (MUC) drain to the south of site. This system is pictured below, and reflects the water management aspects contemplated by the approved LSP:



**Figure 12: Proposed stormwater management system pictured**

The applicant has not at this stage undertaken detailed engineering designs for the development. In order to ensure compliance with the Byford District Water Management Strategy and LWMS prepared as part of the original LSP, a condition is recommended to require an updated LWMS (which reflects also the advice of DWER) and subsequent to this, a detailed Urban Water Management Plan (UWMP). These processes will address the following matters:

- The capacity of the drainage infrastructure, including contingency for significant storm events;
- How the swales will direct water through obstacles such as road reserves, driveways and the acoustic wall on the north lot boundary;
- The location of the southern row of dwellings being positioned in the floodway of the drain to the south of site;
- The management measures to be employed to ensure water quality is maintained;
- How much fill is necessary to be imported into site; and
- What measures will be in place to ensure the survivability or replacement of vegetation within the swales and 'rain gardens'.

Officers consider the above are necessary to ensure appropriate stormwater management takes place.

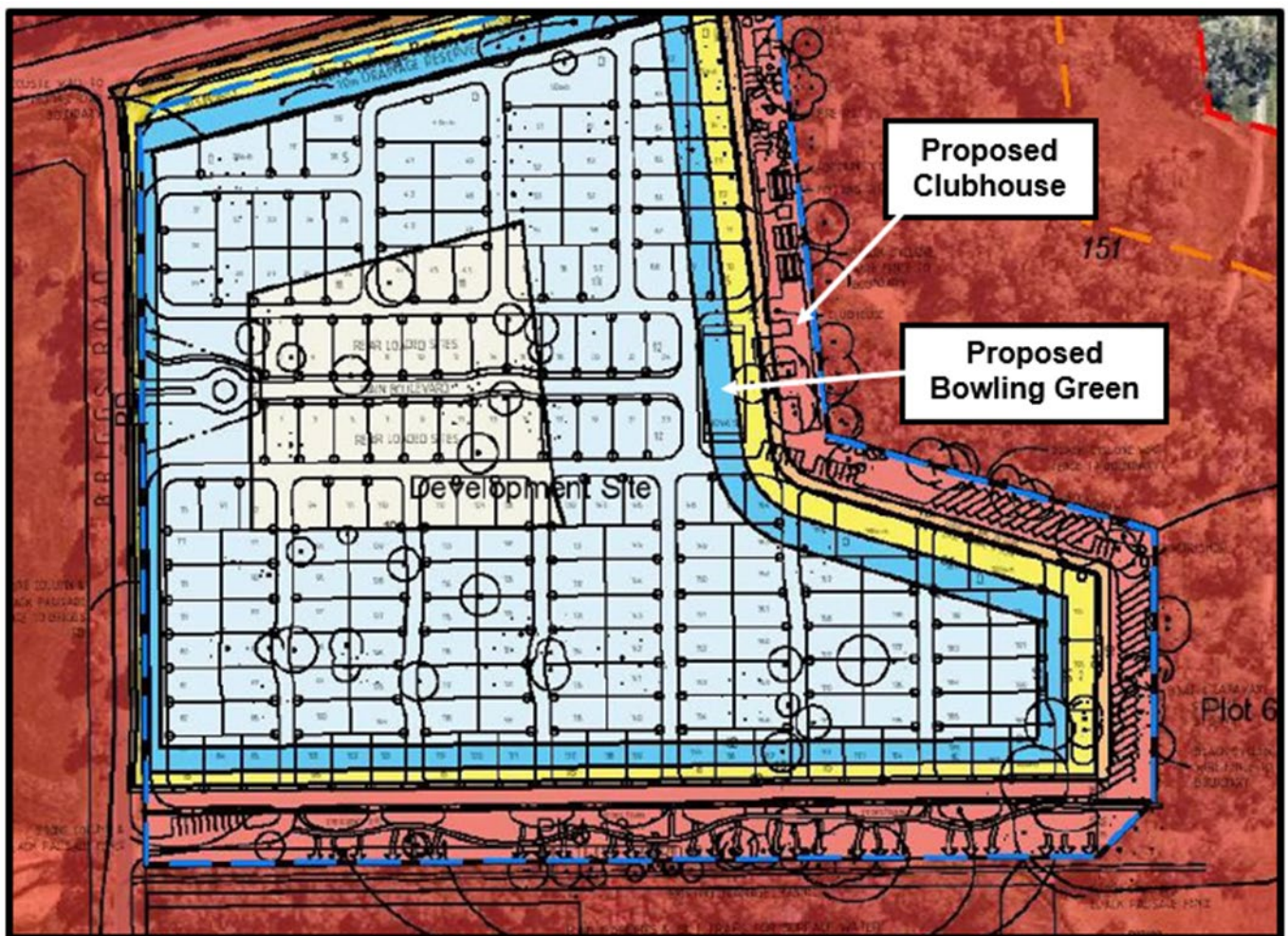


State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

The subject site lies within a bushfire prone area and as such, the provisions of SPP3.7 apply which seeks to “avoid any increase in the threat of bushfire to people, property and infrastructure” through a balanced risk-based approach. A Bushfire Management Plan (BMP) was submitted with the application including an assessment against the criteria within the *Guidelines for Planning in Bushfire Prone Areas*. (Guidelines).

*Location, Siting and Design:*

The BMP demonstrates that a worst-case scenario bushfire attack level (BAL) rating for the dwellings would be BAL-29, consistent with the requirements of SPP3.7. The BAL contour map however identifies that the Clubhouse is within Flame Zone, as depicted below.



**Figure 13: Location of community facilities in the Flame Zone**

As the building is considered habitable (where people live, work, study or are entertained), Officers raised this as a concern with the applicant and recommended that the building be relocated to where the bowling green is situated and vice versa. SPP3.7 states that development applications that result in a rating of BAL-40 or Flame Zone will not be supported unless it is considered ‘minor development’ or ‘unavoidable development’, which the proposal is not considered.

In response to this, the applicant provided additional information (**attachment 5**) which is summarised as follows:



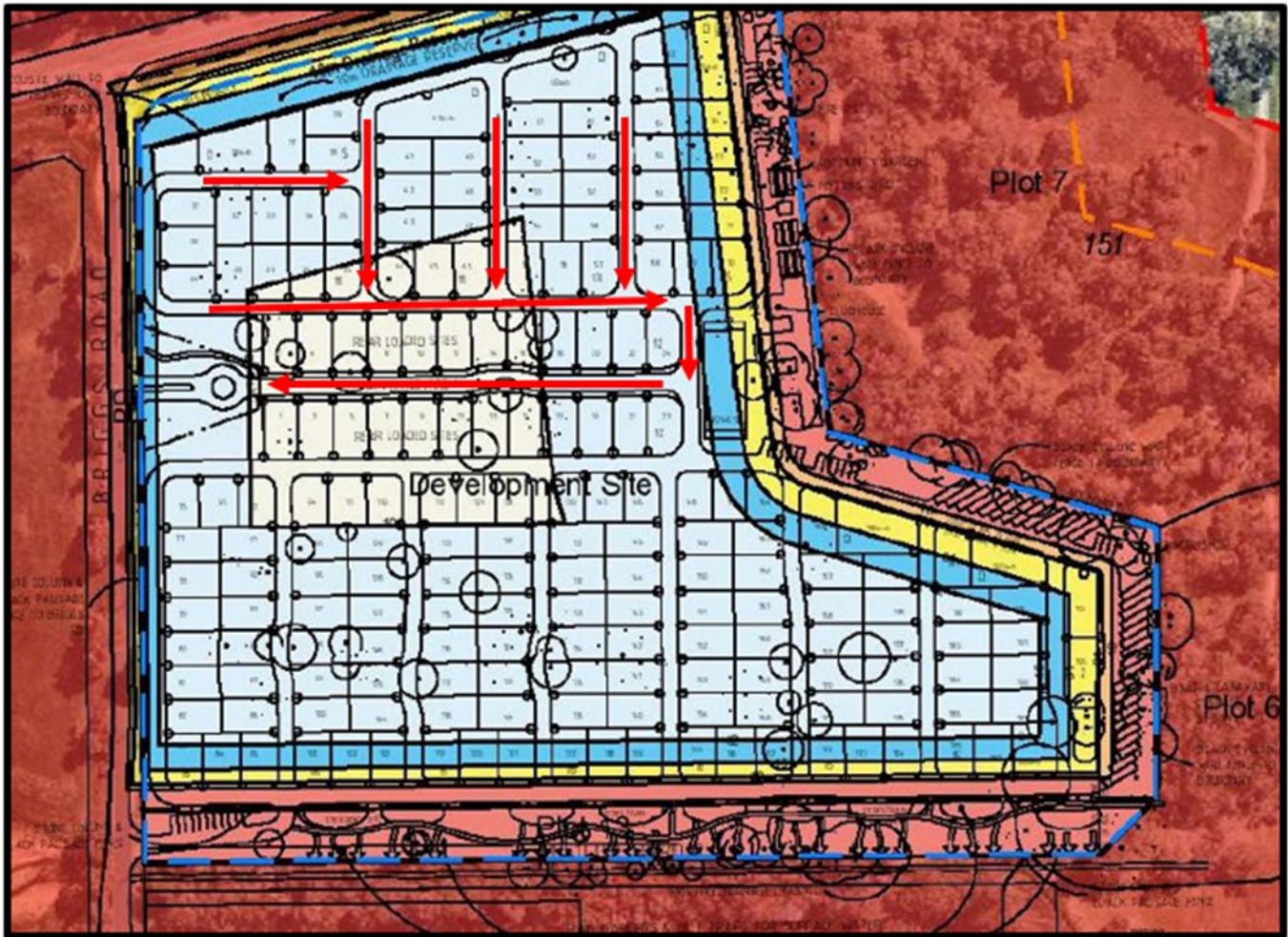
- The clubhouse is capable of exemption under SPP3.7 as it is incidental to the dwellings and would be used infrequently by residents;
- Bushfire is well managed within these types of lifestyle developments and includes a fire warden, community volunteers to assist with fire safety and response and emergency evacuation plans/muster points;
- The site would be serviced by an independent fire water main;
- The land to the east of the bushfire hazard contains an established residential development. Once the subject development is established the bushfire hazard would be contained by urban development to the west and east and constructed roads, resulting in any bushfire being capable of being responded to immediately; and
- The clubhouse and surrounding structures would have a comprehensive fire alarm system and evacuation process.

Officers consider that the justification provided by the applicant goes further to mitigate the risks associated with bushfire and that it could be appropriately managed. The building would be used by residents of the development who would be aware of their surroundings and the evacuation measures in place should a bushfire occur.

Furthermore, with the availability of reticulated fire hydrants and the new Cardup Career Fire Station targeted to be in operation prior to this development being completed, there is an acceptable risk management approach proposed.

*Vehicular Access:*

The Guidelines require that vehicular access allows for the provision of public road access in two different directions to at least two suitable destinations. The subject application satisfies this requirement. However, should a bushfire occur within the Flame Zone area to the east, residents located towards the north of the site would be required to travel towards the bushfire before exiting the site onto Briggs Road as depicted below:



**Figure 14: Emergency egress route (red arrows) during bushfire event**

Officers recommend to further substantiate the risk, a further emergency access is created for the residents to the north.

**Water:**

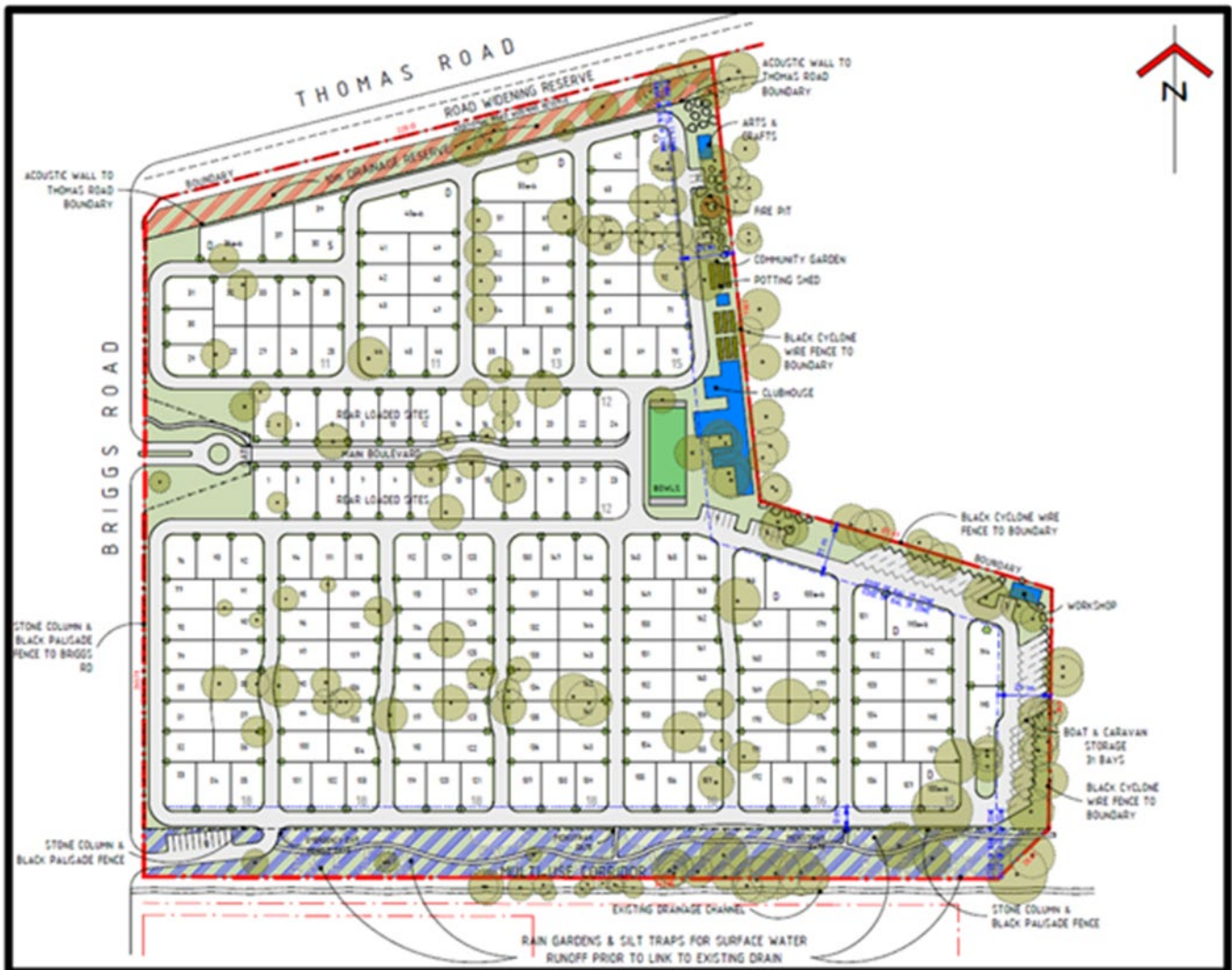
The subject site is serviced by a reticulated water supply enabling the installation of fire hydrants, in accordance with the Guidelines.

**Tree Removal**

Clause 67 (q) of the Deemed Provisions requires consideration be given to the removal and retention of trees during applications for development approval. Further to this, the criteria of the LSP includes the following:

*“Future development shall ensure every effort is made to retain existing vegetation within communal open space/drainage areas.”*

The existing site features a large number of mature native Marri trees and several Eucalyptus species. In accordance with the LSP, the applicant has aimed to retain vegetation throughout the site and especially the eastern corridor as detailed following. The Multiple Use Corridor to the south of the site would feature a large amount of vegetation planting as well as the retention of existing mature trees.



**Figure 15: Site plan detailing vegetation intended to be retained**

However, vegetation loss will be required to facilitate development (i.e. the construction of roads, site works and dwellings). While Officers consider the intent of the planning framework is met to seek to retain as many existing trees as possible, it is recommended that prior to lodgement of a Building Permit a detailed Tree Survey is undertaken. The purpose of this would be to determine which trees can be retained, including a Landscaping Plan detailing tree replacement to offset vegetation loss and ensure an appropriate amenity outcome. A condition has been recommended in this regard.

#### Development Contributions (DCA1)

This development falls within the development contribution area DCA1 (Area A) and as such is required to contribute towards the cost of common infrastructure under the Byford Traditional Development Contribution Plan.

Under a Development Application (as opposed to a subdivision), contributions are calculated on the current lot area on which the development is situated, giving a lot "yield" for the site. The liability to pay the contribution is triggered at the building permit stage, and thus the DCP payment will be applied as a development condition needing to be met prior to the issue of a Building Permit or commencement of civil works, whichever comes first.





Percent for art

A condition is recommended to ensure the necessary per cent for art provision of Local Planning Policy 1.6 is met. There are a range of opportunities in which to address the per cent for art component of the development, including elements surrounding the main driveway and feature external fencing, for example.

**Options and Implications**

Option 1

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Joint Development Assessment Panel APPROVES DAP Application DAP/23/02460 and accompanying plans (**attachment 6**) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 subject to the following conditions:
  - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	Development Plans (P1) dated 19 April 2023. Bushfire Management Plan (P2) dated 3 March 2023. SPP5.4 Acoustic Assessment (P3) dated 3 March 2023. Stormwater Management Strategy (P4) dated February 2023. Transport Impact Statement (P5) dated 20 April 2023.
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- b. Prior to the issue of a Building Permit, an amended Local Water Management Strategy is to be prepared by the applicant to the satisfaction of the Shire, on advice of the DWER. The amended Local Water Management Strategy is required to:
      - i. Incorporate the approved development design structure;
      - ii. Include details on the expected volumes of stormwater runoff generated from the development design;
      - iii. Include clear quantification calculation to inform the land required for stormwater conveyancing and storage;
      - iv. Include cross-sections of stormwater infrastructure and how proposed open space is to be irrigated.

If the amended Local Water Management Strategy requires structural changes to the layout of the development, these are required to be reflected in the plans which are taken forward to physical construction of the development.

- c. Prior to issue of a Building Permit and subsequent to condition (b) being complied with, an updated Urban Water Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is required to address the following aspects to the satisfaction of the Shire:
        - i. The capacity of the drainage infrastructure, including contingency for significant storm events;



- ii. How the swales will direct water through obstacles such as road reserves, driveways and the acoustic wall on the north lot boundary;
- iii. The location of the southern row of dwellings being positioned in the floodway of the drain to the south of site;
- iv. The management measures to be employed to ensure water quality is maintained;
- v. How much fill is necessary to be imported into site; and
- vi. What measures will be in place to ensure the survivability or replacement of vegetation within the swales and 'rain gardens'.

Once approved, development shall be in accordance with the Urban Water Management Plan.

- d. Prior to the issue of a Building Permit or approval of earthworks / civil plans (whichever comes first), updated development plans shall be submitted to and approved by the Shire of Serpentine Jarrahdale which depict the following being undertaken as part of the development:

- i. A new footpath being extended on the eastern side verge of Briggs Road to link the development to the existing footpath on Larsen Road;
- ii. The verge abutting the subject land being upgraded to an urban standard, to match the verge standard approved as part of the adjoining resident subdivision on the western side of the Briggs Road;
- iii. The landscaping and drainage design of the multiuse corridor, in order to reflect the continuation of the design elements located western of the subject land, namely central living stream, offline vegetated swales, lighting and pathways;
- iv. Any structural adjustments required as a result of the updated Local Water Management Strategy.

Once approved, the applicant must undertake and complete all infrastructure upgrade works prior of the commencement of the development's operations.

- e. Prior to issue of a Building permit, engineering drawings and specifications for the construction of internal roads, parking areas, circulation areas and detailing the connection with the existing Briggs Road are to be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the applicant must undertake and complete all works prior of the commencement of the development's operations.
- f. Prior to the issue of a Building Permit, the applicant to provide an artwork concept for consideration and approval, which reflects the Local Planning Policy 1.6 - Public Art for Major Development, to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. Prior to issue of a Building Permit, a Tree Survey and Landscape Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscape Management Plan must also demonstrate detailed design for the Multiple Use Corridor, as referenced by condition c(iii) above. Once approved, the Landscape Management Plan shall be implemented and maintained thereafter to the satisfaction of the Shire of Serpentine Jarrahdale.
- h. Prior to issue of a Building Permit, a Schedule of Colours and Materials shall be submitted for approval for the communal buildings and for the future housing options. Once approved,



development shall be constructed in accordance with the approved Schedule of Colours and Materials.

- i. Prior to issue of a Building Permit, a Local Development Plan shall be submitted to the Shire of Serpentine Jarrahdale including the layout of each lot and any proposed variations to State Planning Policy 7.3 Residential Design Codes (Volume 1).
- j. Prior to issue of a Building Permit, drawings and specifications of the 2.4m noise wall is to be submitted to the Shire of Serpentine Jarrahdale for approval. The noise wall must demonstrate the 'Internal and External Noise Target of State Planning Policy 5.4 Road and Rail Noise' being achieved at all times. Once approved, the noise wall must be fully constructed prior to operation of the development.
- k. Prior to issuing of a Building Permit, arrangements being made with the Shire of Serpentine Jarrahdale to the satisfaction of the Western Australian Planning Commission, for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through Amendment 208 (when gazetted) to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2.
- l. The landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2.
- m. Prior to occupation, vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brick pavers), drained, kerbed, marked (including disabled bays) and thereafter maintained.
- n. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate how bin collection by private contractor means will be undertaken at all times, given the design of the movement network restricts access by Shire refuse vehicles. Once approved, the Waste Management Plan shall be adhered to at all times.
- o. Prior to the issue of a Building Permit, plans shall be provided demonstrating an additional emergency access way for residents to the northern portion of the site to Briggs Road. Once approved, the emergency access way shall be constructed in accordance with the approved plans prior to the completion of the works.
- p. Prior to issue of a Building Permit, the subject lands are to be amalgamated.
- q. Upon full development and landscaping of the Multiple Use Corridor which is required prior to the commencement of development operation, the Multiple Use Corridor shall be ceded to the Shire at the cost of the applicant, via a subdivision process.
- r. Prior to commencement of works, a Lighting Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall ensure lighting aligns with expected amenity within a residential area at all times, including the Multiple Use Corridor and footpath link to Larsen Road. Once approved, the Lighting Plan shall be adhered to at all times.
- s. Prior to the issue of a Building Permit, a revised Traffic Impact Statement shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The revised Traffic Impact Statement shall provide detailed designs of the following:
  - i. Design of trailer and caravan parking areas;
  - ii. Pedestrian connection points to the surrounding Byford network;
  - iii. Design of pedestrian, gopher and cycling facilities; and



- iv. Turning templates provided and provision made for the safe manoeuvring of waste vehicles.
- t. Prior to the issue of a Building Permit, an updated Bushfire Management Plan shall be prepared and submitted to the Shire for its assessment and approval, based on advice from the Department of Fire and Emergency Services. This is required to depict;
  - i. the location of the clubhouse being swapped with the location of the bowling green, such that the former is locations outside of the flame zone area;
  - ii. re-examination of vegetation plots and any associated updates to the contour mapping;
  - iii. a development wide fire response and evacuation plan which details the arrangements for evacuation during an emergency, as well as the consideration for prioritising the most vulnerable residents to locations furthest away from the eastern adjoining reserve.

### Option 2

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Joint Development Assessment Panel REFUSES DAP Application DAP/23/02460 and accompanying plans (**attachment 6**) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, for the following reasons:
  - a. The development has not demonstrated suitable infrastructure improvements in the form of footpath connectivity upgrades that are required to service the development;
  - b. The development has not demonstrated fully how water can be managed consistent with the approved water management strategies.

Option 1 is recommended.

### **Conclusion**

The application seeks approval for a Lifestyle Village in the form of a 'Grouped Dwelling' development. The proposal would provide residential accommodation and community facilities for the aging population of Byford. It is considered that the development is consistent with the planning framework and would not adversely impact the character or amenity of the locality. It is therefore recommended that the MODAP approve the application subject to conditions.

### **Attachments (available under separate cover)**

- **10.1.2 - attachment 1** - Responsible Authority Report (E23/5395)
- **10.1.2 - attachment 2** - Initial Development Plans (E23/3263)
- **10.1.2 - attachment 3** - Summary of Submissions (E23/4773)
- **10.1.2 - attachment 4** - Clause 67 Checklist (E23/5399)
- **10.1.2 - attachment 5** - Additional information (E23/5397)
- **10.1.2 - attachment 6** - Plans for Determination (E23/5433)



**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.2</b>	A sustainable natural environment

**Financial Implications**

Nil.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council RESOLVES the Responsible Authority Recommendation for the MOJDAP to approve the application, and MODAP propose approval without the full extent of conditions necessary.	A clearly explained report that addresses the validity of each condition.	Social / Community Outcomes	Possible	Moderate	MODERATE	If MODAP were seeking to approve, the provision of the RAR contains justification to the conditions.
2	That Council resolves to refuse the application, which MODAP in turn supports, and the applicant seeks a review of the decision at the State Administrative Tribunal, which incurs costs on the Shire.	Shire of Serpentine Jarrahdale's Town Planning Scheme No. 2.	Financial	Possible	Moderate	MODERATE	Ensuring reasons for refusal are valid planning matters.



**Voting Requirements:** Simple Majority

**OCM096/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Duggin, seconded Cr Atwell

That Council **RESOLVES** the following Responsible Authority Report Recommendation:

1. That the Metro Outer Joint Development Assessment Panel **APPROVES** DAP Application DAP/23/02460 and accompanying plans (attachment 6) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 subject to the following conditions:

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

Plans and Specifications	<p>Development Plans (P1) dated 19 April 2023.</p> <p>Bushfire Management Plan (P2) dated 3 March 2023.</p> <p>SPP5.4 Acoustic Assessment (P3) dated 3 March 2023.</p> <p>Stormwater Management Strategy (P4) dated February 2023.</p> <p>Transport Impact Statement (P5) dated 20 April 2023.</p>
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b. Prior to the issue of a Building Permit, an amended Local Water Management Strategy is to be prepared by the applicant to the satisfaction of the Shire, on advice of the DWER. The amended Local Water Management Strategy is required to:

- i. Incorporate the approved development design structure;
- ii. Include details on the expected volumes of stormwater runoff generated from the development design;
- iii. Include clear quantification calculation to inform the land required for stormwater conveyancing and storage;
- iv. Include cross-sections of stormwater infrastructure and how proposed open space is to be irrigated.

If the amended Local Water Management Strategy requires structural changes to the layout of the development, these are required to be reflected in the plans which are taken forward to physical construction of the development.

c. Prior to issue of a Building Permit and subsequent to condition (b) being complied with, an updated Urban Water Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is required to address the following aspects to the satisfaction of the Shire:

- i. The capacity of the drainage infrastructure, including contingency for significant storm events;
- ii. How the swales will direct water through obstacles such as road reserves, driveways and the acoustic wall on the north lot boundary;



- iii. The location of the southern row of dwellings being positioned in the floodway of the drain to the south of site;
- iv. The management measures to be employed to ensure water quality is maintained;
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- vi. What measures will be in place to ensure the survivability or replacement of vegetation within the swales and 'rain gardens'.

Once approved, development shall be in accordance with the Urban Water Management Plan.

- d. Prior to the issue of a Building Permit or approval of earthworks / civil plans (whichever comes first), updated development plans shall be submitted to and approved by the Shire of Serpentine Jarrahdale which depict the following being undertaken as part of the development:

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- iv. Any structural adjustments required as a result of the updated Local Water Management Strategy.

Once approved, the applicant must undertake and complete all infrastructure upgrade works prior of the commencement of the development's operations.

- e. Prior to issue of a Building permit, engineering drawings and specifications for the construction of internal roads, parking areas, circulation areas and detailing the connection with the existing Briggs Road are to be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the applicant must undertake and complete all works prior of the commencement of the development's operations.
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- g. Prior to issue of a Building Permit, a Tree Survey and Landscape Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscape Management Plan must also demonstrate detailed design for the Multiple Use Corridor, as referenced by condition c(iii) above. Once approved, the Landscape Management Plan shall be implemented and maintained thereafter to the satisfaction of the Shire of Serpentine Jarrahdale.
- h. Prior to issue of a Building Permit, a Schedule of Colours and Materials shall be submitted for approval for the communal buildings and for the future housing options. Once approved, development shall be constructed in accordance with the approved Schedule of Colours and Materials.



- i. Prior to issue of a Building Permit, a Local Development Plan shall be submitted to the Shire of Serpentine Jarrahdale including the layout of each lot and any proposed variations to State Planning Policy 7.3 Residential Design Codes (Volume 1).**
- j. Prior to issue of a Building Permit, drawings and specifications of the 2.4m noise wall is to be submitted to the Shire of Serpentine Jarrahdale for approval. The noise wall must demonstrate the 'Internal and External Noise Target of State Planning Policy 5.4 Road and Rail Noise' being achieved at all times. Once approved, the noise wall must be fully constructed prior to operation of the development.**
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- l. The landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2.**
- m. Prior to occupation, vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brick pavers), drained, kerbed, marked (including disabled bays) and thereafter maintained.**
- n. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate how bin collection by private contractor means will be undertaken at all times, given the design of the movement network restricts access by Shire refuse vehicles. Once approved, the Waste Management Plan shall be adhered to at all times.**
- o. Prior to the issue of a Building Permit, plans shall be provided demonstrating an additional emergency access way for residents to the northern portion of the site to Briggs Road. Once approved, the emergency access way shall be constructed in accordance with the approved plans prior to the completion of the works.**
- p. Prior to issue of a Building Permit, the subject lands are to be amalgamated.**
- q. Upon full development and landscaping of the Multiple Use Corridor which is required prior to the commencement of development operation, the Multiple Use Corridor shall be ceded to the Shire at the cost of the applicant, via a subdivision process.**
- r. Prior to commencement of works, a Lighting Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall ensure lighting aligns with expected amenity within a residential area at all times, including the Multiple Use Corridor and footpath link to Larsen Road. Once approved, the Lighting Plan shall be adhered to at all times.**
- s. Prior to the issue of a Building Permit, a revised Traffic Impact Statement shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The revised Traffic Impact Statement shall provide detailed designs of the following:**
  - i. Design of trailer and caravan parking areas;**
  - ii. Pedestrian connection points to the surrounding Byford network;**
  - iii. Design of pedestrian, gopher and cycling facilities; and**





- iv. Turning templates provided and provision made for the safe manoeuvring of waste vehicles.**
- t. Prior to the issue of a Building Permit, an updated Bushfire Management Plan shall be prepared and submitted to the Shire for its assessment and approval, based on advice from the Department of Fire and Emergency Services. This is required to depict;**
  - i. the location of the clubhouse being swapped with the location of the bowling green, such that the former is locations outside of the flame zone area;**
  - ii. re-examination of vegetation plots and any associated updates to the contour mapping;**
  - iii. a development wide fire response and evacuation plan which details the arrangements for evacuation during an emergency, as well as the consideration for prioritising the most vulnerable residents to locations furthest away from the eastern adjoining reserve.**

**CARRIED UNANIMOUSLY 9/0**



<b>10.1.3 - Proposed Child Minding Centre - Lot 9511 Briggs Road, Byford (PA23/153)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Rowe Group
Owner:	Pino Gangemi
Date of Receipt:	27 February 2023
Lot Area:	11.38ha (Planning Parcel: 2,524m <sup>2</sup> )
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

### Report Purpose

The purpose of this report is for Council to consider endorsing the Responsible Authority Report (RAR) prepared for the development application for a 'Child Minding Centre' on Lot 9511 Briggs Road, Byford. The development involves the construction of a Child Minding Centre, for 110 children, associated outdoor play areas, landscaping and car parking. The site consists of six approved lots forming part of the Byford Meadows Stage 7 subdivision, that would be amalgamated if development approval is secured.

The development has an estimated construction value exceeding \$2 million and the applicant has opted in for the Metro Outer Development Assessment Panel (MODAP), to determine the application. The MODAP will replace Council as the decision-making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The report is presented to Council to consider the RAR that will be presented to the MODAP, consistent with established delegations.

The RAR, as contained in **attachment 1** recommends that the application be approved subject to conditions. Officers consider that the proposal is consistent the objectives of the zone and the planning framework and is therefore capable of approval. The report has addressed relevant matters including residential amenity, built form, traffic movements and noise management. The proposal will increase the provision of early learning services for the Byford community. For the reasons outlined in the report, it is recommended that Council endorse the RAR which recommends approval of the application by the MODAP, subject to conditions.



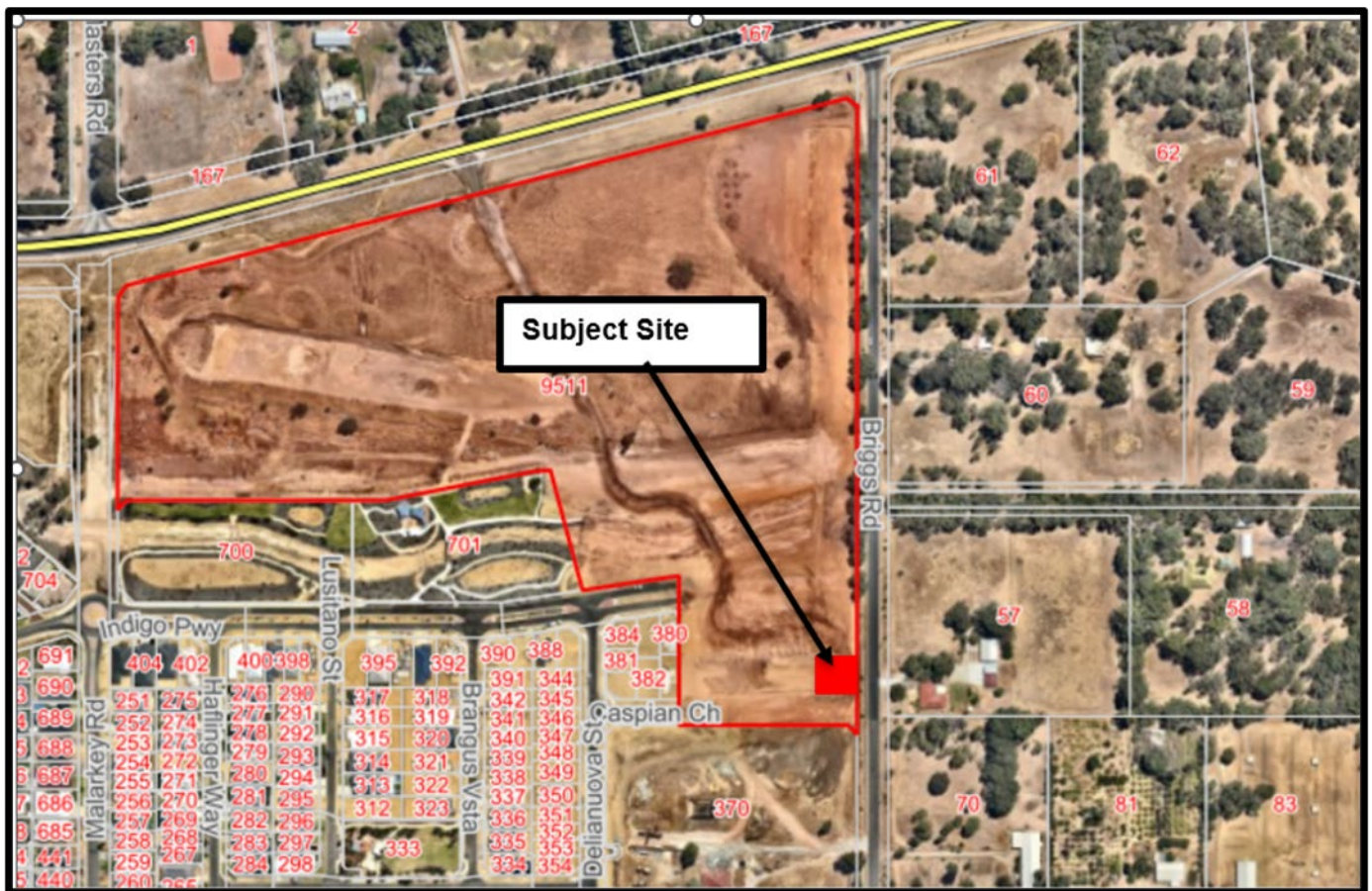
## Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

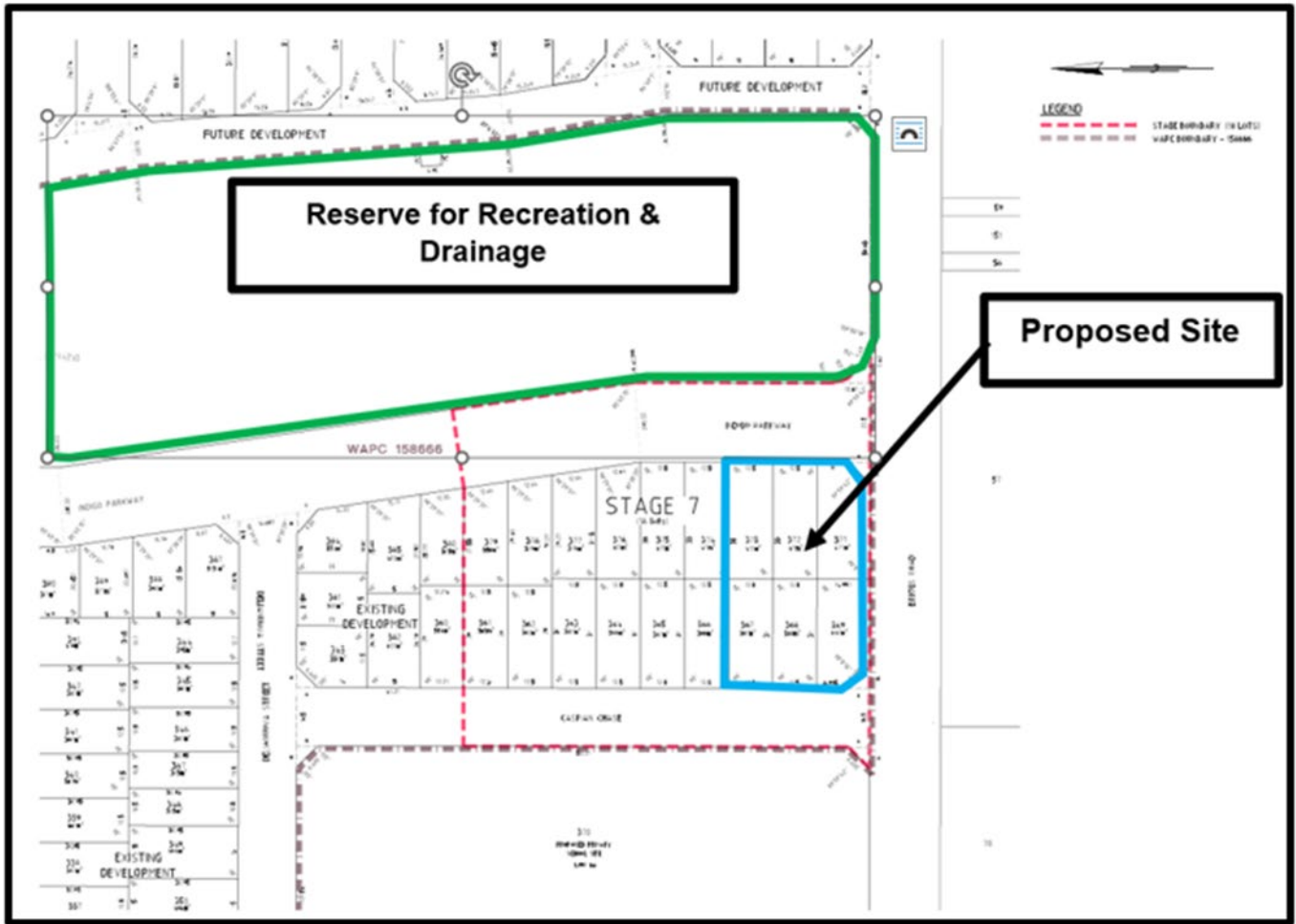
## Background

### Existing Development

The subject site forms part of Lot 9511 Briggs Road which has a total land area of 11.3ha. The site is currently designated as 'Residential' within Lot 9500 Briggs Road, Byford Meadows Estate Local Structure Plan. The site is bound by Briggs Road to the east and future access roads being Indigo Parkway and Caspian Chase to the north and south respectively. The general locality is undergoing progressive urbanisation, with low-medium density housing and road infrastructure being constructed.



The site forms part of the Byford Meadows 'Stage 7' subdivision which has been approved and cleared by Western Australia Planning Commission (WAPC). The approved plan of subdivision below shows the area to be dedicated for public open space and drainage adjoining the site. The site is currently subject to ongoing subdivisional works which includes creating residential lots and includes the extension of Indigo Parkway and Caspian Chase to Briggs Road. Briggs Road is a gazetted road, Indigo Parkway and Caspian Chase are roads identified on the WAPC subdivision approval which will be constructed as part of 'Stage 7' of the subdivision as shown on the figure below.

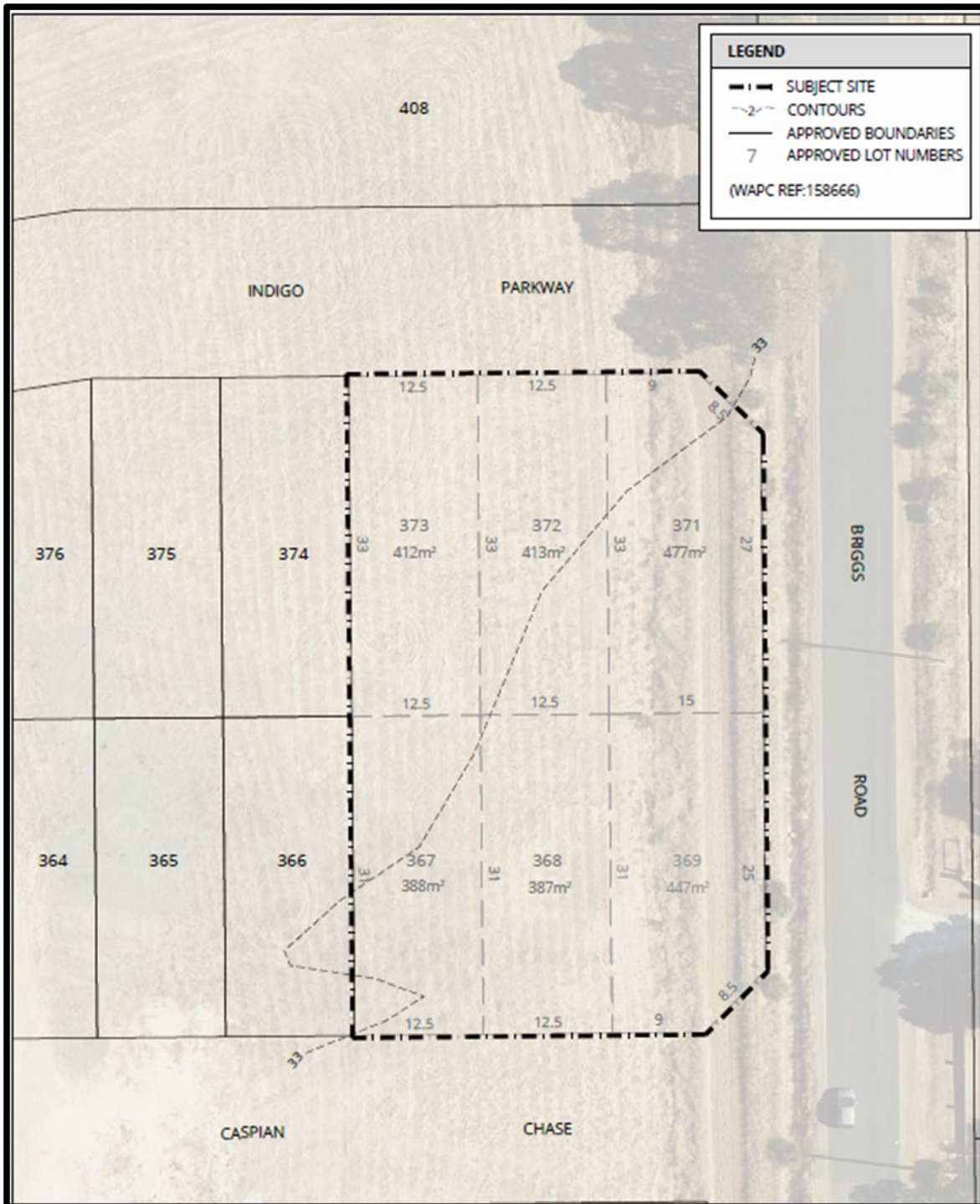


Approved Plan of Subdivision



# Ordinary Council Meeting Minutes Monday, 15 May 2023

The plan below shows approved six land parcels bound by Indigo Parkway to the north, Briggs Road to the east and Caspian Chase to the south which is where the development is proposed.





### Proposed Development

The proposal seeks approval for the construction of a single storey purpose built 'Child Minding Centre'. The proposed development would occupy 2,524m<sup>2</sup> of the current overall land parcel of 11.3ha, which is being gradually subdivided consistent with the adopted structure plan.

The proposed building will have a total internal area of 653m<sup>2</sup>, together with 786m<sup>2</sup> of outdoor play space provided to the northern, eastern, and southern aspects of the building, as well as the associated car parking area. The proposed building would be constructed of rendered blockwork panels, face brick, timber looking cladding with a colourbond roof.

Vehicle access to the subject site is proposed via a single full movement crossover on to Caspian Chase to the south of the site which is required to be constructed as part of this development. A crossover to the north which will facilitate a left/out movement only onto Indigo Parkway will also be required to be constructed.





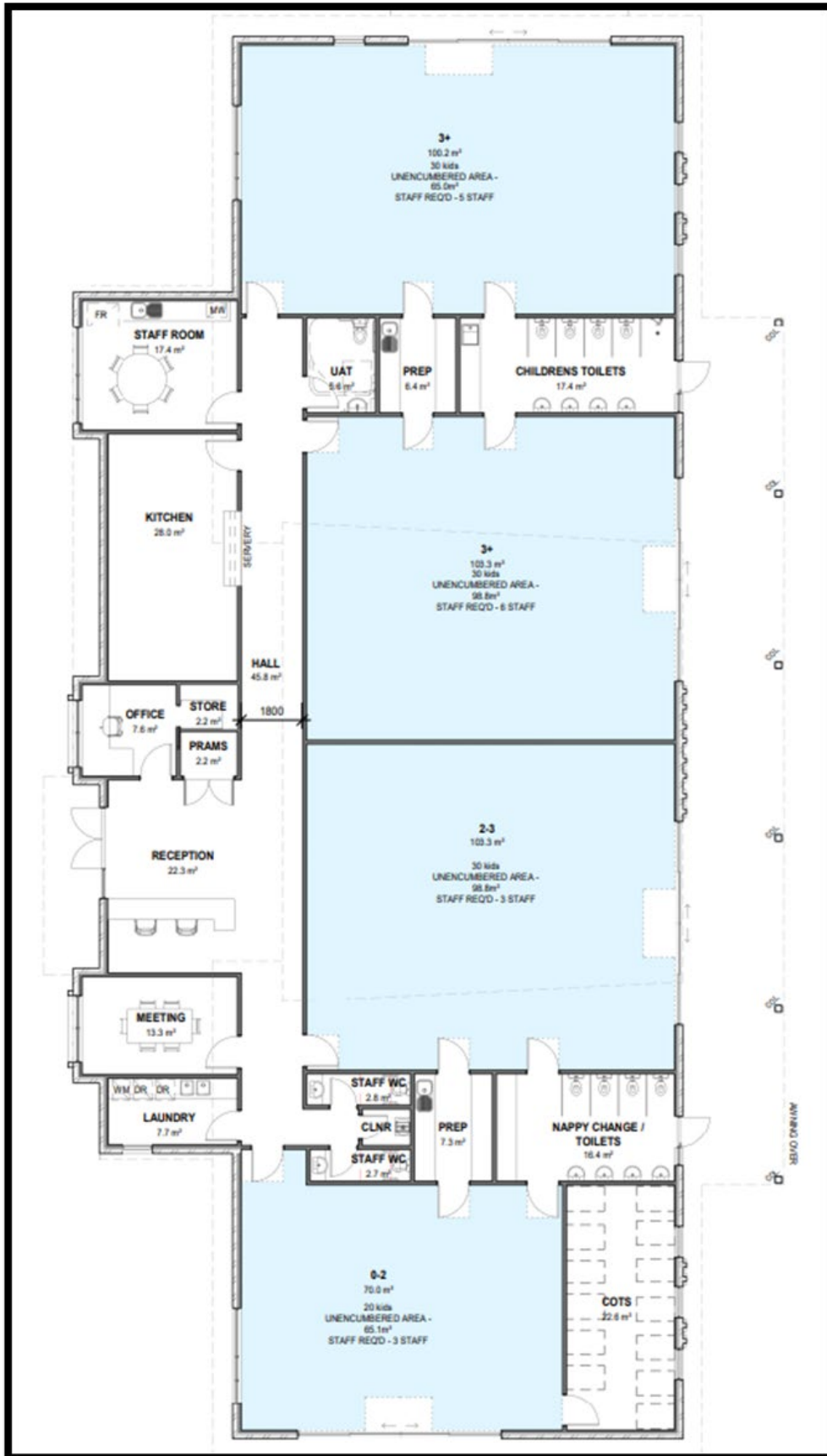
The proposed Child Minding Centre is designed to accommodate a maximum capacity of 110 children and is intended to operate between the hours of 6:30am - 7:00pm Monday to Friday. The Child Minding Centre is expected to employ up to a maximum of 20 staff across the operations in varying shift times.

The applicant provided information that the centre will accommodate children within the following age groups:

- 0-2 years: 20 places;
- 2-3 years: 30 places;
- 3+ years: 60 places.

Specifically the proposal comprises:

- Building comprising of an, reception area, office, meeting room, staff amenities, staffroom, kitchen, children's toilets with storage areas, dining area, unencumbered areas, cots room, nap change/toilets, sleep rooms, prep rooms toilets, change rooms, laundry and storage areas;
- Construction of a car park with 31 car parking bays comprising of 11 spaces for pick-up and drop-off, 20 staff car parking spaces including one universal access bay;
- Construction of a new crossover on Indigo Parkway to provide left out access out of the car parking area;
- Construction of a new crossover on Caspian Chase to provide full movement access to the car parking area;
- Construction of outdoor play areas with a total area of 786m<sup>2</sup> provided to the northern, eastern and southern aspects of the building;
- Construction of 1.8m high Colourbond solid fence along the western boundary abutting the main the car park;
- Construction of 1.8m garrison style fencing along the street boundaries, and 1.8m rendered brick screen wall along Briggs Road frontage;
- Perimeter landscaping along the car park boundary to west and on the road reserves.



Full details of the proposal are contained within **attachment 2**.





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## **Community / Stakeholder Consultation**

The application was advertised for a period of 21 days from 13 March 2023 to 3 April 2023 to surrounding landowners within a 500m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period.

At the conclusion of the consultation, three submissions raising no objections were received. These did however raise concerns pertaining to the following aspects:

- An upgrade to the Briggs Road and Thomas Road intersection considered to be narrow and in poor condition,
- Upgrade or widening of Briggs Road to be able to cater for additional traffic movements and potential congestion concerns

These matters are discussed in the report below.

## **Consultation with other Agencies or Consultants**

### Department of Education (DoE)

The application was referred to the Department of Education who provided no in-principle objections to the proposal and provided the following advice:

*The Department is generally supportive of childcare facilities located within proximity to public schools, however careful planning consideration needs to be given to the potential impact that these facilities may have on nearby schools in terms of safety and amenity.*

*The subject site is located adjacent the future Byford North Central Primary School (Primary School) site. Given the minimal impact this proposal will have to the surrounding road network and parking in the area, it is anticipated that the proposed development will have no adverse impact on the future Primary School site.*

*In view of the above, the Department has no in principle objections to the proposal No submission has been received to date.*

### Department of Water and Environmental Regulation (DWER)

The application was referred to DWER and no objections to the proposal were raised. DWER however recommended for the car park stormwater drainage system to be designed, constructed and managed in accordance with the Stormwater Management Manual for Western Australia (DWER, 2022).

### Department of Fire and Emergency Services (DFES)

DFES has recommended modifications to be undertaken to the submitted Bushfire Management Plan. These modifications primarily relate to the justification to support the exclusion of Plots 8 and 9 to the west and management of vegetation within the public open space. The BMP currently excluded these plots and identified vegetation within them as a low threat.

### Water Cooperation

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

*Please be advised that the site is not currently serviced with water or wastewater. Delivery of reticulated water and wastewater infrastructure is required to satisfy conditional approval of proposed subdivision WAPC 161405. Water and wastewater reticulated infrastructure will be*



*designed and delivered in accordance with current long-term scheme planning suitable for servicing the proposed child minding centre.*

Department of Planning Land and Heritage Westport Division

The Transport Planning section of the Department has no formal comments to provide as the subject section of Thomas Road to the north is now under the control of Main Roads WA.

Main Roads Western Australia (MRWA)

The application was referred to MRWA who had no objections to the proposal.

A summary of the submissions including applicant comments can be viewed in **attachment 3**.

**Statutory Environment**

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- Planning Bulletin 72/2009 - Child Care Centres
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances

Local Planning Framework

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

Local Planning Policies

- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP 4.15)
- Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)
- Local Planning Policy 4.24 - Child Minding Centres (LPP4.24)



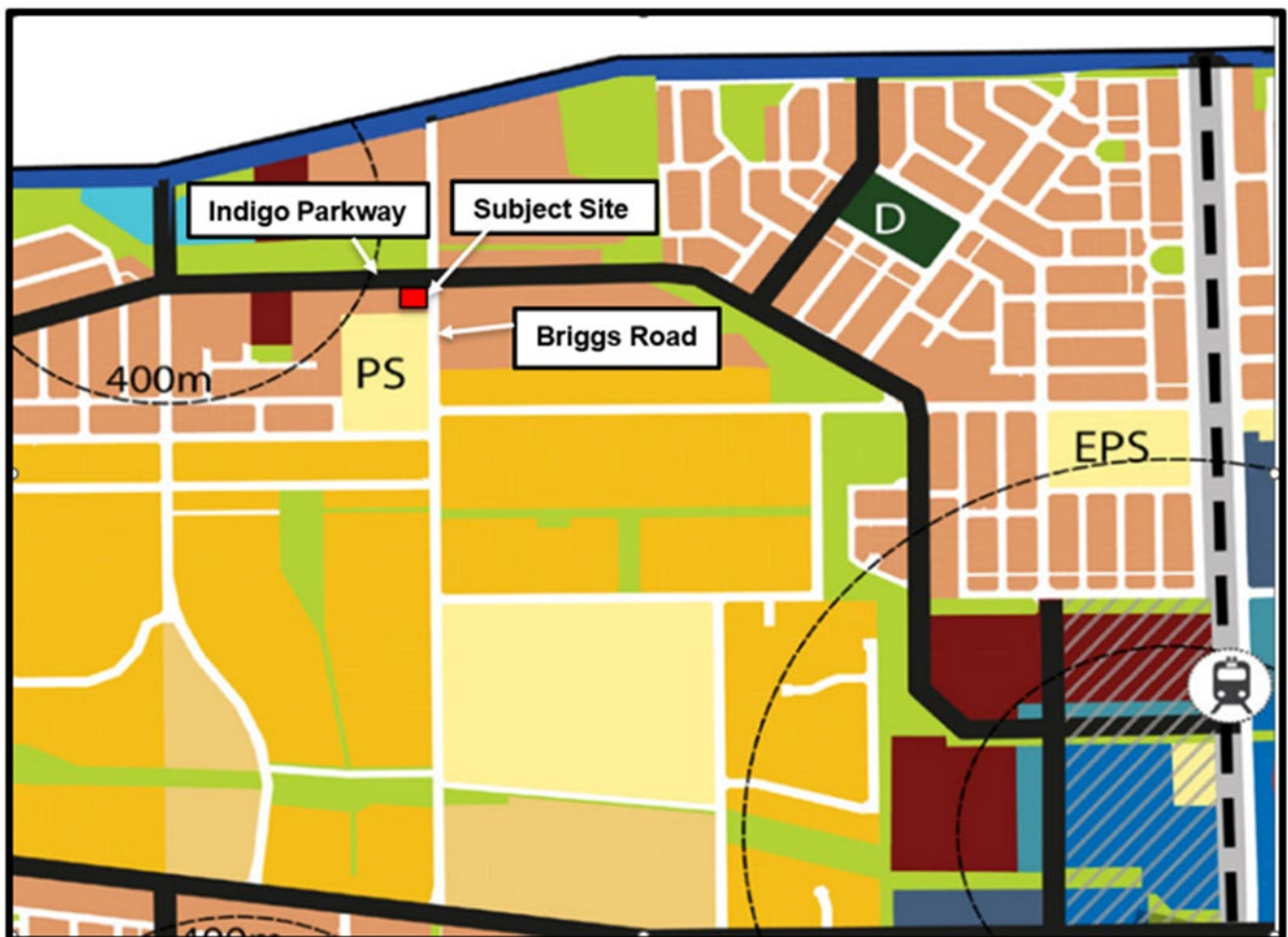
## Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 4**.

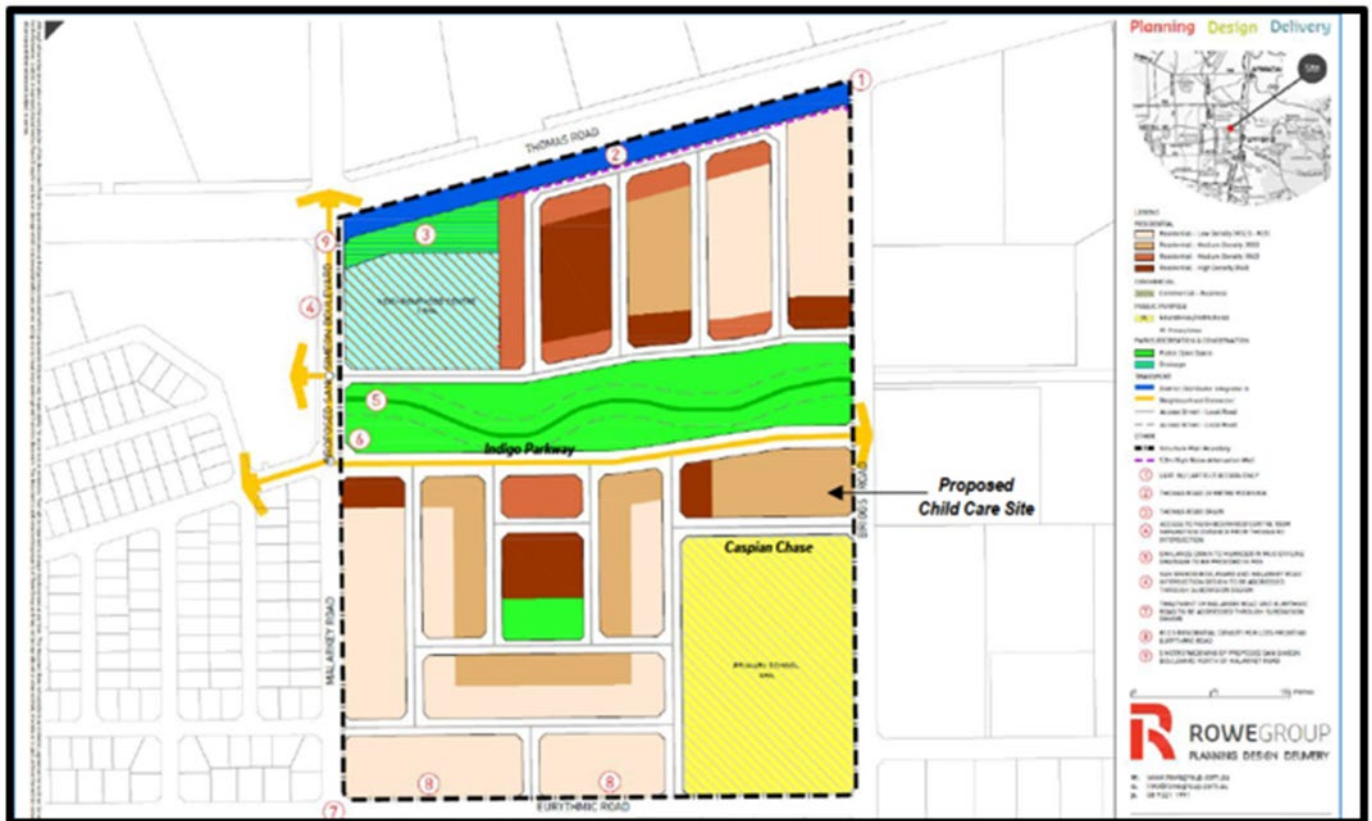
### Town Planning Scheme No. 2 (TPS2)

The subject site is zoned 'Urban Development' under the Shire's TPS2. Clause 5.18 of TPS2 sets out the objective of the 'Urban Development' zone as "to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances". This objective is facilitated through the preparation of Structure Plans, which guide land use permissibility and development.

The subject site is identified as 'Residential' within the Byford District Structure Plan 2020 (BDSP), and the Lot 9500 Thomas Road, Byford Local Structure Plan (LSP) which provide the relevant land use permissibility and indicative land use designation applicable to the site. The proposed land use can be considered within the residential designations of the structure plans. The two structure plans, showing the land in question, are provided following:



Byford District Structure Plan



Lot 9500 Thomas Road, Byford Local Structure Plan

### Land Use

The proposal falls within the TPS2 definition of ‘Child Minding Centre’, which means:

*“...land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended) but does not include a family care centre as defined by those regulations, or an institutional home”.*

The ‘Child-Minding Centre’ is an ‘SA’ land use in the ‘Residential’ zone which means, *“that Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions.”* An ‘SA’ land use requires the Shire to consider all submissions received and the broader planning framework in applying its discretionary powers to determine an application for approval.

Officers consider that the development, by way of scale, intensity and form of development is consistent with the current and intended future amenity of the area. The site forms an edge to the neighbourhood, where in combination with the future primary school, will be characterised by a higher level of activity compared to other locations within the structure plan area. Placement of these higher activity generating land uses on the edge of the neighbourhood will see an effective management of current and future amenity for the area.

Officers further consider that the design of the development is compatible with the future residential development as it seeks to incorporate design elements to the building which, when viewed from the street, would appear residential in form. This will provide a high degree of compatibility with adjoining and nearby medium residential density developments located within the broader locality of the Byford Meadows and Redgum Brook estates.



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

The zoning of the subject site under draft Local Planning Scheme No.3 (LPS3) will be 'Residential'. The proposal would still fall under the land use of 'Child Care Premises' which is defined as:

"means premises where -

- (a) *an education and care service as defined in the Education and Care Services National Law (Western Australia) Section 5(1), other than a family day care service as defined in that section, is provided; or*
- (b) *a child care service as defined in the Child Care Services Act 2007 section 4 is provided".*

The use is similarly a discretionary use, subject to advertising, within the 'Residential' zone of LPS3.

The 'Residential zone' objective under LPS3 supports a range of non-residential uses, which are compatible with and complementary to residential development, encouraging high quality design, built form and streetscapes throughout residential areas which is appropriate to the climate. The design is considered to reflect such objectives.

Planning Bulletin 72/2009 - Child Care Centres

The bulletin provides guidance of planning considerations in relation to the location and development of child care centres. It states that broadly, child care centre activities are located in residential areas and that the ever-increasing demand for child care centres and the strong focus on their appropriate distribution and location is closely linked to demographic change. The objectives of the policy are to:

- a) *locate child care centres appropriately in relation to their surrounding service area;*
- b) *minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas;*
- c) *minimise the impact the surrounds may have on a child care centre; and*
- d) *consider the health and safety of children attending the child care centre within the confines of the planning system.*

The bulletin states that childcare centres should be located to provide the maximum benefit to the community and should be within an easy walking distance and serviced by public transport.

The proposal adjoins a future school site to the south and is located approximately 400metres from the Byford Meadows Neighbourhood Centre precinct within a medium density housing environment. It is serviced by Transperth bus routes on Eurythmic Boulevard west of Briggs Road, approximately 350 metres walking distance from the site. The proposal includes construction of a footpath around the car park that would be linked to a footpath along Indigo Parkway to the north, to be constructed as part of the ongoing Stage 7 subdivision works. In addition, a footpath on Briggs Road would be extended from Eurythmic Road to Indigo Parkway as identified within the structure plan area. The site would then be accessible once the footpath network is fully established as the area continues to be developed through the ongoing subdivisions. The footpaths would provide infrastructure to enable residents from the nearby catchment areas to walk to the subject site consistent with this objective of the Bulletin.

The bulletin also states that it is important in limiting the impact a 'Child Minding Centre' may have on surrounding activities and amenity of existing residential areas. In this regard, the development has been designed in such a way that outdoor play areas have been located furthest away from



the future residential dwellings. The proposal demonstrates a configuration of development to moderate as best possible noise impacts associated with the development.

### Car Parking

Clause 67(s) of the Deemed Provisions requires consideration be given to the adequacy of provision for parking of vehicles. As such, a car parking assessment has been undertaken against the requirements from TPS2 and draft LPS3.

Table V of TPS2 sets out the parking requirements for different land uses. The minimum number of car parking bays for a 'Child Minding Centre' is one space per five children accommodated. Accordingly, as the proposal seeks to accommodate up to 110 children, a minimum of 22 parking bays would need to be provided. The plans provided indicate that the proposal is compliant with the minimum TPS2 parking requirements, as it incorporates a total of 31 bays, onsite bays, (including one [1] universal bay), to the west of the proposed childcare building.

In terms of draft LPS3, the table below summarises the parking requirements:

Land Use	Parking Requirement	No of Children/Staff	Parking Required	Proposed Bays
Child Minding Centre	1:10 children, plus 1.1 employee	110	11 bays	11
		20	20 bays	20
Total			31	31

The proposal complies with the parking requirements under LPS3.

Officers have also considered that public transport is conveniently located nearby the subject land, leading to this mode of transport being available for use by families and staff alike. The bus stops would be easily accessible via existing formal footpaths and pedestrian crossing facilities once the area is fully subdivided and fully developed.

### Development Requirements

Clause 7.10 and table 2 of TPS2 sets out the development standards and site requirements for development. Consideration has been given to the requirements as they apply to the 'Residential' zone, which the land is designated as under the LSP.

Table 11 TPS2 set out site requirements for selected uses in the 'Residential' Zone

Child Minding Centre	Required	Provided	Complies
<u>Setbacks</u>			
Front (Briggs Road)	7.5m	7.8m	Yes
Side (Indigo Parkway)	7.5m	14.5m	Yes
Side (Caspian Chase)	3.0m	9.0m	Yes
Plot Ratio (ratio of the gross total of the areas of all internal floors of a building to the area of site)	0.5:1	0.25:1	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.32	No

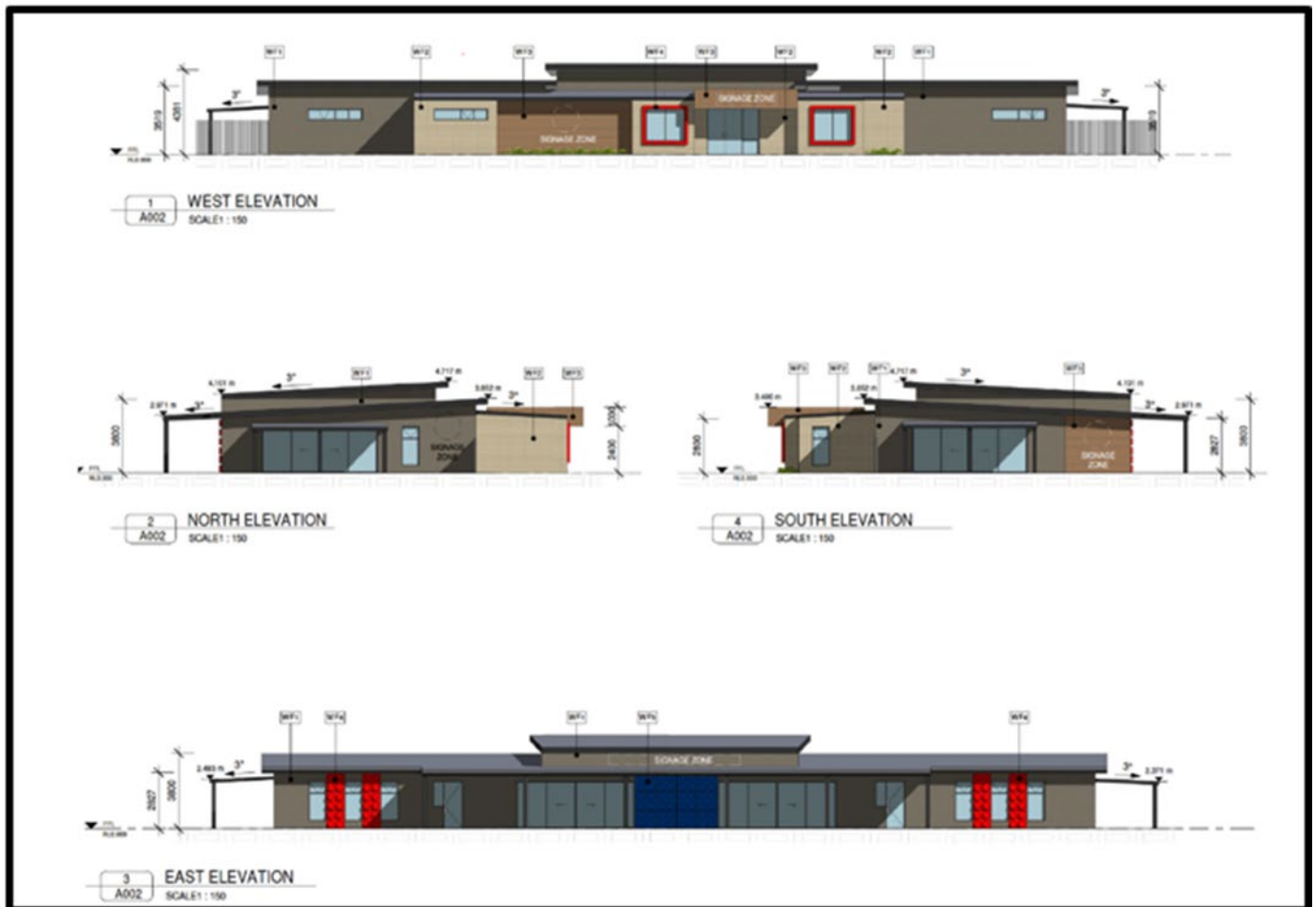


The development slightly exceeds the prescribed site coverage requirements of TPS2. Officers have considered that the slight exceedance on the site coverage would not adversely impact on the available open space or appear as if the site is overdeveloped. The development features outdoor playscapes fronting Briggs Road, Indigo Parkway and Caspian Chase street frontages providing for separation between the building and public realm along these street frontages, ultimately reducing the presence of the building. The minor variation is not considered to present the development as bulky or overbearing.

**Form of Development**

Part VII of TPS2 provides general development standards. Clause 7.1 of TPS2, relating to the general appearance of buildings and preservation of amenity, requires consideration of architectural style, colour, use of materials and the general appearance of buildings to ensure the exterior design is not out of harmony with existing buildings or likely to impact the amenity of the locality.

Below are the first set of elevations, as viewed from the west , north (Indigo Parkway) south (Caspian Chase) and from the east (Briggs Road).



**Elevations Plans**



In terms of the visual impacts of the development, the proposed building which covers an area of 653m<sup>2</sup> incorporates design elements intended to reflect residential development within the immediate locality, noting the site is located within a 'Residential' zone. The design elements include the use of timber looking boards, coloured blockwork, composite cladding, brickwork with contrasting colours and varied roof forms. These are accentuated at different areas to provide a building which reflects the rural tones of the Shire and which is aesthetically pleasing.

The design also proposes the brand 'Lego' artwork (painted red and blue panels) on the elevations which will add further interest to the building and a sense of playfulness. This is a theme contained within the Shire's Public Art Strategy and Masterplan document.

The site is subject to the Stage 7 Byford Meadows Local Development Plan which designates the site as R30. Although the development is not residential in nature and is not required to comply with the density designation, it has been designed to be sympathetic to the R30 density requirements, especially in terms of setbacks to further ensure the development is sympathetic to the existing and future residential development within the locality. It has also been designed to meet the Local Development Plan for the area which requires dwellings to address all street frontages to ensure surveillance of the street and to ensure an enhanced streetscape.

#### Local Planning Policy 4.24 - Child Minding Centres (LPP 4.24)

LPP4.24 seeks to provide guidance for child minding centres in relation to matters such as location, siting, design, traffic, and amenity. The objectives of the policy are as follows:

- *To provide guidance for the location of child minding centres to best take advantage of the surrounding natural environment and provide a compatible setting with the locality.*
- *To ensure that amenity impacts, including noise and traffic, are managed appropriately.*
- *To promote a design of child minding centres which reflect the rural and natural character of the Shire.*
- *To provide guidance for the consideration of convenient access and layout.*

LPP4.24 sets out particular criteria for child minding centres. Development that complies with the 'acceptable' criteria will generally be supported. Proposals falling within 'Performance Based' are required to demonstrate acceptability in relation to the specific criteria. The application has been assessed against the policy criteria below and generally complies.

Acceptable Development	Performance Based	Officer Comment
<b>Location</b>		
Child minding centres located within easy walking distance of activity centre or recreational nodes.  Located within a walkable catchment for the local neighbourhood.  Larger child minding centres being encouraged to locate near or within activity centres.	The chosen location is appropriate to the proposed scale of the child minding centre, and such location benefits from integration with the surrounding natural and built environment.	Acceptable - Proposal located within 400m of a Neighbourhood Centre.  It is located within a walkable distance from existing and future residential development.





Acceptable Development	Performance Based	Officer Comment
The location is close to or adjoins public open space.	Located within a walkable distance to a public open space/recreational area with good quality pathways.	Acceptable - Proposal abuts the Public Open Space to the North of Indigo Parkway.
Child minding centres are adequately separated from any incompatible nearby uses, with this supported by a suitably qualified risk assessment forming part of an application. Such risk assessment is to consider elements such as dangerous goods, hazardous materials and public health considerations. Potentially incompatible uses (taking into account design and layout) may include, for example, outlets selling petroleum, fast-food, and alcohol or tobacco products.	Where child minding centres are located within 200m of any incompatible use, such proposal demonstrates that the potential for adverse health impacts is removed. Such demonstration to be in the form of a suitably qualified consultant study.	Acceptable - No incompatible land uses within 200m of the subject site.
<b>Parking</b>		
<p>Parking meets the requirements of the Local Planning Scheme, and demonstrates how this meets the operational aspects of the development.</p> <p>Internal driveways having two-way movement.</p> <p>Landscaped parking areas in accordance with the Local Planning Scheme.</p> <p>Parking areas located so as to provide a separation between surrounding dwellings and outdoor play spaces.</p>	<p>Suitably demonstrates that there is sufficient parking onsite in the form of a traffic and parking assessment.</p> <p>Design and layout demonstrates safe movement of vehicles and pedestrians internally.</p> <p>Parking areas incorporate layers of landscaping and Water Sensitive Urban Design.</p>	Acceptable - Proposal is compliant with TPS2 car parking requirements. Refer to parking section of the report.
<b>Traffic</b>		
Traffic generation poses an increase of no more than 10% of the current recorded daily volumes on the roads which the development adjoins. This is confirmed by a traffic impact statement.	Demonstrates that traffic impacts can be managed through the submission of a Traffic Management Plan. This demonstrates how traffic will be managed to not represent an adverse safety or amenity impact on the adjoining road environment.	Acceptable - refer to the traffic section of the report.



Acceptable Development	Performance Based	Officer Comment
Development facilitates full movement access to and egress from the site.	Demonstrate that access and egress to the site will not result in unsafe manoeuvring due to the lack of full movement access.	
<b>Infrastructure Requirements</b>		
Designated pedestrian footpaths from the street to the centre and the car park to the centre.	Demonstrate that pedestrians can safely navigate to and around the site, with dedicated pathways.	Acceptable - A condition will be imposed to ensure footpath abuts the frontage of the block and around the carpark.
Car parking visible from the street to discourage verge parking.	Signage or other means to discourage verge or unsafe parking.	Acceptable - refer to the car parking section of the report.
<b>Amenity</b>		
<p>Outdoor play areas located in a safe place within the site, providing adequate shade, and separated from noise sensitive premises.</p> <p>Waste service areas appropriately screened from public areas.</p> <p>Setbacks to side and rear boundaries and the orientation of openings to indoor play areas located to minimise noise impacts.</p> <p>Acoustic impact assessment submitted demonstrates how noise will be managed, particularly from:</p> <ul style="list-style-type: none"> <li>- Indoor and outdoor play areas;</li> <li>- Car parking areas and the impulsive noise that comes from car access (especially staff arriving before opening and departing after closure), opening and closing of car doors, arrangement of car parking bays (staff versus visitor).</li> </ul>	<p>Outdoor play areas are arranged so as to demonstrate such will not adversely impact sensitive receptors. This is confirmed by an acoustic impact assessment and subsequent noise management plan.</p> <p>Noise levels are demonstrated to be consistent with the level of amenity currently afforded to an area.</p>	Acceptable - outdoor play area is located to the western portion of the site.



Acceptable Development	Performance Based	Officer Comment
Hours of operation 7:00am to 7:00pm Monday to Friday.	Demonstrate that operation hours outside of these times would not impact amenity of the area through an acoustic impact assessment and subsequent noise management plan.	Performance - the proposed hours of 6:30.am - 7:00am operation comply. While staff and children arriving prior to 7:00am, the use of the outdoor play areas will not occur until after 7:00am to comply with the acoustic report.
Child minding centres are not subject to unacceptable noise that could impact the health and wellbeing of children.	An acoustic impact assessment and subsequent noise management plan demonstrate that noise external to the site would not adversely impact on the wellbeing of children.	Acceptable - refer to the amenity section of the report.
Sites in residential areas greater than 1,000m <sup>2</sup> in areas. A maximum site coverage of 60%, in order to mimic typical residential form and to provide future ability to recede back to a residential development should that occur.	Demonstrate that sites in residential areas will be able to accommodate all activities (including parking and play areas) required on the site.	Acceptable - the site is greater than 1,000m <sup>2</sup>
<b>Landscaping</b>		
On site landscaping and landscape of all adjoining verge areas, in accordance with the Scheme, to provide an attractive setting and contribute to the streetscape.	A reduction in the on-site landscaping requirement is associated with additional verge landscaping.	Acceptable - Proposed landscaping is consistent with the policy. Refer to the built form section of the report.
<b>Design</b>		
Development has the appearance of natural materials i.e. recycled clay face brick, vertical and horizontal patterns of timber cladding, rammed earth construction, earth block features, natural stone elements for columns, sheltering gable roof. Measures should be taken to ensure that play areas are large	Demonstrate that the development includes natural features to elevate the rural and natural character of the Shire. Demonstrate that the proposal is in keeping with the surrounding built and natural environment. Development in residential areas mimics residential urban patterns (front yard, central	Acceptable - refer to Built Form section of report.



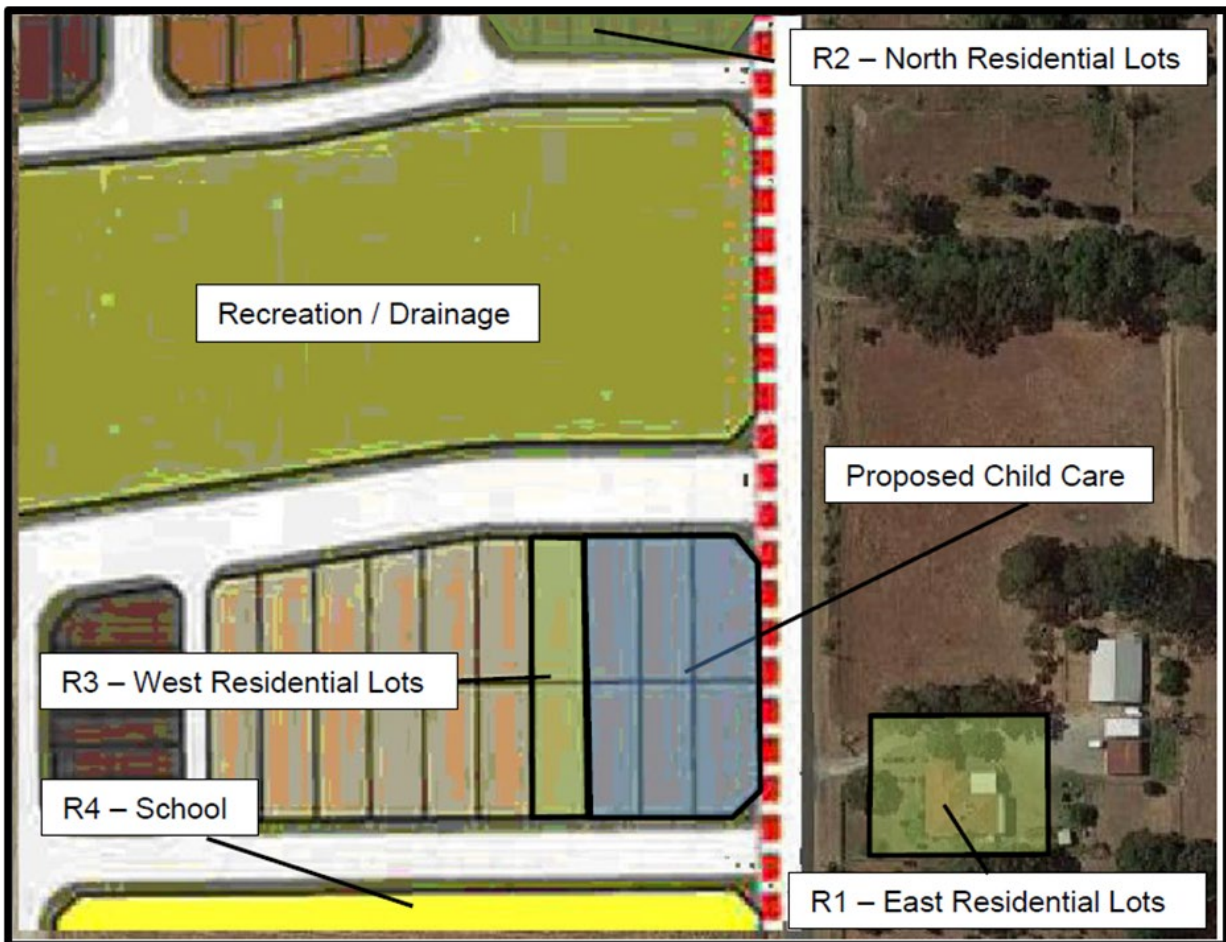
Acceptable Development	Performance Based	Officer Comment
enough and of such dimensions to be useful as play areas and positive outdoor space. Side setback and leftover building areas are not included for such purpose.	placed building, driveway to one size and rear backyard).	

Amenity

Clause 67 of the Deemed Provisions, namely clause (n), requires the Local Government to consider the amenity impacts of a development. Noise generated from the proposal has the potential to impact upon the amenity of the area, given the proximity of the proposal to future neighbouring residential dwellings to the west of the subject site (sensitive receptors).

To address noise, the applicant submitted an Environmental Acoustic Assessment (EAA) in accordance with the *Environmental Protection (Noise) Regulations 1997* (the Regulations). This can be viewed as **attachment 5**. The report assesses noise emissions from outdoor child play areas, car doors closing in the car park, car starting, car doors closing and mechanical plants (air conditioning units and exhaust extraction fans), against the prescribed standards the Regulations.

The Regulations set out the maximum allowable noise level that may be received at nearby sensitive receptors. In this case, computer modelling using the noise modelling program SoundPlan was used to predict noise emissions from the development at all sensitive receptors identified as (R1-R3) and the educational establishment School; (R4) as shown below and demonstrated within the EAA.



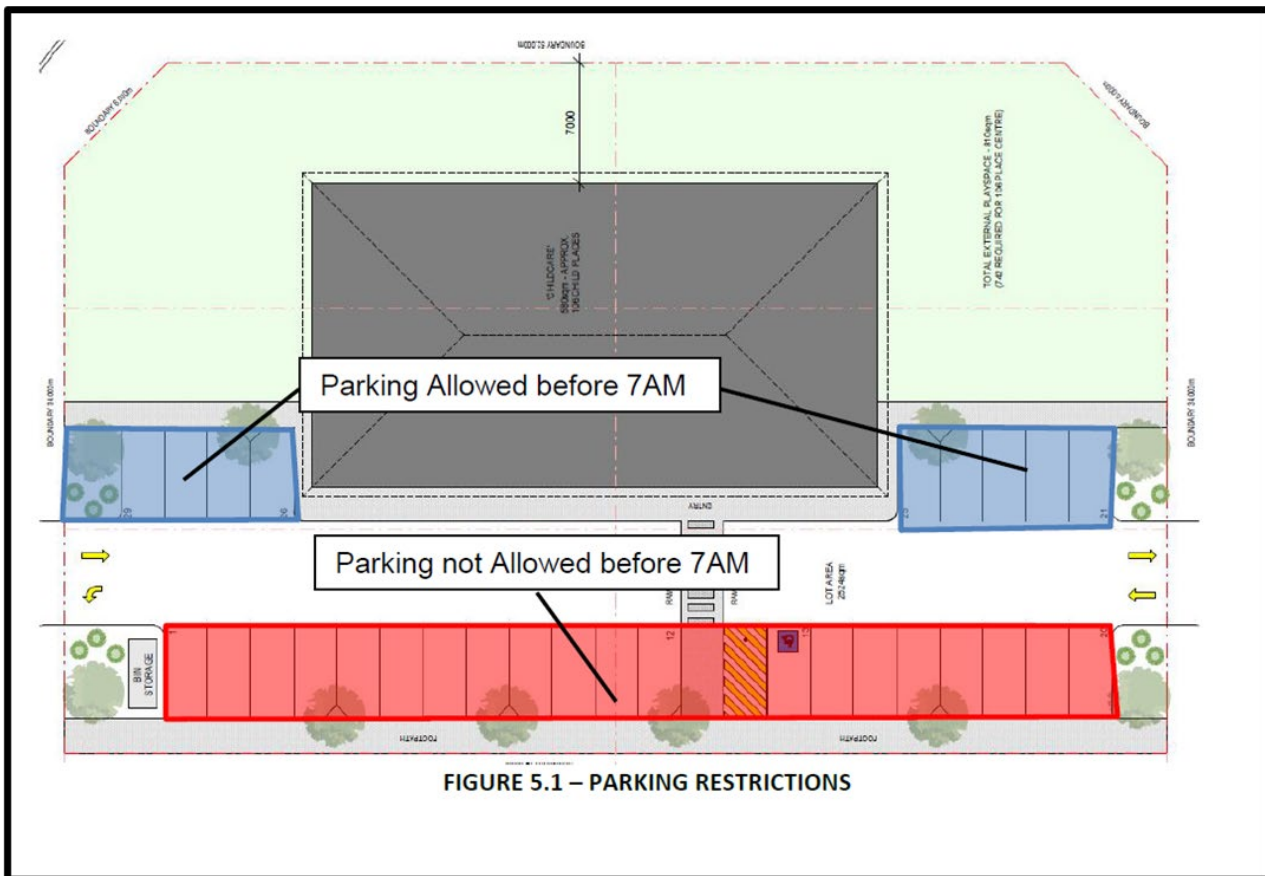


The predicted noise levels received at the future educational establishment (school), existing (R1) and future (R2 and R3) sensitive receptors within the EAA for the major noise sources, have been tabulated in Tables 6.4 to 6.9 of the EAA. The location of these sensitive receptors and noise receivers at this location have been captured in the above diagram.

In terms of the outdoor child play assessment, the EAA assessment demonstrates that all noise receivers will comply with the assigned levels under the regulations with zero exceedance. The acoustic modelling of outdoor play noise was made, based on the worst-case scenario of any age group of children within the outdoor play areas shown in the site plan. The noise modelling has been based on construction of a solid wall along the western boundary enclosing the carpark and surrounding the outdoor play area as shown in the site plan. The applicant has provided information that although the proposed facility would open before 7:00am (i.e. during the night period as set in the Regulations) for drop offs, however, the outdoor play area would only be used after 7:00am thereby restricting outdoor play times. As such, Officers are satisfied that outdoor play area noise received at the neighbouring future residences to the west from the outdoor play area would comply with the assigned and maximum noise levels.

In regard to the noise emitted from the mechanical plant, the ENA demonstrates that the future school and all existing and future sensitive receptors, comply with the assigned levels under the regulations Regulation. The applicant has provided information that the assessment of the mechanical plant noise (specific AC unit types) has not been modelled on the exact mechanical plant and therefore recommended the detailed design of the units to be reviewed to ensure that noise attenuation is applied to achieve compliance with the Regulatory requirement to the future sensitive receptors. This will include measures such as acoustic shielding of the units on all sides by a suitable barrier. This has been conditioned accordingly and required to be met prior to the issue of a building permit.

In respect to car movements, engines starting, doors opening and closing within the car park, ENA demonstrates that all noise receivers will comply with the assigned levels under the regulations for the existing nearby sensitive receptors. In order to achieve compliance for the future sensitive receptors from noise levels within the car park area, the applicant has provided information that parking bays to the west of the building (red) would not be permitted before 7:00am and bays to the south and north of the building (blue) will be reserved for staff and specifically those arriving before 7:00am only as shown in the diagram below.

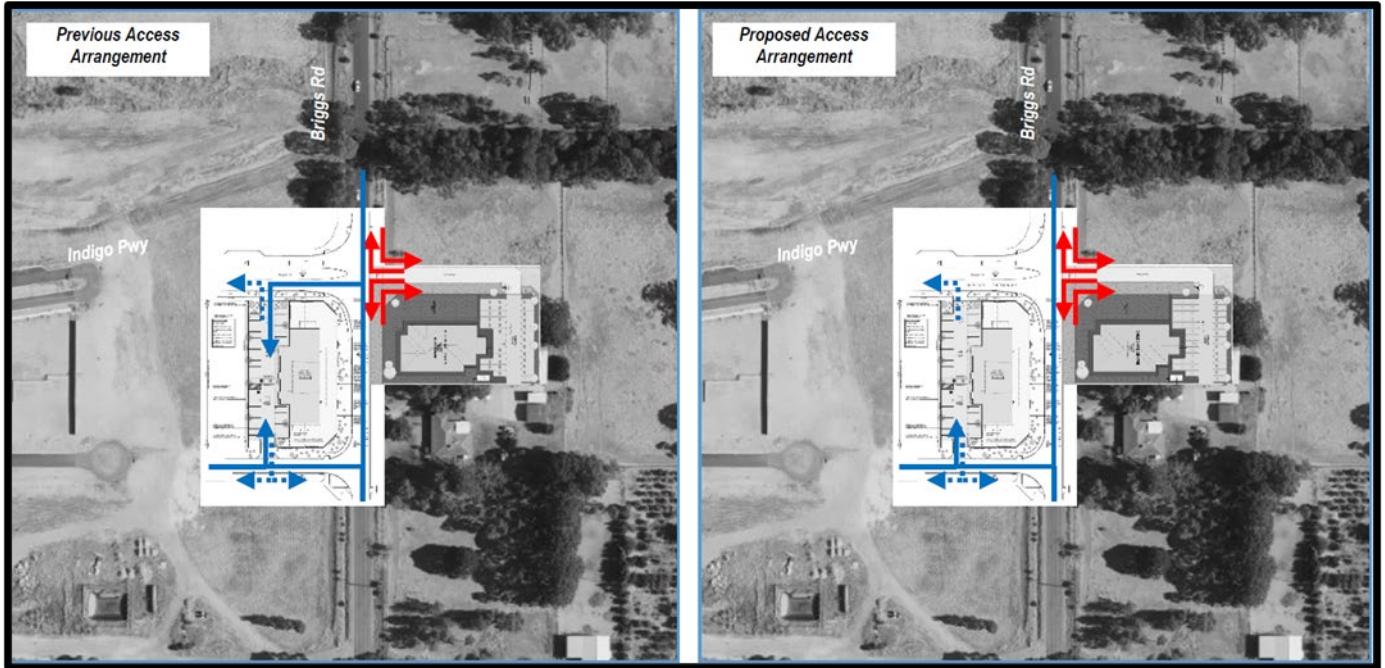


Overall, the ENA demonstrates that all noise receivers will comply with the assigned levels under the Regulations. Officers will be recommending a Noise Management Plan be submitted to address all activities associated with outdoor play and indoor child play to further reduce noise emissions from the development and to include the recommendations within ENA. Officers are satisfied that the development can be undertaken without adversely impacting upon the amenity of the locality.

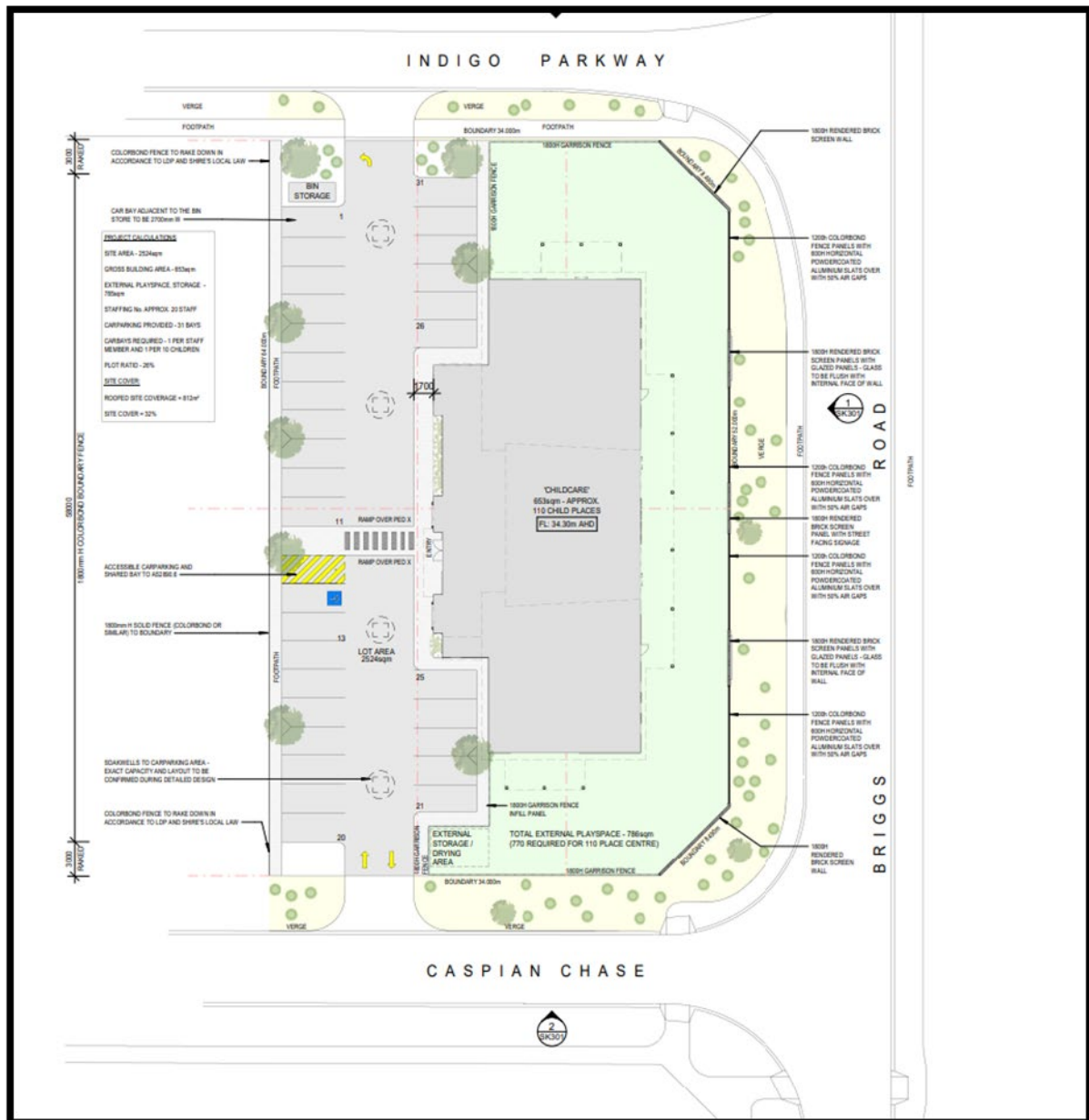
### Traffic and Access

The category of the vehicles associated with the proposed development will predominantly comprise of small passenger vehicles dropping off and picking up children, as well as staff and waste vehicles. During the consultation period concerns were raised over the impacts of increased traffic movements on Briggs Road and whether its current state would be capable to accommodate additional traffic generated by the proposal.

Vehicle access to the subject site is proposed via a single full movement crossover on Caspian Chase once constructed and initially a left in/left out movement crossover to Indigo Parkway once constructed to the north of the site. The north access/egress arrangement has been modified from the plans that were advertised, to respond to concerns regarding potential localised congestion. In this regard, to avoid possible queuing and congestion at the intersection of Briggs Road/Indigo Parkway for those vehicles wanting to access the site in a southbound direction on Briggs Road, the northern crossover has been modified to a left-out arrangement only. The proposed median strip as part of the design of Indigo Parkway at this section will also restrict the movement to left out only. This will divert vehicles to use the Caspian Chase full movement crossover, also removing potential conflict points with the access to the proposed adjoining child minding centre under a separate application as seen below. This will also address a concern raised during the public consultation.



Officers note that Caspian Chase and a portion of Indigo Parkway to Briggs Road are subject to the subdivision approval and will be constructed as T-intersections to Briggs Road as part of the Stage 7 subdivision approval of the Byford Meadows. A condition however, will also be imposed as part of this development to ensure the construction of the roads as the proposal also relies upon this. A condition will also be imposed to ensure the section of Briggs Road between Caspian Chase and Indigo Parkway is fully upgraded to an urban standard, given this will provide both interim and ultimate access to the centre for a portion of clients.

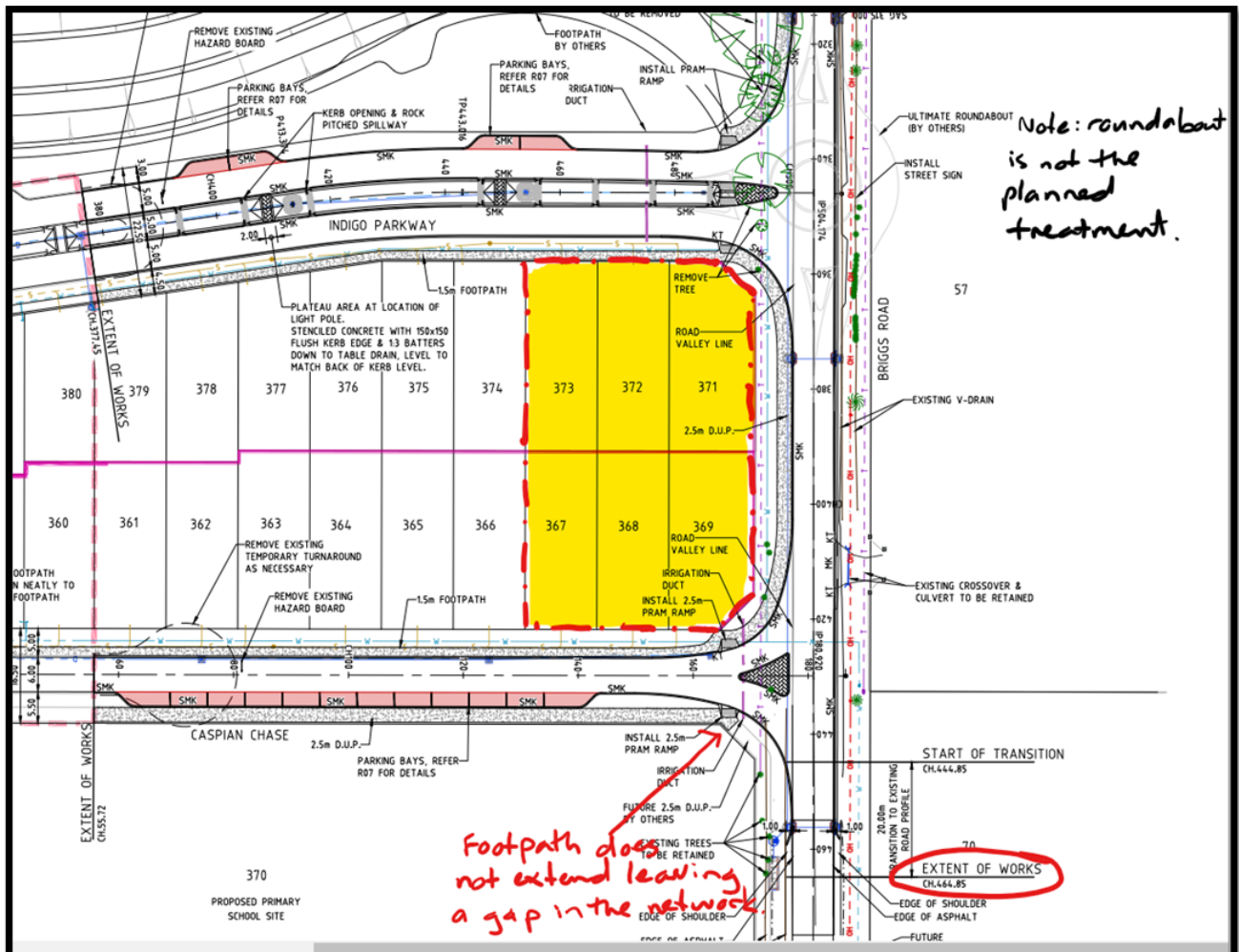


The proposed crossover on Caspian Chase will provide access to the main car park consisting of 31 bays (inclusive of one ACROD bay) as shown in the previous image. Footpaths along the interfacing roads would be constructed as part of the ongoing subdivisional works which would provide pedestrian access to the proposed development. A condition is however included to also secure the required footpath infrastructure that adjoins the frontages of this lot, which also extends to link to the footpath network (existing) on Larsen Road. This is important in order to facilitate safe pedestrian access to the proposed development. The existing network and additional footpath link to be conditioned, is shown following. This is essential in order to provide safe pedestrian access to the centre, for clients based to the south and east of the proposed development, consistent with the planning framework to ensure that all modes of transport are catered for.





With respect to the subdivision works currently underway to create the site, this shows that the extent of planned footpath works will not connect to the existing path on Larsen Road. This is the basis for the recommended condition.



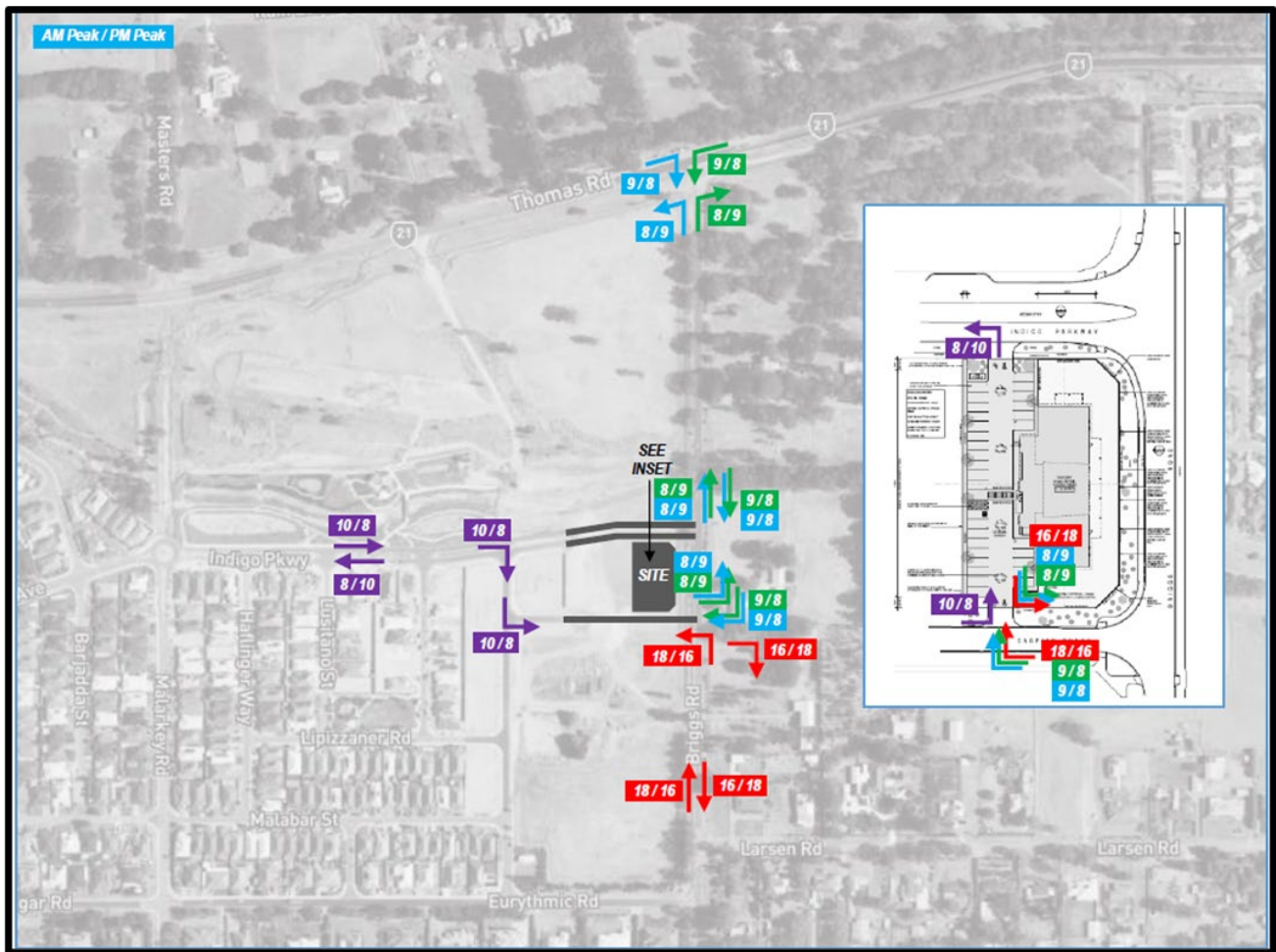


To assess the increased traffic movements on the road network and potential safety issues, a Transport Impact Statement (TIS) was provided with the application, which can be viewed in **attachment 6** to this report. The TIS assessed traffic generated by the proposed development and its potential impact on the overall performance of the existing and future surrounding local road network. This includes the current state of Briggs Road, Indigo Parkway Way, and Caspian Chase. Briggs Road is a Local Distributor Road and Indigo Parkway is an Access Road. Based on the approved LSP covering the site, Indigo Parkway will be upgraded to a Local Distributor and Caspian Chase will be an Access Road. Consistent with the planning for Byford and protection of the Byford Trotting Complex, Briggs Road is not intended to function as a Local Distributor Road, and has been carrying traffic associated with movements between Thomas Road and Abernethy Road, due to the delays in realising the ultimate traffic network as development of Byford continues. These issues are discussed following, including the rationale for various conditions dealing with road upgrades.

#### Existing Network

The findings on the volume of traffic likely to be generated by the proposal to the site, based on the existing network was estimated using available trip generation rates from the Institute of Transportation Engineers (ITE). The TIS identifies that the development will generate 450 vehicle trips per day within the local catchment. The AM peak period generating 86 vehicle trips to the site and a PM peak flow of 87 trips generated. The movements to the site with to and from the site as follows and as depicted on the diagram:

- 40% north along Briggs Road split evenly in both directions along Thomas Road
- 40% south along Briggs Road / Larsen Road / Eurythmic Road
- 20% west along Indigo Parkway



The predicted AM/PM trip generation peak periods fall under the 'moderate impact' category according to WAPC Transport Impact Assessment Guidelines.

This moderate impact, however, will in the opinion of Officers, exacerbate the section of Briggs Road which is not being upgraded to a suitable standard to accommodate the planned increase in traffic. There is a 160m section of Briggs Road south of Caspian Chase, that is designated as 'Very Poor' according to the 2023 asset data capture. The current engineering drawings that will create the subject site, result in upgrades north of Caspian Chase, but not south. The section of concern is shown following:



As the approved engineering drawings (refer **attachment 8**) for the adjoining subdivision do not indicate the upgrade to this section of Briggs Road, Officers are of the opinion that the road upgrade standard north of Caspian Chase, needs to be continued south of Caspian Chase by 160m to eliminate the risk posed by the very poor section of road.

Without a suitable upgrade, the very poor section of Briggs Road will, in the opinion of Officers, be a risk exacerbated by the intensification of traffic proposed by the development. Accordingly, a condition is recommended to require the upgrade to this section of road, in order to create an acceptable road and pedestrian infrastructure outcome.

The WAPC Transport Impact Assessment Guidelines (2016) provides guidance on the assessment of traffic impacts:

*“As a general guide, an increase in traffic of less than 10 per cent of capacity would not normally be likely to have a material impact on any particular section of road but increases over 10 per cent may. All sections of road with an increase greater than 10 per cent of capacity should therefore be included in the analysis. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 per cent of capacity. Therefore, any section of road where development traffic would increase flows by more than 100 vehicles per hour for any lane, should be included in the analysis.”*

In Officers assessing this aspect of the TIS, the actual deteriorated section of Briggs Road does not represent a current infrastructure standard that can safely manage the planned increase in traffic. To address this aspect, a road upgrade is needed to enable the proposed development to safely operate based on the expected traffic demands which show in the interim period 40% of traffic coming from the south.

#### Future network

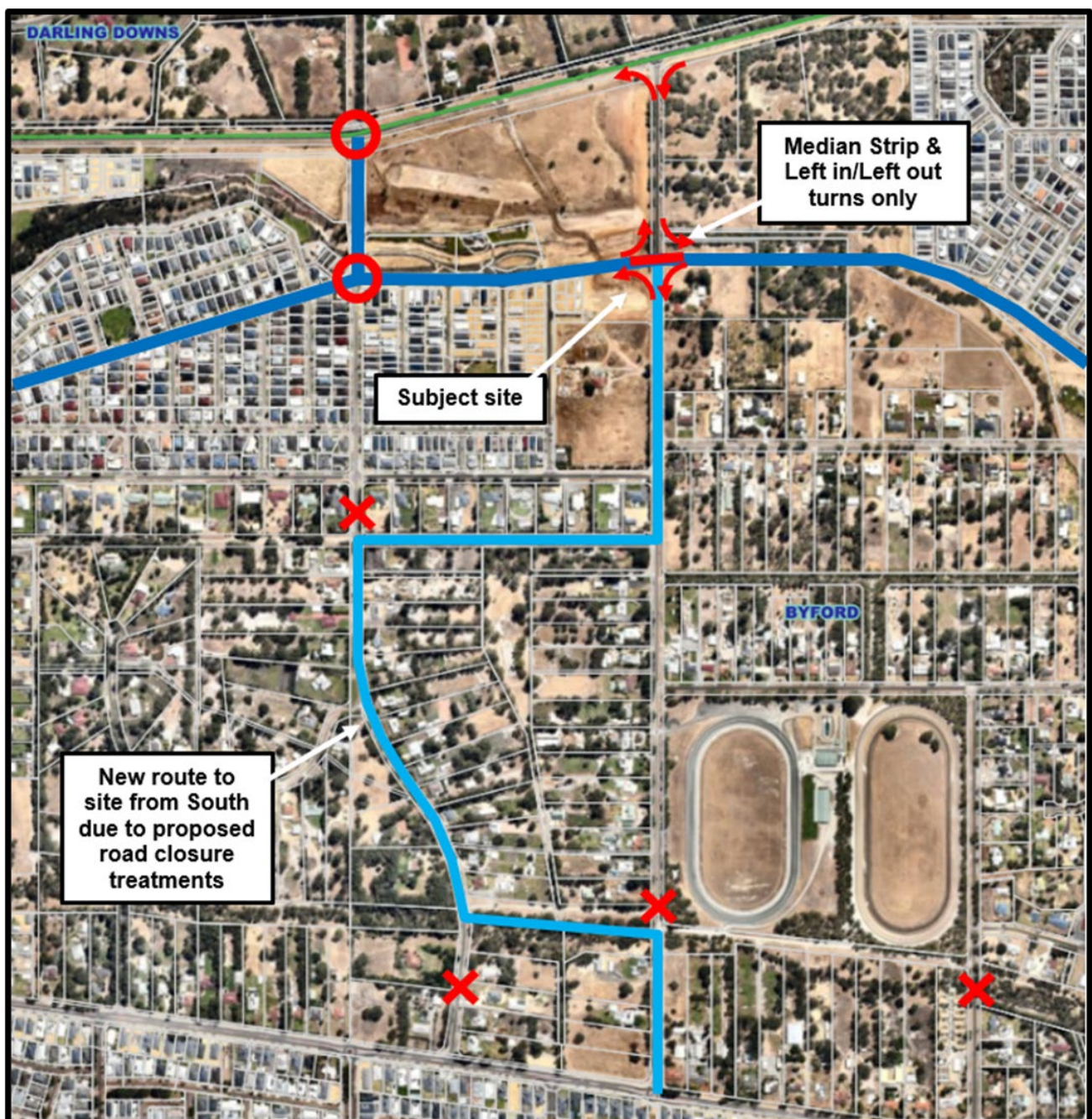
In the longer term, various proposed changes to the surrounding road network will redistribute the child care centre traffic. This is based upon the approved Byford DSP, which depicts the ultimate network structure which aims to avoid traffic flows running through the Byford Trotting Complex along Briggs Road and Malarkey Road.



The changes to the network in the future are as follows:

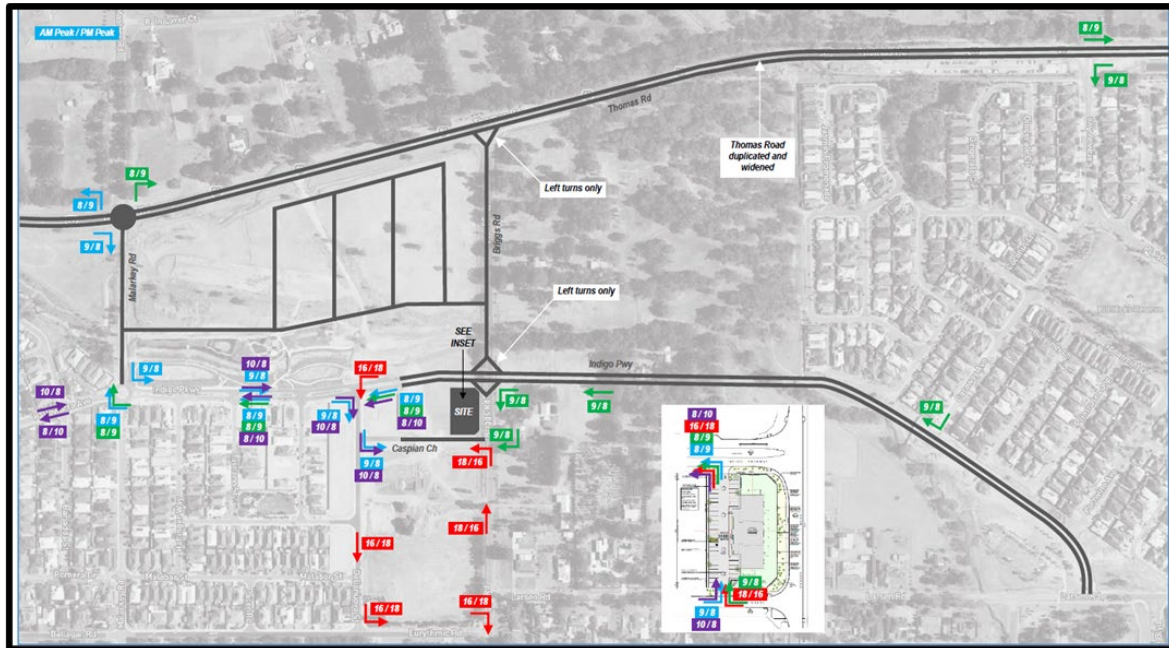
- Thomas Road / Briggs Road intersection will be modified to only allow left turns.
- Briggs Road north of Abernethy Road will be modified to limit through traffic in the Byford Trotting Complex.
- Malarkey Road will be extended north to Thomas Road, and new roundabouts will be constructed on Thomas Road at Malarkey Road/Master Road and Kardan Boulevard.
- The Thomas Road / Plaistowe Boulevard intersection will be signalised.
- The median strip along Indigo Parkway will be extended across Briggs Road to block right turns and through movements along Briggs Road.

The long-term changes to the road network is depicted in the diagram below:





The estimated distribution over the long-term traffic network is seen below:



As shown, the proposed development will not increase the traffic volume on any particular section of the road by more than 100 vehicles per hour and provided the previously mention condition of upgrading the 160m section of Briggs Road occurs, the development is unlikely to have an adverse impact on the road network in the future.

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

The objective of LPP1.6 is to facilitate per cent for art to enhance public enjoyment, engagement and understanding of places through the integration of public art. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater.

Officers note that the applicant has not provided any details for a public art feature within the design of the development. Should the application be approved, a percentage for art condition of development approval would be recommended by way of a condition, consistent with the policy.

#### Local Planning Policy 4.11 (LPP4.11) - Advertising

Local Planning Policy LPP 4.11 - Advertising sets out development standards and requirements for advertisements. The plans, as submitted, have identified nominal wall signage for the proposal integrated into the façade of the development. No detailed drawings of the signage were provided with the application.

If the application is approved, a signage plan will be required to be prepared and approved prior to operation of the development, to ensure any signage is compliant with the policy.

#### Local Planning Policy 4.15 (LPP4.15) - Bicycle Facilities

LPP4.15 provides guidance to developers on the design and requirements of bicycle parking and end of trip facilities for each specific land use. In accordance with the policy, bicycle facilities are to be provided in accordance with Schedule 1 of the policy.

Officers note that the applicant has not provided any details or provisions for a bicycle rack. If the application were to be approved, the applicant would be required to comply with the requirements of the policy.



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### Local Planning Policy 2.4 - Water Sensitive Design

LPP2.4 aims to maximise water efficiency by encouraging best practice urban water management methods. The policy aims to ensure water sensitive design best management practices are implemented for new developments with the Shire.

A Stormwater and Drainage Management Plan (SMP) will be required, demonstrating how stormwater is managed and shall be provided prior to issue of a Building Permit.

### Local Planning Policy 24 (LPP24) - Designing Out Crime

LPP24 encourages commercial development to incorporate principles of Crime Prevention through Environmental Design (CPTED). LPP24 sets out five key crime prevention principles that are to be applied to different levels of the planning framework according to the policy. A development application needs to be assessed against the principles of the policy. The principles relate to surveillance, access control, territorial reinforcement, target hardening, management, and maintenance.

It is considered that the corner location of the site affords the site with a high level of passive surveillance. In addition, proposed activity spaces and outdoor play areas face public streets and facilitate passive surveillance over the public realm.

### State Planning Policy 3.7 - Planning in Bushfire Prone Areas

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

Pursuant to the provisions of SPP3.7, the application included a Bushfire Management Plan (BMP) for the subject site. The BMP which can be viewed as **attachment 7** states that on completion the proposed childcare center is expected to achieve a compliant BAL-29 or lower outcome, under the vegetated scenario.

As a Child-Minding Centre is a vulnerable land use, the application has been referred to DFES for assessment. DFES has recommended modifications to be undertaken to the submitted Bushfire Management Plan. These modifications primarily relate to the justification on the classification of vegetation plots on the west that have been excluded and management of vegetation within the Public Open Space. The BMP currently excluded these plots and identified vegetation within them as a low threat. Officers consider vegetation within the public open space would be maintained to an appropriate APZ standard by the Shire.

### Development Contributions (DCA1)

This development falls within the development contribution area DCA1 (Area A) and as such is required to contribute towards the cost of common infrastructure under the Byford Traditional Development Contribution Plan.

Under a Development Application (as opposed to a subdivision), contributions are calculated on the current lot area on which the development is situated, giving a lot "yield" for the site. The liability to pay the contribution is triggered at the building permit stage, and thus the DCP payment will be applied as a development condition needing to be met prior to the issue of a Building Permit.



## Options and Implications

### Option1

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Joint Assessment Panel APPROVES the development application for the construction of a 'Child Minding Centre' at Lot 9511 Briggs Road, Byford subject to the following conditions:
  - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	Development Plans received at the Shire Offices on 22 February 2023 and 21 April 2023. Updated Transport Impact Statement received at the Shire Offices on 21 April 2023. Environmental Acoustic Assessment dated 30 January 2023 received at the Shire Offices on 22 February 2023. Bushfire Management Plan received at the Shire's Offices on 22 February 2023.
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- b. The maximum number of children on the premises shall not exceed 110.
- c. The operating hours shall be between 6:30am and 7:00pm, Monday to Friday.
- d. Prior to issue of a Building Permit, the subject lots being amalgamated to create one single allotment.
- e. Prior to issue of a building permit, detailed plans being submitted to and approved by the Shire, depicting the following road and footpath infrastructure upgrades:
  - (i) The full extension of Indigo Parkway to Briggs Road as a 'T' intersection with a median strip constructed up to Briggs Road;
  - (ii) The full extension of Caspian Chase as a 'T' intersection up to Briggs Road;
  - (iii) The existing footpath on Larsen Road being extended west across Briggs Road, then north to connect with the footpath infrastructure across the full frontage of the development site;
  - (iv) The 160m section of Very Poor Condition of Briggs Road from Caspian Chase south, being upgraded to match the upgrades occurring north of Caspian Chase, as shown on Drawing Number BYFGGC12-R01 (**attachment 8**). This includes a road upgrade to that section of road, to become a sealed, kerbed and drained road, with concrete footpath on the western side verge.

Once approved, the applicant must undertake and complete all infrastructure upgrade works prior of the commencement of the development's operations.

- f. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained and line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.





- g. A minimum of one car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
- h. Prior to issue of a Building Permit, the applicant shall submit a Noise Management Plan to the specifications and satisfaction of the Shire of Serpentine Jarrahdale. The Noise Management Plan shall be prepared to ensure appropriate measures are designed and implemented for the development to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*, with particular regard to the following points:
- (i) The design of the wall on the west side of the carpark;
  - (ii) The management of outdoor play areas;
  - (iii) The management of indoor activities;
  - (iv) The design and shielding of mechanical plant;
  - (v) Parking arrangement for drop off before 7:00am.

Once approved, the Noise Management Plan shall be implemented in its entirety to the satisfaction of the Shire. The plan shall demonstrate the development incorporating all design and operational recommendations as specified within the Environmental Acoustic Assessment, to the satisfaction of the Shire of Serpentine Jarrahdale where associated with construction requirements integrated into plans submitted for a building permit.

- i. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Waste Management Plan shall be implemented in its entirety to the satisfaction of the Shire.
- j. Prior to the issue of a Building Permit, a Landscape and Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is required to include the full extent of verge adjoining the development site. Once approved, the Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter by the operator, to the Shire's satisfaction.
- k. Prior to the issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. All stormwater shall be directed so stormwater is disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted. Stormwater may be managed through either soak wells, raingardens or a combination of the two.
- l. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the Strategy.
- m. Prior to occupation of the development, the provision of percent for art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
- n. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing common infrastructure, as established through Amendment 208 (once gazetted) to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.



- o. Prior to issue of a Building Permit, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
- p. Prior to issue of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
  - (i) Management of car parking, delivery vehicles and traffic associated with the construction of the development.
  - (ii) Management of dust and noise.

### Option 2

That Council RESOLVES the following alternative Responsible Authority Recommendation

1. That the Metro Outer Development Assessment Panel REFUSES the application for a 'Child Minding Centre' development at Lot 9511 Briggs Road, Byford due to the following reasons:
  - a. The size of the development poses an adverse amenity impact on the surrounding current and future sensitive land uses in the area;
  - b. The current road condition of Briggs Road, 160m south of the subject land, is in Very Poor Condition and cannot safely accommodate additional traffic generated by this development;
  - c. The current footpath network will not be linked to the development, and represents an unsafe access situation for pedestrian to access the development.

Option 1 is recommended.

### **Conclusion**

This report is presented to Council to endorse a Responsible Authority Reports for the Metro Outer Development Assessment Panel for a 'Child Minding Centre' development in the western portion of Byford. Officers consider that the development is consistent with the planning framework, provided conditions are imposed to address the relevant incidental matters that relate to the proposed development. The proposed development will increase the child care services and provide employment opportunities for the local community that will assist to support the population growth within the Shire. Officers are satisfied that the conditions recommended will address concerns raised during public submissions and it is considered to not adversely impact upon the existing amenity of the area.

As such, for the reasons outlined in the report, it is recommended that Council approve the application subject to conditions.

**Attachments (available under separate cover)**

- **10.1.3 - attachment 1** - Responsible Authority Report (E23/5176)
- **10.1.3 - attachment 2** - Development Plans (E23/4827)
- **10.1.3 - attachment 3** - Summary of Submissions (E23/3665)
- **10.1.3 - attachment 4** - Deemed Provisions Regulations Clause 67 (E23/5246)
- **10.1.3 - attachment 5** - Updated Traffic Impact Assessment (E23/5243)
- **10.1.3 - attachment 6** - Environmental Acoustic Assessment (E23/4811)
- **10.1.3 - attachment 7** - Bushfire Management Plan (E23/5247)
- **10.1.3 - attachment 8** - Engineering Drawing No. BYFGGC12-R01 (E23/5758)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

Nil.



**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council RESOLVES the Responsible Authority Recommendation for the MOJDAP to approve the application, and MODAP propose approval without the full extent of conditions necessary.	A clearly explained report that addresses the validity of each condition.	Social / Community Outcomes	Possible	Moderate	MODERATE	If MODAP were seeking to approve, the provision of the RAR contains justification to the conditions.
2	That Council RESOLVES the Responsible Authority Recommendation for the MOJDAP to refuse the application, and MODAP propose approval without the full extent of conditions necessary.	Panning Framework	Organisational Performance	Possible	Moderate	MODERATE	If MODAP were seeking to approve, the provision of the RAR would include reference to Option 1 so would be a basis to ensure conditions were made aware to MODAP.

**Voting Requirements:** Simple Majority

**Officer Recommendation**

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Joint Assessment Panel APPROVES the development application for the construction of a 'Child Minding Centre' at Lot 9511 Briggs Road, Byford subject to the following conditions:
  - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	Development Plans received at the Shire Offices on 22 February 2023 and 21 April 2023.
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	<p>Updated Transport Impact Statement received at the Shire Offices on 21 April 2023.</p> <p>Environmental Acoustic Assessment dated 30 January 2023 received at the Shire Offices on 22 February 2023.</p> <p>Bushfire Management Plan received at the Shire's Offices on 22 February 2023.</p>
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- b. The maximum number of children on the premises shall not exceed 110.
- c. The operating hours shall be between 6:30am and 7:00pm, Monday to Friday.
- d. Prior to issue of a Building Permit, the subject lots being amalgamated to create one single allotment.
- e. Prior to issue of a building permit, detailed plans being submitted to and approved by the Shire, depicting the following road and footpath infrastructure upgrades:
  - (i) The full extension of Indigo Parkway to Briggs Road as a 'T' intersection with a median strip constructed up to Briggs Road;
  - (ii) The full extension of Caspian Chase as a 'T' intersection up to Briggs Road;
  - (iii) The existing footpath on Larsen Road being extended west across Briggs Road, then north to connect with the footpath infrastructure across the full frontage of the development site;
  - (iv) The 160m section of Very Poor Condition of Briggs Road from Caspian Chase south, being upgraded to match the upgrades occurring north of Caspian Chase, as shown on Drawing Number BYFGGC12-R01 (attachment 8). This includes a road upgrade to that section of road, to become a sealed, kerbed and drained road, with concrete footpath on the western side verge.

Once approved, the applicant must undertake and complete all infrastructure upgrade works prior of the commencement of the development's operations.

- f. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained and line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. A minimum of one car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
- h. Prior to issue of a Building Permit, the applicant shall submit a Noise Management Plan to the specifications and satisfaction of the Shire of Serpentine Jarrahdale. The Noise Management Plan shall be prepared to ensure appropriate measures are designed and implemented for the development to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*, with particular regard to the following points:
  - (i) The design of the wall on the west side of the carpark;
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  - (iii) The management of indoor activities;
  - (iv) The design and shielding of mechanical plant;



(v) Parking arrangement for drop off before 7:00am.

Once approved, the Noise Management Plan shall be implemented in its entirety to the satisfaction of the Shire. The plan shall demonstrate the development incorporating all design and operational recommendations as specified within the Environmental Acoustic Assessment, to the satisfaction of the Shire of Serpentine Jarrahdale where associated with construction requirements integrated into plans submitted for a building permit.

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- j. Prior to the issue of a Building Permit, a Landscape and Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is required to include the full extent of verge adjoining the development site. Once approved, the Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter by the operator, to the Shire's satisfaction.
- k. Prior to the issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. All stormwater shall be directed so stormwater is disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted. Stormwater may be managed through either soak wells, raingardens or a combination of the two.
- l. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the Strategy.
- m. Prior to occupation of the development, the provision of percent for art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
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- p. Prior to issue of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
  - (i) Management of car parking, delivery vehicles and traffic associated with the construction of the development.
  - (ii) Management of dust and noise.



OCM097/05/23

**COUNCIL RESOLUTION****Moved Cr Strautins, seconded Cr Dagostino****That Council RESOLVES the following Responsible Authority Recommendation:**

**1. That the Metro Outer Joint Assessment Panel APPROVES the development application for the construction of a ‘Child Minding Centre’ at Lot 9511 Briggs Road, Byford subject to the following conditions:**

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

<b>Plans and Specifications</b>	<p><b>Development Plans received at the Shire Offices on 22 February 2023 and 21 April 2023.</b></p> <p><b>Updated Transport Impact Statement received at the Shire Offices on 21 April 2023.</b></p> <p><b>Environmental Acoustic Assessment dated 30 January 2023 received at the Shire Offices on 22 February 2023.</b></p> <p><b>Bushfire Management Plan received at the Shire’s Offices on 22 February 2023.</b></p>
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- b. The maximum number of children on the premises shall not exceed 110.**
- c. The operating hours shall be between 6:30am and 7:00pm, Monday to Friday.**
- d. Prior to issue of a Building Permit, the subject lots being amalgamated to create one single allotment.**
- e. Prior to issue of a building permit, detailed plans being submitted to and approved by the Shire, depicting the following road and footpath infrastructure upgrades:**
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  - (iv) The 160m section of Very Poor Condition of Briggs Road from Caspian Chase south, being upgraded to match the upgrades occurring north of Caspian Chase, as shown on Drawing Number BYFGGC12-R01 (attachment 8). This includes a road upgrade to that section of road, to become a sealed, kerbed and drained road, with concrete footpath on the western side verge.**

**Once approved, the applicant must undertake and complete all infrastructure upgrade works prior of the commencement of the development’s operations.**

**f. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained and line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.**



- g. A minimum of one car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
- h. Prior to issue of a Building Permit, the applicant shall submit a Noise Management Plan to the specifications and satisfaction of the Shire of Serpentine Jarrahdale. The Noise Management Plan shall be prepared to ensure appropriate measures are designed and implemented for the development to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*, with particular regard to the following points:
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  - (iv) The design and shielding of mechanical plant;
  - (v) Parking arrangement for drop off before 7:00am.
- Once approved, the Noise Management Plan shall be implemented in its entirety to the satisfaction of the Shire. The plan shall demonstrate the development incorporating all design and operational recommendations as specified within the Environmental Acoustic Assessment, to the satisfaction of the Shire of Serpentine Jarrahdale where associated with construction requirements integrated into plans submitted for a building permit.
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- k. Prior to the issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. All stormwater shall be directed so stormwater is disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted. Stormwater may be managed through either soak wells, raingardens or a combination of the two.
- l. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the Strategy.
- m. Prior to occupation of the development, the provision of percent for art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
- n. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/ applicant to contribute towards the costs of providing common infrastructure, as





established through Amendment 208 (once gazetted) to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

- o. Prior to issue of a Building Permit, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
- p. Prior to issue of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
  - (i) Management of car parking, delivery vehicles and traffic associated with the construction of the development.
  - (ii) Management of dust and noise.
- q. Prior to operation of the development, a suitable pedestrian crossing treatment comprising of crossing lights shall be provided between the subject land and the public open space on the north side of Indigo Parkway, to the satisfaction of the Shire on advice of Main Roads WA (who will be required to separately approve such crossing treatment and lights).

**CARRIED 6/3**

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

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

*Reason for difference to Officer Recommendation*

*The inclusion of pedestrian crossing lights in consideration of Local Planning Policy 4.24 and the Department of Planning, Lands and Heritage Planning Bulletin 72/2009.*



**10.1.4 - Proposed 'Patio' - Lot 345, 1 Daran Way, Byford (PA23/61)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g., under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Armadale Byford patios
Owner:	Sarah Jones
Date of Receipt:	8 February 2023
Lot Area:	545m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Urban development'
Metropolitan Region Scheme Zoning:	'Residential'

**Report Purpose**

The purpose of this report is for Council to consider a development application for the construction of a new patio (replacement) and extensions to an existing patio at Lot 345, 1 Daran Way, Byford.

The development seeks variations to the Deemed-to-Comply requirements of State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes) by way of reduced setbacks to both the northern and western lot boundaries.

An objection was received against the patio setback variation to the northern. As such, the focus of the report is the setback variation to the northern boundary. The proposed setback to the western boundary is considered by Officers to meet the 'Design Principles' of the R-Codes.

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

Notwithstanding the objection received, the proposal is considered consistent with the planning framework, and expected amenity of the area. For the reasons detailed in the report, Officers recommend that Council approve the development application subject to conditions.

**Relevant Previous Decisions of Council**

There are no previous Council decisions relating to this application.



## Background

The subject site is located at the corner of Daran Way and Ballawarra Avenue, Byford. The site is zoned 'Urban Development' under Town Planning Scheme No. 2 (TPS2) and is designated 'Residential' as part of the Redgum Brook South Local Structure Plan.

### Existing Development

The subject site is 545m<sup>2</sup> in area and is located within the 'Urban Development' zone of Byford. The subject site is currently developed with a dwelling which was approved in February 2007 and two patios, which were approved in October 2020. The general locality comprises of residential developments. The immediate surrounding lots within Daran Way and Ballawarra Avenue are similarly sized and are also zoned 'Urban Development'. The wider surrounding locality is also zoned 'Urban Development'.



Image 1 - Aerial Image

### Proposed Development

The application seeks approval for the construction of a new patio to replace the existing patio on the northern boundary (with the same dimensions), and to extend the existing patio on the western boundary. The application proposes the following:

#### Replacement Patio:

Proposes a wall length of 7.59m and width of 3.1m, with a wall height of 2.3m and ridge height of 2.8m. The patio is proposed to maintain the 0.5m set back from the northern lot boundary.

#### Patio Extensions:

Northern extension of existing patio



- The patio extensions comprise of a 4.3m to the north, patio width of 3.6m, a wall height of 2.3m and a ridge height of 2.8m. The proposed extensions maintain the 0.5m set back to the northern boundary.

Southern extension of existing patio

- The patio extensions comprise of a 2.9m extension to the south, with a width of 3.6m, a wall height of 2.3m and a ridge height of 2.8m. The proposed extensions maintain a 3.2m set back to the southern boundary.

The replacement patio and the northern extension of the existing patio will result in 11.1m of patio wall set back 0.5m. The length of wall is in two places across the northern boundary and not continuous as shown in the image below. The development variation to the northern boundary forms the focus of this report. The remainder of the development and setback variation along the western boundary is supported by Officers as it meets the 'Design Principles' of the R-Codes.

Full details of the proposal are contained within **attachment 1**. The proposed plans and elevations can be seen below.

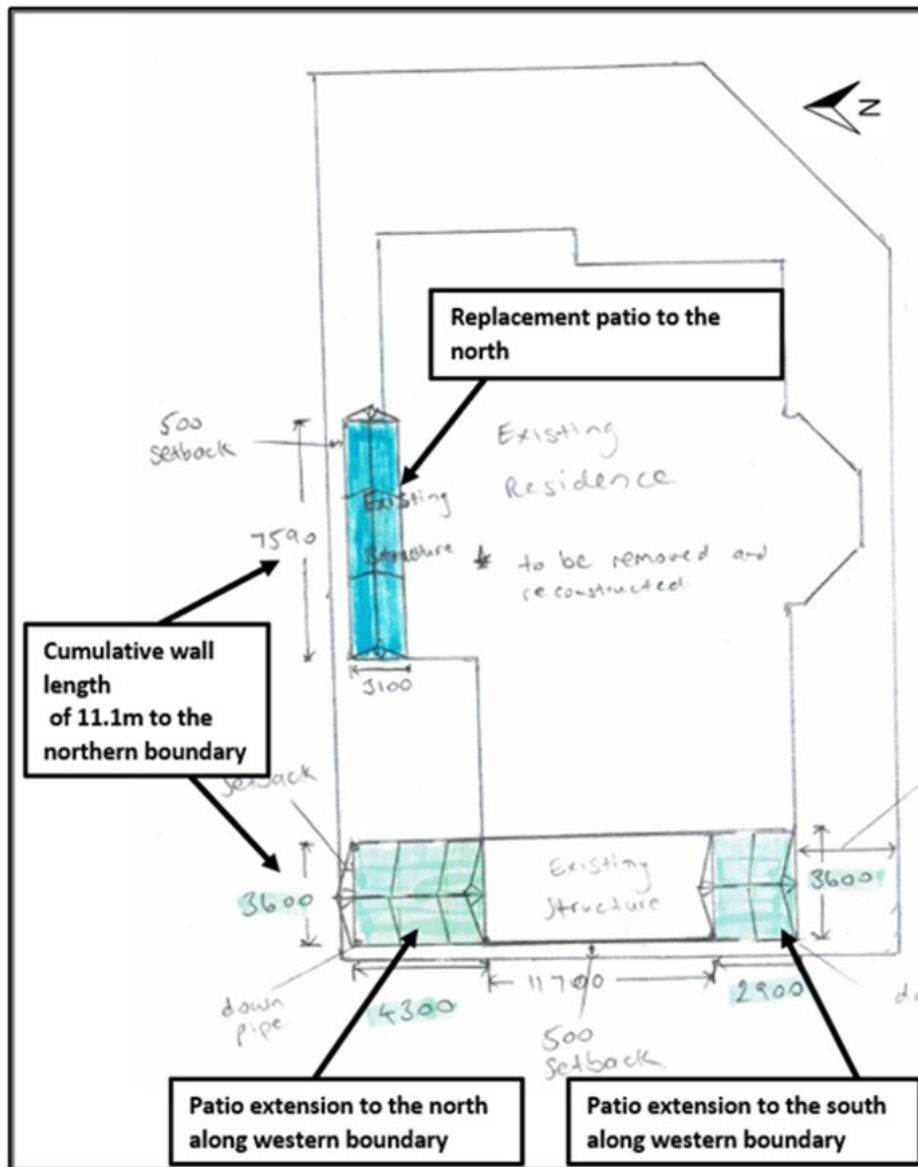


Image 2 - Site Plan

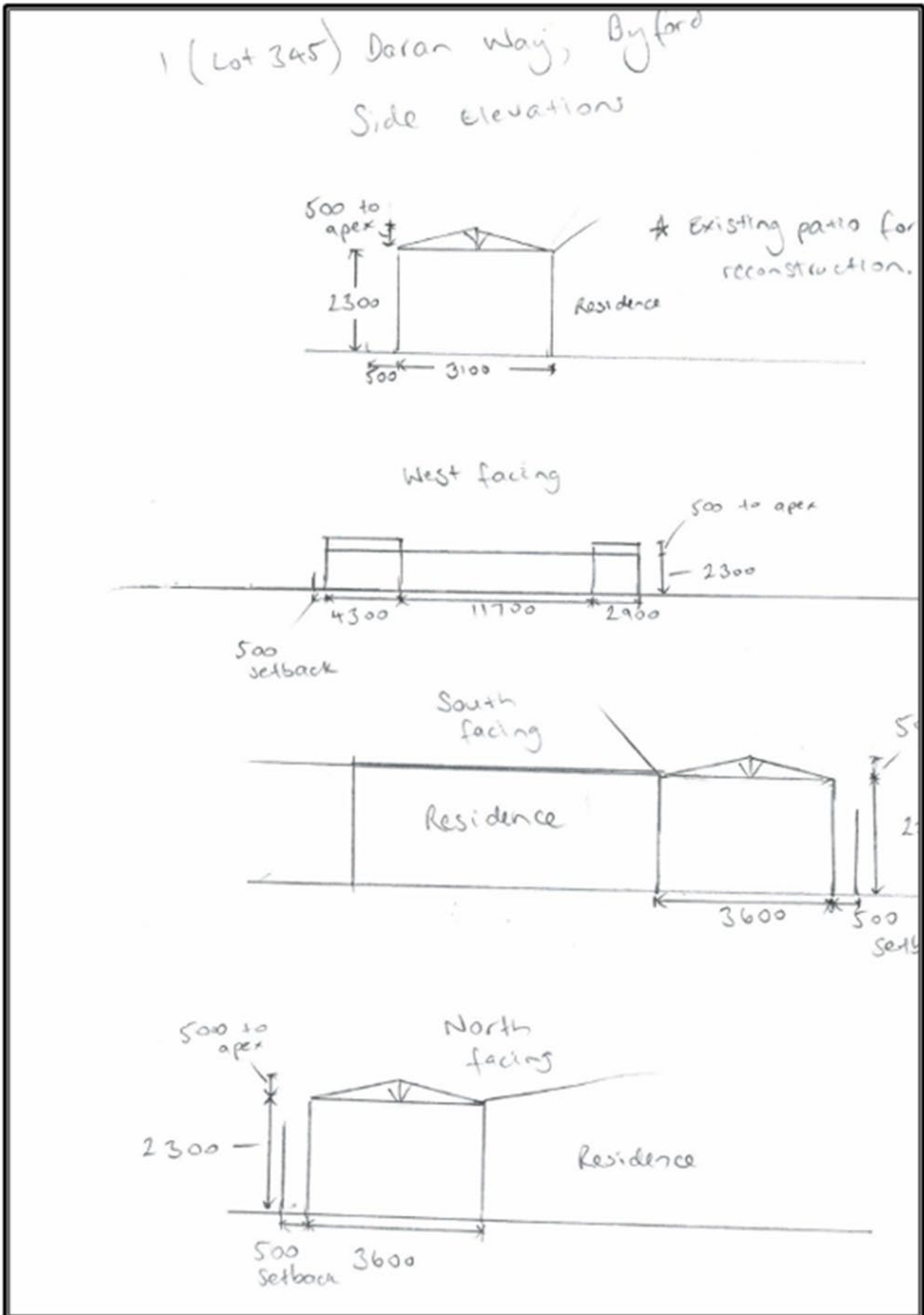


Image 3 - Elevations



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## **Community / Stakeholder Consultation**

The application was advertised to adjoining landowners for a period of 21 days from 8 February 2023 to 1 March 2023, in accordance with the Shire's Local Planning Policy 1.4 - Public Consultation for Planning. During this period, one submission was received objecting to the proposal. A full copy of the submission, together with the Officers response is contained within **attachment 2**. The objection is summarised below:

- Noise due to reduced setback

*"If they have a party over or their kids are outside playing, we often have to close those windows and doors to keep the noise levels down".*

- Amenity Impacts resulting from reduced setback

*"By extending at the rear of the block this now impedes my son's bedroom. He is 2 years old so you can imagine he sleeps more than us adults do. It also brings more structures closer to our house impacting our quality of life".*

Officer Comment:

These concerns, as summarised above, have been addressed in the 'Planning Assessment' section of this report.

## **Statutory Environment**

### Legislation

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

### State Government Policies

- *State Planning Policy 7.3 - Residential Design Codes (Volume 1)*

### Local Planning Framework

- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2*
- *Shire of Serpentine Jarrahdale Draft Local Planning Scheme No. 3*
- *Local Planning Policy 4.1 - Consultation for Planning Matters*

## **Planning Assessment**

A full technical assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions, which can be viewed in **attachment 3**. For the purpose of this report, discussion is confined to the objection resulting in the item being presented to Council and where Council is required to exercise discretion.

### Land Use

The subject site is zoned 'Urban Development' under TPS2 and designated 'Residential' under the Redgum Brook Local Structure Plan (LSP). The proposal falls within the 'Residential - Single House' land use, which is a permitted use in the 'Residential' zone, as designated by the LSP. The land use is therefore considered consistent with the planning framework.

**State Planning Policy 7.3 - Residential Design Codes (R-Codes)**

A full R-Code assessment has been included as part of **attachment 3** to this report. The proposed variation is associated with the setback of the replacement patio and extensions to the existing patio to the northern boundary. The 'Deemed to Comply' requirements of Clause 5.1.3 (C3.1) (i) of the R-Codes for patios can be seen in the below table assessed against the proposed development.

<b>Patio</b>	<b>Wall Length</b>	<b>Wall Width</b>	<b>Wall Height</b>	<b>Ridge Height</b>	<b>Proposed Setback to Northern Boundary</b>	<b>Deemed to comply Set back to North Boundary</b>	<b>Variation</b>
Replacement Patio (North)	7.5m	3.1m	2.3m	2.8m	0.5m	1m	Yes (0.5m)
Patio Extension (North)	3.6m	3.6m	2.3m	2.8m	0.5m	1m	Yes (0.5m)

To this end, where a proposal does not meet a 'Deemed to Comply' requirement of the R-Codes, an assessment against the 'Design Principles' is required. An assessment against the most relevant 'Design Principles' as contained within Clause 5.1.3 (P3.1) and (P3.2) has been undertaken by Officers as follows.

**Reduce impacts of building bulk on adjoining properties**

The northern extension to the existing patio encroaches 0.5m to the northern common boundary. The wall length at this boundary is 3.6m and is open framed. This portion of the extension is proposed to be located behind an existing shed on the adjoining property where the objection was raised as seen in the below image.

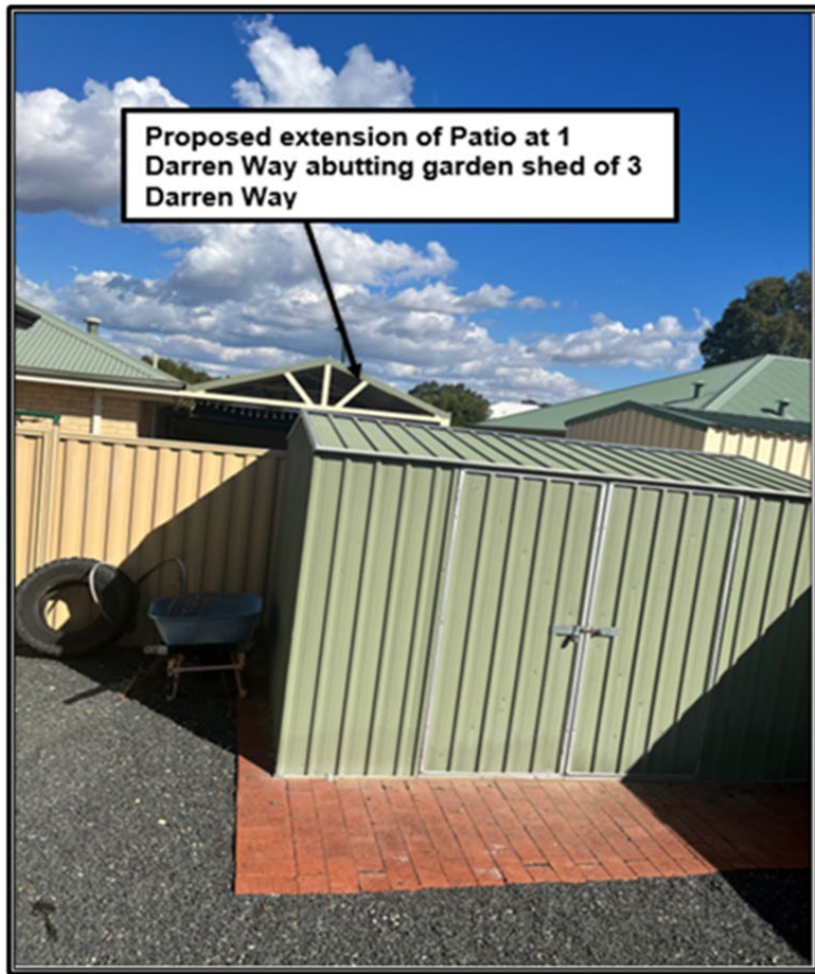


Image 4 - Garden Shed abutting northern boundary

Along the north, west and north-western boundaries of the site, a pattern of development has been established where a cluster of outbuildings are present which can be seen below.

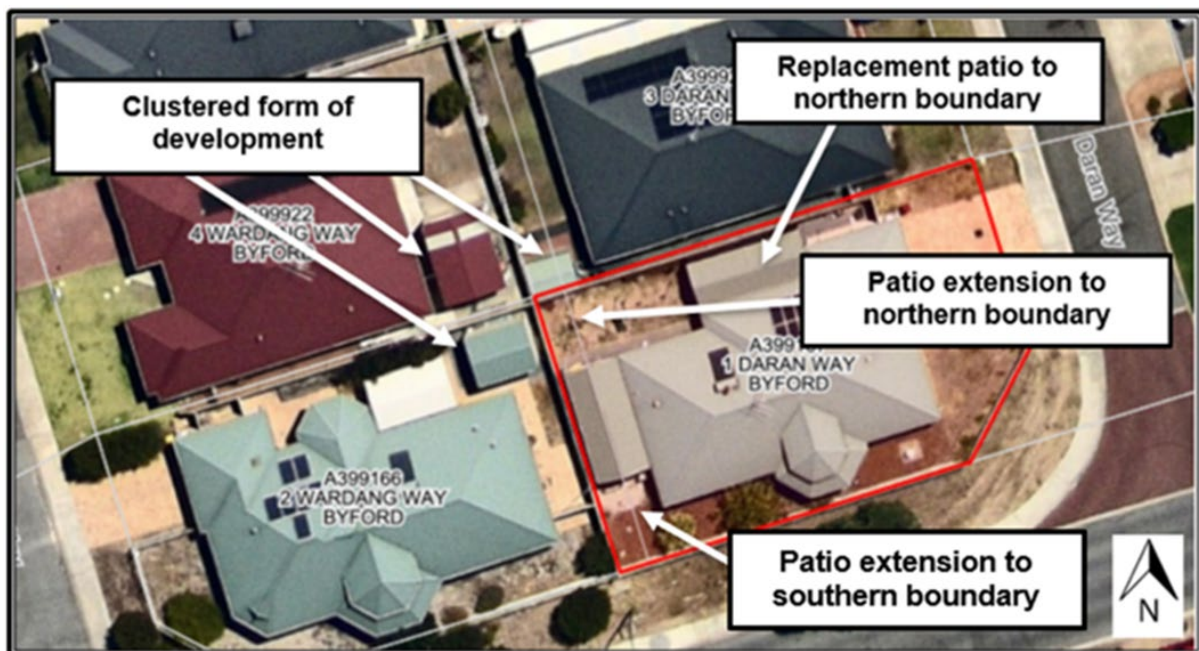


Image 5 - Outbuildings adjoining north-west boundary





The cluster of developments form part of the vistas along these boundaries and ultimately informing the visual amenity expectations to the rear of these properties. As such, Officers consider that the patio, due to its small scale at the northern boundary, is not considered to adversely impact upon the visual amenity of the neighbouring property by way of building bulk or by its presence. The development in its proposed location amongst the pattern of existing development would ultimately appear commonplace when viewed from adjoining properties.

In terms of the replacement patio, this proposes to maintain the 7.5m wall length, 3.1m wall width, wall height of 2.3m and ridge height of 2.8m of the existing patio. Also maintaining the 0.5m setback to the boundary. The patio is located to the side (south) of the existing dwelling on the neighbouring property. Along this side, bedrooms are present. The wall of the adjoining dwelling is set back 1.5m from the northern boundary as shown in the figure below. Views of the existing patio above the 1.8m fence line already form part of the existing vistas of the bedrooms along this wall when looking in a southern direction as the patio has existed for a period of time.



Image 6 - Location of habitable rooms of northern neighbour

In further reviewing the property and potential impacts of the development upon existing amenity, Officers note that the immediate outdoor living area of the dwelling faces north. The development being on the south side of the dwelling on the adjoining property will not impact upon north facing vistas of the adjoining property or can be seen from the immediate outdoor area of the dwelling. Variations to setbacks which are associated with side vistas of an adjoining property are unlikely to result in adverse amenity impacts as these areas are not typically areas of high residential amenity. As such, the patio in the proposed location is not considered to result in adverse visual amenity impacts from the reduced boundary setback.



In considering the cumulative wall length along this boundary, the development would result in a 11.1m patio wall length which is set back 0.5m along the northern boundary. Clause 5.1.3 (C3.1) (ii) exempts patios on a boundary where the cumulative wall length does not exceed 10m in length, in addition to the overall height not exceeding 2.7m. The proposal does not benefit from the exemption by 1.1m. This is considered as a minor departure from the expected form of exempt development for patios under the R-Codes. As such, the development even when considered cumulatively along the northern boundary is not considered to impact upon the existing amenity of the adjoining neighbour's property by way of bulk and its presence.

Does not have any adverse impact on the amenity of the adjoining property

As mentioned in the previous section, the physical form of the development is not considered to result in adverse impacts upon the amenity of adjoining landowners. A submission, however, was received during consultation, raising concerns with likely noise disturbance associated with the use of the patio for entertainment and private recreation purposes along the northern boundary. This is due to the proximity of the proposed development to objector's bedroom and activity room.

Officers consider that the minor difference (0.5m) between the proposed location of the patio and the 'Deemed-to-Comply' standard (1m) would not result in a difference to noise emitted from the subject site and received at the adjoining property to the north. The proposal consists of residential development and does not propose any significant noise generating activities inconsistent with existing residential amenity expectations of the locality. As such, Officers consider that the development will not result in adverse impacts to the adjoining property.

Officers note that where a noise complaint is received by the Shire, this can be investigated under the *Environmental Protection (Noise) Regulations 1997* to ensure compliance.

## Options and Implications

### Option 1

That Council APPROVES the development application for the construction of a new patio (replacement) and extensions (north and south) to an existing patio at Lot 345, 1 Daran Way, Darling Downs as contained within **attachment 1**, subject to the following conditions:

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

Plans and Specifications	P1 - P3 received on 5 April 2023 and P3 received on 8 February 2023 at the Shire Offices.
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- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale.

### Option 2

That Council REFUSES the development application for the construction of a new patio (replacement) and the north extension of the existing patio to the northern boundary and APPROVES the southern extension of the existing patio along the western boundary at Lot 345, 1 Daran Way, Darling Downs as contained within **attachment 1** due to amenity impacts assisted with the setback variations.

Option 1 is recommended.



### Conclusion

The proposed construction of a new patio (replacement) and extensions to an existing patio will not, in the opinion of Officers, result in any adverse impacts to the amenity of the adjoining property. As such, notwithstanding the objection received, Officers consider that the 'Design Principles' of the R-Codes have been satisfied.

### Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Development Plans (E23/4667)
- **10.1.4 - attachment 2** - Summary of Submissions (E23/4683)
- **10.1.4 - attachment 3** - Clause 67 of the Deemed Provisions (E23/4655)

### Alignment with our Strategic Community Plan

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

### Financial Implications

Nil.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered to not present any strategic or operational risks.						
2	That Council refuses the application, and an appeal is lodged with the State Administrative Tribunal.	Reasons for refusal reflecting valid planning concerns or variations.	Financial	Possible	Minor	MODERATE	Ensure that reasons for refusal are based on valid planning reasons.



**Voting Requirements:** Simple Majority

**OCM098/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Coales, seconded Cr Atwell**

**That Council APPROVES the development application for the construction of a new patio (replacement) and extensions (north and south) to an existing patio at Lot 345, 1 Daran Way, Darling Downs as contained within attachment 1, subject to the following conditions:**

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

<b>Plans and Specifications</b>	<b>P1 - P3 received on 5 April 2023 and P3 received on 8 February 2023 at the Shire Offices.</b>
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- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale.**

**CARRIED UNANIMOUSLY 9/0**



**10.1.5 - Proposed 'Civic Building' (Career Fire and Rescue Services Fire Station Fire) - Lot 201, 169 Doley Road, Byford (PA23/266)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Iredale Pedersen Hook Architects
Owner:	Department of Fire and Emergency Services
Date of Receipt:	3 April 2023
Lot Area:	8,619m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	Urban Development
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' for a Career Fire and Rescue Services Fire Station ('Civic Building') for use by the Department of Fire and Emergency Services. This is proposed to be location at Lot 201, 169 Doley Road, Byford.

The application requires determination by the Western Australian Planning Commission (WAPC) under the Metropolitan Region Scheme (MRS) as the development being public works is exempt from requiring approval under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2. The Shire is required to provide the WAPC with comments and recommended conditions to form part of their decision making process.

Officers consider the proposed development to be consistent with the planning framework and recommend that Council supports the application, subject to conditions.

**Relevant Previous Decisions of Council**

There are no previous Council decisions relating to this application.



## Background

### Existing Development

The subject site has an area of 8,619m<sup>2</sup> and is located on the north-eastern corner of the existing Doley Road and Orton Road intersection. Currently the site comprises of a single storey dwelling and swimming pool to the north of the lot, with a collection of outbuildings further to the north-east. Vehicle access is gained via a crossover and driveway from both the Doley Road and Orton Road frontages. Vegetation is scattered across the site but mostly confined to clumps to the north-west and a larger area to the south of the dwelling, and also the central section of the east side boundary. Roadside vegetation extends along the Orton Road frontage.

Land to the south on the opposite side of Orton Road is a large cleared vacant block of land with a waterway forming the southern boundary. This will be urbanised over the coming years. To the north, on the opposite side of Yandra Street, is a new housing estate including dwellings under construction and vacant lots. The property to the west, on the opposite side of Doley Road, has an area of 4.16ha and contains a dwelling and several large outbuildings sited towards the western boundary with large areas of open grassland while a row of trees grows along the Doley Road frontage. The east adjoining property has an area of 1.31ha and contains a dwelling and associated outbuildings located to the east, while canopy trees occupy the western section of the property. Refer to Figure 1 below.



Figure 1: Aerial image of subject site and surrounds



**Figure 2: view of the subject site from Doley Road**



**Figure 3: view of the subject site from Orton Road**



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### Proposed Development

The application seeks approval for a Career Fire and Rescue Services Fire Station comprising of a 947m<sup>2</sup> building, 421m<sup>2</sup> of undercover area (including servicing area and rear carport), training tower, a hardstand training area to the north and west of the building, a large open landscaped area to the east of the building and 14 car parking bays (including one visitor and one disabled bay). The building will accommodate the Cardup Career Fire and Rescue Services Fire Station. Note that all existing buildings onsite will be demolished.

Details for proposed buildings and works are as follows:

- Fire station building setback 14m from Orton Road (south) or 9m from proposed 5m road widening, 15m from Yandra Street (north), 18m from Doley Road (west), and 26m from the east side boundary;
- Fire station building has a maximum building height of 9.9m above natural ground level while the training tower has a maximum building height of approximately 11.5m above natural ground level;
- Importation of fill (approximately 0.82mm) across the site;
- The building comprises of two appliance bays to house fire trucks, turn out room, multipurpose room, kitchen / dining room, six dormitories, locker room, gym, plant room, office, study and a variety of other rooms;
- 12 covered staff car parking bays adjacent to the north boundary which gain access from Doley Road;
- Two (one disabled and one visitor) car spaces located within the Orton Road frontage near the building entry;
- One delivery bay located on the western side of the driveway that gains access from Orton Road;
- A 2.4m high internal wall to be constructed adjacent to the substation and training area;
- 200,000 litre water tank located near the centre of the Yandra Street frontage;
- Associated vegetation removal is required, including vegetation within the Orton Road reserve.

The activities proposed to be undertaken on site are as follows:

1. Emergency services to operate 24 hours a day, seven days a week and is only accessible to authorised personnel;
2. Training exercises restricted to daylight hours;
3. Primary access to appliance bays will be from Orton Road while staff access will be from Doley Road;
4. Estimated 12 appliance (i.e. fire truck) movements per day;
5. Estimated two visitors per day;
6. The six dormitories will accommodate 12 persons at a time with four shifts of six fire fighters to be assigned to the fire station (up to a maximum of 32 persons);

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





Figure 4: Doley Road perspective

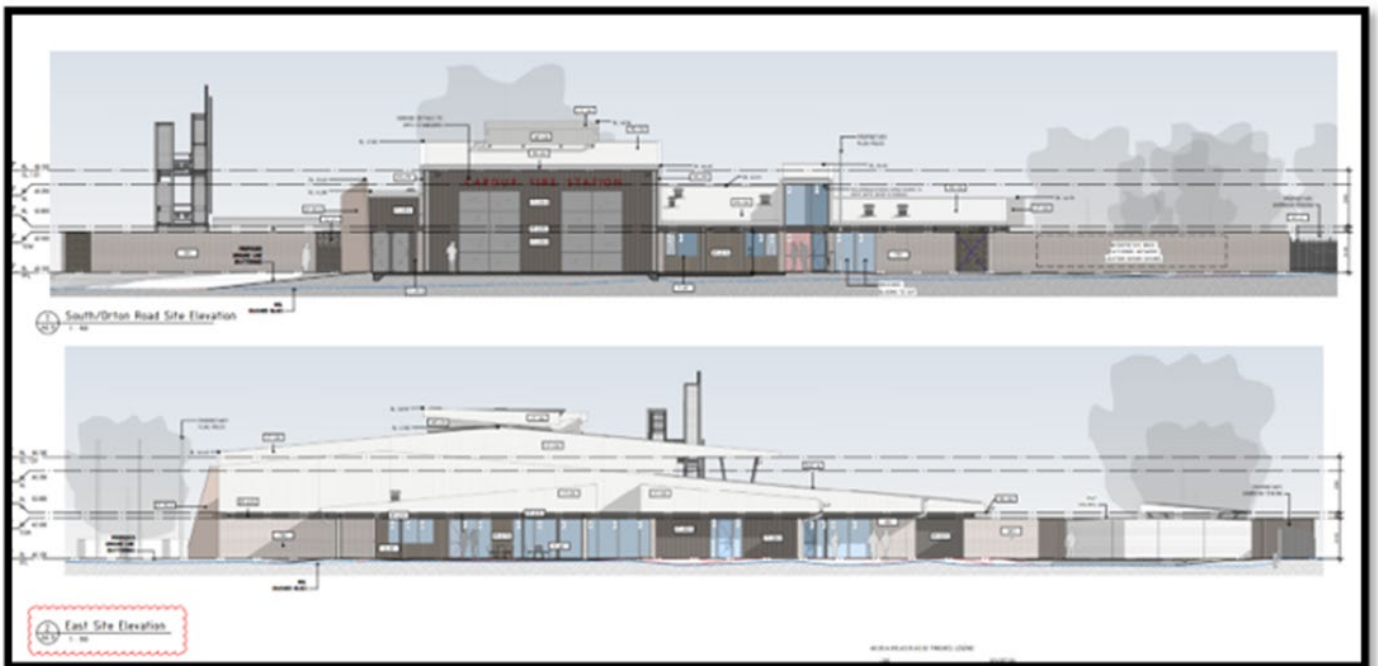


Figure 5: Elevations

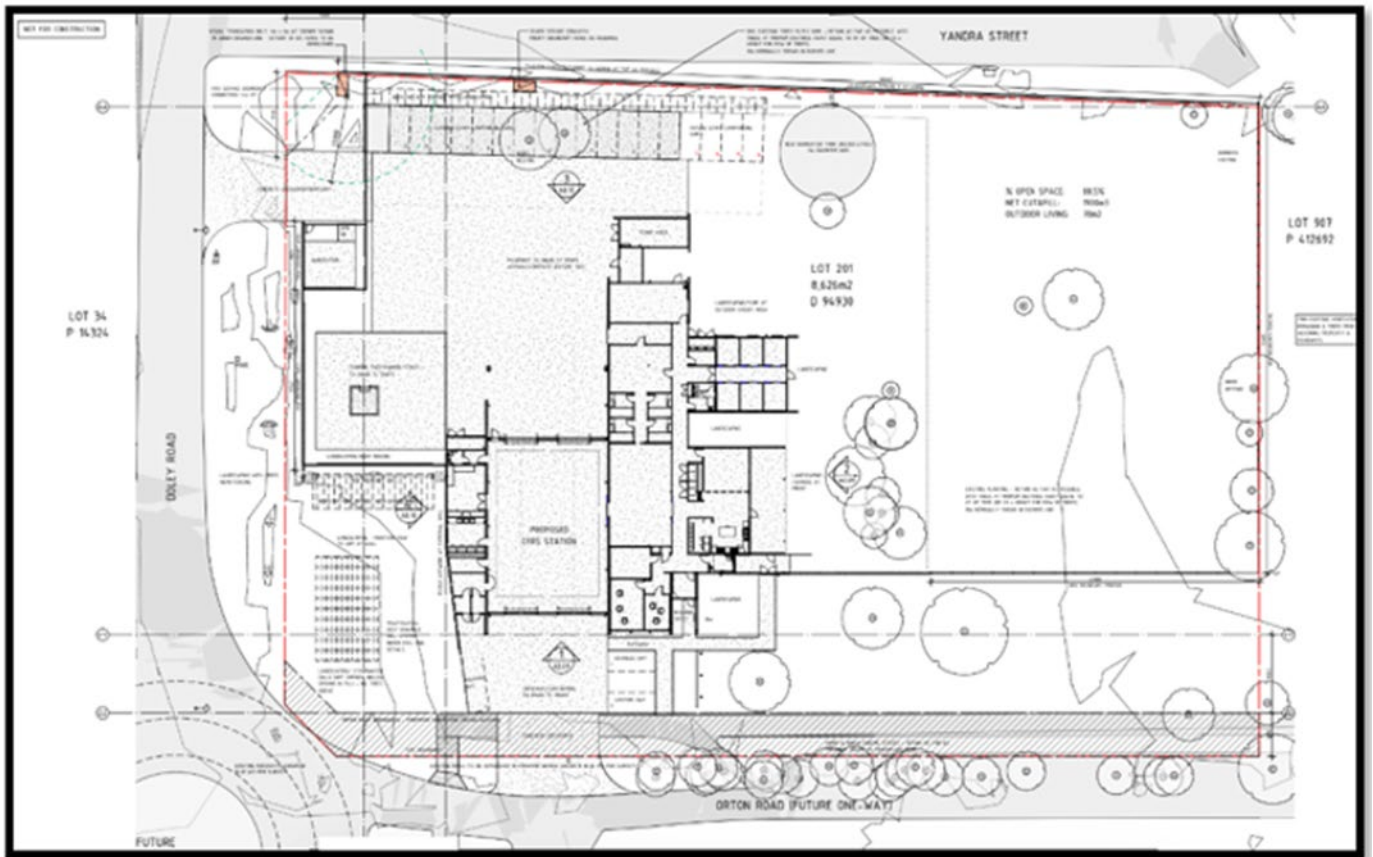


Figure 6: Site Plan

### Community / Stakeholder Consultation

The application was advertised to surrounding landowners within a 500m radius of the site in accordance with LPP1.4 - Consultation for Planning Matters, between 5 April 2023 and 26 April 2023. The application details were made available on the Shire's website for the same period.

During the consultation period, two submissions were received. Concerns raised relate to the following:

- impacts upon the nearby housing estate;
- safety of the road network;
- contamination of the groundwater supply; and
- erection of a privacy fence.

#### *Officer Comment:*

It is noted that the plans indicate a fence along the eastern lot boundary. The remainder of the concerns are addressed under the relevant headings of the report. A full copy of the submissions with Officer comments is contained within **attachment 2**.



## Statutory Environment

### Legislation

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

### State Government Policies

- State Planning Policy 3.7 - Planning in Bushfire Prone Area:

### Local Planning Framework

- Draft Local Planning Scheme No. 3 (LPS3)
- Local Planning Strategy
- Local Planning Policy 1.4 - Public Consultation for Planning Matters Policy
- Local Planning Policy 4.16 - Tree Retention and Planting

## Planning Assessment

A comprehensive assessment has been undertaken in accordance with section 67 of the *Planning and Development Regulations 2015*, the assessment can be viewed within **attachment 3**.

### Town Planning Scheme No.2 (TPS2)

The proposed use is classified as a 'Civic Building' which is defined under TPS2 as:

*“a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council as offices or for administrative or other like purpose.”*

The subject site is located within the 'Urban Development' zone while the designation is 'Residential' under the Doley Road Precinct Local Structure Plan (LSP). Pursuant to Table 1 - Zoning Table of TPS2, the use of a 'Civic Building' under the 'Residential' zone is an 'AA' use which means that the Council may, at its discretion, permit the use.

### Draft Local Planning Scheme No. 3 (LPS3)

Similar to the above, LPS3 lists a 'Civic Use' as *“premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.”* Further, pursuant to LPS3, the subject site is located within the 'Urban Development' zone. The designation remains as 'Residential' under the LSP. Pursuant to the LPS3 zoning table, a 'Civic Use' under the 'Residential' zone use an 'A' use which means that the use is only permitted if the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

As detailed above, consultation has occurred as part of the application.



## Noise

The subject site is currently located on the southern edge of an expanding residential estate. There is undeveloped land to the which also forms part of the LSP area. Therefore, potential noise impacts from the proposed fire station on both existing and future residential development is required to be given consideration.

To support the proposal, an Acoustic Assessment was undertaken assessing the noise generating activities typically generated by a fire station, including training exercises (in particular vehicle checks, breathing apparatus training, appliance and hose training, road crash rescue training and ladder drills), mechanical services and noise breakout from internal sources.

Noise modelling was used to calculate the noise generated from these activities assessed against the assigned levels under the *Environmental Protection (Noise) Regulations 1997* (the Regulations) for a radius of 450m that includes noise sensitive receptors (being mostly the new residential area to the north) as depicted below:



**Figure 7: Assigned noise level receiver locations**



The findings of the noise modelling concluded that a large portion of training activities are expected to exceed the assigned levels of the Regulations, even when limited to the day time period. The modelled activities and exceedances are as follows:

Results of Acoustic Modelling - Level of Exceedance with EPNR				
	Day Time	Sundays & PH	Evenings	Night Time
Vehicle Checks	27 dB(A)	32 dB(A)	32 dB(A)	37 dB(A)
BA Training	9 dB(A)	9 dB(A)	19 dB(A)	19 dB(A)
Appliance & Hose Training	20 dB(A)	25 dB(A)	25 dB(A)	30 dB(A)
Road Crash Rescue Training - L10	18 dB(A)	23 dB(A)	23 dB(A)	28 dB(A)
Road Crash Rescue Training - L1	23 dB(A)	28 dB(A)	28 dB(A)	33 dB(A)
Ladder Drill	9 dB(A)	14 dB(A)	14 dB(A)	19 dB(A)
<b>Covered Washdown</b>				
Vehicle Washdown	YES	YES	YES	5 dB(A)
Light Tanker Generator	11 dB(A)	16 dB(A)	16 dB(A)	21 dB(A)
<b>Appliance &amp; Hose Training</b>				
Engine Switching	9 dB(A)	9 dB(A)	19 dB(A)	19 dB(A)
Engine Priming	2 dB(A)	2 dB(A)	12 dB(A)	12 dB(A)
Voice Calls	YES	YES	YES	YES

Results of Acoustic Modelling - Level of Exceedance with EPNR				
<b>Road Crash Rescue Training</b>				
Appliance Lockers	YES	YES	9 dB(A)	9 dB(A)
Breaking Window	YES	YES	YES	YES
Grinding	YES	YES	10 dB(A)	10 dB(A)
Halligan Tool	YES	YES	8 dB(A)	8 dB(A)
Hammering	YES	YES	9 dB(A)	9 dB(A)
Quick Cut Saw	20 dB(A)	20 dB(A)	30 dB(A)	30 dB(A)
Ratchet Drill	2 dB(A)	2 dB(A)	12 dB(A)	12 dB(A)
Reciprocating Saw	10 dB(A)	10 dB(A)	20 dB(A)	20 dB(A)
Shovelling Glass	YES	YES	5 dB(A)	5 dB(A)
Stabilisation Blocks	YES	YES	5 dB(A)	5 dB(A)

The proponent as a result of the exceedances will be seeking an exemption from meeting the assigned levels of the Regulations under Part 1, Section 6 of the *Environmental Protection Act 1986* as part of a separate process.

Notwithstanding the above, Officers consider that efforts should be given to reducing the noise where possible to reduce the level of exceedances at nearby sensitive receptors as identified in an earlier image in this report. Officers consider that a condition can be imposed to require a Noise Management Plan, with such plan to implement reasonable and practicable measures to limit the potential for adverse amenity impacts associated with noise.



It is also noted that the immediate locality will transform significantly in the coming years, as urban development and major road upgrades of Orton Road transform the area. Accordingly, the level of noise impact will be lessened in comparison to the general build up in other noise activities, particularly the additional traffic that will flow along Orton Road given this will connect between the future Tonkin Highway and current South Western Highway.

Traffic

Staff vehicles for the proposed development would take access onto Doley Road which is classified as an 'Access Road' under Main Roads Western Australia (MRWA) hierarchy, constructed as a two-lane single carriageway road. Vehicles used for the purpose of emergency services and deliveries (plus visitor and disability parking) would take access onto Orton Road which is classified as a 'Local Distributor Road' under Main Roads Western Australia (MRWA) hierarchy, constructed as a two-lane undivided single carriageway road once upgraded. It is important to note however, Orton Road is proposed to be realigned and widened with the construction of a 4-way intersection (roundabout) at Doley Road as depicted in Figure 8 and 9 below.



**Figure 8: Site Plan showing future Orton Road realignment**





Further, the TIA states that the development will have six staff and generate 12 fire truck movements per day in addition to a maximum of two visitors per day. There will also be two shifts per day generating 24 trips associated with staff movements. This will result cumulatively in 40 trips per day with the majority (24 trips or 60%) using Doley Road and fewer trips (14 trips or 40%) using Orton Road.

Doley Road is classified as a Local Access Road and can carry up to 3,000 vehicle trips per day which is the prescribed maximum capacity for the road category. The additional increase in trips generated by the development is readily able to be accommodated on Doley Road in its current state.

Orton Road is classified as a Local Distributor Road and has the capacity to carry up to 7,000 vehicles per day. The road is currently working under the maximum vehicle trip capacity per day. The TIA indicates that 40% of the site generated traffic is expected to use Orton Road. As such, the additional increase in traffic generated by the development can be accommodated in the context of its road hierarchy and capacity.

The TIA includes a Heavy Vehicles Restricted Access Vehicles (RAV) Network map (refer to Figure 10 below) which confirms that no roads abutting the development site permit access to heavy vehicles. Nonetheless, the surrounding development area typically operates with 'as of right vehicles' which allows 19m vehicles (i.e. semi-trailers and rigid trucks) while the fire and rescue vehicles to be used are less than 19 metres in length and therefore permitted under 'as of right' vehicle conditions.

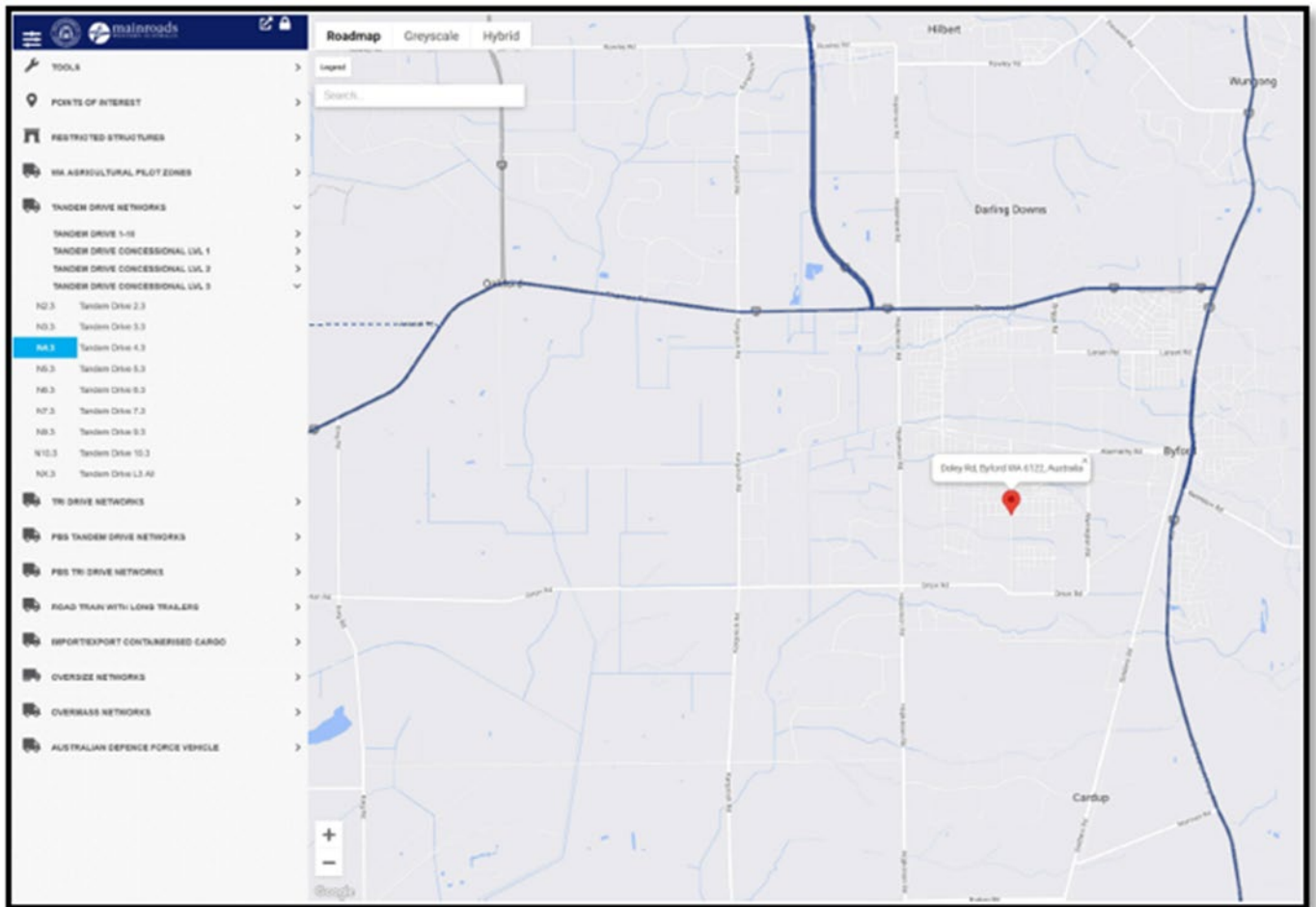


Figure 10: Existing RAV Network





In terms of sight lines, the Australian Standard AS/NZS 2890.1:2004 makes recommendation on the sightlines for driveways. Doley Road and Orton Road is subject to the default built up area speed limit of 50km/h. Based on a design speed of 10km/h higher than the posted speed the desirable sight distance is 83m with a minimum of 65m for 60km/h.

There are adequate sight lines available along Doley Road in both directions and Orton Road to the east as the carriageway alignment has relatively low gradients with clear sight lines. Orton Road to the west has a stagger in the road alignment immediately west of Doley Road and the verges are lined with trees. Sightlines at the Doley Road intersection looking west are therefore restricted as seen in the below image. Officers note that once the upgrades, being the roundabout at the intersection of Doley/Orton Road is constructed and the dual east and west lanes constructed as part of the upgrades, this matter will be resolved. In the interim, however, signage along Orton Road advising oncoming traffic of the development and to slow down is considered to manage the issue. A condition requiring a Traffic Management Plan to be prepared to address sight lines safety issues along Orton Road for east bound traffic.



In respect of the current condition of Orton Road which may remain for a short period of time (until realignment occurs), there are minor upgrades taking place in partnership with the interfacing developers (LWP and Parcel Group) and the Shire. This involves shoulder reinstatement works and widening of the bitumen seal, which will provide a safer interim road environment for the community. The section east of Doley Road has been completed, with the remaining section west of Doley Road to be completed in the coming two months.

Officers are satisfied that the TIA demonstrates that the existing and future road network is capable of adequately carrying the additional movements generated by the development in a safe manner without causing impacts upon the safety of the immediate road network.



### Car Parking

TPS2 does not list minimum parking requirements for a 'Civic Building'. LPS3 sets out parking requirements for 'Civic Use' as one bay for every four persons accommodated at maximum occupancy and one bay per employee. The proposal would generate a maximum of 14 people on site at any one time. The proposal includes the provision of 14 parking bays (comprising of 12 staff spaces along the north side boundary and two visitor spaces near the southern front entry) with four additional future parking bays which is considered sufficient to accommodate the use.

### State Planning Policy 3.7 - Planning in Bushfire Prone Areas

The subject site lies within a bushfire prone area and as such is required to have a Bushfire Management Plan (BMP) prepared achieving compliance with the Guidelines for Planning in Bushfire Prone Areas (Guidelines).

A BMP has been prepared as part of the application and demonstrates consistency with the elements of the Guidelines as follows:

#### *Location, Siting and Design:*

The future building can be located in an area that will, on completion, be subject to bushfire rating of BAL-12.5.

#### *Vehicular Access:*

The subject site is located on a corner and therefore has the benefit of two lot frontages and alternative access in the case of a bushfire emergency.

#### *Water:*

The development will be provided with a dedicated water tank for firefighting, consistent with the requirements of the Guidelines.

### Local Planning Policy 4.7 - Placement of Fill (LPP 4.7)

The fire station building of the proposed development has a finished floor level of 40.01AHD. The natural ground level of the site has a level of approximately 39.19AHD. The proposal as a result includes filling certain sections of the western portion of the site to a maximum of 0.82m.

The level of fill is necessary given that the land falls from a contour level of 40.38AHD in the north-east corner to 38.78AHD in the south-west corner, resulting in a fall across the site of 1.6m. The fill is not only required to create a level building footprint but also to ensure adequate separation from groundwater.

### Built Form

The fire station building has a floor area of 947m<sup>2</sup> and therefore only occupies 10.9% of the 8,619m<sup>2</sup> site area. While the building has a maximum height of 9.9m and is raised about 850mm above natural ground level (to achieve groundwater clearance), the impression of visual bulk will be minimised by the substantial setbacks from the road frontages. Also, generous areas of open space and landscaping (particularly in the eastern section of the property) combined with planting within sections of the adjacent road reserves will ensure the built form does not dominate the surrounding area.

The design of the building is also considered to reflect elements of natural character, through incorporation of colours and materials which typify the Shire's natural landscape.



### Vegetation Removal

The proposed works includes the removal of vegetation both within and external to the building envelope and also within the Orton Road reserve. The submitted 'Environmental Management Plan' (EMP) states that *'no occurrences of intact native vegetation communities were observed at the site in the recent flora survey (Auroa, 2022). The site has been landscaped with the trees and shrubs that are not indigenous to site amongst lawns and weed species which are closer to the residence. Due to the absence of any intact native vegetation communities within the site, no Threatened or Priority Ecological communities (TECs and PECs) or Threatened or Priority flora are found'*.

Notwithstanding the above, trees and shrubs are being retained (mostly to the east of the fire station building), including two trees located either side of car space six along the north side boundary.

The development will also result in an increased retention of onsite vegetation, compared to if the land was otherwise developed for residential purposes.

### Waste Management

A 'Waste Management Plan' (WMP) has been submitted with the application which considers the storage and disposal of office and domestic waste, non-hazardous waste (e.g. scrap metal) and hazardous waste. General (non-hazardous waste) will be stored in a designated enclosed bin storage area located in the south east corner of the fire station building while hazardous waste will be stored in the store/workshop on the west side of the appliance bay.

The WMP states that *'Hazardous waste for the Site is defined as waste that falls under Schedule 1 of the Environmental Protection (Controlled Waste) Regulations 2004. These wastes are generated as part of firefighting, training and maintenance operations and should be collected by a Department of Water and Environmental Regulation (DEWR) licensed hazardous waste collector/carrier at a schedule determined by CFRS personnel and the waste collector. Activities that generate Perfluoroalkyl and Polyfluoroalkyl (PFAS) contaminated waste (i.e. waste foam water or debris) are prohibited. Hazardous waste storage locations within the Site should be clearly identified with appropriate warning labels'*.



Stormwater

No ‘Stormwater Management Plan’ (SMP) has been submitted with the application although it is also acknowledged that the subject site is not located within a ‘Floodplain’ area. However, the applicant has provided information relating to their broad approach to managing stormwater on the site. This relates to the use of bio filtration swales, subsoil drains and rainwater tanks.

It is recommended that a ‘SMP is submitted to ensure a detailed plan is submitted demonstrating how stormwater is proposed to be managed onsite to ensure that post development flows of the site meet the predevelopment flows.

Development Contributions (DCA1)

- This development falls within the development contribution area DCA1 (Area A) and as such is required to contribute towards the cost of common infrastructure under the Byford Traditional Development Contribution Plan.
- Under a Development Application (as opposed to a subdivision), contributions are calculated on the current lot area on which the development is situated, giving a lot “yield” for the site. The liability to pay the contribution is triggered at the building permit stage, and thus the DCP payment will be applied as a development condition needing to be met prior to the issue of a Building Permit.

**Options and Implications**

Option1

That Council SUPPORTS the development application for ‘Public Works’ for a Career Fire and Rescue Services Fire Station associated development under the Metropolitan Region Scheme at Lot 201, 169 Doley Road, Byford as contained within **attachment 1**, subject to the following conditions:

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

Plans and Specifications	P1-P9 received at the Shire Office on 3 April 2023 Traffic Impact Statement dated 2 February 2023 Environmental Acoustic Report dated 6 February 2023 Bushfire Attack Level and Planning Report dated 21 November 2022 Bushfire Management Plan dated 9 February 2023 Environmental Management Plan dated January 2023 Waste Management Plan dated April 2023
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- b. Upon completion of the upgrade of Doley Road and Orton Road (including the roundabout at the intersection of these roads), the developer, at their own cost, must construct a new crossover to align with the levels of the upgraded roads.
- c. Prior to the issue of a Building Permit a Stormwater Management Plan must be submitted to the Shire of Serpentine Jarrahdale for approval which demonstrates the following:



- (i) Predevelopment flows of the site are maintained and details of how capacity of the proposed stormwater management system will be suitable to account for repeated storm events and how it will be cleaned and drained;
  - (ii) Details of how water will be treated for contaminants;
  - (iii) Final Finished Floor Levels and Finished Ground Levels and confirmation of fill proposed to be brought to site; and
  - (iv) Separation to groundwater.
- Once approved the plan must be implemented in its entirety prior to the use occurring.
- d. The development to comply with the submitted Bushfire Management Plan dated 21 November 2022 at all times.
  - e. The development is to comply with the submitted Waste Management Plan dated April 2023.
  - f. Prior to the issue of a Building Permit, an updated Landscape Plan be submitted and approved by the Shire which demonstrates the following:
    - (i) Management schedule of the landscaped areas of the vegetation including replacement if landscaping fails;
    - (ii) Density of replanting Marri trees along Orton Road;
    - (iii) Density of landscaping proposed onsite;
    - (iv) Trees to be retained.
  - g. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing common infrastructure, as established through Amendment 208 (once gazetted) to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
  - h. Prior to issue of a Building Permit, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
  - i. Prior to occupation of the development, the provision of percent for art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
  - j. Prior to the issue of a Building Permit, a Noise Management Plan is to be submitted demonstrating reasonable and practicable measures to manage noise, to the satisfaction of the Shire on advice of the noise branch of the DWER.

### Option 2

That Council recommends REFUSAL for the development application for 'Public Works' for a Career Fire and Rescue Services Fire Station associated development under the Metropolitan Region Scheme at Lot 201, 169 Doley Road, Byford as contained within **attachment 1**, due to potential amenity concerns associated with noise and traffic.

Option 1 is recommended.

**Conclusion**

The proposal seeks approval for a new DFES Career Fire and Rescue Services Fire Station that includes fire fighting training exercise and dormitory accommodation. It is considered that the proposal would provide an essential service for the community while maintaining the character and amenity of the locality and that of surrounding residents subject to the implementation of noise mitigation measures. The proposal is considered consistent with the planning framework and as such is recommended for approval subject to conditions.

**Attachments (available under separate cover)**

- **10.1.5 - attachment 1** - Application Details (E23/5177)
- **10.1.5 - attachment 2** - Summary of Submissions (E23/5096)
- **10.1.5 - attachment 3** - Clause 67 Checklist (E23/5127)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

Nil.



**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council recommends approval, but the WAPC do not include the recommended conditions such as developer contributions and a noise management plan, causing a short fall in contribution funds and the potential for adverse amenity impacts associated with noise.	By writing a comprehensive report which explains the justification for these conditions, the Council is able to provide a robust explanation for WAPC consideration.	Social / Community Outcomes	Possible	Moderate	MODERATE	When notified that the item is being considered by Council, Officers can seek to make a deputation to the WAPC to further justify the Shire recommendation.
2	That Council recommends refusal and WAPC grant approval without the full extent of conditions necessary.	Planning Framework	Reputation	Possible	Moderate	MODERATE	Provide advice that should approval be considered by WAPC, conditions as outlined in this report are required



**Voting Requirements:** Simple Majority

**OCM099/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Atwell**

That Council **SUPPORTS** the development application for 'Public Works' for a Career Fire and Rescue Services Fire Station associated development under the Metropolitan Region Scheme at Lot 201, 169 Doley Road, Byford as contained within attachment 1, subject to the following conditions:

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

<b>Plans and Specifications</b>	<b>P1-P9 received at the Shire Office on 3 April 2023 Traffic Impact Statement dated 2 February 2023 Environmental Acoustic Report dated 6 February 2023 Bushfire Attack Level and Planning Report dated 21 November 2022 Bushfire Management Plan dated 9 February 2023 Environmental Management Plan dated January 2023 Waste Management Plan dated April 2023</b>
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- b. Upon completion of the upgrade of Doley Road and Orton Road (including the roundabout at the intersection of these roads), the developer, at their own cost, must construct a new crossover to align with the levels of the upgraded roads.
- c. Prior to the issue of a Building Permit a Stormwater Management Plan must be submitted to the Shire of Serpentine Jarrahdale for approval which demonstrates the following:
- (i) Predevelopment flows of the site are maintained and details of how capacity of the proposed stormwater management system will be suitable to account for repeated storm events and how it will be cleaned and drained;
  - (ii) Details of how water will be treated for contaminants;
  - (iii) Final Finished Floor Levels and Finished Ground Levels and confirmation of fill proposed to be brought to site; and
  - (iv) Separation to groundwater.
- Once approved the plan must be implemented in its entirety prior to the use occurring.
- d. The development to comply with the submitted Bushfire Management Plan dated 21 November 2022 at all times.
- e. The development is to comply with the submitted Waste Management Plan dated April 2023.
- f. Prior to the issue of a Building Permit, an updated Landscape Plan be submitted and approved by the Shire which demonstrates the following:





- (i) Management schedule of the landscaped areas of the vegetation including replacement if landscaping fails;**
  - (ii) Density of replanting Marri trees along Orton Road;**
  - (iii) Density of landscaping proposed onsite;**
  - (iv) Trees to be retained.**
- g. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/ applicant to contribute towards the costs of providing common infrastructure, as established through Amendment 208 (once gazetted) to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
- h. Prior to issue of a Building Permit, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
- i. Prior to occupation of the development, the provision of percent for art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.**
- j. Prior to the issue of a Building Permit, a Noise Management Plan is to be submitted demonstrating reasonable and practicable measures to manage noise, to the satisfaction of the Shire on advice of the noise branch of the DWER.**

**CARRIED UNANIMOUSLY 9/0**



### 10.1.6 - Local Planning Policy Review (SJ4181)

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

#### Authority / Discretion

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

#### Report Purpose

The purpose of this report is for Council to consider minor amendments to the Shire's Local Planning Policy suite to ensure alignment with the new Local Planning Scheme No. 3, which is approaching final determination for approval. The report also seeks to revoke two existing local planning policies, which are no longer relevant or required under the planning framework.

#### Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

#### Background

Local planning policies perform an important function in the local planning framework to guide planning decisions and to provide consistency and direction to Officers and the community on the exercise of discretion in performing merits based assessment of development applications. To ensure a consistent local planning framework, local planning policies are required to align with the Local Planning Scheme.

The final approval and gazettal of the Shire's Local Planning Scheme No. 3 is imminent. The Shire's Local Planning Scheme No. 3 was considered by the Statutory Planning Committee (SPC) of the Western Australian Planning Commission (WAPC) on 14 March 2023 for final determination. It has been confirmed that the SPC made a recommendation to the Minister, and the Department of Planning, Lands and Heritage has forwarded the documentation to the Minister's Office for consideration.

In preparation for the Shire's new Local Planning Scheme No. 3, a review of all existing local planning policies has been undertaken to ensure that the local planning policies are aligned with Local Planning Scheme No. 3. This review will enable the Shire's local planning policies to be updated and operational following the gazettal of Local Planning Scheme No. 3.



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## **Community / Stakeholder Consultation**

Under Clause 5(2) of Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment. The proposed amendments to the local planning policies are to align with the Shire's new Local Planning Scheme No. 3, which will be coming into effect imminently. There are no significant amendments proposed to the intent of the local planning policies.

Given that the proposed amendments to the local planning policies are of a minor nature to ensure consistency with Local Planning Scheme No. 3 and the current planning framework, consideration under clause 5(2) of the Deemed Provisions is appropriate.

## **Statutory Environment**

### Legislation

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

### State Government Policies

- State Planning Policy suite

### Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Local Planning Policy suite

## **Planning Assessment**

### Proposed Amendments to the Local Planning Policies

Officers have reviewed all the existing Shire local planning policies to ensure consistency and alignment with Local Planning Scheme No. 3. The policy review has not included any review of the content or operation of the local planning policies, as the review is seeking to address basic operational matters so that such policies can work effectively under the new Local Planning Scheme No. 3.

The review has identified minor amendments required to the local planning policies to ensure that the provisions, references, and terminology align with Local Planning Scheme No. 3 to provide a consistent planning framework for implementation. The key changes proposed to the local planning policies include:

- Delete references to Town Planning Scheme No. 2 within the policies and update the policies with the relevant sections of Local Planning Scheme No. 3.
- Update zones to align with their new equivalently named zones under Local Planning Scheme No. 3.
- Delete outdated land use definitions and update land use definitions to align with Local Planning Scheme No. 3.
- Delete any sections or references which are not consistent with Local Planning Scheme No. 3.
- Update references to reflect current State Planning Policies and Local Planning Policies.



- Update references to various documents within the planning framework.
- Update references to Government Agencies to be current.

A table outlining the specific amendments required to each local planning policy is contained within **attachment 1**.

#### Proposed Local Planning Policies to be Revoked

Following the review of the local planning policies to align with Local Planning Scheme No. 3 and the current planning framework, Officers have identified two local planning policies which are no longer relevant or required under the planning framework. These are identified following.

#### *Local Planning Policy No.2.6 Stanley Road Planning Framework*

The purpose of Local Planning Policy No. 2.6 Stanley Road Planning Framework was to guide the orderly and proper planning of the Stanley Road Precinct in Byford, to provide a framework for detailed planning to progress and enable future subdivision and development. The Policy outlined the planning information and matters to be addressed in a future local structure plan for the Stanley Road Precinct and the process for landowner-initiated planning.

The Stanley Road Precinct Local Structure Plan was approved by the WAPC in 2018 to provide the framework for future subdivision and development. As such, the policy is no longer required.

#### *Local Planning Policy No.40 Local Development Plans*

The purpose of Local Planning Policy No. 40 Local Development Plans was to guide the content and key design elements to be addressed in local development plans. The Policy also contains information on the approval process for local development plans. *The Planning and Development (Local Planning Schemes) Regulations 2015* define the scope of a local development plan as a plan to guide site and development standards and to specify exemptions from the requirement to obtain development approval. These new provisions have replaced those captured by LPP40, rendering the LPP as no longer relevant or required.

Furthermore, the Shire has since adopted Local Planning Policy 2.2 Residential Development Standards (R25-R60) (LPP2.2) to provide the position of the Shire on variations to site and development standards for residential development and to specify exemptions to the requirement for development approval. LPP2.2 also provides guidance for the assessment of local development plan provisions. Given LPP2.2 has now been approved and the Regulations pertaining to LDPs are operational, LPP40 is no longer required under the current planning framework.

#### Going forward

Once the new Scheme is in place, Officers will be allocating time to consider future local planning policy needs, and whether the current policy suite can be further rationalised, or expanded, as the case may warrant. This will be a focus for the relevant teams over the coming 12 to 24 months.



## **Options and Implications**

### Option 1

That Council:

1. Pursuant to Clause 4(3) Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to PROCEED with the Amendments to the Local Planning Policies, as contained within **attachment 1**, with the Amended Local Planning Policies only becoming operational following the gazettal of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.
2. Pursuant to Clause 4(4) Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PUBLISH notice of the Amended Local Planning Policies in accordance with Clause 87, following the gazettal of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.
3. Pursuant to Clause 6(b) Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, REVOKES Local Planning Policy No. 2.6 Stanley Road Planning Framework and Local Planning Policy No. 40 Local Development Plans and give notice in accordance with Clause 87.

### Option 2

That Council Pursuant to Clause 4(3) Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DOES NOT PROCEED with the Amendments to the Local Planning Policies, as contained within **attachment 1**, nor the revocation of Local Planning Policy No. 2.6 Stanley Road Planning Framework and Local Planning Policy No. 40 Local Development Plans.

Option 1 is recommended.

## **Conclusion**

In preparation for the Shire's new Local Planning Scheme No. 3, a review of all existing local planning policies has been undertaken to ensure that the local planning policies are consistent and aligned with Local Planning Scheme No. 3. The policy review has identified minor amendments required to the local planning policies to ensure that the provisions, references, and terminology aligns with Local Planning Scheme No. 3 to provide a consistent planning framework for implementation. Officers recommend that Council proceed with amendments to the local planning policies to become operational following the gazettal of Local Planning Scheme No. 3.

## **Attachments (available under separate cover)**

- **10.1.6 – attachment 1** – Proposed Amendments to the Local Planning Policies (E23/5226)



**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.1</b>	Recognise local heritage
<b>Strategy 1.2.2</b>	Encourage and support public art in public areas
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**Financial Implications**

There are no direct financial implications relating to this matter.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	That Council DO NOT PROCEED with the Amendments to the Local Planning Policies, as contained within attachment 1, which causes the policy framework to be dysfunctional upon gazettal of the new local planning scheme.	Planning Framework	Social Community Outcomes /	Possible	Moderate	MODERATE	Nil.



**Voting Requirements:** Simple Majority

**OCM100/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Strange, seconded Cr Byas**

**That Council:**

- 1. Pursuant to Clause 4(3) Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to PROCEED with the Amendments to the Local Planning Policies, as contained within attachment 1, with the Amended Local Planning Policies only becoming operational following the gazettal of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.**
- 2. Pursuant to Clause 4(4) Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PUBLISH notice of the Amended Local Planning Policies in accordance with Clause 87, following the gazettal of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.**
- 3. Pursuant to Clause 6(b) Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, REVOKES Local Planning Policy No. 2.6 Stanley Road Planning Framework and Local Planning Policy No. 40 Local Development Plans and give notice in accordance with Clause 87.**

**CARRIED UNANIMOUSLY 9/0**



**10.1.7 – Mundijong District Structure Plan – Precinct C (Watkins Road North) Variation Request to Create Sub-Precincts C1, C2 and C3 (PA18/779)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Harley Dykstra and Rowe Group
Owner:	Various
Date of Receipt:	20 February 2023
Lot Area:	114.56ha
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

**Report Purpose**

The purpose of this report is for Council to consider a request to modify the Mundijong District Structure Plan (DSP) as it relates to the prescribing of precincts for local structure plans to occur.

Currently, the Mundijong DSP identifies a single precinct C which requires a single local structure plan to be developed. The landowners of various lots within precinct C are seeking to prepare local structure plans over smaller areas of land instead of the whole of precinct C, and have requested precinct C become sub-precincts C1, C2 and C3. The effect being to allow three separate local structure plans based on the intended development timings of landowners.

Officers recommend support of this approach, given the logical arrangements of the new sub-precincts and that coordinated planning outcomes will still be possible given the guidance available by the overarching Mundijong DSP.





## Relevant Previous Decisions of Council

*Ordinary Council Meeting – 16 November 2020 - OCM364/11/20 - COUNCIL RESOLUTION That Council*

- 1. ENDORSES the Schedule of Submissions contained in attachment 2;*
- 2. ADOPTS the amendments to the Mundijong Whitby District Structure Plan, as contained within attachment 3, in accordance with Provision 1 of Development Area's 1 and 2 of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2;*
- 3. REQUESTS the CEO to write to the Hon Minister for Planning, and Chair of the WAPC, seeking an updated government position on whether the current Rural precinct bound by Leipold Road, Kargotich Road, Mundijong Road and King Road is proposed for changing under the State Planning Framework, and the outcomes of this be reported back to Council.*

## Background

The Mundijong District Structure Plan comprises of seven precincts that require a local structure plan. Each local structure plan precinct includes specific requirements noted in the DSP that need to be addressed at the local structure plan stage.

The Shire has received a proposal to separate precinct C into three separate sub-precincts, as identified in **attachment 1**. Precinct C is bound by Watkins Road to the south, Keirnan Street to the north, South Western Highway to the east and Paterson Street to the west and adjoins the Keirnan Park District Open Space area.

The purpose of this report is for Council to consider the proposal to amend precinct C into three sub-precincts, to enable specific local structure plans to be prepared based on the sub-precinct (and landowner ownership) arrangements.

## Community / Stakeholder Consultation

Nil. Should however Council support the request, future local structure plans for sub-precincts will be subject to public comment processes in accordance with the Deemed Provisions.

## Statutory Environment

### Legislation

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

### State Government Policies

- South Metropolitan Sub-Regional Planning Framework

### Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy
- Mundijong District Structure Plan

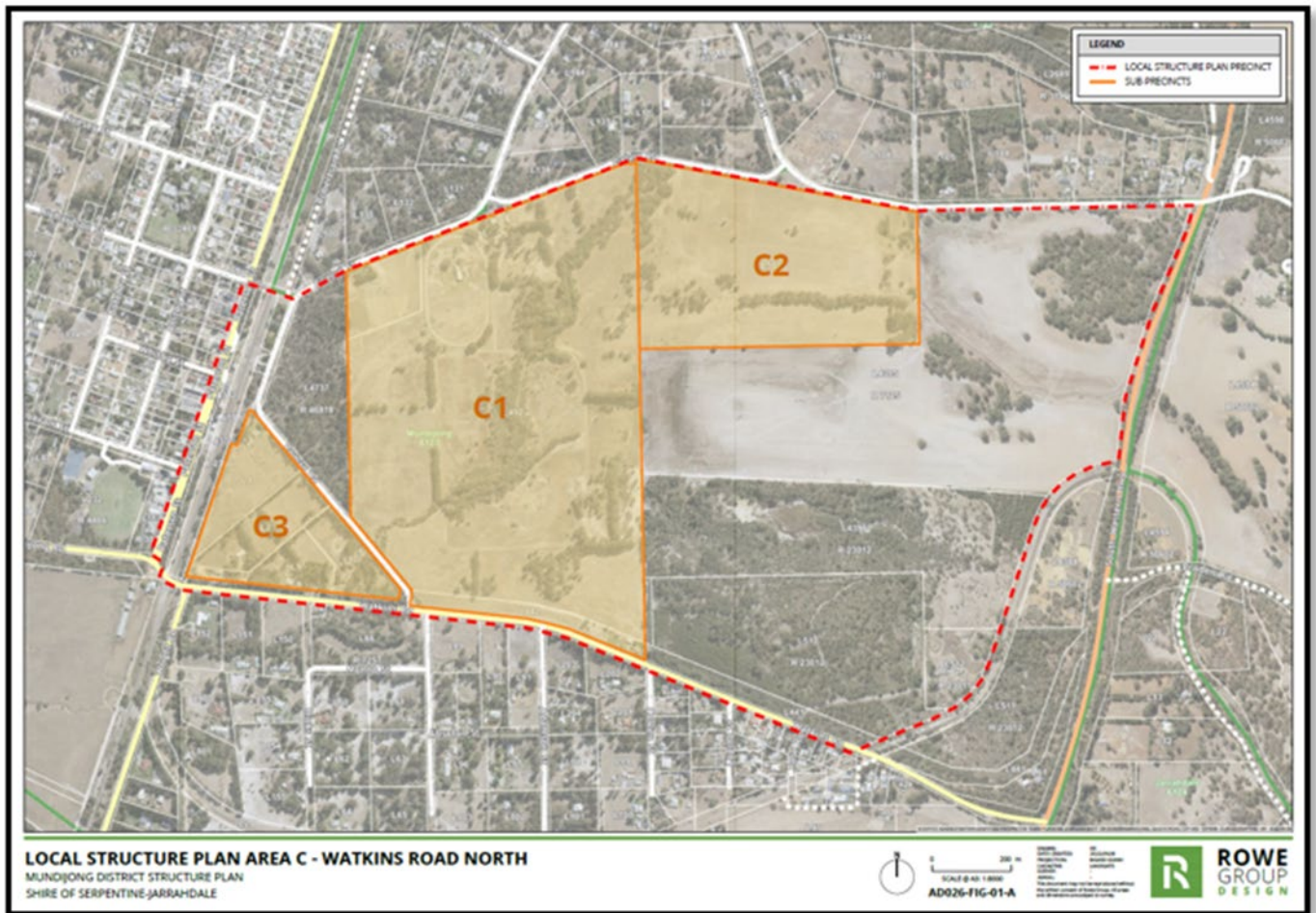


## Planning Assessment

### Proposal

The Mundijong DSP identifies seven precincts that require local structure plans to be created over the areas to set out the local planning structure for future subdivision and development. The proposal submitted by Harley Dykstra and Rowe Group on behalf of landowners within the current precinct C, seeks support to create three sub-precincts (based on land ownership), being C1, C2 and C3.

The Shire also owns a portion of land within the area, being Lot 1 (No. 121) Evelyn Street. This is located within the northwest portion of the precinct, adjoining the Roman Road nature reserve. The Shire's landholding comprises the current Mundijong sales yard, and is currently used every second Wednesday and the last Sunday, monthly. The land is identified for residential development according to the Mundijong District Structure Plan, and has an area of 3.23ha.



### Proposed sub-precincts within Area C of the Mundijong DSP

Precinct C has a site area of 114.56ha, and is located 250m west of the Mundijong Town Centre. The lots that are contained within precinct C predominantly contain single dwellings and various structures relating to agricultural and equestrian pursuits.

The majority of precinct C is zoned Urban under the Metropolitan Region Scheme (MRS) with portions of the site (south-east corner and a section on the mid-west boundary) being reserved as Bush Forever sites.

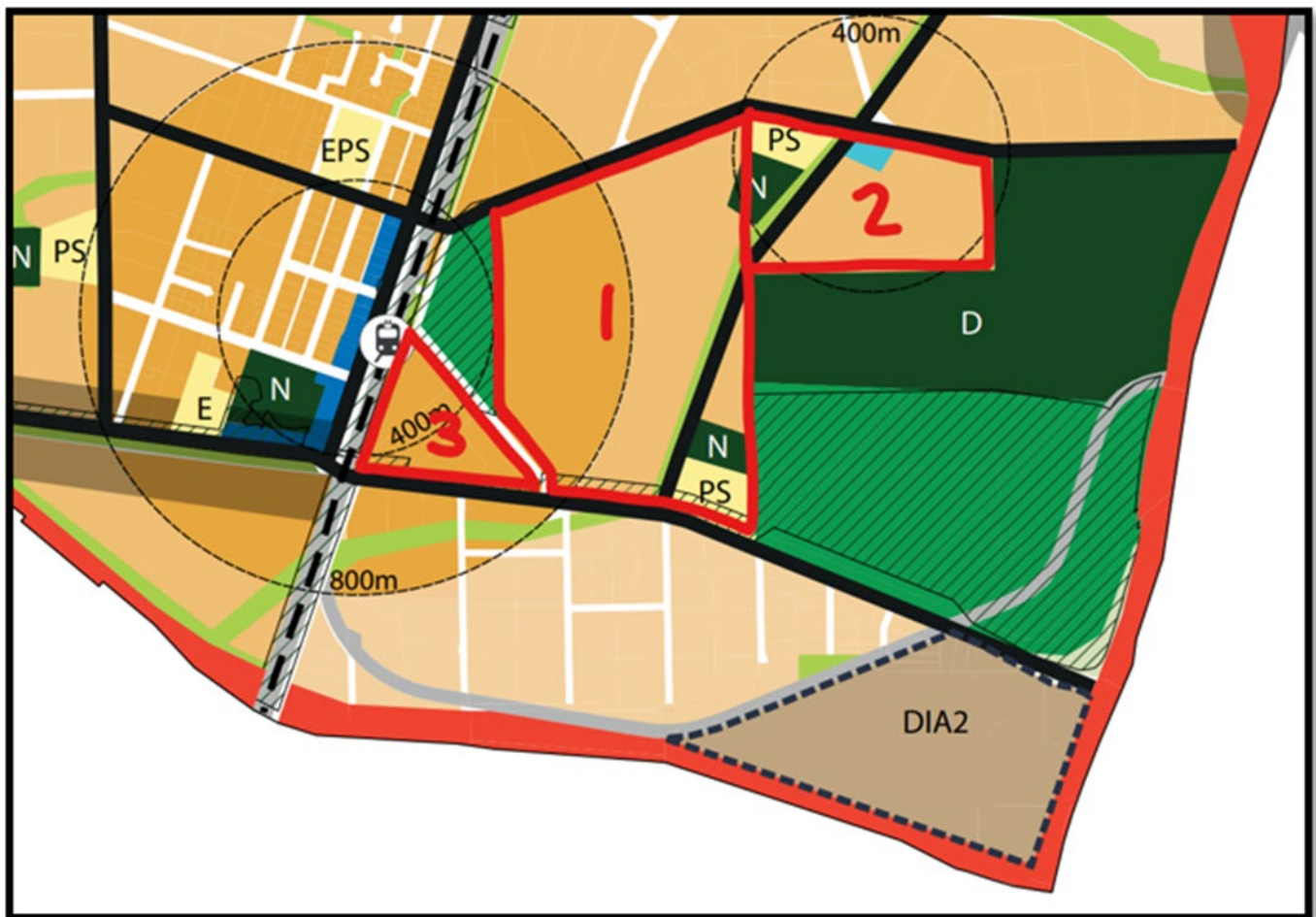


Under Section 1.6.3 of the Mundijong DSP, a local structure plan may be prepared for all or a portion of precinct C, with the extent of the local structure plan to be determined in consultation with the Shire.

#### Rationale for sub-precincts

The key consideration in respect of supporting a more refined sub-precinct approach, and thus more than one single local structure plan, is the degree to which coordinated planning can still occur.

The current Mundijong DSP is shown following, with the proposed sub-precincts transposed over:



**Extract of Mundijong DSP showing sub-precincts**

Sub-precinct 3 is a logical arrangement of existing semi-rural properties, that have a logical spatial and planning relationship for being considered as a sub-precinct. This sub-precinct is also suited to be considered as part of a future commitment to the ultimate delivery of metropolitan rail through to Mundijong, and therefore making it a standalone sub-precinct enables coordination of planning at that future time.

While sub-precincts 1 and 2 reflect property ownership, there is a low risk of planning not being coordinated. The northern property boundary interface identifies a primary school and shared use oval, similar to the design and delivery of West Byford Primary School / Kalimna Oval. If there was a disconnect in respect of timing of the respective landholdings, there is still capacity to



deliver the school and oval, through a minor realignment of the future road network eastward. Accordingly, sub-precincts 1 and 2 can work as individual local structure plan areas.

### Water and waste water considerations

One of the benefits that will come with further detailed planning, is to better understand the challenges and opportunities associated with water and sewer solutions. Currently, there is no reticulated sewer system servicing Mundijong, with the Whitby Estate running a limited capacity private sewer that is a short-term solution.

The ultimate solution for Mundijong, that will see the urban area grow from 3,000 people to more than 55,000 people by 2050, is a traditional centralised sewer solution. This includes a sewer pump station on the western edge of the urban cell, to then pump via pressurized sewer main, north to Byford and from there to Woodman Point Waste Water Treatment Plan.

Officers note that a significant groundwater supply capacity issue is impacting all of Perth, with the Shire not immune from this challenge. Urbanisation will result in significant additions of green spaces, school ovals, sporting reserves and the like, all of which will require access to a dependable and sustainable form of irrigation water. This is important to be able to achieve planned growth targets, that will see the Shire's current 36,000 population exceed 120,000 by 2050.

As part of supporting this change to precinct C, it is also recommended that the Shire, developers, Water Corporation and the Department of Water and Environment Regulation work collaboratively to better determine whether more sustainable wastewater management solutions could be considered that would also afford a supply of dependable irrigation water.

### Advocacy for Mundijong Metronet

The Shire continues to be the fastest growing local government in WA, and within the Top Five in Australia. With the release of the recent ABS Regional population growth statistics (most accurate inter census analysis), the Shire is again shown to be growing rapidly.

The following shows the growth outcomes achieved in the 2021/22 ABS regional population statistics:

### **Western Australia**

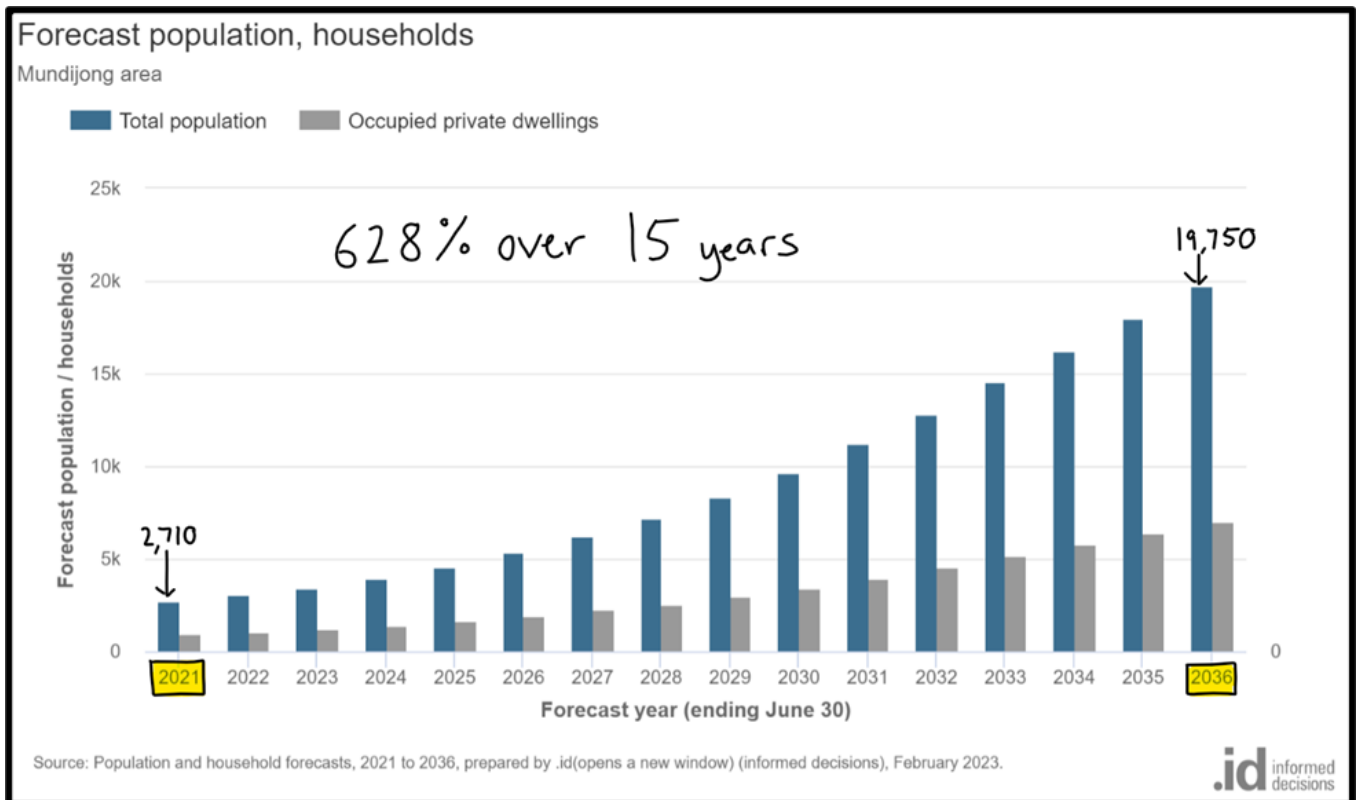
LGA code	Local Government Area	ERP at 30 June		ERP change	
		2021 no.	2022 no.	2021-22 no. %	
57700	Serpentine-Jarrahdale	33346	34770	1424	4.3
58470	Upper Gascoyne	180	187	7	3.9
54830	Kwinana	47658	49457	1799	3.8
53360	Exmouth	3205	3313	108	3.4
50770	Boyup Brook	1874	1938	64	3.4
50280	Augusta Margaret River	17298	17889	591	3.4
51680	Chittering	6100	6301	201	3.3
58050	Swan	158691	163699	5008	3.2
50210	Armadale	97650	100737	3087	3.2
50840	Bridgetown-Greenbushes	5376	5527	151	2.8
52590	Dandaragan	3473	3559	86	2.5



Australia

LGA code	Local Government Area	ERP at 30 June		ERP change	
		2021	2022	2021-22	
		no.	no.	no.	%
11450	Camden	119951	127637	7686	6.4
24650	Melton	181223	192865	11642	6.4
40150	Adelaide Plains	9977	10461	484	4.9
57700	Serpentine-Jarrahdale	33346	34770	1424	4.3
27260	Wyndham	296193	308623	12430	4.2
33960	Ipswich	233302	242884	9582	4.1
24600	Melbourne	153674	159813	6139	4.0
58470	Upper Gascoyne	180	187	7	3.9
24850	Mitchell	49684	51569	1885	3.8
54830	Kwinana	47658	49457	1799	3.8

As illustrated in the next image, the coming growth of Mundijong will be substantially even faster than what Byford has experienced. This shows a 628% growth level across 15 years, or more than 40% annualised growth rate:



Beyond 2036, the Shire is forecasting a further 40,000 population growth, with a peak of 60,000 people realised before 2050. This is a tremendous level of growth, which has the opportunity to be shaped through effective infrastructure timing and delivery that can support the vision of a mixed use, liveable, accessible and vibrant city.



To this end, the Shire considers that the commitment to Tonkin Highway extension should be supplemented by an early commitment to metropolitan rail extension from Byford. This could precipitate:

- Quicker lot releases, helping to address housing supply problems;
- Confidence in the market to support more diverse housing types, which will facilitate diverse families, cultures and communities being attracted to the Shire;
- The ability to strategically plan and deliver a mixed use civic and governance city centre, as an exemplar transit orientated development, that will emerge as a range of primary and secondary uses that form a strategic regional centre;
- The confidence to be able to ensure development within the catchment of a committed station precinct, is delivered to leverage from the station infrastructure itself;
- The ability for collaboration between local and state government to deliver the station precinct given the large amount of Crown land available for development.

In light of this, Officers recommend the Shire write to the Minister, with the request to explore this option in greater detail.

## **Options and Implications**

### Option 1

That Council:

1. SUPPORTS the proposed amendment to the Mundijong District Structure Plan to change current precinct C to become new sub-precincts C1, C2 and C3, as shown within **attachment 1**.
2. AUTHORISES the Shire President to write to the responsible Ministers for the Water Corporation and Department of Water and Environmental Regulation, to request investigation of alternative waste water solution for Mundijong and Byford that could also provide a dependable irrigation water source for future development.
3. AUTHORISES the Shire President to write to the responsible Ministers for Metronet, to express an interest for consideration to have a Mundijong Metronet solution committed to, as part of any next phase of the Metronet Project.

### Option 2

That Council DOES NOT SUPPORT the proposed amendment to the Mundijong District Structure Plan to change current precinct C to become new sub-precincts C1, C2 and C3.

Option 1 is recommended.

## **Conclusion**

The applicant is seeking to modify current precinct C into sub-precincts C1, C2 and C3 to inform the future local structure plans within Mundijong DSP. Officers have undertaken an assessment of the proposal and recommend support.



**Attachments (available under separate cover)**

- **10.1.7 - attachment 1** - Sub-Precinct Proposal for Local Structure Plan Area C - Watkins Road North Mundijong (IN23/8324)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

There are no financial implications to Council associated with the proposal.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	That Council does not support the proposed amendment to support more refined sub-precincts, and this inhibits the development of the area.	Planning Framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Nil.



**Voting Requirements:** Simple Majority

**OCM101/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Strange, seconded Cr Byas**

**That Council:**

- 1. SUPPORTS the proposed amendment to the Mundijong District Structure Plan to change current precinct C to become new sub-precincts C1, C2 and C3, as shown within attachment 1.**
- 2. AUTHORISES the Shire President to write to the responsible Ministers for the Water Corporation and Department of Water and Environmental Regulation, to request investigation of alternative waste water solution for Mundijong and Byford that could also provide a dependable irrigation water source for future development.**
- 3. AUTHORISES the Shire President to write to the responsible Ministers for Metronet, to express an interest for consideration to have a Mundijong Metronet solution committed to, as part of any next phase of the Metronet Project.**

**CARRIED UNANIMOUSLY 9/0**





**10.1.8 - Byford Health Hub - Consideration of Proposed Memorandum of Understanding (SJ3305)**

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

**Authority / Discretion**

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

The purpose of this report is for Council to consider endorsing a Memorandum of Understanding (MOU) (**attachment 1**) between the Shire of Serpentine Jarrahdale and East Metropolitan Health Services (EMHS). The MOU captures planned arrangements between the Shire and EMHS, in order to affect a number of actions to begin delivery of the Byford Health Hub.

If the MOU is endorsed, it will continue to help guide the collaborative arrangements between the Shire and EMHS, and also protect the interests of ratepayers as such pertains to the proposed arrangements outlined in the MOU.

**Relevant Previous Decisions of Council**

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

1. *NOTES the position of East Metropolitan Health Service is a subdivision is preferred rather than a lease of the land to construct the Byford Health Hub.*
2. *REQUESTS the Chief Executive Officer to write to East Metropolitan Health Service advising that the Shire agrees to undertake a Crown Subdivision as outlined in option one (1) for the purposes of creating a new lot for the Byford Health Hub subject to and conditional upon:*
  - a. *the Shire and East Metropolitan Health Service entering into a 'conditional revocation agreement' on terms acceptable to the Shire.*
  - b. *the East Metropolitan Health Service bearing all costs associated with the subdivision.*
  - c. *The Shire retaining a management order over the remaining portion of Reserve 53923.*
  - d. *satisfactory arrangements being reached in relation to the delivery, maintenance and use of common property and shared services, including the requirement for EMHS to construct the common property on the site as depicted in Figure 1.*
3. *REQUESTS the Chief Executive Officer to develop a 'conditional revocation agreement' with East Metropolitan Health Service for the relinquishment of the Shire's management,*



*and the construction, maintenance and use of the common property and present it to Council for consideration.*

- 4. REQUESTS for the Chief Executive Officer write to the Minister for Lands acknowledging that the site is to be used for the benefit of the Byford Health Hub and requesting that future consideration of the Management Order to revert back to be in favour of the Shire if in the future the State no longer has need for the site and any improvements on the land.*

*Ordinary Council Meeting - 15 August 2022 - OCM364/12/21 - COUNCIL RESOLUTION  
That Council:*

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

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

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

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

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

*Ordinary Council Meeting - 13 December 2021 - OCM364/12/21 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. Receives the update on the progress of the Byford Health Hub.*
- 2. Requests that the Chief Executive Officer to provide further reports to Council as planning for the site and the facility progress*

*Ordinary Council Meeting - 16 August 2021 - OCM231/08/21 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. RECEIVES the update on the progress of the Byford Health Hub.*
- 2. NOTES that the Chief Executive Officer has been appointed a member of the East Metropolitan Health Service (EMHS) Byford Health Hub Steering Committee.*



3. *REQUESTS that the Chief Executive Officer provide further reports to Council as planning for the site and the facility progress.*

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

*That Council:*

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

<i>Account</i>	<i>Type</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
<i>1000-10100-6230-0000</i>	<i>Increase Expenditure</i>	<i>Consultancy</i>	<i>15,000</i>	
<i>5200-17100-6230-0000</i>	<i>Increase Expenditure</i>	<i>Consultancy</i>		<i>15,000</i>
<i>Reason: Reallocation of consultancy budget to fund undertaking of forum.</i>				

4. *SEEKS participation of local, state and federal government representatives, state agency representatives, community leaders, school representatives, business stakeholders and city centre landowners;*
5. *FOLLOWING the forum, seeks a report back with a recommendation on options.*

*Ordinary Council Meeting - 15 February 2021 - OCM038/02/21 - COUNCIL RESOLUTION*

*That Council:*

1. *ENDORSES in principle, the Byford Health Hub Business Case, as per attachment 1;*
2. *SUPPORTS in principle, the Health Hub Facility to be located on the Shire's 7000m<sup>2</sup> Civic Reserve in Byford, subject to endorsement of a future Business Plan;*
3. *REQUESTS the Shire President and Chief Executive Officer ADVOCATE for the State Government to fund the construction of the Byford Health Hub and;*
4. *REQUESTS the Chief Executive Officer present a report back to Council after the WA State Government election to determine how to progress the project.*

## **Background**

In February 2021, the State Government announced an election commitment of \$30.6 million for a Health Hub in Byford. Council, at its Ordinary Meeting held on 15 February 2021, endorsed in principle the Health Hub facility to be located on the Shire's Public Purpose Reserve, located within the Byford Activity Centre directly adjoining the future Byford Metronet Station.

The Public Purpose Reserve, being Reserve 53923, comprises an area of 7,000m<sup>2</sup> and is intended to deliver a range of public purpose uses/developments, including the Health Hub (in the immediate short term) and the ultimate Byford Library and Multi-Agency Services development (in the long term - beyond 2032).

Council noted at its Ordinary Meeting held on 21 February 2022, that the site had been secured with a Management Order (refer **attachment 2**) for 'community purpose' within the Byford Activity Centre.

Council at its Ordinary Meeting held on 16 May 2022, adopted a Master Plan for the site to guide future uses and development. The Master Plan identifies a spatial arrangement for:



- the Health Hub in the southern portion;
- a shared accessway in the western portion;
- a carparking area in the central portion;
- a future library and public realm in the northern portion.

Council has been considering how best to affect the planned spatial arrangements of the adopted Master Plan. This initially took the form of a ground lease arrangement. On 18 November 2022, the Shire received correspondence from EMHS advising of its preferred position for a crown land subdivision of Reserve 53923, to essentially create two separate Crown allotments that would be revested as new Reserves.

From the perspective of the Shire, this arrangement provided an alternative pathway forward, to that of a ground lease. Council, at its Ordinary Meeting held on 12 December 2022, noted the position of EMHS to have its own Crown reserve, rather than a ground lease of a portion of Reserve 53923. In considering the issues associated with this alternative approach, Council resolved for Officers to proceed with a Conditional Revocation Agreement in order to achieve a Crown land subdivision approach instead of the ground lease approach.

On 3 March 2023, the Shire received further correspondence from EMHS which presents an MOU as a statement of intent to achieve cooperation in order to progress the crown subdivision of Reserve 53923. This MOU and associated statement of intent, while non-binding, would effectively underpin the statutory processes to affect management order revocation; Crown subdivision and easement creation to benefit the Shire; vesting of new Crown lots to create the new management orders to Shire and EMHS, respectively.

Also, the MOU references an updated access agreement (to be presented to a future Council meeting) to enable early site access for works on the project to occur.

## **Community / Stakeholder Consultation**

### Policy Concept Forum

<b>Meeting Date</b>	3 April 2023
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Duggin, Cr Strange, Cr Mack, Cr Strautins, Cr Coales

### External Consultation

Department of Planning, Lands and Heritage to discuss the Crown Land subdivision options and requirements to progress this land disposal method.

## **Statutory Environment**

### Local Government Act 1995

The subject land is not land held in freehold by the Shire entity - rather it is Crown land, with a management order issued to the Shire as management authority. Should Council support a revocation approach to enable Crown subdivision, section 3.58 and 3.59 of the *Local Government Act 1995* are not relevant. This is because the revocation of a management order and other actions required for the subdivision option, do not constitute a 'land disposal', 'land transaction' or 'trading undertaking' for the purposes of section 3.58 and 3.59 of the *Local Government Act 1995*.



All that would be required is a resolution by the Council to support the actions of the subdivision option and advise the Minister for Lands and for Officers to advise EMHS of that resolution.

#### Land Administration Act 1997

The revocation of the Management Order under section 50 of the *Land Administration Act 1997 (WA)* can be undertaken in three ways:

1. Where the management body agrees that it should be revoked;
2. Where the land subject of the management order has not been appropriately managed; or
3. Where it is in the public interest revoke the Management Order.

In general practice, agreement of the management body is the normal process.

#### Council Policy 5.1.3 - Lease and License Management

This policy applies to all community groups and commercial organisations that seek to lease Shire facilities (including land). Where the user of Shire land has exclusive use of either part or all of the facility then that arrangement shall be the subject of an appropriately negotiated lease, subject to Council approval.

This was the initial approach endorsed by Council, being a ground lease arrangement. However the subsequent request received from EMHS is to consider a revocation, Crown subdivision and independent reserve creation.

#### Civic Purpose Site Masterplan

The Civic Purpose Masterplan is now an adopted strategic document that provides detailed guidance for the planning and development of the site. The proposal for the Byford Health Hub is consistent with the land use identified within the master plan. Council adopted the plan at its OCM held 16 May 2022.

#### **Comment**

While an MOU would be non-binding, it would seek to align the actions of the Shire and EMHS to specifically arrange the land aspects associated with the Health Hub and the future Shire library and multi agency building. The following discusses the key issues from the perspective of the Shire, which need to be suitably addressed in the MOU:

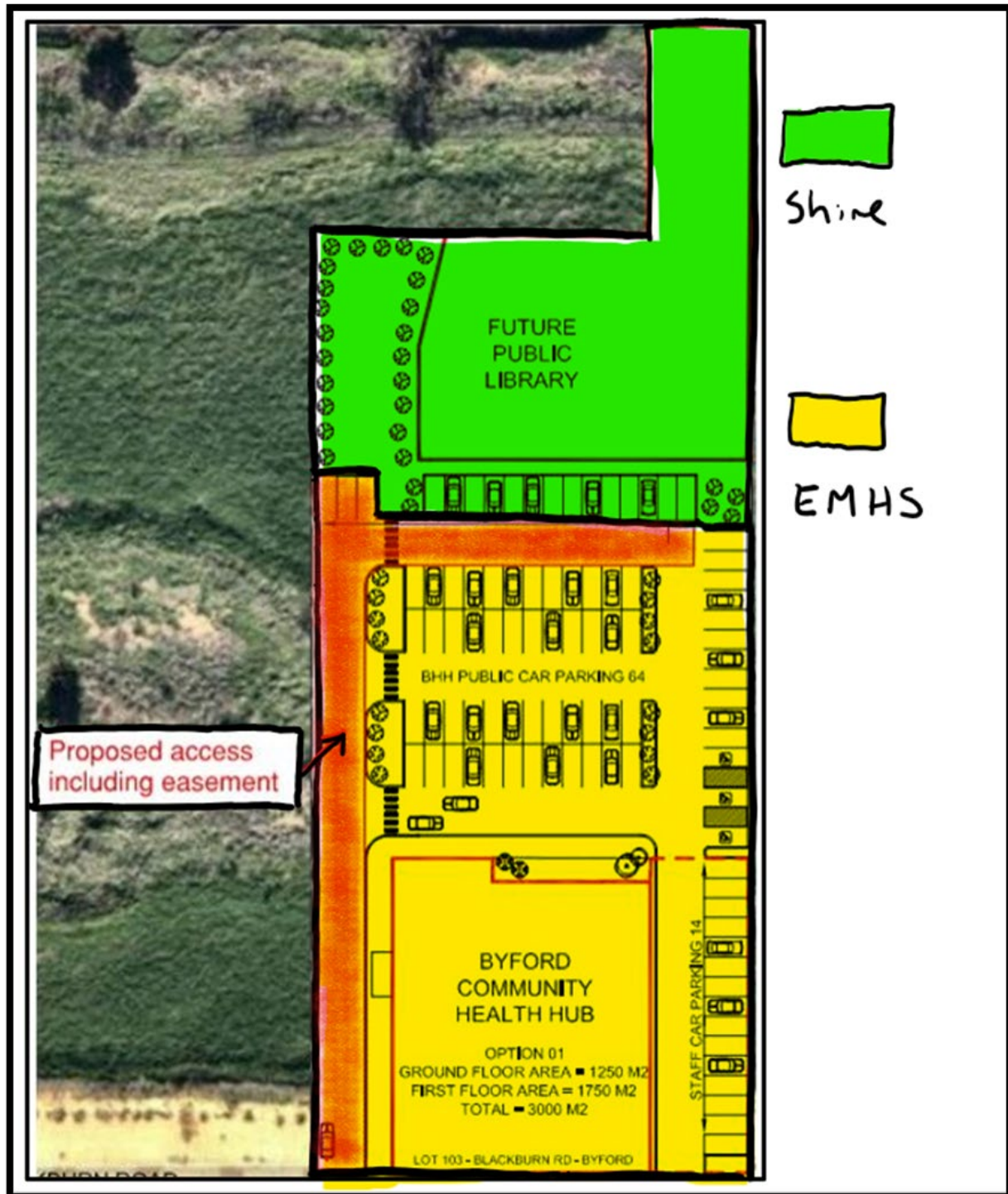
#### Accessway

Subsequent to the Masterplan being endorsed, a leasing plan was developed to identify an arrangement for a Health Hub portion, a Shire portion and a common access portion. Given the significant costs to deliver the forward works on the site and the undeveloped nature of the Shire civic reserve for at least another decade, the Shire made EMHS aware that it considers that EMHS are required to own, build and maintain the common access. To protect the interests of the community going forward, an easement in gross to create common access would be required, as part of a Crown land subdivision process occurring, and as part of the Shire agreeing to the management order revocation.

EMHS has included in the Business Case, which is submitted for funding for the entire development, to fund the construction of the accessway which would give EMHS access off Blackburn Road to the site. This has resulted in an increase in the total site area for the Health Hub from 3,300m<sup>2</sup> to 4,672m<sup>2</sup>, however that portion being the accessway would be subject to an easement in gross to benefit the Shire at large, which protects community use of it into the future.



Figure 1 following illustrates the proposed area (in red) that EMHS have proposed to be the access which would be protected for Shire / community use. Officers note that protection needs to be in a formal arrangement (i.e., easement in gross to benefit the Shire). Officers also point out that to protect access to the future carparking associated with the Shire reserve, the easement would need to extend further east as shown in the current 'L' shape.



An easement in gross would protect Shire/community access at all times over the portion of land covered. This is considered necessary given the critical importance of such access to be enshrined via the respective Crown land titles to be created.



Should Council support the Officer's recommendation, this will result in EMHS covering the cost of the access way and its ongoing maintenance. The upfront construction cost is estimated to account for a capital cost of \$1.5 million.

Other key terms

The MOU is provided in **attachment 1**.

An initial document was prepared by EMHS, and reviewed by Shire Officers and lawyers from McLeods (on behalf of the Shire). Officers note that the original version of the MOU did not explicitly detail the requirements for an easement in gross over the access area. Officers recommend to Council that this needs to be stated as a clear requirement and precedent for the Shire agreeing to revoke the management order, and must occur as part of the Crown land subdivision process.

The version attached to this report contains the necessary wording to affect this outcome.

A summary of the key objectives is set out below (these are not intended to be a full exhaustive list of all terms included in the MOU). Further details are contained within **attachment 1**.

<b>Key Objectives: Memorandum of Understanding</b>	
<b>MOU Term</b>	<b>Details</b>
Revocation of Management Order	The Shire agrees for the purposes of section 50 (1)(a) of the LAA, that its Management Order should be revoked to facilitate the Crown Subdivision subject to an easement in gross over the required access area, and such access area to be constructed and maintained by EMHS.
Crown Subdivision	The Shire agrees for EMHS to apply for the Crown Subdivision of the Reserve into two separate Lots (EMHS Lot and Shire Lot), subject to this process also securing an easement in gross over the access on EMHS Lot and that specifying construction and ongoing maintenance of the access way by EMHS.
New Management Order	To enable the Development to occur, both parties agree that it is subject to the Crown Subdivision and easement in gross, and care, control and management being placed by the Minister with: <ul style="list-style-type: none"> <li>a) EMHS for the purpose of the Development on the EMHS Lot; and</li> <li>b) The Shire for the control and management of the Shire lot.</li> </ul>
Development	EMHS role: Upon Crown Subdivision being approved and EMHS being granted a new Management Order, EMHS will: <ul style="list-style-type: none"> <li>a) Do what is reasonably necessary to progress the Development;</li> <li>b) Work cooperatively with the Shire and seek an extension of time for the Sunset Date if the Development is not commenced by the Sunset Date,</li> </ul>



<b>Key Objectives: Memorandum of Understanding</b>	
<b>MOU Term</b>	<b>Details</b>
	<p>and</p> <p>c) Consult with the Shire and support the Shire if they wish to seek approval from the Minister to regain care, control and management of the entire Reserve if the Development does not occur or continue for whatever reason.</p> <p>Shire Role: The Shire agrees:</p> <p>a) Work cooperatively with EMHS to enable the Crown Subdivision to be completed without delay; and</p> <p>b) Consider any request from EMHS to extend the Sunset Date and not unreasonably deny such request.</p>
Termination	<p>If the Development cannot occur or continue for any reason, both parties agree that:</p> <p>a) Either party may terminate the MOU by giving at least 90 days notice to the other Party; and</p> <p>b) The party requesting to terminate the MOU bear the costs of applying to the authority for revocation of the new Management Order granted to EMHS and seek approval from the Minister to grant another Management Order to the Shire for the control of the entire Reserve.</p>
Accessway	<p>Must be located on the EMHS Lot, and be burdened by an easement in gross in favour of the Shire for the public at large. This to also specify construction and ongoing maintenance by EMHS.</p>
Work Cooperatively	<p>Both parties agree to:</p> <p>a) Work cooperatively and in good faith in relation to the development of the Shire's Lot and EMHS's Lot; and</p> <p>b) Consult, co-operate, and coordinate with each other in relation to each party's works and work collaboratively together to avoid any inference, delays, impediments or nuisance to each other's works, in the event that the Shire undertakes works on the Shire Lot during the development.</p>
Amended Access Agreement	<p>This will be the instrument to enable forward works. This will be presented to Council for their agreement to the amendments.</p>





### Implementation - Next Steps

If Council agree to the MOU, this would enable the application to proceed to be prepared and submitted to the Department of Planning, Lands and Heritage (DPLH), who have advised that the following would be required to proceed with the Crown subdivision of Reserve 53923.

- A sketch plan showing the proposed lots, the easement in gross area, and who will be managing the land. The MOU will identify this area and the agreement that the Shire will relinquish the management of the area identified as the Health Hub Reserve SUBJECT to, inter alia, a suitable easement in gross and construction/maintenance responsibilities of the accessway by EMHS. Once this is received, DPLH will undertake due diligence and necessary referrals.
- Subject to supportive referral advice, DPLH will progress to issuing survey instructions to EMHS nominated surveyor for the preparation of a Deposited Plan.
- Once the Deposited Plan is prepared and placed in Order for Dealings, DPLH will lodge the formal documentation at Landgate to:
  - (a) Revoke the Shire's Management Order Reserve 53923 (Lot 103 on Deposited Plan 414923).
  - (b) Subdivide Lot 103 into two new Lots and create the easement in gross.
  - (c) Amend Reserve 59923 to comprise the new Lot only (Shire's Future Library site) and issue a new Management Order to the Shire, also with the easement benefit.
  - (d) Create a new reserve over the Health Hub Lot and issue a Management Order to EMHS, with the easement burden.

It is recommended that the MOU be endorsed by Council for signing by the Chief Executive Officer, based on the version attached to this report.

### **Options and Implications**

#### Option 1

That Council:

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

#### Option 2

That Council does not endorse the MOU, and advises EMHS that it wishes to revisit land arrangement options for the project.

Option 1 is recommended.



## Conclusion

This report outlines the background and negotiations held to date with EMHS, with the aim to now relinquish the Management Order to facilitate a Crown subdivision and easement creation, for the new land arrangement for a Shire reserve and EMHS reserve.

The Byford Health Hub will provide an opportunity to facilitate partnerships and pathways between health and social care providers to deliver integrated care in the community. The facility will enhance the patient experience and improve long-term health outcomes in the community.

## Attachments (available under separate cover)

- **10.1.8 - attachment 1** - Draft Memorandum of Understanding - Byford Health Hub (IN23/9183)
- **10.1.8 - attachment 2** - Management Order (E22/1552)

## Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.1</b>	Recognise local heritage
<b>Strategy 1.2.2</b>	Encourage and support public art in public areas
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.2.4</b>	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

## Financial Implications

Considering both current and expected future costs associated with ensuring the Crown subdivision process secures the Shire's interests, a total expected cost of up to \$15,000 is expected. This is primarily associated with early legal advice and ongoing legal review of key matters, such as the easement documents associated with the access easement rights in favour of the Shire.

Should the MOU be progressed, and Crown subdivision secured with the access easement, the Shire will realise a cost saving in not having to contribute to the funding of the access way. The access way has a current cost estimate of \$1.5m.

The costs for preparation of the Crown Subdivision and easement, will be covered by EMHS.



**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	The MOU is endorsed but its status of a non-binding document impacts key matters associated with successful project delivery from the perspective of the Shire.	Senior Officers continue engagement with EMHS and specifically ensure commitments to delivery of the MOU terms occurs.	Social & Community Outcomes	Possible	Moderate	MODERATE	Nil.
2	The MOU is not endorsed, and Council indicates that it wishes to reconsider land arrangement options for the reserve. This could pose a significant risk to the viability of the project, and could impact critical timelines and funding associated with delivering essential health infrastructure for the Shire's community.	Further engagement being undertaken with EMHS, to determine whether alternative land arrangement options are open for consideration.	Social & Community Outcomes	Possible	Major	SIGNIFICANT	Specify alternative land arrangement options that Council wishes to have explored.



**Voting Requirements:** Simple Majority

**OCM102/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Atwell**

**That Council:**

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

**CARRIED UNANIMOUSLY 9/0**

**10.2 Infrastructure Services reports:**

<b>10.2.1 - Minutes of the Rivers Regional Council – 20 April 2023 (SJ581)</b>	
<b>Responsible Officer:</b>	Director Infrastructure Services
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Information	For the Council / Committee to note.
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**Report Purpose**

The purpose of this report is to enable Council to note the minutes of the Rivers Regional Council ordinary meeting held on 20 April 2023.

**Relevant Previous Decisions of Council**

Nil.

**Background**

The Rivers Regional Council (RRC) is a regional local government established under s3.61 of the *Local Government Act 1995*. The Shire of Serpentine Jarrahdale is a member of the Rivers Regional Council.

The RRC provides waste services on behalf of member local governments.

**Community / Stakeholder Consultation**

Nil.

**Statutory Environment**

From a legislative perspective, the RRC is a distinct local government entity. Except for the sections listed in s3.66 of the Act, RRC is required to comply with the Act as any other local government.

**Comment**

On 20 April 2023 an Ordinary Council Meeting of the RRC was held. The unconfirmed minutes of the meetings are contained in **attachment 1**. While Council is under no obligation to consider the minutes of the meetings, the unconfirmed minutes are presented for Council's information. Council's decision on this matter does not confer endorsement or otherwise of the minutes. The confirmation of minutes will be a matter for the members of the RRC at their next meeting.

**Options and Implications**Option 1

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary meeting held on 20 April 2023 as contained in **attachment 1**.

Option 2

That Council DOES NOT NOTE the unconfirmed minutes of the Rivers Regional Council meetings held on 20 April 2023 respectively.

Option 1 is recommended.

**Conclusion**

As a member of the RRC, the unconfirmed minutes of the RRC Ordinary Council Meeting held on 20 April 2023 are attached for Council's information.

**Attachments (available under separate cover)**

- **10.2.1 - attachment 1** - Rivers Regional Council Ordinary Council Meeting Minutes – 20 April 2023 (IN23/8553)

**Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

**Financial Implications**

Nil.

**Risk Implications**

Nil.

**Voting Requirements:** Simple Majority

**OCM103/05/23****COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Strautins**

**That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary meeting held on 20 April 2023 as contained in attachment 1.**

**CARRIED UNANIMOUSLY 9/0**



Continued

**Ordinary Council Meeting Minutes  
Monday, 15 May 2023**

**10.2.2 – Execution of Sublease between Sports Aircraft Builders Club Inc. and Fire and Emergency Services Ministerial Body – Reserve 25911 Yangedi Road Hopeland (L066)**

<b>Responsible Officer:</b>	Senior Property and Facilities Officer
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officer's Interest:</b>	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> .

Presiding Member, Councillor Rich advised that this item has been withdrawn from this Meeting.



**10.2.3 - Procurement arrangement for Natural Resource Management (NRM) Services (SJ204)**

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

**Authority / Discretion**

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

The purpose of this report is for Council to consider awarding a contract for the procurement of natural reserve maintenance services and to approve a long-term agreement with Landcare SJ Inc for the provision of Natural Reserve Maintenance (NRM) services for a period of five years commencing on 1 July 2023.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 18 July 2022 – OCM171/07/22 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *RESOLVES, in accordance with Regulation 11(f) of the Local Government (Functions and General) Regulations 1996, that because of the unique nature of the services required, it is unlikely that there is more than one potential supplier;*
2. *APPROVES the Shire entering into a sole supplier contract with Landcare SJ Inc. via the Contract for Services and Use of Reserve 32180, 12 Paterson Street Mundijong as contained within CONFIDENTIAL attachment 1, on the following terms and conditions:*
  - a. *Agreement for funding term of 12 months to commence 1 July 2022;*
  - b. *Annual direct funding of \$208,000.00;*
  - c. *Licence fee of \$1 payable on demand, in accordance with Regulation 30, of the Local Government (Functions and General) Regulations 1996 as a community organisation;*
  - d. *That Landcare SJ Inc. carry out the activities as set out in the Contract for Services and meet its KPIs; and*
  - e. *That the Chief Executive Officer be authorised to execute the Contract for Services.*
3. *REQUESTS that the Chief Executive Officer bring a report to Council that identifies a procurement, methodology for the provision of Natural Reserves Management services for the next 5 years; and*





4. *SUPPORTS the continuation of services for Natural Reserves Management Services as detailed in attachment 4.*

*Ordinary Council Meeting – 21 June 2021 – OCM149/06/21 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *RESOLVES, in accordance with Regulation 11(f) of the Local Government (Functions and General) Regulations 1996, that because of the unique nature of the services required, it is unlikely that there is more than one potential supplier.*
2. *APPROVES the Shire entering into a sole supplier contract with Landcare SJ Inc. via the Contract for Services and Use of Reserve 32180, 12 Paterson Street Mundijong as contained within CONFIDENTIAL attachment 1, on the following terms and conditions:*
  - a) *Agreement for funding term of 12 months to commence 1 July 2021;*
  - b) *Annual direct funding of \$208,104.00;*
  - c) *Licence fee of \$1 payable on demand, in accordance with Regulation 30, of the Local Government (Functions and General) Regulations 1996 as a community organisation;*
  - d) *That Landcare SJ Inc. carry out the activities as set out in the Contract for Services and meet its KPIs; and*
  - e) *That the Chief Executive Officer be authorised to execute the Contract for Services.*
3. *REQUESTS that the Chief Executive Officer bring a report to Council that identifies a plan for Natural Resource Management services to inform ongoing Natural Resource Management activities in the Shire.*

*Ordinary Council Meeting – 17 August 2020 - OCM256/08/20 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *DETERMINES, in accordance with Regulation 11(f) of the Local Government (Functions and General) Regulations 1996, that because of the unique nature of the services required, it is unlikely that there is more than one potential supplier.*
2. *APPROVES the Shire entering into a sole supplier contract with Landcare SJ Inc. via the Contract for Services and Use of Reserve 32180, 12 Paterson Street Mundijong as contained within CONFIDENTIAL attachment 3, on the following terms and conditions:*
  - a) *Agreement for funding term of 12 months to commence 1 July 2020.*
  - b) *Annual direct funding of \$204,826.60.*
  - c) *Licence fee of \$1 payable on demand, in accordance with Regulation 30, of the Local Government (Functions and General) Regulations 1996 as a community organisation.*
  - d) *That Landcare SJ Inc. carry out the activities as set out in the Contract for Services and meets its KPI's.*
  - e) *That the Chief Executive Officer be authorised to execute the Contract for Services.*
3. *APPROVES the Shire amending the management order suitable for the site, prior to formal consent.*
4. *SUPPORTS a future request for Quote/Tender procurement process and ask the Chief Executive Officer to bring a report to Council that identifies the scope of services required for a 5 year contract.*



5. *WITHDRAWS Council's nominations of formal Council member delegates to the Landcare SJ Inc. Board and Landcare Centre Management Committee resolved by Council at the 16 December 2019 Ordinary Council Meeting.*

*Ordinary Council Meeting – 28 May 2018 – OCM044/05/18 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. Notes the Landcare SJ Inc. Strategic Plan 2018 to 2028 in attachment OCM044.1/05/18 and Business Plan 2018 to 2020 in attachment OCM044.2/05/18, in satisfaction of the KPIs stated in Annexure 2 of the Agreement for Funding and Use of SJ Community Landcare Centre as per attachment OCM044.3/05/18.*
- 2. Recognises the significant contributions by Landcare SJ Inc. to the community and environment of the Shire of Serpentine Jarrahdale.*

## **Background**

The district of Serpentine Jarrahdale incorporates diverse land uses and geographical elements. A protected and enhanced natural, rural and built environment is one of the Shire's key themes in the Strategic Community Plan 2017 – 2027.

Effective land management including management of weeds and invasive species, feral animals and environmental protection at a community level is critical to maintaining and enhancing the Shire's forested hills and wetlands, as well as the coastal flats.

The Shire of Serpentine Jarrahdale has had a long-standing partnership with Landcare SJ Inc (called Landcare in this report) over two decades to provide Natural Reserve Maintenance (NRM) services in the Shire. In 2020, legal advice was obtained regarding the contractual arrangements between the Shire and Landcare. The legal advice received at that time indicated that it would be more appropriate for this arrangement to operate as a formal procurement of services rather than a quasi-grant / agreement with a community organisation. This legal advice was presented to Council as part of a paper to the August 2020 Ordinary Council Meeting.

In August 2020 and June 2021, Council resolved to enter into a contract with Landcare as a sole supplier for twelve months.

In March - April 2022, as per the legal advice obtained in 2020, which indicated that procurement of these services through a formal process may be more appropriate, Shire Officers undertook a tendering process for the procurement of Natural Reserve Maintenance Services. Three submissions were received in response to that tender, one of which was submitted by Landcare.

During that procurement process, followed by detailed analysis of full range of services provided by Landcare SJ Inc with subsequent discussions with Landcare, Officers identified that the range of services that contractors in the industry can provide versus those that Landcare provide are not comparable. It was also realised that certain services provided by Landcare are unique in nature and could only be procured through a sole supplier as various components of these services are not able to be delivered by contractors in the current market (i.e. eligibility to apply for and secure grant funding only available to not for profit organisations, recruitment and management of local volunteer workforce, community engagement, coordination of community events such as RU Ok Day, delivering educational workshops for community groups and schools etc).



These services are highly valued and important to various community groups within the Shire. Awarding the tender to an industry standard landscaping contractor or similar industry would have resulted in the loss of some of these services to the Serpentine Jarrahdale Community. This would have been an undesirable outcome for both the Shire and the community in general, unless a separate contract for provision of these services was to be developed and implemented as a separate exercise. Accordingly, Officers recommended that the tenders received be rejected pending investigation of alternative procurement options. This was done under delegated authority on 7 July 2022. As a consequence, another 12-month contract was entered into with Landcare to continue providing the services for the 2022-2023 Financial Year, expiring on 30 June 2023.

Officers have investigated various other options for procurement of these services since that time and have arrived at the conclusion that due to the range and nature of services required to be procured, they have been unable to identify other suppliers that could provide similar range of services. Following the conclusion of that investigation, Officers identified Landcare SJ Inc as the Sole Supplier for provision of the range of services required. It is therefore recommended that the Shire engages Landcare through a formal contract to deliver these services.

### **Community / Stakeholder Consultation**

#### Landcare SJ Inc

Officers have met with the Landcare Executive Officer on a number of occasions since November 2022 to better understand how Landcare operates their business with a view to gain more insight into their income streams and the component of their activities that includes utilising community members and volunteers. These discussions identified a service delivery framework which would allow for planning, monitoring, and reporting of activities carried out by Landcare. There is currently no formal management framework under which the Shire and Landcare proactively plan, execute, and report on the work undertaken by Landcare for the Shire. Although Landcare publishes a detailed annual report on their business throughout the year, the annual report does not specifically identify what the Shire receives in return for its funding contribution. Separate to the services provided for the Shire in management of Shire reserves, Landcare is also involved in commercial activities, and they reinvest their profit from these activities into the community via provision of various land management activities.

### **Statutory Environment**

The *Local Government Act 1995* (the Act) establishes rules for procuring goods and services valued at greater than \$250,000. Section 3.57 of the Act requires a local government to go to public tender for services to a value greater than \$250,000.

Regulation 11 of the *Local Government (Functions and General) Regulations 1996* states that tenders do not need to be publicly invited if the Local Government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.

### **Comment**

NRM services are required by the Shire to achieve the strategic objectives of a protected and enhanced natural, rural, and built environment. These activities include:

- Weed management;
- Verge planting;



- Reserve management;
- Education of private landowners that reduces the impact of pests and weeds on Council reserves and road verges;
- Better land management advice to community groups which assists in addressing water quality issues in waterways;
- Managing a large number of volunteers who work on key environmental projects that would not be covered by the Shire's own work program, given the limited number of resources;
- Community activation and participation in natural resource management;
- Tree planting and revegetation programs that contribute to Shire strategies to retain, enhance vegetation cover, and
- Promotion of Landcare SJ Inc and various Shire incentives, including implementation of the Shire of Serpentine Jarrahdale's Biodiversity Strategy – (specifically actions - 4E, 4F, 4G, 11, 28).

#### Review of approach to acquire services

Officers considered several options in order to secure NRM services into the future. The options considered included bringing the services in-house; sole-supplier arrangement with Landcare; and procurement of services through contractor(s) (refer previous tender discussion).

In-house and sole-supplier options are discussed in-turn below.

#### *In-house*

Currently, Landcare employs four staff, 2 full time staff and 2 part time, totalling 3.4 FTE equivalent. Primarily, Landcare utilises these resources to obtain grant funding from various funding programs, mostly available for not-for-profit organisations only. Landcare then engages volunteer groups and contractors to deliver the projects whilst their own resources are also used to deliver educational programs as well as managing their business.

It is not possible to compare the cost of every service Landcare currently provides to the Shire against how much it would cost for the Shire to provide the same services. This is mainly due to the fact that some of the services Landcare provides are quantitatively non-tangible, i.e., educational programs etc. Although a very important and valuable service to the community, however these services are not measurable in financial terms.

For the purpose of a simple cost comparison, for the purpose of comparison, if the non-tangible services are excluded and only the measurable physical works are taken into consideration, i.e. revegetation works, die back control etc, it is estimated that it would cost the Shire more than double the amount that the Shire is contributing to Landcare if the Shire was to undertake the same amount of work using in house resources. Some of the reasons for this cost difference are as follows:

- During the past 2 years, Landcare was successful in securing \$140,000 grant funding each year. These grant funds are only available to not-for-profit organisations such as Landcare SJ Inc;
- The Shire's current funding contribution to Landcare in 2022/23 is \$208,000. If the Shire was to use the \$208,000 and undertake the works using in house resources, approximately 30% of that funding would be allocated to Shire overheads, leaving only \$146,000 to be spent on the actual works;



- Landcare engages and coordinates 500 – 800 volunteers per year who contribute around 4,000 to 5,000 work hours per year free of charge. The monetary value of the volunteer hours is estimated to be \$175,000 per year.

This option would require the additional teams of staff to either carry out the physical work, or the employment of uniquely skilled staff to undertake and manage grant applications, projects and coordinate up to 500 - 800 volunteers each year. Should the Shire employ the equivalent of the staff currently employed by Landcare, it has been calculated that this would cost the Shire in the vicinity of an additional \$442,000 per annum inclusive of Shire overheads. This based on Shire employing the same number of staff currently employed by Landcare.

### **Sole supplier 5-year contract - Landcare SJ Inc.**

The decision for a sole supplier, stems from the interpretation of the legal advice given in 2020 where there is an exemption in regulation 11(2) f of the *Local Government (Functions and General) Regulations 1996* under which –

“the local government has good reason to believe that, because of the unique nature of the goods or services required for any other reason, it is unlikely that there is more than one potential supplier”.

Under this exemption, it is believed that Landcare and the services provided are considered to be **unique** for the following reasons:

- On average, Landcare engages between 500-800 volunteers each year. This human resource base is very unique and could not be replicated by any other business or supplier within this area. Over the last two years of the previous agreement, Landcare was able to gain 8,666 hours of volunteer time, which equates to a value of \$342,159.00.
- Landcare have developed strong community capital making them unique to the Shire of Serpentine Jarrahdale. Landcare currently works with over nine community groups from across the Shire (such as: Serpentine Environment Group, Byford Enviro-Link, SJ Food and Farm Alliance, Friends of Brickwood, Jarrahdale Heritage Group, Winjan Aboriginal Corporation, Keysbrook Environment Group, and a range of local schools). Landcare assists and supports the coordination of many of these groups' activities. Landcare also have programs that assist in the upskilling and education of the community groups;
- Landcare are able apply for external grants for the improvement of the environment that local governments may not be eligible for, therefore they have greater opportunities than the Shire in some instances to apply for external funding for various projects. As a result, Landcare have secured over \$278,700 worth of grant funds over the last two financial years. This is in addition to other revenue they generated for their business from commercial activities;
- Landcare are a unique not-for-profit community-based service provider that exists to coordinate and provide land care, bush care and catchment care specific to the Shire of Serpentine Jarrahdale and the north Murray area. Officers consider it would be difficult to find another organisation that offers such a broad and specific range of services, with such a strong community connection and involvement which will reinvest all profits back into their operations ultimately benefitting the local community;
- Landcare coordinates delivery of NRM and Landcare activities in the Shire of Serpentine Jarrahdale. Priority is given to ongoing maintenance programs, enhancement and restoration of remnant natural areas containing nationally significant plant communities, and water quality improvement in rivers, wetlands and waterways;



- Landcare works to represent the interests of land care, bush care and catchment care in Serpentine Jarrahdale, in conjunction with the community, government bodies (including but not limited to) the Department of Primary Industries and Regional Development (DPIRD), Department of Biodiversity, Conservation and Attractions (DBCA), Department of Health (DoH), Public Transport Authority (PTA), Department of Fire and Emergency Services (DFES), and industry and Non-Governmental Organisations (NGOs). Landcare delivers Federal, State and Local Government environmental priorities to address issues of sustainable agriculture, biodiversity resilience, water quality, biosecurity, and impacts of climate change within the Shire;
- Landcare coordinated events and projects also support a broad variety of Shire initiatives and strategies including tourism, health and environmental projects within the community. These events and projects assist the Shire in achieving some of the goals outlined in Shire strategies;
- Landcare also has programs that support the Shire's Biodiversity Strategy where they are promoting and supporting residents to protect and enhance bushland on private properties across the Shire, through gaining external funding and providing environmental advice. Landcare engages with approximately 36 private landholders owning approximately 1,284 ha of land throughout the Shire, just through the Healthy Habitats Program;
- In addition to this program, the Landcare Centre is open for residents to engage and gain a wide range of environmental information and advice. Through the free verge plants program, there is engagement with approx. 250 residents per year, with at least another 20 properties benefitting from partnerships with Landcare on their properties with sourcing external grants. There are approximately 30 private properties in the Shire with Cockatubes, which engages further residents into Landcare's influence.

### *Contracted services*

As identified via the previous open tender procurement exercise and further Officer investigation, it became evident that there are no suitable suppliers in the market that could provide a comparable range of services that is required.

A formal Contract for Services has been developed (**CONFIDENTIAL attachment 3**) which can be implemented to engage Landcare for a period of 5 years, should the Council determine to continue engaging Landcare to deliver services as a sole supplier. This new contractual arrangement will allow for an opportunity to plan works to be undertaken by Landcare in advance as agreed by both parties, incorporate KPI's and other metrics to demonstrate and satisfy parties involved, monitor progress of works regularly. The new contract and proposed management framework will also require Landcare to report on progress of work undertaken for the Shire regularly, including an annual report on work completed during each Financial Year. The work types involved are included in **attachment 1**, to facilitate an interim agreement and demonstrate the work that Landcare undertakes on Shire reserves and within the community on Shire's behalf.

The reporting and planning framework detailed in the proposed Contract for Services is such that the Shire's representative will attend bimonthly management committee (reporting) meetings in addition to biannual (planning) meetings. Landcare SJ Inc will continue to provide the Shire with an annual report.

The responsibilities of both the Shire of Serpentine and Jarrahdale and Landcare SJ Inc. are embodied in the contract agreement between the parties. Some in-kind maintenance and administrative support from the Shire are included in the contract. The decision has been made to separate the service agreement and use and occupancy of the building.



Landcare and the Shire have a license agreement in place for the use of the accommodation within the building they currently occupy. The 5-year Contract for Services does not include the use of the buildings and facilities that Landcare currently occupies. The building occupancy will be addressed through a separate agreement in accordance with Council Policy 5.1.3 – Lease and Licence management.

Landcare continues to work within their Strategic and Business Plans, which were both adopted by Council in May 2018. An annual report is also available to the public and in addition, Council is presented with the Annual report and audited financial reports for the financial year 2021/2022 (**attachment 2**).

### **Options and Implications**

#### Option 1

That Council:

1. SUPPORTS the procurement methodology used for the provision of NRM services for the next 5 years, between 1 July 2023 and 30 June 2028.
2. RESOLVES, in accordance with Regulation 11(f) of the *Local Government (Functions and General) Regulations 1996*, that because of the unique nature of the services required, that Landcare SJ Inc qualifies as a sole supplier.
3. APPROVES the Shire entering into a sole supplier Contract with Landcare SJ Inc in accordance with the Contract for Services as contained within **CONFIDENTIAL attachment 3**, with the following terms and conditions:
  - a) Value of the Contract for Services to be a lump sum amount of \$233,223 excluding GST for the first year of the contract, between 1 July 2023 and 30 June 2024, subject to approval of 2023-24 budget by Council;
  - b) Value of the Contract for Services to be adjusted in line with the Council adopted rate rises annually for the remaining 4-year term of the contract, between 1 July 2024 and 30 June 2028, subject to approval of each annual budget by Council.
4. NOTES Landcare SJ Inc annual report and audited financial statements for the financial year 2021/ 2022 as contained within **attachment 2**.
5. REQUIRES Landcare SJ Inc to present an annual report on their achievements and their audited financial statements to Council each Financial Year.
6. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale with Landcare SJ for the provision of NRM services.

#### Option 2

That Council:

1. DOES NOT SUPPORT the procurement method used for the provision of NRM services for the next five years between 1 July 2023 and 30 June 2028; and
2. RESOLVES to remove the building occupancy component from the current Contract for Services and use of Reserve 32180, 12 Paterson Street Mundijong, and EXTEND the Contract for Services component of that contract between the Shire and Landcare SJ Inc as a sole supplier for a term of 12 months starting on 1 July 2023 at a value of \$208,000, subject to approval of 2023-24 budget by Council.

Option 3

That Council:

1. DOES NOT APPROVE the Shire entering into a sole supplier Contract with Landcare SJ Inc; and
2. RESOLVES to allocate the \$208,000 funding that is currently allocated to Landcare contract, to Shire's 2023-24 parks operations budget to enable Shire's own resources to undertake the maintenance works in various Natural Area Reserves currently undertaken by Landcare.

Option 1 is recommended.

**Conclusion**

The provision of NRM Services is an integral part of the Shire of Serpentine Jarrahdale Community Strategic Plan in order to maintain and enhance vegetation and the environment. The services provided to the Shire and community are highly visible, essential, and appreciated throughout the community. The approach described in option 1 will enable the continuation of these important services while a comprehensive schedule is completed to achieve the best environmental and community outcome. The management framework within the proposed agreement will allow for improved planning, monitoring and more transparent reporting of these activities and services.

The current agreement for the contract of services, and use of Reserve 32810 12 Paterson Street, Mundijong, expires on the 30 June 2023. The execution of the proposed contract will ensure continuity of the service delivery by Landcare SJ Inc on a longer term through a more efficient and transparent manner and in compliance with the Shire's procurement policy.

**Attachments (available under separate cover)**

- **10.2.3 - attachment 1** – Reserve Management Spreadsheet (E22/3731)
- **10.2.3 – attachment 2** – Landcare SJ Inc - annual report and audited financial statements 2021/2022 (IN22/21744)
- **10.2.3 – CONFIDENTIAL attachment 3** – Landcare SJ Inc - Contract for Services (IN23/8635)

**Alignment with our Strategic Community Plan**

<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
<b>Strategy 2.2.4</b>	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.





**Financial Implications**

Should Council accept a sole supplier agreement with Landcare, this will allow the stated services to continue at the current level with the benefit of saving the Shire money in comparison to bringing the services in house. The estimated savings for the Shire in employment costs alone will be \$102,000 per annum.

The Shire’s contribution to Landcare during 2022 – 23 Financial Year is \$208,000. The revised proposed value of contract is \$233,223 (excluding GST) which is calculated using the \$204,826.60 Shire contribution in 2018 as the base value indexed in line with the Shire’s rate rises during the period between 2018 and 2023 plus a 5% increase for 2023-24 Financial Year. The amount of \$233,223 (excluding GST) will be requested to be allocated in the 2023-24 budget to fund the delivery of external NRM services. For the remaining 4 years of the agreement, this amount will increase annually to match the rate rise adopted by Council.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks with option 1						
2	Temporary loss of service continuity in the area of NRM and reputational damage		Organisational Performance	Likely	Major	HIGH	Adopt Officer recommendation
3	Loss of continuity of some services highly valued by the community which are currently provided by Landcare SJ (e.g. educational programmes; provision of land management advice to the community; coordinating community events e.g. RU OK planting day			Almost Certain	Major	High	
3	Internal capacity to deliver services			Likely	High	High	



**Voting Requirements:** Simple Majority

Officer Recommendation

That Council:

1. SUPPORTS the procurement methodology used for the provision of NRM services for the next 5 years, between 1 July 2023 and 30 June 2028.
2. RESOLVES, in accordance with Regulation 11(f) of the *Local Government (Functions and General) Regulations 1996*, that because of the unique nature of the services required, that Landcare SJ Inc qualifies as a sole supplier.
3. APPROVES the Shire entering into a sole supplier Contract with Landcare SJ Inc in accordance with the Contract for Services as contained within CONFIDENTIAL attachment 3, with the following terms and conditions:
  - a) Value of the Contract for Services to be a lump sum amount of \$233,223 excluding GST for the first year of the contract, between 1 July 2023 and 30 June 2024, subject to approval of 2023-24 budget by Council;
  - b) Value of the Contract for Services to be adjusted in line with the Council adopted rate rises annually for the remaining 4-year term of the contract, between 1 July 2024 and 30 June 2028, subject to approval of each annual budget by Council.
4. NOTES Landcare SJ Inc annual report and audited financial statements for the financial year 2021/ 2022 as contained within attachment 2.
5. REQUIRES Landcare SJ Inc to present an annual report on their achievements and their audited financial statements to Council each Financial Year.
6. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale with Landcare SJ for the provision of NRM services.

Amended Officer Recommendation

That Council:

1. SUPPORTS the procurement methodology used for the provision of NRM services for the next 5 years, between 1 July 2023 and 30 June 2028.
2. RESOLVES, in accordance with Regulation 11(f) of the *Local Government (Functions and General) Regulations 1996*, that because of the unique nature of the services required, that Landcare SJ Inc qualifies as a sole supplier.
3. NOTES the amendments to the sole supplier Contract shown in track changes in CONFIDENTIAL attachment 4 and APPROVES the Shire entering into a sole supplier Contract with Landcare SJ Inc in accordance with the Contract for Services as contained within CONFIDENTIAL attachment 5, with the following terms and conditions:
  - a) Value of the Contract for Services to be a lump sum amount of \$233,223 excluding GST for the first year of the contract, between 1 July 2023 and 30 June 2024, subject to approval of 2023-24 budget by Council;
  - b) Value of the Contract for Services to be adjusted in line with the Council adopted rate rises annually for the remaining 4-year term of the contract, between 1 July 2024 and 30 June 2028, subject to approval of each annual budget by Council.



4. NOTES Landcare SJ Inc annual report and audited financial statements for the financial year 2021/ 2022 as contained within attachment 2.
5. REQUIRES Landcare SJ Inc to present an annual report on their achievements and their audited financial statements to Council each Financial Year.
6. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale with Landcare SJ for the provision of NRM services.

**MOTION / Amended Officer Recommendation**

Moved Cr Byas, seconded Cr Duggin

That Council:

1. SUPPORTS the procurement methodology used for the provision of NRM services for the next 5 years, between 1 July 2023 and 30 June 2028.
2. RESOLVES, in accordance with Regulation 11(f) of the Local Government (Functions and General) Regulations 1996, that because of the unique nature of the services required, that Landcare SJ Inc qualifies as a sole supplier.
3. NOTES the amendments to the sole supplier Contract shown in track changes in CONFIDENTIAL attachment 4 and APPROVES the Shire entering into a sole supplier Contract with Landcare SJ Inc in accordance with the Contract for Services as contained within CONFIDENTIAL attachment 5, with the following terms and conditions:
  - a) Value of the Contract for Services to be a lump sum amount of \$233,223 excluding GST for the first year of the contract, between 1 July 2023 and 30 June 2024, subject to approval of 2023-24 budget by Council;
  - b) Value of the Contract for Services to be adjusted in line with the Council adopted rate rises annually for the remaining 4-year term of the contract, between 1 July 2024 and 30 June 2028, subject to approval of each annual budget by Council.
4. NOTES Landcare SJ Inc annual report and audited financial statements for the financial year 2021/ 2022 as contained within attachment 2.
5. REQUIRES Landcare SJ Inc to present an annual report on their achievements and their audited financial statements to Council each Financial Year.
6. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale with Landcare SJ for the provision of NRM services.

**Councillor Coales left the Meeting at 9:08pm.**

**Councillor Coales returned to the Meeting at 9:10pm.**

**Councillor Strautins left the Meeting at 9:10pm.**

**OCM104/05/23**

**AMENDMENT**

Moved Cr Dagostino, seconded Cr Strange

**Amend point 3. b) to read: Value of the Contract for Services to be adjusted in line with the Council adopted rate rises annually for the remaining 4-year term of the contract, between 1 July 2024 and 30 June 2028, subject to approval of each annual budget for this annual funding.**

**CARRIED UNANIMOUSLY 8/0**



Councillor Strautins returned to the Meeting at 9:13pm.

OCM105/05/23

**AMENDMENT**

Moved Cr Dagostino, seconded Cr Strange

Amend point 6. to read: **AUTHORISES** the Chief Executive Officer to sign the contract on behalf of the Shire of Serpentine Jarrahdale with Landcare SJ for the provision of NRM services as at **CONFIDENTIAL** attachment 5.

**CARRIED UNANIMOUSLY 9/0**

OCM106/05/23

**COUNCIL RESOLUTION / SUBSTANTIVE MOTION**

Moved Cr Byas, seconded Cr Duggin

That Council:

1. **SUPPORTS** the procurement methodology used for the provision of NRM services for the next 5 years, between 1 July 2023 and 30 June 2028.
2. **RESOLVES**, in accordance with Regulation 11(f) of the *Local Government (Functions and General) Regulations 1996*, that because of the unique nature of the services required, that Landcare SJ Inc qualifies as a sole supplier.
3. **NOTES** the amendments to the sole supplier Contract shown in track changes in **CONFIDENTIAL** attachment 4 and **APPROVES** the Shire entering into a sole supplier Contract with Landcare SJ Inc in accordance with the Contract for Services as contained within **CONFIDENTIAL** attachment 5, with the following terms and conditions:
  - a) Value of the Contract for Services to be a lump sum amount of \$233,223 excluding GST for the first year of the contract, between 1 July 2023 and 30 June 2024, subject to approval of 2023-24 budget by Council;
  - b) Value of the Contract for Services to be adjusted in line with the Council adopted rate rises annually for the remaining 4-year term of the contract, between 1 July 2024 and 30 June 2028, subject to approval of each annual budget for this annual funding.
4. **NOTES** Landcare SJ Inc annual report and audited financial statements for the financial year 2021/ 2022 as contained within attachment 2.
5. **REQUIRES** Landcare SJ Inc to present an annual report on their achievements and their audited financial statements to Council each Financial Year.
6. **AUTHORISES** the Chief Executive Officer to sign the contract on behalf of the Shire of Serpentine Jarrahdale with Landcare SJ for the provision of NRM services as at **CONFIDENTIAL** attachment 5.

**CARRIED UNANIMOUSLY 9/0**

*Reason for difference to Officer Recommendation*

*To add extra clarity to the funding arrangement.*

**10.2.4 – Licence for 12 Paterson Street Mundijong (L080)**

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

**Authority / Discretion**

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

The purpose of this report is for Council to consider a suitable tenure agreement between the Shire of Serpentine Jarrahdale and Landcare SJ Inc. (Landcare) for the use of facility located at 12 Paterson Street Mundijong, Reserve 32180, Lot 218 on Deposited Plan 185462 being the whole of the land comprised in Crown Land Title Volume LR3016 Folio 116.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 18 July 2022 – OCM171/17/22 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. RESOLVES, in accordance with Regulation 11(f) of the Local Government (Functions and General) Regulations 1996, that because of the unique nature of the services required, it is unlikely that there is more than one potential supplier;*
- 2. APPROVES the Shire entering into a sole supplier contract with Landcare SJ Inc. via the Contract for Services and Use of Reserve 32180, 12 Paterson Street Mundijong as contained within CONFIDENTIAL attachment 1, on the following terms and conditions:*
  - a. Agreement for funding term of 12 months to commence 1 July 2022;*
  - b. Annual direct funding of \$208,000.00;*
  - c. Licence fee of \$1 payable on demand, in accordance with Regulation 30, of the Local Government (Functions and General) Regulations 1996 as a community organisation;*
  - d. That Landcare SJ Inc. carry out the activities as set out in the Contract for Services and meet its KPIs; and*
  - e. That the Chief Executive Officer be authorised to execute the Contract for Services.*
- 3. REQUESTS that the Chief Executive Officer bring a report to Council that identifies a procurement, methodology for the provision of Natural Reserves Management services for the next 5 years; and*
- 4. SUPPORTS the continuation of services for Natural Reserves Management Services as detailed in attachment 4.*



*Ordinary Council Meeting 21 June 2021 - OCM149/06/21 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *RESOLVES, in accordance with Regulation 11(f) of the Local Government (Functions and General) Regulations 1996, that because of the unique nature of the services required, it is unlikely that there is more than one potential supplier.*
2. *APPROVES the Shire entering into a sole supplier contract with Landcare SJ Inc. via the Contract for Services and Use of Reserve 32180, 12 Paterson Street Mundijong as contained within CONFIDENTIAL attachment 1, on the following terms and conditions:*
  - a) *Agreement for funding term of 12 months to commence 1 July 2021;*
  - b) *Annual direct funding of \$208,104.00;*
  - c) *Licence fee of \$1 payable on demand, in accordance with Regulation 30, of the Local Government (Functions and General) Regulations 1996 as a community organisation;*
  - d) *That Landcare SJ Inc. carry out the activities as set out in the Contract for Services and meet its KPIs; and*
  - e) *That the Chief Executive Officer be authorised to execute the Contract for Services.*
3. *REQUESTS that the Chief Executive Officer bring a report to Council that identifies a plan for Natural Resource Management services to inform ongoing Natural Resource Management activities in the Shire.*

*Ordinary Council Meeting – 17 August 2020 - OCM256/08/20 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *DETERMINES, in accordance with Regulation 11(f) of the Local Government (Functions and General) Regulations 1996, that because of the unique nature of the services required, it is unlikely that there is more than one potential supplier.*
2. *APPROVES the Shire entering into a sole supplier contract with Landcare SJ Inc. via the Contract for Services and Use of Reserve 32180, 12 Paterson Street Mundijong as contained within CONFIDENTIAL attachment 3, on the following terms and conditions:*
  - a) *Agreement for funding term of 12 months to commence 1 July 2020.*
  - b) *Annual direct funding of \$204,826.60.*
  - c) *Licence fee of \$1 payable on demand, in accordance with Regulation 30, of the Local Government (Functions and General) Regulations 1996 as a community organisation.*
  - d) *That Landcare SJ Inc. carry out the activities as set out in the Contract for Services and meets its KPI's.*
  - e) *That the Chief Executive Officer be authorised to execute the Contract for Services.*
3. *APPROVES the Shire amending the management order suitable for the site, prior to formal consent.*
4. *SUPPORTS a future request for Quote/Tender procurement process and ask the Chief Executive Officer to bring a report to Council that identifies the scope of services required for a 5 year contract.*
5. *WITHDRAWS Council's nominations of formal Council member delegates to the Landcare SJ Inc. Board and Landcare Centre Management Committee resolved by Council at the 16 December 2019 Ordinary Council Meeting.*

**Background**

The Shire of Serpentine Jarrahdale has had a long-standing partnership with Landcare over two decades where Landcare has been providing Natural Reserves Management services in the Shire.

Landcare is an incorporated, not for profit entity. Landcare was incorporated in 2002, through an agreement between the Shire of Serpentine Jarrahdale (Shire) and the SJ Land Conservation District Committee (SJ LCDC) to provide coordination and management for environmental projects in the Shire.

In 2017, the Shire and Landcare entered into a three-year agreement for the delivery of Landcare services in the Shire. The agreement provided for the Shire to provide a \$200,000 p.a. (CPI adjusted) contribution to Landcare operating costs, and an additional \$35,000 pa in-kind contribution which includes cost of utilities, building accommodation, building maintenance, and building cleaning.

In 2020, legal advice was obtained by the Shire which identified it would be more appropriate for this arrangement to operate as a formal procurement of services through a formal competitive tendering process rather than a quasi-grant / agreement with a community organisation. This legal advice was presented to Council at its Ordinary Council Meeting on 17 August 2020. Council supported a future Request for Quote/Tender procurement process and requested the Chief Executive Officer to bring a report back to Council that identified the scope of services required for a 5-year contract.

The legal advice identified that the tenure agreement for the use of the building occupied by Landcare should no longer form a part of the service delivery agreement but rather a stand-alone arrangement with the Shire.

In 2022 the Shire tendered for the ongoing provision of Natural Reserves Management services. The results of this tendering process were tabled in a separate report included in the Agenda for June 2022 Ordinary Council Meeting. It was subsequently determined that Landcare was to continue to be treated as a sole supplier for the required range of services provided to the Shire.

A further 12-month service agreement was subsequently entered into which incorporates the terms of a 12-month licence in respect of the occupancy arrangement at 12 Paterson Street, Mundijong. The agreement expires on 30 June 2023.

**Community / Stakeholder Consultation**

Discussions have been held between Shire Officers and Landcare Executive Officer over the previous twelve months to develop the proposed licence agreement.

**Policy Concept Forum**

Meeting Date	28 March 2022
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Duggin, Cr Singh, Cr Strange, Cr Strautins



## Statutory Environment

Section 3.58 of the *Local Government Act 1995* provides for the disposal of property. “Disposal” is defined as” *to sell, lease or otherwise dispose of whether absolutely or not”*

Section 3.58(2) provides that a local Government can only dispose of property to:

- “(a) *the highest bidder at public auction; or*
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender*

Unless under Section 3.58(3) “*A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

- (a) it gives local public notice of the proposed disposition —*
  - (i) describing the property concerned; and*
  - (ii) giving details of the proposed disposition; and*
  - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made”.*

Section 30 of the *Local Government (Functions and General) Regulations 1996* makes provision for disposals of property which are excluded from Section 3.58 of the *Local Government Act 1995*. Included in these exclusions is:

Section 30(2)(b) “*the land is disposed of to a body, whether incorporated or not —*

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions;”*

Due to its Not-for-Profit status, the disposal of the land to Landcare by means of a licence means that the disposal is considered to be exempt from the provisions of Section 3.58 of the *Local Government Act 1995*.

### *Council Policy 5.1.3 Lease and Licence Management*

In the context of a licence, the Policy provides:

*“Where a Licence is issued and services are made available to the wider public or a common access point is shared between Council and the organisation, the contribution of the organisation towards this cost will be negotiated (based on utilisation) and will be detailed in the schedule attached to the agreement”.*

In the context of not-for-profit community-based groups, the Policy provides:

*“In recognition of the benefit to the community provided by Not-for-Profit groups or organisations the lease fee applicable will be \$1.00 per annum (peppercorn). As a result, the remainder of the lease terms and conditions are to be on a ‘No Cost to the Shire’ basis. The Lessee will be responsible for cleaning, repairs, maintenance, insurances, rates and taxes (if applicable) and all other outgoings associated with the facility”.*





Additionally, the Shire of Serpentine Jarrahdale's Local Law: Public Places and Local Government Property includes:

Clause 1.7 as "*Overriding power to hire and agree, despite anything to the contrary in this local law, the CEO or an authorised person, on behalf of the local government, may (b) enter into an agreement with any person regarding the use of any local government property*"

The land is a Crown Reserve held under management Order with the power to lease or licence for up to twenty-one (21) years. Minister for Lands Consent will need to be obtained under S 18 of the *Land Administration Act*, prior to execution of the licence.

### **Comment**

Historically, the matter of land tenure has been dealt with by embodying the licence to occupy the land and premises within the contract for Services and Use of Reserve 32180, 12 Paterson Street Mundijong. The current agreement expires on 30 June 2022.

Discussions have been held with Landcare to agree the basis of a new licence which recognises the stand-alone nature of the tenure agreement and that the "in-kind" payment of \$35,000 will no longer be available. The new licence will have to conform, in so far as it is possible, with the Councils Policy 5.1.3 *Lease and Licence Management*.

The following principal terms have now been agreed:

**Licensor:** Shire of Serpentine and Jarrahdale;

**Licensee:** Landcare SJ Inc.;

**Term:** 5 years commencing on the commencement date;

**Licence Fee:** \$1 (peppercorn);

**Use:** Community Centre to include office and administration, Storage of Landcare's equipment, education purposes, operation of Landcare enterprises Environmental Services and uses reasonably ancillary thereto.

**Licence preparation and registration costs:** currently the occupation of the building is managed through the contract for service delivery and use of reserve between the Shire and Landcare. As part of the proposed new arrangements, the occupation of the building by Landcare is separated from the contract for service and will be managed through a licence.

Due to the changes to management of the building occupancy being initiated by the Shire, it is proposed that the legal fees for preparation of the new licence will be shared on a 50 / 50 basis between the Shire and Landcare. The cost of preparing the new licence by lawyers is \$1600 which will be met equally at \$800 for each party.

**Structural Repairs:** Responsibility of the Shire;

**General Maintenance and repairs:** Licensees responsibility except for gutter cleaning and Termite inspection and treatment;

**Utilities and other consumables:** Licensees responsibility;

**Insurance:** Licensor to insure the building and the Licensee to provide Public Liability Insurance to \$20 million.

In addition to the terms to be incorporated into the Licence agreement the Shire will undertake a condition report of the building in accordance with the Council Policy 5.1.3 *Lease and Licence Management*.



As noted above in the Statutory Environment section, Council Policy 5.1.3 provides guidance when developing a new licence at a peppercorn to a not-for-profit group that the licence should be at nil cost to the Shire. The longstanding and unique nature of this partnership has meant that some costs will still be borne by the Licensor, but it is expected that these will be minimal and considerably less than the current in-kind arrangement of approximately \$35,000 per annum.

### Options and Implications

#### Option 1

That Council:

1. NOTES the Shire will be responsible for 50% legal costs (\$800) as per 5.4(1)(b) of the deed of licence contained in **CONFIDENTIAL attachment 1**;
2. AUTHORISES the Chief Executive Officer to execute the Licence for occupation of Reserve 32180, 12 Paterson Street, Mundijong by Landcare SJ Inc as contained within **CONFIDENTIAL attachment 1**, for a term of five (5) years, commencing on 1 July 2023, subject to Minister for Lands approval in accordance with Section 18 of the *Land Administration Act 1997*.

#### Option 2

That Council resolves NOT TO OFFER a new licence to Landcare SJ Inc.

Option 1 is recommended.

### Conclusion

Landcare Inc has been occupying the building for over 20 years with the Shire providing an in-kind contribution in the order of \$35,000 per annum toward the maintenance and operational cost of the building as part of a much larger Shire funding contribution (circa \$200,000 per annum) towards the cost of Landcare operations.

In 2020, legal advice was obtained by the Shire which identified that it would be more appropriate for this arrangement to operate as a formal procurement of services through a tendering process rather than a quasi-grant / agreement with a community organisation.

Separate to the tender process for Natural Reserves Management services, discussions between Shire Officers and Landcare have resulted in agreement to a draft form of “stand alone” licence to occupy the premises on terms outlined above at option 1, where Landcare are responsible for minor repairs and maintenance, cleaning and the cost of consumables being broadly in line with Council Policy 5.1.3 *Lease Licence Management*.

It is recommended that Option 1 is adopted.

### Attachments (available under separate cover)

- **10.2.4 – CONFIDENTIAL attachment 1** – Licence – Reserve 32180 – 12 Paterson Street, Mundijong (E22/7379)

### Alignment with our Strategic Community Plan

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire’s interest.



**Financial Implications**

In 2021/2022 it was identified that major building maintenance and refurbishment works were required to improve the condition of the building. These works include restumping, disabled access, fire safety, internal and external painting, and toilet upgrades to ensure necessary building maintenance works and compliance with safety and disabled access requirements are met. Undertaking these works will ensure regulatory compliance and reduce the maintenance costs of the building.

Officers will submit a Business Case for funding allocation as part of the 2023/2024 budget for Council’s consideration. The estimated cost of these works is approximately \$105,000. These works will be undertaken during 2023/2024 subject to funding approval.

If Council chose to issue a licence for the facility to be occupied by Landcare as per the recommendations of this report, then the cost recovery objectives of *Council Policy 5.1.3 Lease and Licence Management* will be improved/achieved and the cost to the Shire of maintaining the building will be significantly reduced.

Currently the Shire contributes \$35,000 per year in-kind for management and operational costs of the building occupied by Landcare. This includes payment of utilities, cleaning, and general maintenance. As a result of removing the building occupancy from the current contract for service with Landcare, the \$35,000 in-kind contribution by the Shire will no longer be required which will be a cost saving for the Shire.

**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	Landcare is not able to manage the facility (and licence) due to lack of available funds	Policy 5.1.3 Lease and Licence Management states that a peppercorn arrangement is a grant at no cost to the Shire	Financial	Possible	Moderate	MODERATE	Periodic inspection and consultation with licensee
2	Licence is not renewed.	Licence is terminated in accordance with the current licence and all maintenance responsibilities revert to the Shire.	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Consultation with Licensee to arrange for them to vacate the premises in a timely manner.



**Voting Requirements:** Simple Majority

**OCM107/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Strautins**

**That Council:**

- 1. NOTES** the Shire will be responsible for 50% legal costs (\$800) as per 5.4(1)(b) of the deed of licence contained in CONFIDENTIAL attachment 1;
- 2. AUTHORISES** the Chief Executive Officer to execute the Licence for occupation of Reserve 32180, 12 Paterson Street, Mundijong by Landcare SJ Inc as contained within CONFIDENTIAL attachment 1, for a term of five (5) years, commencing on 1 July 2023, subject to Minister for Lands approval in accordance with Section 18 of the *Land Administration Act 1997*.

**CARRIED UNANIMOUSLY 9/0**

**10.3 Corporate Services reports:**

<b>10.3.1 - Confirmation of Payment of Creditors – April 2023 (SJ801)</b>	
<b>Responsible Officer:</b>	Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

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

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.

**Background**

Nil.

**Community / Stakeholder Consultation**

Not Applicable.

**Statutory Environment**

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

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

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

**Comment**

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

- a) Payees name;
- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

A detailed list of invoices for the period 1 April 2023 to 30 April 2023 is provided in **attachment 1**.

**Options and Implications**Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 April 2023 to 30 April 2023, totalling \$3,731,388.84.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 April 2023 to 30 April 2023, totalling \$3,731,388.84.

Option 1 is recommended.

**Conclusion**

Nil.

**Attachments (available under separate cover)**

- **10.3.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 30 April 2023 (E23/5765)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 February 2023 to 27 March 2023 – Redacted (E23/5642)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

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

The accounts paid under delegated authority for 1 April 2023 to 30 April 2023 totalled \$3,731,388.84.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	That Council does not accept the payments	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	

**Voting Requirements:** Simple Majority

**OCM108/05/23**

#### **COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Strautins**

**That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 April 2023 to 30 April 2023 totalling \$3,731,388.84 as contained in attachment 1.**

**CARRIED UNANIMOUSLY 9/0**

**10.3.2 - Monthly Financial Report – March 2023 (SJ801)**

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

**Authority / Discretion**

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

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

This report is about the financial position of the Shire as at 31 March 2023.

**Relevant Previous Decisions of Council**

*Special Council Meeting – 25 July 2022 – SCM026/07/22 - COUNCIL RESOLUTION – extract*

8. That Council, in accordance with regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2022/23 for reporting material variances shall be:

- a) 10% of the amended budget; or
- b) \$10,000 of the amended budget.

*Whichever is greater.*

*In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.*

**Background**

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at a point in time.

**Community / Stakeholder Consultation**

Nil.





## **Statutory Environment**

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

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

## **Comment**

### Monthly Financial Report

The attached report shows the month end position as at the end of 31 March 2023.

The municipal surplus as at 31 March 2023 is \$14,052,417 which is favourable, compared to a budgeted surplus for the same period of \$10,817,677. The primary cause of this is a higher than anticipated 2022/23 opening surplus position.

Further information on material variances that may have an impact on the outcome of the budgeted closing surplus position are listed below:

### **Operating Revenue**

#### Rates

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

#### Operating Grants, Subsidies and Contributions

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

#### Fees and Charges

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

#### Interest Earnings

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

#### Other Revenue

Favourable variance of \$222,022 due primarily to:

- A credit was received from Local Government Insurance Scheme (LGIS) for workers compensation for 21/22 of \$60,618 due to lower wages than originally anticipated.
- Reimbursement on legal cost from rates outstanding debtors for various assessment fees – \$77,968.
- Reimbursement on workers compensation claim from Local Government Insurance Scheme (LGIS) – \$54,218.

#### Profit on Asset Disposal

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

### **Operating Expenses**

#### Employee Costs

Favourable variance of \$852,660 due to vacant positions within the organisation.



Materials and Contracts

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

Utility Charges

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

Depreciation on Non-Current Assets

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

Insurance Expenses

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

Interest Expenses

Favourable variance of \$12,105 due to:

- Interest payment lower than budget year-to-date, expected to be fully expensed by the year end - \$12,637

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%.

**Other**

Contributions/Grants for the Construction of Assets

Favourable variance of \$661,136 due primarily to:

- Byford Developer Contribution - \$682,683

Capital Expenditure

Refer to Capital Works Expenditure within **attachment 1** for further details.

Proceeds from Disposal of Assets

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

Repayment of Loans

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

Repayment of Leases

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

Transfers to Cash Backed Reserves (Restricted Assets)

Variance in Transfer to Reserve of \$618,789 due primarily to:

- Byford Developer Contribution - \$682,683

Transfer from Reserve

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



## Options and Implications

### Option 1

That Council RECEIVES the Monthly Financial Report for March 2023 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 March 2023, 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 – March 2023 (E23/5508)

## Alignment with our Strategic Community Plan

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

## Financial Implications

As at 31 March 2023, the Shire's respective cash position was as follows:

Municipal Fund:	\$12,792,133
Trust Fund:	\$304,221



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for May leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	Accept Officer recommendation

**Voting Requirements:** Simple Majority

### OCM109/05/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Byas

That Council **RECEIVES** the Monthly Financial Report for March 2023 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.

**CARRIED UNANIMOUSLY 9/0**



### 10.3.3 – March 2023 Quarterly Budget Review (SJ514-11)

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

#### Authority / Discretion

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

This report represents the quarterly review of the 2022/2023 Budget. A number of budget variations are proposed as part of this review.

#### Relevant Previous Decisions of Council

*Special Council Meeting – 25 July 2022 – SCM026/07/22 – COUNCIL RESOLUTION - extract*  
*The Council ADOPTS, in accordance with section 6.2 of the Local Government Act 1995, the municipal Fund Budget as contained in attachment 1, Statutory Statements and Notes (including supplementary information for the year ending 30 June 2023 incorporating amendments as per the following table:*

<i>Description</i>	<i>Expenditure Type</i>	<i>Savings</i>
<i>Project: 80407 REDUCE “Kinsella Avenue Playground Upgrade – Lot 8011”</i>	<i>Municipal Funding – Reduce line item from 244,000 to 150,000</i>	<i>94,000</i>
<i>Project: 80398 AMENDS “Youth Services – Facilities and Safety Upgrades” to “Youth Services – Facilities and Critical Safety Upgrades and Facilities Planning</i>	<i>Municipal Funding – Reduce line item from 101,000 to 21,682</i>	<i>79,318</i>
<i>Project: 80414 DELETE “Abernethy Road Roundabouts, Median Trees and Rain Gardens”</i>	<i>Municipal Funding – Reduce line item from 73,000 to 0</i>	<i>73,000</i>
<i>FTE RETAIN existing staffing levels and arrangements for Youth Development Team, Provide \$25000 to provide for additional casual wages to ensure sufficient staffing levels to meet increasing demand for youth service provision.</i>	<i>Municipal Funding</i>	<i>19,546</i>
<i>Project: 80218 DELETE new spending against “New Bus Shelter Program” Note: RETAIN Carryover funds for 80218</i>	<i>Municipal Funding</i>	<i>27,000</i>



<i>REDUCE parks and gardens maintenance</i>	<i>50,000</i>
<i>REDUCE road safety initiatives</i>	<i>50,000</i>
<b>TOTAL:</b>	<b>392,864</b>

### Background

Changes to the Annual Budget are required during the year as circumstances change from when the Annual Budget was adopted by Council at the beginning of the financial year. Amendments to the Annual Budget will ensure that tight fiscal control is maintained on the Shire's finances.

### Community / Stakeholder Consultation

Nil.

### Statutory Environment

*Local Government Act 1995*

*6.8. Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

*(a) is incurred in a financial year before the adoption of the annual budget by the local government; or*

*(b) is authorised in advance by resolution\*; or*

*(c) is authorised in advance by the mayor or president in an emergency.*

### Comment

The 2022/2023 Budget has been reviewed and approval is sought for the following budget adjustments for the reasons specified:

#### Operating Projects

The 2022/2023 Operating Budget has been reviewed and approval is sought for the following budget operating budget adjustments for the reasons specified.

These adjustments result in additional funding requirements of \$80,602 which will be funded from savings in the Shire's Capital budgeted.

<b>Account Number</b>	<b>Type</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
2310-12600-4335-0000	Decrease Income	Building Services - Building Permits	41,000	
2310-12600-4303-0000	Decrease Income	Building Services - Footpath/Kerbing Inspections	30,000	
2310-12600-4331-0000	Decrease Income	Building Services - Verge Licences	20,000	



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Account Number	Type	Account Description	Debit \$	Credit \$
<p><b>Reason:</b> The three fees are related to building applications for dwellings being built in urban areas. The Shire has seen a drop in the number of building applications being received for new homes.</p>				
5200-17103-6326-0000	Decrease Expenditure	Invalidity Complaint - Legal Expenses		20,000
5200-17103-4580-0000	Increase Income	Invalidity Complaint - Other Income		20,000
5300-17302-5222-0000	Increase Trf to Reserve	Reserve Transfer – Trf To – Local Government Election Reserve	40,000	
<p><b>Reason:</b> In 2021 the Shire commenced an invalidity complaint through the Courts into the conduct of the 2021 ordinary local government election in the North Ward. The matter concluded in 2022 with the election result being overturned and the Shire being awarded partial costs. Officer recommends the savings be transferred to the Local Government Election Reserve.</p>				
4300-30068-4570-0000	Increase Income	Serpentine Jarrahdale Recreation Centre - Profit Share		18,100
5300-17302-5202-0000	Increase Trf to Reserve	Reserve Transfer – Trf To – Building Asset Management Reserve	18,100	
<p><b>Reason:</b> Profit share percentage for SJ Community Recreation Centre, Quarter 1 (2022/2023) per Transitional Contract arrangements. Officer recommends this additional revenue be transferred to the Building Facilities Reserve.</p>				
3210-13300-6230-0000	Decrease Expenditure	Subdivision - Consultancy		10,000
<p><b>Reason:</b> Officers have identified savings of \$10,000 in Consultancy due to work being conducted in house.</p>				
5300-17300-4562-0000	Increase Revenue	General Purpose Funding - Discounts		398
<p><b>Reason:</b> Higher than anticipated discounts received on early payment of creditor invoices which has resulted in additional income in excess of budget.</p>				



Capital Works

The following Capital projects have been identified as requiring adjustments to the current budget and with the result of this adjustment being a savings of \$80,062 which will be reallocated to facilitate the shortfall in funding required for Operating Projects:

Account Number	Type	Account Description	Debit \$	Credit \$
6200-80282-6600-0000	Increase Expenditure	Jarrahdale Outdoor Hub - Capital Expenditure	60,000	
6200-80282-4907-0000	Increase Income	Jarrahdale Outdoor Hub - Capital Contribution - Other		60,000
<b>Reason:</b> Jarrahdale Community Collective has confirmed their contribution to the Bruno Gianatti Hall – Jarrahdale Outdoor Hub Project by obtaining a \$60,000 grant from Alcoa as planned. The contribution from Jarrahdale Community Collective is for soft landscaping and irrigation works.				
6400-80288-6600-0000	Increase Expenditure	Kingsbury Drive - Capital Expenditure	5,398	
<b>Reason:</b> Correction of a December budget variation processed in error which exceeded the budget available.				
6400-80413-6600-0000	Decrease Expenditure	George Street Footpath - Capital Expenditure		72,000
<b>Reason:</b> Condition to install this footpath link has been imposed on the developer of adjacent land, as a condition of their Development Application, who has now commenced works and will install the path as part of their works.				
6500-80207-6610-0000	Decrease Expenditure	Serpentine Sports Reserve - Fencing - Carryforward Expenditure		14,000
<b>Reason:</b> Project has been completed under budget.				





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**Options and Implications**Option 1

That Council:

1. ADOPTS the March 2022 Quarterly Budget Review report and, pursuant to section 6.8 of the *Local Government Act 1995*, APPROVES the schedule of variations to the 2022/23 Budget as contained within this report.

Option 2

That Council:

1. DOES NOT ADOPT the March 2022 Quarterly Budget Review report and pursuant to section 6.8 of the *Local Government Act 1995*, DOES NOT APPROVE the schedule of variations to the 2022/23 as contained within this report.

Option 1 is recommended.

**Conclusion**

A Quarter 1 review of the Annual Budget has been done. A list of budget variations requiring approval has been identified.

**Attachments (available under separate cover)**

Nil.

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There is no significant risk associated with Council adopting the budget amendments.						
2	Council DOES NOT adopt budget adjustments leading to poor fiscal management resulting in financial risk due to overspending as well as being noncompliance with Financial regulations.	The organisation undertakes a quarterly finance and costing review prior to making council recommendation.  Law restricts expenditure when expenditure from municipal fund not included in annual budget unless authorised by resolution.	Financial	Unlikely	Moderate	MODERATE	Accept Officer Recommendation (Option 1)

**Voting Requirements:** Absolute Majority (*Section 6.8 of the Local Government Act 1995*)

#### Officer Recommendation

That Council:

- ADOPTS the March 2022 Quarterly Budget Review report and, pursuant to section 6.8 of the *Local Government Act 1995*, APPROVES the schedule of variations to the 2022/23 Budget as contained within this report.

Account Number	Type	Account Description	Debit \$	Credit \$
2310-12600-4335-0000	Decrease Income	Building Services - Building Permits	41,000	
2310-12600-4303-0000	Decrease Income	Building Services - Footpath/Kerbing Inspections	30,000	

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Account Number	Type	Account Description	Debit \$	Credit \$
2310-12600-4331-0000	Decrease Income	Building Services - Verge Licences	20,000	
5200-17103-6326-0000	Decrease Expenditure	Invalidity Complaint - Legal Expenses		20,000
5200-17103-4580-0000	Increase Income	Invalidity Complaint - Other Income		20,000
5300-17302-5222-0000	Increase Trf to Reserve	Reserve Transfer – Trf To – Local Government Election Reserve	40,000	
4300-30068-4570-0000	Increase Income	Serpentine Jarrahdale Recreation Centre - Profit Share		18,100
5300-17302-5202-0000	Increase Trf to Reserve	Reserve Transfer – Trf To – Building Asset Management Reserve	18,100	
3210-13300-6230-0000	Decrease Expenditure	Subdivision - Consultancy		10,000
5300-17300-4562-0000	Increase Revenue	General Purpose Funding - Discounts		398
6200-80282-6600-0000	Increase Expenditure	Jarrahdale Outdoor Hub - Capital Expenditure	60,000	
6200-80282-4907-0000	Increase Income	Jarrahdale Outdoor Hub - Capital Contribution - Other		60,000
6400-80288-6600-0000	Increase Expenditure	Kingsbury Drive - Capital Expenditure	5,398	
6400-80413-6600-0000	Decrease Expenditure	George Street Footpath - Capital Expenditure		72,000
6500-80207-6610-0000	Decrease Expenditure	Serpentine Sports Reserve - Fencing - Carryforward		14,000

**Director Infrastructure Services, Mr Reza Najafzadeh left the Meeting at 9:19pm and immediately returned.**



OCM110/05/23

**COUNCIL RESOLUTION**

Moved Cr Dagostino, seconded Cr Byas

That Council:

1. **ADOPTS** the March 2023 Quarterly Budget Review report and, pursuant to section 6.8 of the *Local Government Act 1995*, **APPROVES** the schedule of variations to the 2022/23 Budget as contained within this report.

Account Number	Type	Account Description	Debit \$	Credit \$
2310-12600-4335-0000	Decrease Income	Building Services - Building Permits	41,000	
2310-12600-4303-0000	Decrease Income	Building Services - Footpath/Kerbing Inspections	30,000	
2310-12600-4331-0000	Decrease Income	Building Services - Verge Licences	20,000	
5200-17103-6326-0000	Decrease Expenditure	Invalidity Complaint - Legal Expenses		20,000
5200-17103-4580-0000	Increase Income	Invalidity Complaint - Other Income		20,000
5300-17302-5222-0000	Increase Trf to Reserve	Reserve Transfer – Trf To – Local Government Election Reserve	40,000	
4300-30068-4570-0000	Increase Income	Serpentine Jarrahdale Recreation Centre - Profit Share		18,100
5300-17302-5202-0000	Increase Trf to Reserve	Reserve Transfer – Trf To – Building Asset Management Reserve	18,100	
3210-13300-6230-0000	Decrease Expenditure	Subdivision - Consultancy		10,000
5300-17300-4562-0000	Increase Revenue	General Purpose Funding - Discounts		398
6200-80282-6600-0000	Increase Expenditure	Jarrahdale Outdoor Hub - Capital Expenditure	60,000	
6200-80282-4907-0000	Increase Income	Jarrahdale Outdoor Hub - Capital Contribution - Other		60,000
6400-80288-6600-0000	Increase Expenditure	Kingsbury Drive - Capital Expenditure	5,398	



Continued

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<b>Account Number</b>	<b>Type</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
<b>6400-80413-6600-0000</b>	<b>Decrease Expenditure</b>	<b>George Street Footpath - Capital Expenditure</b>		<b>72,000</b>
<b>6500-80207-6610-0000</b>	<b>Decrease Expenditure</b>	<b>Serpentine Sports Reserve - Fencing - Carryforward</b>		<b>14,000</b>

**CARRIED UNANIMOUSLY 9/0**



### 10.3.4 – Budget Adjustment for Unallocated Surplus (SJ514-11)

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

#### Authority / Discretion

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

The purpose of this report is to seek approval from Council to adjust the 2022-2023 Budget to redistribute the unallocated surplus from the 2021-2022 financial year.

#### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 17 October 2022 – OCM257/10/22 – COUNCIL RESOLUTION / Officer Recommendation – **extract***

*That Council APPROVES the schedule of variations to the 2021/22 Budget as presented below, in accordance with section 6.8 of the Local Government Act 1995, resulting in a decrease to the opening municipal surplus (net current assets) of \$4,036,441 as at 1 July 2022.*

*Special Council Meeting – 25 July 2022 – SCM026/07/22 – COUNCIL RESOLUTION - **extract***

*The Council ADOPTS, in accordance with section 6.2 of the Local Government Act 1995, the municipal Fund Budget as contained in attachment 1, Statutory Statements and Notes (including supplementary information for the year ending 30 June 2023 incorporating amendments as per the following table:*

Description	Expenditure Type	Savings
<i>Project: 80407 REDUCE “Kinsella Avenue Playground Upgrade – Lot 8011”</i>	<i>Municipal Funding – Reduce line item from 244,000 to 150,000</i>	<i>94,000</i>
<i>Project: 80398 AMENDS “Youth Services – Facilities and Safety Upgrades” to “Youth Services – <del>Facilities and</del> Critical Safety Upgrades and Facilities Planning</i>	<i>Municipal Funding – Reduce line item from 101,000 to 21,682</i>	<i>79,318</i>
<i>Project: 80414 DELETE “Abernethy Road Roundabouts, Median Trees and Rain Gardens”</i>	<i>Municipal Funding – Reduce line item from 73,000 to 0</i>	<i>73,000</i>
<i>FTE RETAIN existing staffing levels and arrangements for Youth Development Team,</i>	<i>Municipal Funding</i>	<i>19,546</i>



<i>Provide \$25000 to provide for additional casual wages to ensure sufficient staffing levels to meet increasing demand for youth service provision.</i>		
<i>Project: 80218 DELETE new spending against "New Bus Shelter Program" Note: RETAIN Carryover funds for 80218</i>	<i>Municipal Funding</i>	<i>27,000</i>
<i>REDUCE parks and gardens maintenance</i>		<i>50,000</i>
<i>REDUCE road safety initiatives</i>		<i>50,000</i>
<i>TOTAL:</i>		<i>392,864</i>

### Background

At the time the 2022-2023 Budget was adopted by Council on 25 July 2022, the Annual Financial Statements for the 2021-2022 year end had not been complete, therefore any surplus or deficit resulting from the 2021-2022 financial year was not known.

### Community / Stakeholder Consultation

There has been no community / stakeholder consultation regarding this recommendation.

### Statutory Environment

Section 6.8 of the *Local Government Act 1995* requires a local government is not to incur expenditure from municipal funds for an additional purpose except where the expenditure:

- is incurred in a financial year before the adoption of the annual budget by the local government;
- is authorised in advance by Council resolution; and
- is authorised in advance by the President in an emergency.

### Comment

The 2021-2022 Annual Financial Statements have now been audited and the actual income and expenditure to be carried forward has been finalised.

### Summary of Overall Financial Performance 2021-2022

The year ended 30 June 2022 has seen the Shire continue to deal with the impacts of being a fast-growing local government. This is reflected in the Financial Health Indicator (FHI) and ratio information presented below.

Description	OAG Benchmark	2022	2021	2020	2019	2018
Current Ratio	1.00	1.80	2.72	1.45	1.46	1.28
Asset Consumption Ratio	0.45	0.75	0.75	0.73	0.74	0.77
Asset Renewal Funding Ratio	0.6	0.71	1.02	0.93	0.70	0.46
Asset Sustainability Ratio	0.8	0.95	0.55	0.85	0.94	0.66
Debt Service Cover Ratio	1.9	6.21	5.92	10.61	9.94	7.18
Operating Surplus Ratio	0.00	(0.12)	(0.11)	(0.05)	(0.05)	(0.10)



Description	OAG Benchmark	2022	2021	2020	2019	2018
Own Source Revenue Coverage Ratio	0.35	0.80	0.82	0.85	0.86	0.85
<b>Financial Health Indicator Score</b>		<b>73</b>	<b>69</b>	<b>72</b>	<b>73</b>	<b>60</b>

These ratios indicate that the Shire has been able to significantly improve its financial sustainability in the 2021-22 financial year despite facing increasing inflationary pressures. At the beginning of the 2021-22 financial year CPI was 4.2% however, at end of the reporting period CPI was 7.4%. This indicates, that despite growing economic pressures, through sound financial management the Shire has not only been successful in maintaining its financial health, but it has also improved.

The biggest influence in the significant improvement in the Shire's financial health indicator comes from the Asset Sustainability ratio. This is the result of the Shire undertaking significantly more renewal and replacement capital works than in previous years, with the Shire undertaking \$10,048,954 of renewal works in 2021-22, a significant amount which was funded through grants such as LRCI and Roads to Recovery. This means for the Shire to maintain the Asset Sustainability ratio going forward, it is critical to continue to advocate and seek grant funding for future renewal projects.

The Shire needs to continue to focus on improving the Operating Surplus ratio, which reflects the amount of municipal funds used to fund Operational activities.

With the costs associated with the undertaking of the operational functions of the Shire expected to continue to rise in coming financial years (CPI at 8.3% at the end of December 2022), improving this ratio will continue to be challenging.

#### 2021/22 Surplus Position

After all adjustments are processed, an additional \$1,834,979 has become available to be allocated in the 2022-2023 Budget.

	Surplus/(Deficit)
2021/22 Total Surplus	6,395,892
Less Carryforwards	-4,560,913
<b>Remaining Unallocated Surplus/(Deficit)</b>	<b>1,834,979</b>

The surplus of \$1,834,979 is comprised of the following:

Category	Surplus/(Deficit)
Operating Revenue (including Rates)	(31,761)
Operating Expenditure	1,124,863
Capital Grants and Contributions	454,930
Capital Expenditure	(160,129)
Proceeds on Sale of Asset	(26,286)
Loan and Lease Repayments	311,022





Category	Surplus/(Deficit)
Changes in Non-Current Assets	(27,322)
Transfers to/from Reserves	189,662
<b>Total Surplus/(Deficit)</b>	<b>1,834,979</b>

The 2021/22 Surplus is made up of the following key variances:

### **Operating**

#### Employee Cost

*Under budget \$1,298,879, favourable*

Throughout the 2021/22 financial year, the Shire experienced a significant number of vacant positions as well as holding off recruitment of some positions, which has resulted in lower than anticipated Employee Costs to the amount of \$1,298,879.

#### Materials and Consumable

*Over budget \$172,329, unfavourable*

The Shire's expenditure relating to materials and consumables was higher than anticipated by \$172,329.

This overspend was the result of the following key items:

Description	Under/(Over)
Agency/Labour Hire required to fill vacant positions with contract staff	(366,000)
Waste services - including the Waste Transfer Station over budget due primarily to waste disposal costs being higher than anticipated due to increased volumes	(310,000)
Plant and Fleet Costs due to rising fuel costs and external contractors, however less spent on parts	(138,000)
Materials less than anticipated particularly in Engineering Maintenance	235,000
Legal Expenses less than anticipated	106,000
Shire hired less equipment than anticipated including the end of the Gym equipment lease as well as hiring less equipment in Civils Maintenance	80,000
Advertising and Promotion less than anticipated across the Shire	64,000
Non-Recurrent projects being completed under budget	74,000
Software Subscriptions less than anticipated	52,000
Corporate Memberships less than anticipated	39,000
Other minor over/under spends	(8,329)
<b>Total Under/(over) spends</b>	<b>(172,329)</b>

**Capital**Non-Operating Grants

*Over Budget, \$454,930, favourable*

The majority of this favourable variance is a result of the Shire being successful in attaining additional grant funds for projects that had been completed in prior years including:

- Wright Road – \$151,545
- Kingsbury Drive – \$84,459
- Mundijong Road – \$19,036
- Hopeland Road and Karnup Road – \$65,824
- Soldiers Road – \$59,832
- Kingsbury Drive – \$9,671

Capital Expenditure

*Over budget, \$160,129, unfavourable*

After adjusting for any unfinished projects which required the budgets to be carried forward into the 2022/23 financial year, the Shire's capital expenditure on completed projects was higher than anticipated by \$160,129.

The overspend is made up of the following:

<b>Capital Works Program</b>	<b>Under/(Over)</b>
Roads – this is largely offset by additional grant funds	(530,686)
Drainage – Karnup Road Culvert	(370,298)
Bridges	(112,755)
Parks	(8,048)
Streetlighting	(1,981)
Facilities	(132)
ICT	35
Plant	11,956
Footpath	8,177
<b>Under/(over) spends</b>	<b>(1,003,732)</b>
<b>The following projects were not carried forward and therefore contribute to savings:</b>	
Jarrahdale Road Bridge	400,000
PSP Soldiers Rd – Abernethy Rd – Bishop Rd	443,603
<b>Total Under/(over) spends</b>	<b>(160,129)</b>



To better control capital spends in the 2022/23 financial year, the Shire has implemented the Project Management Framework. This requires regular project updates from project managers, as well as the introduction of change management mechanisms for tracking changes in scope and price which may have an impact on project budgets.

**Other**Repayment of Loans

*Under budget, \$311,022, favourable*

During 2021/22, the Shire converted two loans for Briggs Park and Abernethy Road from a short-term facility to a 5-year fixed term loan. The Shire anticipated a repayment in September and March, however as the loan was refinanced in September only the March repayment was made.

Reserve Transfers

*Over Budget, \$189,662, favourable*

The Shire transferred less to reserve than anticipated by \$87,703 which is made up of the following:

- Reserve Interest income being less than anticipated, resulting in less than anticipated interest being transferred to the reserves - \$62,889 less transferred to reserve.
- Plant and Fleet Reserve – Two vehicles sold for less than anticipated, resulting in less funds being transferred to the plant and fleet reserve \$26,286 less transferred to reserve.
- Jarrahdale Communication Tower Reserve – the Shire received more income than anticipated for the lease of the Jarrahdale Communications tower, therefore increasing the amount available to transfer to reserve – \$1,472 more transferred to reserve.

The Shire transferred more from reserves than anticipated by \$101,960 which is made up of the following:

- Various DCP Reserves – In 2021/22 an audit was conducted of all the Developer Contributions funds managed by the Shire. As part of this audit, it was found that the Shire was able to draw funds from the various DCP's which related to the administration costs associated with managing these funds in prior years - \$156,434 more transferred from reserve.
- Community Grants Reserve - Major Events grant applications were less than anticipated in 2021/22 which resulted in lower than anticipated transfer from reserve - \$31,007 less transferred from reserve.
- Plant and Fleet Reserve – Some vehicles were purchased for less than anticipated budget. This resulted in lower than anticipated transfer from reserve - \$16,170 less transferred from reserve.
- Building Asset Management Reserve – the Bakers Hall refurbishment project was completed slightly under budget resulting in lower than anticipated transfer from reserve - \$5,577 less transferred from reserve.
- Jarrahdale Communication Tower Reserve – Expenditure associated with the maintenance and running of the Jarrahdale Communications Tower was less than anticipated resulting lower than anticipated transfer from reserve - \$1,720 less transferred from reserve.



### Additional Information

#### Surplus Allocation

Officers recommend that the 2021/22 surplus funds be allocated in the 2022/23 budget as follows:

Account Number	Type	Account Description	Debit \$	Credit \$
5300-17302-5244-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To ICT Reserve	775,000	
<p><b>Reason:</b> Officers recommend that an additional amount of \$775,000 be transferred to the ICT reserve to fund the extension of the OneComm project due to the Consolidation Phase extending the project as outlined in the previous report to Council.</p>				
5300-17302-5213-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Footpath Reserve	443,603	
<p><b>Reason:</b> In 2021/22 the Shire had a budget of \$443,603 to contribute towards the construction of the Soldiers Road Principal Shared Path. At this stage, the Shire does not believe that this project will progress in 2022/23 and therefore rather than carrying forward to budget into 2022/23, Officers recommend the Shire contribution be placed into the footpath reserve to be utilised either on this project or to be used on other footpath capital projects within the Shire.</p>				
5300-17302-5233-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Road and Bridges Reserve	400,000	
<p><b>Reason:</b> In 2021/22 the Shire had a budget of \$400,000 to contribute towards the construction of the Jarrahdale Road Bridge.</p> <p>At this stage, the Shire does not believe that this project will progress in 2022/23 and therefore rather than carrying forward to budget into 2022/23, Officers recommend the Road Asset Management Reserve is renamed to the “Road and Bridge Asset Management Reserve” and the Shire contribution be placed into this reserve to be utilised when there is a clearer direction for this project.</p>				
6600-80250-6600-0000	Increase Expenditure	Depot Accommodation – Refurbishment – Capital Expenditure	113,000	
<p><b>Reason:</b> During site preparation works, a number of latent conditions have surfaced for the project; this includes finding decommissioned buried Shire assets (septic system); asbestos and unidentified services.</p> <p>Additionally, as part of the progression of building fabrication, an external Building Surveyor was engaged by the Contractor in line with their scope. This building surveyor provided feedback on site requirements for the Shire in order to satisfy universal access and fire safety requirements. Upon investigation of our site, it was evident there were a number of non-compliant changes for the team to address on site to meet required conditions e.g. (Universal Access Ramps), some of which could not have been identified at project commencement.</p>				
5300-17302-5239-0000	Increase Transfer to Reserve	Reserve Transfer – Trf to Waste Reserve	61,000	
<p><b>Reason:</b> Officers recommend that an additional amount of \$61,000 be transferred to the Waste reserve to fund future works at the Waste Transfer Station.</p>				



Account Number	Type	Account Description	Debit \$	Credit \$
5300-17302-5200-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Administration Building Reserve	4,006	
<p><b>Reason:</b> Opening balance of the Administration Building reserve was less than anticipated due to lower reserve interest resulting in the reserve currently budgeted to be overdrawn after all projects associated with it are completed. Officer recommends transferring an additional \$4,006 into this reserve to ensure it is not overdrawn.</p>				
3410-60103-6610-0000	Increase Expenditure	Redgum Brook – Carryforward Expenditure	28,876	
<p><b>Reason:</b> A bond amount of \$28,876 was retained in 2021/22 financial year for parks maintenance associated with Redgum Brook Stage 10 (Kalyang Loop). These funds were unspent at the end of the financial year.</p>				
10-9000-9000-3900-0	Increase Equity	Accumulated Surplus - Municipal	9,493	
<p><b>Reason:</b> The 2022/23 Budget was adopted with a deficit position of \$9,493. This opening balance adjustment will return the budget to a balanced position.</p>				

#### Amendment to Name and Purpose of Road Asset Management Reserve

Currently there is no appropriate reserve in which the funds relating to the Jarrahdale Road Bridge project can be held. Therefore, the Shire is seeking to rename the Road Asset Management Reserve to the “Road and Bridge Asset Management Reserve” and update the purpose to:

*“To provide funds for the upgrade, renewal, replacement, and creation of Shire road and bridge infrastructure.”*

#### **Options and Implications**

##### Option 1

That Council:

1. APPROVES the schedule of variations to the 2022-2023 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*.
2. APPROVES the amendment of the Road Asset Management Reserve to the “Road and Bridge Asset Management Reserve” and update the purpose to, “To provide funds for the upgrade, renewal, replacement, and creation of Shire road and bridge infrastructure.”

##### Option 2

That Council:

1. DOES NOT APPROVE the schedule of variations to the 2022-2023 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*.
2. DOES NOT APPROVE the amendment of the Road Asset Management Reserve to the “Road and Bridge Asset Management Reserve” and update the purpose to, “To provide funds for the upgrade, renewal, replacement, and creation of Shire road and bridge infrastructure.”

Option 1 is recommended.



### Conclusion

At the time the 2022-2023 Budget was adopted by Council on 25 July 2022, the Annual Financial Statements for the 2021-2022 year end had not been completed. Any surplus or deficit resulting from the 2021-2022 financial year was not known.

Following finalisation of the 2021-2022 Annual Financial Statements and subsequent adoption by Council, the surplus position has now been finalised and surplus funds are recommended to be allocated as per above.

### Attachments (available under separate cover)

Nil.

### Alignment with our Strategic Community Plan

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

### Financial Implications

The financial implications are detailed in this report.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There is no significant risk associated with Council adopting option 1.						
2	If Council DOES NOT allocate the surplus the proposed funding usage cannot proceed affecting service delivery and organisational capability.	Adopted 2022/2023 budget.	Organisational Performance	Possible	Moderate	MODERATE	Nil



**Voting Requirements:** Absolute Majority (*Section 6.8 of the Local Government Act 1995*)

**OCM111/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Dagostino, seconded Cr Duggin

That Council:

1. **APPROVES** the schedule of variations to the 2022-2023 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*:

Account Number	Type	Account Description	Debit \$	Credit \$
5300-17302-5244-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To ICT Reserve	775,000	
5300-17302-5213-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Footpath Reserve	443,603	
5300-17302-5233-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Road and Bridge Reserve	400,000	
6600-80250-6600-0000	Increase Expenditure	Depot Accommodation – Refurbishment – Capital Expenditure	113,000	
5300-17302-5239-0000	Increase Transfer to Reserve	Reserve Transfer – Trf to Waste Reserve	61,000	
5300-17302-5200-0000	Increase Transfer to Reserve	Reserve Transfer – Trf To Administration Building Reserve	4,006	
3410-60103-6610-0000	Increase Expenditure	Redgum Brook – Carryforward Expenditure	28,876	
10-9000-9000-3900-0	Increase Equity	Accumulated Surplus - Municipal	9,493	
10-9000-9000-3900-0	Increase Equity	Accumulated Surplus - Municipal		1,834,979

2. **APPROVES** the amendment of the Road Asset Management Reserve to the “Road and Bridge Asset Management Reserve” and update the purpose to, “To provide funds for the upgrade, renewal, replacement, and creation of Shire road and bridge infrastructure.”

**CARRIED UNANIMOUSLY 9/0**



### 10.3.5 – Councillor Fees and Allowances 2023-24 (SJ519)

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

#### Authority / Discretion

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

The purpose of this report is to enable Council to consider Councillor fees and allowances within the bands set by the Salaries and Allowances Tribunal for the 2023-24 financial year.

#### Relevant Previous Decisions of Council

##### *Ordinary Council Meeting - 16 May 2022 – OCM113/05/22 - COUNCIL RESOLUTION*

*That Council RESOLVES that no changes are made to Councillor fee and allowance entitlements for the 2022-23 financial year so that fees and allowances remain at the level set in 2018-19 being:*

- *Annual attendance fee (Councillor) \$17,250*
- *Annual attendance fee (President) \$23,131*
- *Annual allowance (President) \$47,045*
- *Annual allowance (Deputy President) \$11,761*
- *ICT allowance \$3,500*

##### *Ordinary Council Meeting - 17 May 2021 - OCM126/05/21 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council RESOLVES that no changes are made to Councillor fee and allowance entitlements for the 2021-22 financial year, with entitlements being:*

- *Annual attendance fee (Councillor) \$17,250*
- *Annual attendance fee (President) \$23,131*
- *Annual allowance (President) \$47,045*
- *Annual allowance (Deputy President) \$11,761*
- *ICT allowance \$3,500*





*Ordinary Council Meeting – 15 June 2020 – OCM162/06/20 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council RESOLVES that no changes are made to Councillor fee and allowance entitlements for the 2020-21 financial year*

*Ordinary Council Meeting – 19 August 2019 - OCM171/08/19 - COUNCIL RESOLUTION*

*That Council DOES NOT ACCEPT the 1 per cent increase to applicable fees and allowances provided by the Salaries and Allowances Tribunal determination for 2019-20.*

## **Background**

Every year the Salaries and Allowances Tribunal (the Tribunal) sets the minimum and maximum fees, allowances and entitlements payable to council members.

The Tribunal is an independent body appointed by the Governor. As the Salaries and Allowances Tribunal's determination sets a range rather than an annual fee, a Council must, by Absolute Majority, set an amount within the relevant range.

Council Policy 1.1.15 – Council Fees and Entitlements (the Policy) provides the approval framework for fees, allowances and reimbursements to Council Members. The Policy states that all fees and allowances are to be set by Council resolution annually following the Salaries and Allowances Tribunal determination.

On 6 April 2023, the Tribunal made its determination as contained in **attachment 1**. The determination remuneration, fees, and annual allowance ranges provided to elected members be increased by 1.5%.

## **Community / Stakeholder Consultation**

Nil.

## **Statutory Environment**

Part 5 of the *Local Government Act 1995* (the Act) sets rules for payments to council members. Section 5.98 of the Act states that a council member who attends a council or committee meeting is entitled to be paid the fee determined for attending a council or committee meeting.

Section 5.99 of the Act empowers a Council to decide via absolute majority to instead pay all council members who attend council or committee meetings either

- a) the annual fee determined by the Salaries and Allowances Tribunal; or
- b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that, that fee.

As the Salaries and Allowances Tribunal's determination sets a range rather than an annual fee, a council must, by absolute majority, set an amount within the relevant range. Under section 5.63(1)(c) of the Act, a Council Member is not required to disclose a financial interest when setting their fees, allowances or reimbursements.

**Comment**

Council has flexibility to set fees and allowances within the bands set by Salaries and Allowances Tribunal. While an individual Council Member can choose to forgo their entitlements, there is no power provided in the Act for Council to reduce entitlements below the minimum set by the Tribunal, collectively forgo entitlements, or set an individual office holder's entitlements at a higher or lower level other than provided for in the Tribunal's determination.

The minimum and maximum thresholds set by the Tribunal in 2023 that Council must work within are set out in the table below.

**2023 Salaries and Allowances Tribunal Determination – Band 2 Thresholds**

	Minimum	Maximum
Annual attendance fee (Councillor)	\$15,470	\$24,170
Annual attendance fee (President)	\$15,470	\$32,410
Annual allowance (President)	\$16,000	\$65,915
Annual allowance (Deputy President)	\$4,000	\$16,479
ICT allowance	\$500	\$3,500

In making its determination, the Tribunal has clarified the annual allowance associated with Information Communications Technology. Paragraphs 21 and 22 of the Determination state:

*“21. Clarity had been sought on the annual allowance for ICT expenses. The annual allowance is intended to provide councils with flexibility and recognises the varied scenarios and preferences local governments may have in providing ICT to elected members, to enable them to undertake their duties.*

*22. If an annual ICT allowance is preferred over reimbursement of costs, councils must calculate, with consideration to their internal policies and procedures, including asset management, an amount within the ICT allowance range (currently \$500 - \$3,500) that considers the total cost of ICT and ensures payment will not result in a windfall gain for council members. It is not intended for the maximum ICT allowance to be paid in addition to providing equipment and hardware.”*

Council's own Policy on the matter states that:

*“1.4.1 Elected Members are to receive the maximum prescribed Information Technology and Telecommunications Allowance as set by the Salaries and Allowances Tribunal.*

*The ICT Allowance is to cover rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the Local Government (Administration) Regulations 1996; and any other expenses that relate to information and communications technology i.e. telephone/fax call charges, printer consumables and internet service provider fees.*

*1.4.2 The allowance in 1.4 is in addition to Council providing computer equipment in the form of a laptop/tablet/iPad, (whichever is adopted by Council from time to time) with appropriate software as needed. Council supplied equipment is only to be used in relation to Council business.*



*1.4.3 Councillors are to provide their most convenient and contactable telephone number to the public and for publication in Council documentation including the website.”*

At the start of their term Councillors are provided with a laptop, headset and warranty services valued at approximately \$3,000.

The approach of providing Councillor with a computer assists protect the integrity of the Shire's ICT network and is consistent with the Australian Cyber Security Centre's Essential Eight Framework which is an important input into the Shire's ICT maturity journey.

This option is preferred over the alternative of Councillor's selecting their own ICT hardware and being reimbursed which could result in enhanced cyber-security risk and ICT support in the longer term.

As such it is recommended that in accordance with the Tribunal's determination for 2023-24 that Council sets an ICT allowance that reflects the availability of specified ICT equipment to Councillors. Per the Tribunal's determination a reduced amount of \$2,500 is proposed. This figure reflects the availability of a Shire provided laptop and headset and ancillary equipment to each Councillor which is returned at the conclusion of their term. The provision of the ICT allowance of \$2,500 covers ICT elements not provided by the Shire such as internet, mobile telephone and facsimile defined as acceptable ICT expenses in the Determination.

In the event that Council agrees with this approach it is recommended that Council consider amending Council's policy – Councillor Fees and Entitlements which as shown above is not consistent with the Tribunal's most recent determination.

In addition, the existing Councillor Fees and Entitlements has some elements which are not consistent with recent practices and requires updating. For example, Councillors are not provided with a suit or business shirts when they commence their term and have not been provided with such items since at least 2019.

Recognising Council's preference for policy amendments to be first considered at a Policy Concept Forum, Officers propose that Council initially set its preferred fees and entitlements for 2023-24 and request that the policy being reviewed separately to bring this into line with Council's resolution.

While remuneration is a matter for Council, Officers have prepared options to enable Council's consideration.

Option 1 involves no increase in meeting related allowances and decreases the IT allowance in a manner that is consistent with the Tribunal's determination.

Option 2 would include the increase provided by the independent Salaries and Allowances Tribunal and decreases the IT allowance in a manner that is consistent with the Tribunal's determination.

If Councillors wish to propose a different alternative to those provided, it is recommended that Councillors work with Officers prior to the Council meeting to ensure that the proposed motion is accordance with the legislation.

Council cannot set an allowance lower than the minimum set by the Tribunal.



## Options and Implications

### Option 1

That Council:

1. RESOLVES the following Councillor fee and allowance entitlements for the 2023-24 financial year:

Annual attendance fee (Councillor)	\$17,250
Annual attendance fee (President)	\$23,131
Annual allowance (President)	\$47,045
Annual allowance (Deputy President)	\$11,761
ICT Allowance (Subsidy towards ICT expenses such as Internet access and telephony expenses)	\$2,500
Provision of ICT Allowance at the value of \$2,500 recognises the loan of one laptop, headset and warranty services to the value of \$3,000 amortised over 3 years (\$1,000 per annum) is provided to an elected member at the commencement of their term for the duration of their term	

2. REQUESTS that revisions to Council Policy – Councillor Fees and Entitlements are presented to a Policy Concept Forum prior to consideration by Council.

### Option 2

That Council:

1. RESOLVES that the following Councillor fee and allowance entitlements for the 2023-24 financial year be (being 75% of the Band 2 allowance, except for the ICT allowance, which is 100% of the maximum per Council's Policy):

Annual attendance fee (Councillor)	\$18,128
Annual attendance fee (President)	\$24,308
Annual allowance (President)	\$49,436
Annual allowance (Deputy President)	\$12,359
ICT Allowance (Subsidy towards ICT expenses such as Internet access and telephony expenses)	\$2,500
Provision of ICT Allowance at the value of \$2,500 recognises the loan of one laptop, headset and warranty services to the value of \$3,000 amortised over 3 years (\$1,000 per annum) is provided to an elected member at the commencement of their term for the duration of their term	

2. REQUESTS that revisions to Council Policy – Councillor Fees and Entitlements are presented to a Policy Concept Forum prior to consideration by Council.



## Conclusion

Legislation provides that Council may set its entitlements within the parameters set by the Tribunal. Council's adopted policy states that Council is to make a determination following the Tribunal's determination. A resolution by Council on entitlements for the 2023-24 financial year will inform the preparation of a draft budget for Council's consideration.

## Attachments (available under separate cover)

- **10.3.5 - attachment 1** – Salaries and Allowances Tribunal Determination 2023-24 (E23/4779)

## Alignment with our Strategic Community Plan

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

## Financial Implications

Council's agreed approach will need to be factored into the setting of the 2023-24 budget.

## Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2	Elected member fees and allowances are an issue that attract community concern across all tiers of government.						



**Voting Requirements:** Absolute Majority (5.98A, 5.99, 5.99A of the *Local Government Act 1995*)

Officer Recommendation

Options are presented in the Officer Report for Council's consideration.

**OCM112/05/23**

**COUNCIL RESOLUTION**

**Moved Cr Atwell, seconded Cr Duggin**

**That Council:**

**1. RESOLVES the following Councillor fee and allowance entitlements for the 2023-24 financial year:**

<b>Annual attendance fee (Councillor)</b>	<b>\$17,250</b>
<b>Annual attendance fee (President)</b>	<b>\$23,131</b>
<b>Annual allowance (President)</b>	<b>\$47,045</b>
<b>Annual allowance (Deputy President)</b>	<b>\$11,761</b>
<b>ICT Allowance (Subsidy towards ICT expenses such as Internet access and telephony expenses)</b>	<b>\$2,500</b>
<b>Provision of ICT Allowance at the value of \$2,500 recognises the loan of one laptop, headset and warranty services to the value of \$3,000 amortised over 3 years (\$1,000 per annum) is provided to an elected member at the commencement of their term for the duration of their term</b>	

**2. REQUESTS that revisions to Council Policy – Councillor Fees and Entitlements are presented to a Policy Concept Forum prior to consideration by Council.**

**CARRIED UNANIMOUSLY 9/0**



**10.3.6 – Corporate Business Plan Performance Report – January to March 2023 (SJ940-3)**

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

**Authority / Discretion**

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

**Report Purpose**

The purpose of this report is to provide Council with a performance report against the 2022-26 Corporate Business Plan (CBP) for the period 1 January to 31 March 2023 and an amended CBP for consideration.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 20 March 2023 – OCM058/03/23 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 October to 31 December 2022 as contained in this report and attachment 1.*
- 2. ADOPTS the amendments to the Corporate Business Plan 2022-26 as outlined in this report and attachment 2.*

**Background**

On 15 August 2022, Council adopted the Shire of Serpentine Jarrahdale Corporate Business Plan 2022-26 (OCM199/08/22) and subsequently adopted amendments on 21 November 2022 (OCM284/11/22) and 20 March 2023 (OCM058/03/23) as part of quarterly performance reports.

The Corporate Business Plan 2022-26 is the Shire of Serpentine Jarrahdale's four-year delivery program, aligned to the Shire's Integrated Planning and Reporting Framework (i.e. Strategic Community Plan, Annual Budget, Long Term Financial Plan and other supporting strategies). The purpose of the plan is to operationalise the Community's vision and the Shire's strategic objectives through the establishment of actions that address each strategy contained within the Strategic Community Plan.

The Shire of Serpentine Jarrahdale has established periodic performance reporting against the 2022-26 Corporate Business Plan to provide Council and the Community with an update towards



the achievement of these actions, such as the delivery of key projects and the successful implementation of service level changes.

### Community / Stakeholder Consultation

Nil.

### Statutory Environment

Local governments have a statutory obligation under s5.56(1) of the *Local Government Act 1995* (WA) ('the Act') to plan for the future of their district. Regulations have been made under s5.56(2) of the Act to briefly outline the minimum requirements to achieve this.

Regulations 19C and 19DA of the *Local Government (Administration) Regulations 1996* (WA) ('the Regulations') require a local government to ensure that a Strategic Community Plan and Corporate Business Plan are made for its district. Any amendments to a Corporate Business Plan must be adopted by absolute majority (Regulation 19DA(6)).

Guidelines for the monitoring and reporting against the Corporate Business Plan are outlined in the Integrated Planning and Reporting Framework and Guideline September 2016 issued by the Department of Local Government and Communities. The Guideline states, "*it is open to local governments to design complementary means of reporting progress and outcomes to the community*".



### Comment

The Shire of Serpentine Jarrahdale has completed a performance report against the 2022-26 Corporate Business Plan for the period 1 January to 31 March 2023 ('the Report'). The Report is contained in **attachment 1** for the Council to note.

As this report relates to the period up to 31 March 2023, changes to projects that have occurred in the period from 1 April 2023 will be reflected in subsequent reports.




### Report Structure

Grouped under each key objective area of the Strategic Community Plan (People, Place, Prosperity, Progressive), the Report provides a narrative update against each respective action of the CBP's Delivery Program. To ensure consistency and to enable summary reporting, each action is also allocated a traffic light status in accordance with the following key:

Status	Selection Criteria
 On Track or Complete	Action is complete or on target.
 At Risk or Behind Target	Minor issues have put achievement of the project due date or level of service at risk.  or  Minor issues have put the project/service behind target.  The causes for this are being managed by routine procedures and the issues are likely to be resolved by the next reporting period.





Status	Selection Criteria
 Critical	Major issues have prevented the service/project from commencing or continuing. The causes for this do/will require significant action to rectify and the issues are likely to be ongoing into future reporting periods
 On hold	Work is unable to commence due to a dependency (e.g. awaiting grant funding or completion of another project).
 Deferred or Not Proceeding	<p>Action is no longer proceeding within its planned year of the Corporate Business Plan but will be occurring within a future year of the Corporate Business Plan.</p> <p>Or</p> <p>Action is no longer proceeding within the timeframe of the current Corporate Business Plan. This may be due to a change in direction caused by external factors (e.g. loss of grant funding / change of government) or a change of direction by Council.</p>

### Report Summary

The Report provides an update against 110 actions in the Corporate Business Plan. Statistics this period show:

- **80%** are on track or complete (88/110);
- **15%** are at risk or behind target (16/110);
- **1%** are critical (1/110);
- **0%** are on hold (0/110); and
- **4%** are deferred or not proceeding (5/110).

Key achievements and highlights this reporting period are as follows:

- Community consultation 'Shape Our Future' for the Major Strategic Review of the Shire's Strategic Community Plan
- Progress towards the Byford Skate Park project including community workshops with youth
- Opening of the Tourmaline Boulevard Dog Park in Byford
- Completed the following road projects (Tonkin Street Reseal, Keirnan Street Reseal, Mundijong/Kargotich Road Roundabout Upgrade, Baldwin Road Reseal, Senior Court Reseal, College Court Reseal, Millars Road Reseal, Chestnut Road Reseal, Hardey Street Reseal, Lefroy Road Reseal, Hopkinson Road Upgrade)
- Signing of the Climate Change Declaration to become a signatory to the WA Local Government Association (WALGA) Climate Change Declaration
- Submission to the Local Government Advisory Board following the Shire of Serpentine Jarrahdale Ward and Representation Review
- Development approval for the Oakford Bushfire Brigade
- Award of the following road construction tenders:
  - Mundijong Road - Pavement Reconstruction



- Nettleton Road - Widening and Resurfacing
- Kargotich Road Reconstruction - Stage 1



The **1** action identified as **critical** is:

	<b><u>Keirnan Park Recreation Precinct (Construction of Stage 1A))</u></b>	<b>Status</b>			
		<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
<b>Action 1:</b>	Construct Stage 1A of the Keirnan Park Sports Recreation Precinct – AFL/Cricket Ovals, Pavilion and supporting infrastructure (FAA with Dept. LG).				
<b>Comment:</b>	<p>Detail design documentation close out is now 95% complete. Preparation of tender documentation is now underway. In addition to this, Bill of Quantities and pre-tender estimate is now under way.</p> <p>Site clearing permit process has commenced, which is anticipated to take 12 months.</p> <p>The project status is critical due to the following two issues which require prompt resolution to support the project into procurement and construction phases in the coming months:</p> <ol style="list-style-type: none"> <li>1. Receival of FAA2 funds: timing is not confirmed.</li> <li>2. Resolution of irrigation water source: DWER have not supported the sole source access into the deeper aquifer.</li> </ol>				
<b>Remedial Action:</b>	<p>Shire is currently proactively pursuing updates on the FAA2 timing and a resolution of the irrigation water source.</p> <p>Any anticipated changes to schedule, scope or budget will be considered in accordance with the Project Management Framework.</p>				



The **16** actions identified as **at risk or behind target** are:

- Reconciliation Action Plan
- Mundijong Town Centre Precinct Structure Plan
- Youth Services
- Environmental Health
- Building Services
- Marcora Trail Upgrades
- Depot Accommodation Upgrades
- Orton Road Upgrade
- Universal Access and Inclusion Program
- Fire Danger Sign Upgrade
- SJ Community Recreation Centre – Asset Management Works



- Larsen Road Upgrade
- Minor Facility Renewals x 2
- Minor Facility New
- Scrivener Road – Gravel Pit

Commentary pertaining to these actions is provided below.

Action 1:	<b><u>Reconciliation Action Plan</u></b> Develop a Reconciliation Action Plan.	Status			
		Q1	Q2	Q3	Q4
<b>Comment:</b>	Identified actions for RAP development in progress, with some delay. Overall timeframe for delivery of RAP not impacted. Work undertaken in the quarter included meeting with Mandjoogoodap Dreaming and City of Armadale.				
<b>Remedial Action:</b>	Additional support via casual Art Development Officer expected via current recruitment process.				

Action 2:	<b><u>Mundijong Town Centre Precinct Structure Plan</u></b> Develop a Mundijong Town Centre Precinct Structure Plan	Status			
		Q1	Q2	Q3	Q4
<b>Comment:</b>	A second Request for Quote was drafted and sent out to eight consultants who had capability to deliver the project. For a second time the RFQ closed with no consultant submitting proposals for the project.				
<b>Remedial Action:</b>	A further attempt will be made to seek a final attempt to engage a consultant. Councillors have been updated on this issue at the recent workshop discussing KPIs at the midpoint of the financial year.				

Action 3:	<b><u>Youth Services</u></b> Provide youth development services to Young People between the ages of 12 and 18 to enhance their connections to the community	Status			
		Q1	Q2	Q3	Q4
<b>Comment:</b>	Due to staff shortages, school holiday programs throughout January and term programming in Term 1 (relevant to this reporting period) have been affected. One program delivered in partnership with Byford Secondary College (Engage Program) was supported.				
<b>Remedial Action:</b>	Recruitment of youth staff				

Action 4:	<b><u>Environmental Health</u></b> Provide efficient, effective, compliant environmental health services	Status			
		Q1	Q2	Q3	Q4



<b>Comment:</b>	<p>The team had a vacancy of one full time Environmental Health Officer for the duration of the quarter which was not able to be filled due to lack of suitable applicants for the role. The increasing workload was closely monitored during this period and resources allocated for a Contract Environmental Health Officer to complete core environmental tasks, such as completing health premise inspections.</p> <p>With the Contract EHO in place, the team was able to complete the number of planned inspections within the required tolerance. There was a slight drop in the number of incoming health applications however during this quarter significant resources were allocated to environmental health compliance cases, customer service and public event applications. The cumulative effect of workload and staff shortfall placed a great deal of pressure on the team to complete work within the required customer service and statutory timeframes.</p>
<b>Remedial Action:</b>	<p>Currently resources are being analysed to determine what short and medium-term solutions can be developed to help manage the increasing workload. This will remain closely monitored in the coming quarter.</p>

Action 5:	<b><u>Building Services</u></b>	Status			
		Q1	Q2	Q3	Q4
	Provide efficient and effective building compliance services				
<b>Comment:</b>	<p>The average percentage of certified building permits determined (within the 10-day statutory time frame) improved from 91.33% in the last quarter to 98.3% in this quarter. This is less than the KPI of 100%. As a result, the building application fees of the remainder 1.7% will have to be refunded. The average of 5.31 days taken to process certified building applications in this quarter is less than the KPI of 10 days. The average percentage of uncertified building permits determined (within the 25-day statutory time frame) improved from 94.33% in the last quarter to 96.33% in this quarter. This is less than the KPI of 100%. As a result, the building application fees of the remainder 3.67% will have to be refunded. The average of 11.3 days taken to process uncertified building applications in this quarter is less than the KPI of 25 days. It is expected that the trend of number of building permit applications of this and the previous quarter will continue to grow in the next quarter and additional staff resources, in particular the replacement of the Senior Building Surveyor, are urgently needed to meet the KPIs of 100%.</p>				
<b>Remedial Action:</b>	<p>Currently resources are being analysed to determine what short and medium-term solutions can be developed to help manage the increasing workload. This will remain closely monitored in the coming quarter.</p>				

Action 6:	<b><u>Marcora Trail Upgrades</u></b>	Status			
		Q1	Q2	Q3	Q4
	Trails upgrades to Marcora Trail (Carpark Improvements and maintenance works on the trail).				



<b>Comment:</b>	As advised last reporting period, given current resourcing challenges and pending announcement regarding Peel Trail funding, recommendation to hold Marcora project indefinitely with a priority focus on partnership projects that have DBCA resources committed. Should resourcing in the future allow, this project could be reinstated.
<b>Remedial Action:</b>	The project is being reconsidered (resourcing, timing, scope etc.) in line with the Shire's Project Management Framework.

Action 7:	<u><b>Depot Accommodation Upgrades</b></u> Refurbishment to the current Depot Accommodation	Status			
		Q1	Q2	Q3	Q4
<b>Comment:</b>	<p>Construction of the new office buildings near completion. Buildings have been inspected at the yard, arriving in 4 weeks' time to site.</p> <p>Scope and budget challenges have surfaced over the last few months. Providing for a compliant building on a non-compliant site has proven to be challenging on fronts that was not previously allowed for (i.e. complying to fire codes).</p> <p>This is being worked through in accordance with the Project Management Framework.</p>				
<b>Remedial Action:</b>	Anticipated amendments in regard to scope and budget are being worked through in accordance with the Project Management Framework.				

Action 8:	<u><b>Orton Road Upgrade</b></u> Rehabilitate the existing pavement on Orton Road between Hopkinson and King Roads.	Status			
		Q1	Q2	Q3	Q4
<b>Comment:</b>	<p>Q3 status for Orton Road upgrade is as follows:</p> <ul style="list-style-type: none"> <li>- design is 100% complete.</li> <li>- Bridge design completed awaiting Water Corporation approval.</li> <li>- Telstra service relocation process commenced.</li> <li>- The estimate of total costs revealed a significant funding gap to complete the entire scope of work. However, by transferring funds as proposed between the projects, the section from Bridge 187 to Hopkinson Road could be completed.</li> </ul>				
<b>Remedial Action:</b>	By transferring funds as proposed between the projects, the section from Bridge 187 to Hopkinson Road could be completed.				

Action 9:	<u><b>Universal Access and Inclusion Program</b></u> Deliver access and inclusion improvements on Shire facilities	Status			
		Q1	Q2	Q3	Q4



<b>Comment:</b>	A further presentation to the Access and Inclusion Advisory Group was undertaken on 16 February 2023 and a building consultant and design team have been engaged to assist with the review and prioritisation of action items. It is unlikely the project will be completed by 30 June 2023 due to project management resources for Facilities Maintenance which are currently impacted by volume of projects and conflicting operational priorities.
<b>Remedial Action:</b>	Continue to progress projects as resources permit. Review resources and processes for the Facilities team as part of the 2023-24 budget process.




Action 10:	<u>Fire Danger Sign Upgrade</u>	Status			
		Q1	Q2	Q3	Q4
<b>Comment:</b>	Due to the significant scope of rolling out these signs across Australia, there has been a major delay with the production of new units by the manufacturer for distribution. It is expected that the electronic sign will be delivered mid-May for installation by the end of May.  The replacement manual signs are programmed to be installed over the top of the existing signs by the end of April.				
<b>Remedial Action:</b>	Install signs once delivered.				

Action 11:	<u>SJ Community Recreation Centre – Asset Management Works</u>	Status			
		Q1	Q2	Q3	Q4
	Works to the Serpentine Jarrahdale Community Recreation Centre as identified within the Building Condition Audit & Life Cycle Costing report.				
<b>Comment:</b>	Priority works have been determined which includes the sports cladding, Atrium Entrance, external paint works and Safe Roof Access System. Scoping and procurement is progressing however, the project as a whole is at risk to be completed by June 23. This is due to the project specification being reviewed and the required building permit applications for the sports cladding and atrium entrance projects. The external painting is currently on track to be completed by June 23.				
<b>Remedial Action:</b>	Continue to progress projects. Review resources and processes for the Facilities team as part of the 2023-24 budget process.				

Action 12:	<u>Larsen Road Upgrade</u>	Status			
		Q1	Q2	Q3	Q4
	Larsen Road Rehabilitation – George St to Briggs Rd (MRRG)				



<b>Comment:</b>	MRRG has approved an 8-month extension of time (EoT) to complete the project by 28 February 2024. The current work scope has exceeded the approved grant funding and Council budget. Currently reviewing to reduce work scope/specification and/or submitting additional funding application to MRRG.
<b>Remedial Action:</b>	Recommendations regarding time, scope and cost will be managed in accordance with the Shire's Project Management Framework.

	<b>Minor Facility Renewals</b>	<b>Status</b>			
		<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
<b>Action 13:</b>	Briggs Park Changeroom Refurbishment				
	Briggs Pavilion Main Hall Refurbishment				
	Men's Shed Upgrade				
	Operations Depot Compliance and Security Upgrade				
	Youth Services - Critical Safety Upgrades and Facilities Planning				
	Bush Fire Brigade Management Program and Projects - Byford Changerooms, Serpentine Changeroom, and Improvements at the Fire Station				

<b>Comment:</b>	<ul style="list-style-type: none"> <li>Briggs Park Changeroom Refurbishment - no work has progressed this quarter. Requirements for the project including stakeholder engagement, definition of scope and programme of work requires finalisation. Project unlikely to be completed by 30 June 2023.</li> <li>Briggs Pavilion Main Hall Refurbishment - no work has progressed this quarter. Confirmation of scope and project specification to prepare for RFQ is required. Project unlikely to be completed by 30 June 2023.</li> <li>Men's Shed Upgrade - Uplift and relocation of the ablution block from the Operations Depot to the SJ Men's Shed is scheduled for 21 April 2023. Project on track to be delivered by 30 June 2023.</li> <li>Operations Depot Compliance and Security Upgrade - no work has progressed this quarter.</li> <li>Youth Services - Critical Safety Upgrades and Facilities Planning - no work has progressed this quarter.</li> <li>Bush Fire Brigade Management Program and Projects - Byford Changerooms, Serpentine Changeroom, and Improvements at the Fire Station –  The Shire has arranged and received a feature survey to assist with the concept design for the changerroom solution at Byford Fire Station. Once the concept design has been provided by the building consultants, it will be presented to the working group for a decision and approval.</li> </ul>
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	<p>For the Serpentine Station changeroom solution, a concept design is in the final stages and has been agreed in principle with the working group. The Shire is now liaising with the building consultant for a detailed design to prepare for building permit approval and quotation.</p> <p>The lack of progress towards projects above is due to project management resources for Facilities Maintenance which are currently impacted by volume of projects and conflicting operational priorities.</p>
<b>Remedial Action:</b>	Continue to progress projects as resources permit. Review resources and processes for the Facilities team as part of the 2023-24 budget process.

	<b><u>Minor Facility Renewals</u></b>	<b>Status</b>			
		<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
<b>Action 14:</b>	<p>Mundijong Landcare Building (electrical wiring and switchboard)</p> <p>Recreation centre doors, septic and stage</p> <p>Admin Aircon Renewal</p>				
<b>Comment:</b>	<p>Mundijong Landcare Building (electrical wiring and switchboard) - no work has progressed this quarter. Officers are in the process of arranging a building inspection report which will assist to determine the scale of work required.</p> <p>Admin Aircon Renewal - Complete as advised in Q2. One additional unit is scheduled to be installed in Q4 which will expend the remaining budget.</p> <p>Recreation centre doors, septic and stage - other recreation centre works are being prioritised which includes the items identified within Building Condition Audit &amp; Life Cycle Costing report. No work has progressed on the doors, septic and stage this quarter.</p> <p>It is unlikely that the outstanding projects (Landcare and Recreation Centre) on this action will be completed by June 23. This is due to project management resources for Facilities Maintenance which are currently impacted by volume of projects and conflicting operational priorities.</p>				
<b>Remedial Action:</b>	Continue to progress projects as resources permit. Review resources and processes for the Facilities team as part of the 2023-24 budget process.				

	<b><u>Minor Facility New</u></b>	<b>Status</b>			
		<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
<b>Action 15:</b>	SJ Community Recreation Centre - Solar PV System				
<b>Comment:</b>	Project has not progressed in the quarter and is unlikely to be completed by June 23. This is due to the requirement for electrical design, procurement process for additional quotations and project management resources for Facilities Maintenance which are currently impacted by volume of projects and conflicting operational priorities.				





<b>Remedial Action:</b>	A scope of works needs to be developed for electrical design which will require assistance from commercial solar installers. The next step is to issue an RFQ and project specification. Review resources and processes for the Facilities team as part of the 2023-24 budget process.
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Action 16:	<b><u>Scrivener Road - Gravel Pit</u></b>	Status			
		Q1	Q2	Q3	Q4
	Investigation of gravel pit at Scrivener Road for Shire use	●	●	●	
<b>Comment:</b>	Project is on hold. The new Operations Manager that arrives mid-May will have to reassess its feasibility before proceeding to the next stage.				
<b>Remedial Action:</b>	Operations Manager commencing in May 2023 to reassess and recommend on how to proceed.				

Details of the **5** actions **deferred or not proceeding**, **4** actions **complete** and **84** actions **on track** this reporting period are outlined in **attachment 1**.

#### Corporate Business Plan Amendments

To uphold the principle of an Integrated Planning and Reporting Framework and to ensure the Corporate Business Plan (CBP) remains aligned to the Shire's Annual Budget and other supporting strategies, Officers recommend Council amend the CBP following each quarterly budget review and corporate business plan performance reporting process. Conscious of the requirement to uphold the integrity of reporting against the CBP Key Performance Indicators, the following principles are applied when considering whether to amend the CBP:

1. If there is a Council resolution, projects may be amended to match. This can include amendments to project descriptions, start and finish dates, and milestones. It can also include the removal of a project and the addition of a project.
2. If the project has not commenced for a planned reason (such as awaiting grant funds, recruitment of a resource or the completion of another project), once this dependency is no longer the project can be updated to reflect its new timeline.
3. Any amendments made as a result of quarterly budget reviews and formal change requests approved in accordance with the Project Management Framework are to be reflected.

In line with the above-mentioned principles, the following amendments to the Corporate Business Plan are proposed:

#### *Under Principle One:*

Nil.

#### *Under Principle Two:*

Nil.

#### *Under Principle Three:*

As outlined in the January to March 2023 Budget Review at agenda item 10.3.3 of the May 2023 Ordinary Council Meeting:

- Decrease of 'Footpaths / Kerb New' Capital Works Program by \$72,000 to remove the George Street Footpath which will now be delivered by the Developer.



These amendments are detailed in tracked changes at **attachment 2**.

### **Corporate Business Plan Key Performance Indicators**

The Corporate Business Plan 2022-26 contains the following Key Performance Indicators:

1. 80% of strategic operating projects are completed by their due date
2. 80% of road projects planned to be constructed are delivered
3. Improvement is seen in all key result areas of the community perceptions survey
4. Improvement is seen in the Performance Index Score of the Employee Scorecard Survey
5. Financial Sustainability – maintain a financial health indicator above 70.

A progress update on each KPI, including a projected end of year result, is provided below for the Council to note.

KPI 1: 80% of strategic operating projects are completed by their due date

Projected Result: 93% (13/14)

#### Comment:

The Corporate Business Plan 2022-26 contains 14 Strategic Operating Projects due between 1 July 2022 to 30 June 2023. As at 31 March, five (5) are on track, one (1) is flagged as 'at risk / behind schedule' and eight (8) have been completed on time.

The projected result for this KPI is 93% (13/14), which assumes:

- The one (1) project identified as 'at risk or behind target' in this report (Scrivener Road Gravel Pit) does not get back on track.
- The five (5) projects reported on track in this report, remain on track and are completed by their due dates.

Note - the following Strategic Operating Projects that have been completed by their due dates are:

- Byford Town Teams (due 30 September 2022, completed 19 September 2022)
- Equine Priority - Funding Opportunity Resource (due 30 September 2022, completed 11 August 2022)
- Serpentine Jarrahdale Community Recreation Centre Operation and Management Arrangement (due 30 September 2022, completed 19 September 2022)
- Equine Priority – Emergency Preparedness (due 31 December 2022, completed 31 December 2022).
- Commercial Feasibility of developing Lot 814 (due 31 December 2022, completed 12 December 2022).
- Equine Facility Masterplan (due 31 December 2022, completed 12 December 2022).
- Local Heritage Survey (due 31 December 2022, completed 31 October 2022).
- COVID-19 Risk Mitigation (due 30 June 2023, completed 3 April 2023).



KPI 2: 80% of road projects planned to be constructed are delivered

Projected Result: 95% (18/19)

Comment:

The projected result for this KPI is 95% (18/19), which assumes the one (1) project identified as 'at risk or behind target' in this report (Larsen Road Upgrade) does not get back on track.

There are five (5) major capital road projects and 14 minor capital road projects due to be constructed by 30 June 2023. Of these, one (1) is 'at risk or behind target' six (6) are 'on track' and the following 13 are complete:

- Keirnan Street Upgrade major capital project
- Rowley Road Temporary Resurfacing road renewal project
- Tonkin Street Reseal
- Keirnan Street Reseal
- Mundijong/Kargotich Road Roundabout Upgrade
- Baldwin Road Reseal
- Senior Court Reseal
- College Court Reseal
- Millars Road Reseal
- Chestnut Road Reseal
- Hardey Street Reseal
- Lefroy Road Reseal
- Hopkinson Road Upgrade

KPI 3: Improvement is seen in all key result areas of the community perceptions survey

Comment: The results of the community perceptions survey completed in November 2022 were provided to Council at a Special Council Meeting in February 2023. Unfortunately, Performance Index Scores across the four (4) focus areas of Vision, Liveability, Governance and Rates Value show a decline in each area since the last community perceptions survey was last completed in November 2020.

The 'Overall Performance Index Score' is a combined measure of the Shire as a 'place to live' and as a 'governing organisation' which the Shire scored 51/100 in November 2022 (14 index points below the industry standard for Western Australia), compared to a result of 58/100 in November 2020 (7 index points below the industry average for Western Australia).

Whilst significant planning has been carried out to deliver community infrastructure to meet the requirements of the growing community, delivery of these projects has not been able to keep up at the pace required, which reflects in these results.

These results will be used to inform the development of the Shire's new Strategic Community Plan, of which a major review is currently underway. Additionally, 12 community driven priorities identified through the survey, seen Officers collate the current status and actions of each priority, as well as additional actions for Council consideration during the 2023-24 Integrated Planning and Reporting processes, as presented at the Special Council Meeting in February 2023.



**KPI 4:** Improvement is seen in the Performance Index Score of the Employee Scorecard Survey

**Comment:** The staff engagement survey was released to staff in September 2022 and completed in November 2022. The 'Overall Workplace Index Score' is 63, down 2 points from the last survey conducted in 2019 where the overall score was 65. The Overall Performance score, which rates the organisation positively as a place to work is 90% in 2022, a drop of 2% from 2019. The priorities identified from the survey this year are access to equipment and resources, fair pay, staff retention, team spirit, policies, systems and processes.

The number of responses to the survey increased in 2022, with a total of 147 responses received, in comparison to 98 responses received in 2019. The Infrastructure directorate showed significant increase in response rate, with 53 staff responding to the survey, in comparison to 22 respondents in 2019. This is due to a more active response rate from the Operations outdoor workforce.

A majority of directorates showed significant improvements in either the overall workplace index score or the organisation as being a positive place to work. Where there is decline in satisfaction scores, retention of staff is the primary concern raised, which is reflective of the current labour market crisis.

In response to the feedback received from the 2022 survey, an action plan has been implemented which includes workshops and surveys that are accessible to all staff for contribution. The key focus areas cover purpose and values, employee benefits and wellbeing, and innovative ways of working, with a review of systems and work styles to enable increased performance, productivity and work life balance.

**KPI 5:** Financial Sustainability – maintain a financial health indicator above 70

**Comment:** A projected result will be provided in the 2022-23 Q4/End of Year Report (approximately September 2023).

## **Options and Implications**

### Option 1

That Council:

1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 January to 31 March 2023 as contained in this report and **attachment 1**.
2. ADOPTS the amendments to the Corporate Business Plan 2022-26 as outlined in this report and **attachment 2**.

There are no implications associated with this option.

### Option 2

That Council:

1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 January to 31 March 2023 as contained in this report and **attachment 1**.
2. DOES NOT ADOPT the amendments to the Corporate Business Plan 2022-26 as outlined in this report and **attachment 2**.

Refer to Risk Implications for the implications associated with this option.

Option 1 is recommended.



## Conclusion

The performance reporting against the Corporate Business Plan this reporting period details 15% of actions are currently 'at risk or behind target' and 80% are on track or complete. A significant achievement for the Shire by this stage of the year is the completion of 13 road projects which demonstrates improvement in the delivery of capital works compared to recent years. There are challenges within the Operations, Waste and Facilities business units as outlined in this report. The results and recommendations from the Operations Centre Structure Review will be an important driver to improve performance in these areas. Resources and processes for the Facilities team will also be reviewed as part of the 2023-24 budget process. Pleasingly, the results for KPI's 1 and 2 are on track and should hit their targets by the end of financial year.

## Attachments (available under separate cover)

- **10.3.6 - attachment 1** – Corporate Business Plan 2022-26 Performance Report 1 January to 31 March 2023 (E23/5823)
- **10.3.6 - attachment 2** – Corporate Business Plan 2022-23 Quarter Three Review – Tracked Changes (E23/5369)

## Alignment with our Strategic Community Plan

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

## Financial Implications

There are no financial implications associated with the Officer Options.

## Risk Implications

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with Option 1.						
2	If Council do not adopt the CBP, this will result in documents that are not aligned with the annual budget. This will create a fragmented environment for the Shire to operate in.	Existing Corporate Business Plan 2022-26  2022-23 Annual Budget	Organisational Performance	Unlikely	Low	LOW	Nil.



Continued

**Ordinary Council Meeting Minutes  
Monday, 15 May 2023**

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**Voting Requirements:** Absolute Majority (Regulation 19DA(6) of the *Local Government (Administration) Regulations 1996*)

**OCM113/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Dagostino, seconded Cr Duggin**

**That Council:**

- 1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 January to 31 March 2023 as contained in this report and attachment 1.**
- 2. ADOPTS the amendments to the Corporate Business Plan 2022-26 as outlined in this report and attachment 2.**

**CARRIED UNANIMOUSLY 9/0**

**10.3.7 - Review of Delegations and Authorisations 2022 / 2023 (SJ538)**

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

**Authority / Discretion**

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

The purpose of this report is for Council to consider and approve the findings of the review of delegations and authorisations pursuant to section 5.46 of the *Local Government Act 1995* (the Act).

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 16 May 2022 – OCM114/05/22 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. NOTES the findings of the review pursuant to section 5.46 of the Act and APPROVES the Register of Delegations and Authorisations as contained within attachment 2.*
- 2. ADOPTS the revised Council Policy 1.1.13 - Policy for Temporary Employment or Appointment of Acting Chief Executive Officer as contained within attachment 4.*

**Background**

This report deals with two separate but related concepts:

- delegations; and
- authorisations.

Delegation is a formal means of empowering one entity to perform functions and duties that are otherwise reserved in legislation for another entity. Delegation is a tool used in government at all levels to enable the efficient and effective delivery of services while ensuring clarity regarding who is permitted to perform specific discretionary functions.

The appointment of authorised persons is a similar but distinct concept. Legislation occasionally enables a decision-making body or source of authority to appoint persons to perform specific tasks on their behalf. In this case, the authorising entity does not have the power themselves to perform the task and can only authorise others to do so. Legislative provisions related to enforcement often employ the appointment of authorised persons.

Local government exercises many of its functions through a combination of delegated powers and authorisations. This includes functions under the Act but also legislation related to planning, dogs, cats, health, building, bush fire prevention and management and food safety.



Both delegations and authorisations must be in writing. In line with the principles of good governance, delegations and authorisations should be regularly reviewed. As noted below, delegations made under the Act must be reviewed annually.

The Shire's delegations and authorisations are recorded in a register available on the Shire's website. The Shire's register contains over 120 delegations and authorisations across a dozen pieces of legislation.

### **Community / Stakeholder Consultation**

Nil.

### **Statutory Environment**

The power to delegate or appoint authorised persons is drawn from legislation. Legislation that permits delegation or the appointment of authorised persons has a specific section, regulation, or clause known as the 'head of power'. In the case of the Act, the head of power for Council to delegate certain functions is section 5.42. The power to appoint authorised persons is provided directly to the CEO by section 9.10.

Importantly, each separate Act requires its own head of power. The head of power provided by section 5.42 of the Act that permits Council to delegate certain functions cannot be used to delegate functions in other pieces of legislation. The ability to use the Act's head of power more widely is a common misconception in local government.

Another source of confusion is section 5.45 of the Act, which introduces the concept of 'acting through'. Section 5.45 of the Act states that provisions concerning delegations do not prevent a local government from performing any of its functions by acting through a person or a CEO from performing any of his or her functions through the actions of another person. While what constitutes an 'acting through' arrangement is not defined in legislation, the Department's published guidance on the matter states that acting through arrangements can occur where an Officer performs tasks at the direction of the authority holder. While some examples of this approach are straightforward, the varying approaches employed across local government demonstrate that this can be a grey area, and wherever there is doubt and it is practicable, formal delegations or appointments as authorised officers should be used.

Regulation 19 of the *Local Government (Administration) Regulations 2005 (the Admin Regulations)* requires the exercised use of a delegated power under the Act to be recorded. The requirement to record exercised use of delegations from other legislation varies. Legislation does not require exercised use to be published or available for inspection.

Regulation 29 of the *Admin Regulations* requires a local government to make its delegations register available to the public for inspection. The Shire exceeds this legislative requirement by publishing the register on the Shire's website and includes information in the published register pertaining to delegations by the CEO and the instruments used to appoint authorised officers.

While legislation requires the authorisation of people as authorised officers or people to be in writing, there is no general requirement to keep this information in a single register. In this way, the Shire's current approach exceeds legislative requirements.





### Comment

As part of the Shire’s commitment to continuous improvement and governance maturity, a review of each of these delegations and authorisations has been conducted. The scope of the review systematically considered each of the delegations and authorisations and asked:

- is the head of power used to delegate or authorise the activity correct?
- are the specific sections, regulations or clauses of each instrument correct?
- are the appropriate Officers delegated or appointed?
- are the conditions placed on delegation or authorisation correct?
- are the reporting requirements commensurate to good governance, risk and efficient practice?

The results of the review, including every proposed change to the Register, is outlined in tracked changes at **attachment 1**. In addition to the above scope, the review also identified additional areas of focus that Officers have addressed. These areas and a description of their proposed amendments are outlined in the table below.

Additional Area of Focus	Related Delegations, Authorisations, or Council Policy	Summary of proposed amendments and their justification
Scheme 3	15.1.1 and 15.1.2 (proposed new)	<p>With gazettal of Scheme 3 imminent, revisions to delegations required under the new Scheme are required. As such, new delegations 15.1.1 – Administration of Local Planning Scheme No. 3 and 15.1.2 – Administer Development Contribution Plans are proposed. The new delegations mirror the current Town Planning Scheme No. 2 delegations (11.1.1 and 11.1.2) and no material changes to duties, conditions and/or process are proposed at this time.</p> <p>As delegations 15.1.1 and 15.1.2 rely solely on Scheme 3 being gazetted, it is recommended these delegations commence on gazettal of Scheme 3 and current Scheme 2 delegations continue to be used until gazettal occurs. The Officer’s recommendation accounts for this by requesting that Council resolve to commence the relevant delegation at the time of gazettal and remove the delegations associated with Scheme 2 when Scheme 3 commences.</p> <p>Updates to references and compliance links on related delegations (e.g. delegations under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>) can be made at the next annual review.</p>
Approval of Development Applications –	11.1.1, 12.1.1, 15.1.1	As the Shire continues to be the fastest growing local government in WA, significant current and forecast development activity is occurring. Given the range of development application types received, there is a need to



<b>Additional Area of Focus</b>	<b>Related Delegations, Authorisations, or Council Policy</b>	<b>Summary of proposed amendments and their justification</b>
Council Conditions		<p>consider how best to apply the planning resources allocated by Council to maintain the development assessment and control function in an efficient and effective manner. By updating the delegation to enable a limited number (being 3) of development applications which receive objections to be determined under delegation, it is considered an appropriate risk-based approach to decision making.</p> <p>Officers recommend Council conditions on delegations 11.1.1, 12.1.1 and 15.1.1 be amended as follows:</p> <ul style="list-style-type: none"><li>• Condition 2 replaced with: “2. <i>Where applications are required to undergo consultation in accordance with cl.64 of Schedule 2, Part 8 and clause 66 of Schedule 2, Part 9, of the Planning and Development (Local Planning Schemes) Regulations 2015, delegation can only be exercised where three or fewer submissions raising either valid planning objections or valid planning concerns on the application have been received.</i><p><i>For the avoidance of doubt:</i></p><ol style="list-style-type: none"><li><i>a) a submission received in support is not counted as part of the ‘three or fewer’ submissions of objection/concern;</i></li><li><i>b) a submission raising exclusively non-planning related objections or non-planning related concerns, is not a valid submission and therefore not counted as part of the ‘three or fewer’ submissions of objection/concern. Non-planning related matters are those established by the planning framework as not being valid to consider, and include matters such as;</i><ol style="list-style-type: none"><li><i>i. potential impact on property prices;</i></li><li><i>ii. whether a proposal could be better than what is proposed;</i></li><li><i>iii. moral considerations;</i></li><li><i>iv. threat of competition to existing businesses;</i></li><li><i>v. the nature or track record of a person proposing an application;</i></li></ol></li></ol></li></ul>



Additional Area of Focus	Related Delegations, Authorisations, or Council Policy	Summary of proposed amendments and their justification
		<p style="text-align: center;"><i>vi. perception of a proposal that is not supported by the factual information proposed.</i></p> <ul style="list-style-type: none"> <li>• Condition 3 replaced with:  <i>“3. Where more than three submissions raising either valid planning objections or valid planning concerns on the application have been received, and where these cannot be addressed or mitigated through conditions, a report to Council shall be prepared.”</i></li> </ul>

A full list of the delegations and authorisations proposed for removal from, or addition to, the Register is provided below.

Delegations and authorisations proposed for *removal* from the Register:

Nil – noting that upon gazettal of Scheme 3, delegations 11.1.1 and 11.1.2 will no longer be used and are proposed to be removed with commencement of Scheme 3 with the agreement of Council at this meeting.

Delegations and authorisations proposed for *addition* to the Register:

Delegation / Authorisation	Officer Comment
<u>CEO to Employees under the Local Government Act 1995</u> Delegation 1.2.6 – Notice Paper Publication – CEO Employment Committee	<p>The CEO is responsible under the <i>Local Government Act 1995</i> to convene meetings by issuing an agenda notice. In relation to CEO Employment Committee meetings, the past practice has been for the Deputy CEO to sign and issue the agenda notices for these meetings.</p> <p>With the change in responsibility for the Committee a formal delegation to the Director Corporate Services and Manager Governance and Strategy to issue agenda notices for CEO Employment Committee meetings is recommended.</p> <p>Note – as this is a CEO to Officer delegation, Council do not need to adopt this amendment. However, in keeping with transparency and communication, Officers have included this within the review report.</p>
<u>Council to CEO under the Planning and Development (Local Planning Schemes) Regulations 2015</u> Delegation 12.1.7 – Determination of On-site Car Parking for Developments	<p>In September 2022, Council approved the Shire’s Payment in Lieu of Parking Plan (OCM219/09/22).</p> <p>This Plan, together with the Regulations, governs the application of payments in lieu of providing car parking for development in the area(s) identified in the Plan.</p> <p>A delegation is therefore required to administer this process.</p>



Delegation / Authorisation	Officer Comment
	<p>The new delegation proposes part 9A of Schedule 2 (Deemed Provisions) is delegated which includes the following functions:</p> <ul style="list-style-type: none"> <li>• cl. 77D - Vary a minimum on-site parking requirement that applies to development to a lower number or waive a minimum on-site parking requirement</li> <li>• cl. 77H - Under clause 68(2)(b), impose a condition requiring the owner of the land on which the development is to be located to make a payment in lieu of satisfying the applicable minimum on-site parking requirement</li> <li>• cl. 77Q - Impose a condition requiring the owner of the land enter into a shared parking arrangement and approve or refuse to approve the shared parking arrangement</li> </ul> <p>The following powers and duties are proposed to be excluded from the delegation by way of Council Conditions:</p> <ul style="list-style-type: none"> <li>• Clause 77J –adopt a payment in lieu of parking plan</li> <li>• Clause 77N – revoke a payment in lieu of parking plan</li> </ul>
<p><u>Council to CEO under the Local Planning Scheme No 3</u> 15.1.1 – Administration of Local Planning Scheme No. 3 and 15.1.2 – Administer Development Contribution Plans</p>	<p>Refer to previous section ‘Scheme 3 Additional Area of Focus’ in this report.</p>
<p><u>Statutory Authorisations and Delegations under the Animal Welfare Act 2002</u> 13.5 – Appointment of General Inspector</p>	<p>Under the <i>Animal Welfare Act 2002</i>, the CEO of the Department of Primary Industries and Regional Development may appoint staff members of local governments to be general inspectors.</p> <p>The Shire has recently applied for, and had approved, Rangers to be General Inspectors. This provides the Shire’s Rangers with formal authorisation to conduct animal welfare functions in emergency situations. Examples include assisting animals in a bush fire emergency, assisting animals involved in roadside accidents and assisting DPIRD and RSCPA in gathering evidence during usual patrols.</p> <p>Note – as this is an external authorisation from a statutory body, Council approval is not required.</p>

It is worth noting that the comprehensiveness of previous years reviews, and the implementation of ongoing staff training, has again significantly reduced the investment required for this year’s review in terms of ensuring an accurate register. Instead, effort was largely spent on the Register’s supporting processes and policies and implementing revisions consequential to ad hoc events that occurred throughout the year such as amendments to legislation, position titles and addressing any ambiguity highlighted by Officer queries.



This review not only ensures that the Shire meets its regulatory obligations and continues to improve its governance maturity, it also provides an important opportunity for Officers to request technical advice regarding their delegations, authorisations and functions more generally that do not necessary require any amendments to the Register.

**Options and Implications**

Option 1

That Council:

1. NOTES the findings of the review pursuant to section 5.46 of the *Local Government Act 1995*.
2. APPROVES the Register of Delegations and Authorisations as contained within **attachment 2**.
3. RESOLVES that Delegations 15.1.1 – Administration of Local Planning Scheme No. 3 and 15.1.2 – Administer Development Contribution Plans as contained within **attachment 2** will commence on gazettal of Local Planning Scheme No. 3.
4. RESOLVES that Delegations 11.1.1 – Administration of Town Planning Scheme No. 2 and 11.1.2 – Administer Development Contribution Plans will expire on gazettal of Local Planning Scheme No. 3 and REQUESTS that the CEO remove these delegations from the register at this time.

Option 2

That Council DOES NOT NOTE the findings of the review pursuant to section 5.46 of the Act and DOES NOT APPROVE the Register of Delegations and Authorisations as contained within **attachment 2**.

Option 1 is recommended.

**Conclusion**

Delegations and the appointment of authorised officers is an important mechanism used by all tiers of government to conduct business effectively and efficiently. The systematic review of the Shire’s register has identified opportunities to strengthen the instruments used and improve understanding of the powers and responsibilities associated with delegations and authorisations.

**Attachments (available under separate cover)**

- **10.3.7 - attachment 1** – Register of Delegations and Authorisations – tracked changes (E23/5334)
- **10.3.7 - attachment 2** – Register of Delegations and Authorisations (E23/5685)

**Alignment with our Strategic Community Plan**

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



### Financial Implications

There are no financial implications associated with the implementation of this report.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with option 1.						
2	If Council do not note the review, it may not be completed on time (i.e. legislative non-compliance) resulting in a possible elevation of the Shire on the Departments risk assessment.	Nil.	Organisational Performance	Unlikely	Minor	LOW	Nil.

**Voting Requirements:** Absolute Majority (s5.42 of the *Local Government Act 1995*)

### Officer Recommendation

That Council:

1. NOTES the findings of the review pursuant to section 5.46 of the *Local Government Act 1995*.
2. APPROVES the Register of Delegations and Authorisations as contained within attachment 2.
3. RESOLVES that Delegations 15.1.1 – Administration of Local Planning Scheme No. 3 and 15.1.2 – Administer Development Contribution Plans as contained within attachment 2 will commence on gazettal of Local Planning Scheme No. 3.
4. RESOLVES that Delegations 11.1.1 – Administration of Town Planning Scheme No. 2 and 11.1.2 – Administer Development Contribution Plans will expire on gazettal of Local Planning Scheme No. 3 and REQUESTS that the CEO remove these delegations from the register at this time.



OCM114/05/23

**COUNCIL RESOLUTION**

**Moved Cr Duggin, seconded Cr Coales**

**That Council:**

- 1. NOTES** the findings of the review pursuant to section 5.46 of the *Local Government Act 1995*.
- 2. APPROVES** the Register of Delegations and Authorisations as contained within attachment 2 with the following amendments:
  - The references to the number of submissions within Council conditions on Delegations 11.1.1, 12.1.1 and 15.1.1 is amended from three to two.
- 3. RESOLVES** that Delegations 15.1.1 – Administration of Local Planning Scheme No. 3 and 15.1.2 – Administer Development Contribution Plans as contained within attachment 2, as amended, will commence on gazettal of Local Planning Scheme No. 3.
- 4. RESOLVES** that Delegations 11.1.1 – Administration of Town Planning Scheme No. 2 and 11.1.2 – Administer Development Contribution Plans will expire on gazettal of Local Planning Scheme No. 3 and **REQUESTS** that the CEO remove these delegations from the register at this time.

**CARRIED 5/4**

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

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

*Reason for difference to Officer Recommendation*

*To allow a balance of local Council and Shire input into the decision-making process.*

**10.3.8 – Office Accommodation Project – Update to Council (SJ3447)**

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

**Authority / Discretion**

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

The purpose of this report is to notify Council of the completion of detail design and pre-tender estimate for the staff amenities, in preparation for calling a tender for the construction.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 20 June 2022 – OCM142/06/22 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. APPROVES the Administration Building Redevelopment Concept Plan as contained within attachment 2, Council Chamber's Relocation Concept Plan as contained within attachment 3, and Project Implementation Plan as contained within attachment 4;*
- 2. REQUESTS the Chief Executive Officer to progress implementation of the project in accordance with the Shires Project Management Framework and the attached Project Implementation Plan, noting that the timelines and milestones may be updated following completion of the project planning phase; and*
- 3. NOTES the Chief Executive Officer will present a report to Council with a final detailed design and a pre-tender estimate prepared by an independent Quantity Surveyor for approval prior to calling a tender for the construction.*

**Background**

Stage 2 of the Administration Building Redevelopment Project consists of refurbishment of the staff amenities (toilets and kitchen/lunch areas), staff accommodation offices and council chambers relocation. In accordance with the Shires Project Management Framework, a Project Plan has now been completed, noting the scope, timelines, and milestones for this project.

At the 20 June 2022 Ordinary Council Meeting, Council approved the concept plans for staff amenities and council chambers in the old Mundijong Library Building. Since then, detail design has now been completed by consultant design team and pre-tender cost estimate has been finalised by an independent quantity surveyor to assist with calling of tender.





## **Community / Stakeholder Consultation**

### Policy Concept Forum

Nil

Stakeholder Consultation between the external design team and the project manager has occurred regularly throughout the progression design development.

## **Statutory Environment**

- *Planning and Development Act 2005;*
- *Building Act 2011;*
- *Food Act 2008.*

In respect to the *Planning and Development Act 2005*, a local government enjoys a broad exemption under both region and local planning scheme planning application requirements.

The above three dot points explains the engagement process that would need to occur, noting that a formal planning approval would not be required.

In terms of building legislation and health legislation, a certified building permit will be obtained for any building work in accordance with section 9 of the Building Act 2011.

## **Comment**

Due to design and construction efficiencies, the project is to be delivered as three stages:

- Stage 2A - Staff Amenities;
- Stage 2B - Council Chambers;
- Stage 2C - Office Accommodation;

The above sub project splits address a number of risks identified by Officers during the planning phase. Such as:

- High level bankruptcies in the construction industry;
- Builder availability;
- Fast Track the urgent need for staff amenity upgrades to meet code;
- Allow great consultation on varies aspects of Council Chamber detail design;
- Allow time for review of whole of project feasibility;
- Save money on staff relocations during construction phases.

The old Mundijong Library building is currently being used as temporary staff offices to support the Depot Office upgrade project. It is anticipated this temporary office fit out will continue to be used as a facility for Shire staff throughout the three stages of Administration Building Refurbishment.

To limit the costs associated with temporary relocation of staff members, the project will be delivered in the sequence of 2A, 2C and 2B. This sequence will allow staff amenities to be completed first followed by staff offices refurbishment, whilst utilising the Mundijong library offices for staff as a temporary measure. Finally, council chambers will be relocated into the Mundijong library once the temporary offices are no longer required.



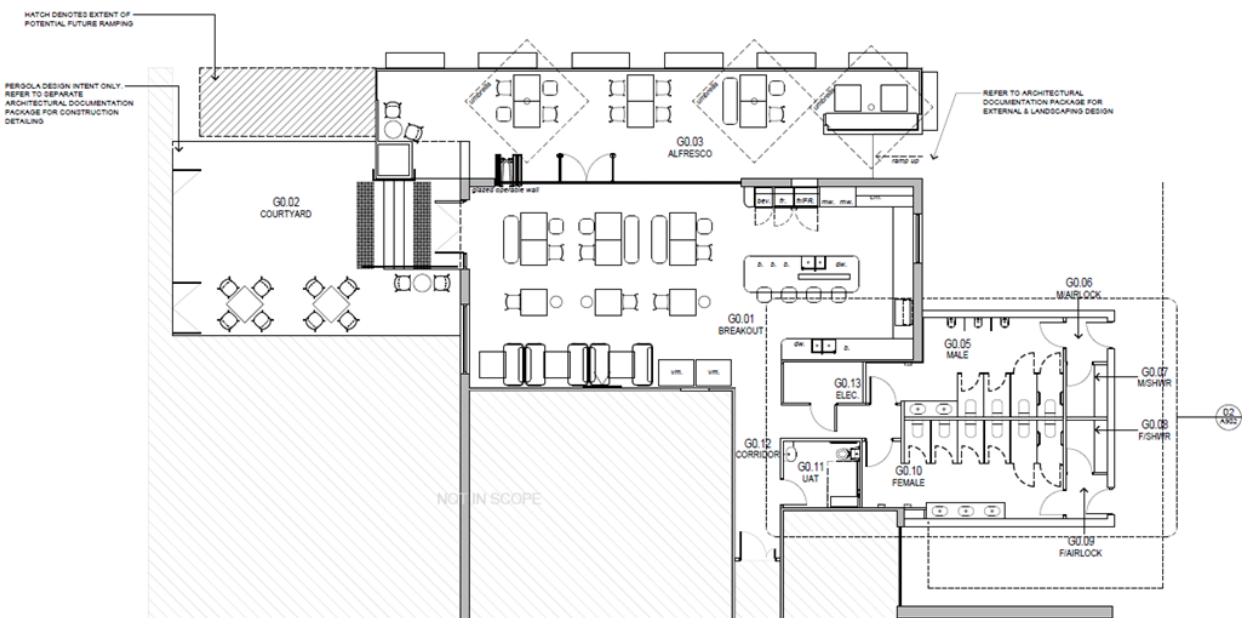
The above order of works is subject to confirmation from the review of whole of project feasibility.

The following updates on the stage should be noted:

### Stage 2A: Administration Building (Staff Amenity Area) Upgrade

Detailed design and tender documentation have now been completed, along with pre-tender estimate. This includes design completion from the consultant team consisting of interior design, building services, architect, mechanical, hydraulics and electrical services. In addition, compliance, environmental and sustainability design consultants have also provided input into the final documentation. The design has been completed with consideration to accommodating the upgrade of staff amenities into balance of the office refurbishments as part of Stage 2C.

Figure 1 below forms the basis of the final approved concept plan on which the detail design documentation is based on. Refer to **attachments 1 and 2** for summary on design documentation.



*Figure 1 – Staff Amenities Concept for Detail Design*

The scope of this component of the office administration project includes:

- Rebuild of the existing kitchen area to allow better circulation, upgraded whitegoods and appliances, new waste separation and disposal, increased bench space and additional storage;
- Renovation of existing staff room with new floor finishes, new loose furniture, lighting;
- Enhanced courtyard to provide an outdoor option;
- New terrace area and north facing windows to connect the staff room with the terrace area and optimise the views across the oval with the 'green' background;
- New ablution block to be constructed in the courtyard adjacent to the existing kitchen, including demolition of the existing toilets, and including end of trip facilities and disabled toilet
- Upgrade to the existing sewer system infrastructure.

The staff amenity upgrade will see these areas modernised and create a more functional space for staff to enjoy.



During construction, there will be a requirement for some temporary kitchen / toilet arrangements to be implemented to allow works to be completed.

Note: This does not affect seating arrangements or result in an increase in staff accommodation. This will be dealt with as part of Stage 2C (next package).

Pre-tender estimate has now been completed by consultant RBB, based on the detailed design documentation. The estimate notes Gross Project Cost to be \$1.5M (ex GST). This cost estimate has been reviewed against the project scope and current market conditions and is deemed reasonable. Refer to **attachment 3** for detail breakdown of this pre-tender estimate.

This estimate allows for the contractor scope only, which is limited to:

- Demolition works – preliminaries and demolition allowances;
- Building and services – building/structural, mechanical, electrical, and hydraulic services;
- External works – footpath/paved areas, fencing/gates, landscape improvements;
- Loose Furniture – supply and install;
- Construction Contingency – 10%;
- Escalation allowance to Tender by July 2023 (2%).

**It must be noted, this is a pre-tender estimate for the construction contractor only.**

The true cost for the construction contract will need to be tested with the market through the tender and procurement process. Shire's project team has made separate allowances for temporary works as part of Staff Relocation Strategy. These items include hiring of temporary toilets and crib-room facilities for the staff whilst project is in construction phase.

In addition to construction contract and temporary works allowances, it is anticipated that a project manager from the Shire's team will be available to superintendent the construction phase along with technical support from consulting engineers. These costs will be managed by the Shire as part of internal cost recovery and will be tracked against the total cost of the project.

Once the tender phase has been completed and a preferred contractor shortlisted by the procurement and project team, the findings will be presented to Council seeking further approval to accept a suitable tender to take project into the construction phase.

The full project cost including internal and temporary works will be calculated in the aforementioned report.

#### Stage 2B - Council Chambers Relocation update

The existing Mundijong Library building will be upgraded to provide a new home for Council and to provide a new multi-use facility for the community to use. The design has retained all the original Road Board building and has limited any further intervention with the rest of the existing building to only essential requirements.

The design has been progressed with regular reviews from the project Steering Group, with the result being a flexible space that can be repurposed for a range of community uses in addition to formal Council Meetings. Internally, operable walls will allow reconfiguration of the space for large or small events and will include the necessary technology to facilitate external broadcast of Council Meetings.

The tailored design includes kitchen facilities, new toilets, a furniture store, Shire President office and a range of layout options for functions and events



Detail design phase is currently investigating options around roof lifting for the Council Chambers area to allow additional height and potential natural light.

Officers anticipate engaging with Councillors on the internal look and feel via PCF as detail design progresses.

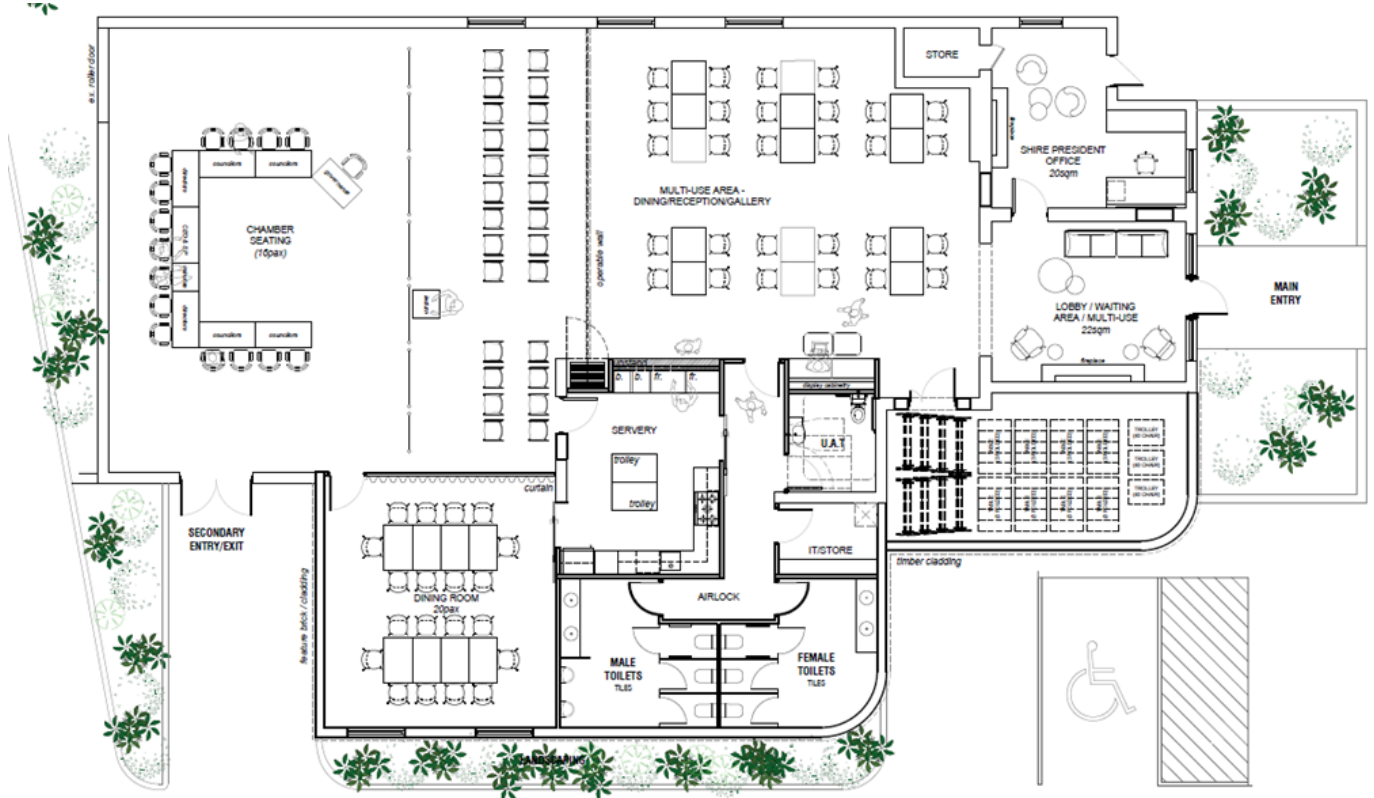


Figure 2 – Council Chambers Concept for Detail Design

Detailed design and pre-tender documentation is expected to be completed prior to end of 2023 for presentation to Council for final approval prior to calling for Tenders.

### Stage 2C – Office Accommodation

Further to the Feasibility Plan prepared by The APP Group in March 2021 for the Administration and Depot Refurbishments, Shire has re-engage The APP Group to update the feasibility report prepared to address the needs for this Stage.

Officers have concluded that the March 2021 feasibility report recommendations are now outdated given changes to project milestones.

The revised feasibility scope by APP is expected to be completed prior to the end of 2023.

It will also investigate the potential to expand office space either on an additional first floor or on existing grounds. The scope is based on below existing office layout.





for construction contract will be tested against the market during tender phase. This construction cost is not the only project allowances required. Shire has a relocation strategy in place, where hiring of temporary facilities has been allowed for. Furthermore, Superintendent role will be managed through Shire recovery costs with assistance from the technical consultant team. Once the tender assessment has been completed by the Shire, the findings and recommendation will be presented to the Council for endorsement.

The secondary priority is to complete the APP Feasibility update for the office accommodation prior to end of 2023. Once the concept is endorsed by Council, detail design phase will be commenced.

It is anticipated that detailed design and tender documentation for the council chambers will be ready prior to end of 2023. This will close out the consultant engagement and allow Shire flexibility to call tender when ready for the Council Chambers relocation.

#### **Attachments (available under separate cover)**

- **10.3.8 - attachment 1** – Stage 2A Staff Amenities: Summary of Design Documents – Architect Design (E23/5347)
- **10.3.8 - attachment 2** – Stage 2A Staff Amenities: Summary of Design Documents – Interior Design (E23/5348)
- **10.3.8 - attachment 3** – Stage 2A Staff Amenities: Pre-tender Estimate (E23/5349)

#### **Alignment with our Strategic Community Plan**

<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.1</b>	Recognise local heritage
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

#### **Financial Implications**

As noted in the June 2022 Ordinary Council Meeting report, the overall project feasibility budget was \$8,510,500 as adopted by Council. As the scope of the project has been reduced to remove the link building, this level of funding was reduced.

The project plan currently notes a total budget of \$6,900,300.

Staff Amenities project construction is supported to come out of the total project budget of \$6,900,300. The current pre-tender estimate of \$1.5M (ex GST) is likely to change once tested against the current market rates during tender stage. In addition to construction contract and temporary works allowances, it is anticipated that a project manager from the Shire's team will be required to superintendent the construction phase along with technical support from consulting engineers. These costs will be managed by the Shire as part of additional project costs and will be tracked against the available budgets.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Not having adequate office and civic space to meet organisational requirements.	Progression of the developed concept plan and execution of works that addresses the requirements of the Shire.	Reputation	Likely	Moderate	HIGH	Proceed to detailed design and execution of the project plan.
2	Retention of staff	Manage by improving work environment to attract and retain staff whereby reducing cost of ongoing recruitment	Reputation	Possible	Moderate	MODERATE	Seek input from staff during detailed design.

**Voting Requirements:** Simple Majority

### OCM115/05/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Duggin

That Council:

1. **APPROVES** the request to go to tender for the Staff Amenities refurbishment project as contained within attachments 1 and 2.
2. **NOTES** the project update on Council Chambers relocation and Staff Accommodation refurbishment.
3. **NOTES** that the pre-tender estimates for Stage 2A only relates to the construction costs of the project and does not include the costs associated with staff relocation and measures to mitigate noise and other impacts close to the construction zone and alternative kitchen, common spaces and ablution facility arrangements during construction identified in a Staff Relocation Strategy. These costs will be presented to Council with the submissions received for the tender for construction.

**CARRIED UNANIMOUSLY 9/0**



### 10.4 Community Engagement reports:

<b>10.4.1 – Major Events Grants: Round Two 2022 / 2023 (SJ3296)</b>	
<b>Responsible Officer:</b>	Manager Community Activation
<b>Senior Officer:</b>	Director Community Engagement
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

#### Authority / Discretion

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

The purpose of this report is for Council to consider the Major Event Grant 2022/23 Round Two grant applications and approve or decline community funding allocations.

#### Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 12 December 2022 - OCM323/12/22 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>NOTES the 2022 Major Grant acquittal from the Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest held in November 2022.</i></li> <li>2. <i>APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest to be held in May 2023, to the value of \$20,000 ex GST; subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 4;</i></li> <li>3. <i>APPROVES in-kind support of a skin (fabrication and install) of Freeway Billboards (approximate value \$8,000 ex GST); and fee waiver up to the value of \$4,000 ex GST in accordance with 6.12 of the Local Government Act 1995; subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 4;</i></li> <li>4. <i>APPROVES the request from Serpentine Jarrahdale Food and Farm Alliance Inc for three year funding to the Food and Farm Fest event, subject to Council acceptance and endorsement of the annual acquittal reports, required to continue with funding commitments.</i></li> <li>5. <i>REQUESTS the Chief Executive Officer advise Serpentine Jarrahdale Food and Farm Alliance Inc of outcomes relevant to their Major Event application.</i></li> </ol>
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*Ordinary Council Meeting – 16 May 2022 – OCM117/05/22 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. APPROVES Major Event Grant funding to Byford Carols Inc for the Byford Carols to be held in December 2022, to the value of \$13,814.20 ex GST and agree to the provision of in-kind support estimated at a value of \$400; subject to the applicants' agreement of conditions outlined in CONFIDENTIAL attachment 4;*
- 2. REQUESTS the Chief Executive Officer to work with Byford Carols Inc to investigate other opportunities for funding for the event; and*
- 3. REQUESTS the Chief Executive Officer advise Byford Carols Inc of outcomes relevant to their Major Event application.*

*Ordinary Council Meeting – 11 April 2022 – OCM080/04/22 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

*That Council:*

- 1. ACCEPTS the 2021 event acquittals from Lion's Club of Serpentine Jarrahdale and Serpentine Jarrahdale Food and Farm Alliance Inc.*
- 2. DOES NOT ENDORSE release of 2022 event funding to the Lion's Club of Serpentine Jarrahdale, due to notification from the Club that the 2022 event has been cancelled and make the allocation available for Round Two of the 2021/22 Major Event Grant Scheme.*
- 3. ACKNOWLEDGES that the event funding for the 2023 Jarrahdale Log Chop and SJ Lion's Country Fair remains committed in accordance with currently endorsed Major Event Grant Scheme allocations for the Lion's Club of Serpentine Jarrahdale.*

*Ordinary Council Meeting – 17 May 2021 – OCM129/05/21 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

*That Council:*

- 2. APPROVES Major Event Grant funding to Serpentine Jarrahdale Lions Club Inc for the Jarrahdale Log Chop and SJ Lions Country Fair to be held in October 2021 to the value of \$19,907.55 ex GST, and agrees to the provision of in-kind support estimated at a values of \$17,200; subject to their agreement of conditions outlined in CONFIDENTIAL attachment 5.*
- 3. APPROVES the request from Serpentine Jarrahdale Lions Club Inc for funding over a three year period for the Jarrahdale Log Chop and SJ Lions Country Fair, subject to Council acceptance and endorsement of the annual acquittal report, required to continue with funding commitments.*

## **Background**

Council Policy 5.1.7- Community Funding Policy, includes the Major Event Grant Scheme. This scheme provides an opportunity for community organisations to apply for grants of between \$5,000 and \$20,000 (ex GST), to deliver a community, sporting, or cultural event in the Shire, where the event is of significance to the Shire of Serpentine Jarrahdale community and/or draws residents from the Shire, the Peel Region, and surrounds.

The Major Event Grant Scheme allows community groups to apply for annual funding for up to a three-year period, subject to Council acceptance and endorsement of the annual acquittal report, required to continue with funding commitments.



Council has set a budget of \$75,000 for Major Event Grants in 2022/2023.

Current Major Event Grant 2022/23 Commitments

- \$18,000 of the available budget is committed to the Lions Club of Serpentine Jarrahdale for the 2023 Jarrahdale Log Chop and SJ Lion's Country Fair. This allocation was determined by Council at the May 2021 Ordinary Council Meeting, where a 3 year commitment to the event was endorsed. The 2023 event will be the last event of the current agreement, being payable in the 2022/23 financial year. Officers are currently working with the Club through the event process.
- At the December 2022 Ordinary Council Meeting, Round One of the 2022/23 Major Event Grant Scheme was considered by Council. \$20,000 ex GST was committed to the Serpentine Jarrahdale Food and Farm Alliance Inc for the 2023 Food and Farm Fest to be held 6 May 2023. 3 years of funding was endorsed for this event.

Current Round

\$37,000 ex GST remains uncommitted for Major Event applications in Round Two for the 2022/23 financial year (final round).

Two applications have been received:

- \$19,116.99 requested from the Byford Carols for the 2023 Byford Carol's Event.
- \$13,043.75 requested from Jump Promotions WA for the 2023 WA State Jumping Championships.

Neither applicant has requested 3 years of funding.

**Community / Stakeholder Consultation**

The second Major Event Grant round for the financial year was advertised in February and March, closing 20 March 2022.

Advertising for the February/March round occurred through the following channels:

- Facebook posts throughout February and March
- SJ Matters eNewsletter February and March.
- Linked In posts in February and March.
- Shire website banner and email signature.
- Individual communication to event organisers, known to deliver events in the Shire of Serpentine Jarrahdale during the applicable time frame for Round Two.

Two applications were received, with these being presented to Council for consideration.

**Statutory Environment**

The applications received in Round Two have been deemed eligible under with Council Policy 5.1.7- Community Funding Policy.

The applications recommended for receipt of funds are consistent with this Policy.



## **Comment**

Two grant applications from local community groups were received in the second Major Event Grant round for 2022/23. The total value of the applications was \$32,160.74 for the \$37,000 available.

An assessment of the applications was undertaken by a team of Officers across the organisation, with representation from Community Activation, Communications, Finance, Environmental Health and Building and Parks and Gardens. This was to enable feedback and comment over a variety of different business areas that are likely to be involved with the delivery of events in the Shire.

The applications were assessed on the following basis:

1. Eligibility.

Confirms that the application is eligible as per the current policy. Examples of eligibility criteria include: organisation is an incorporated not-for-profit community group; event is to be hosted in the Shire; applicant has no outstanding acquittals.

2. Funding criteria.

Information contained within the application is assessed by internal departments to determine a total score out of 16. Considerations include community benefit, capacity/ability of the applicant to deliver the project described in the application and demonstrated financial capability.

3. Priority.

Considers whether the timeline for delivery is achievable, whether the application could/should be considered in a future round (particularly where available funds are less than total amount requested from combined applications) or whether duplication of similar or other like-minded activities exist.

The funding criteria scoring process is only one part of the assessment undertaken to provide a recommendation to Council and is reflective of the information outlined and submitted in the application. An application may be written very well (and score well on that basis) but may not be eligible or considered a high priority given the competitive nature of the scheme.

Conversely, an event may present as a valuable or worthwhile initiative, but if the application was poorly written or has not demonstrated an adequate level of planning, it will score low on that basis.

A brief description of the application and assessment comment is provided in the detail below, however the full application and assessment matrix with comments can be found in the attachments referenced. Please note that the application attachments do not include supplementary detailed documentation, such as incorporation certificates and bank statements.



### **Byford Carols – December 2023**

Applicant: Byford Carols Inc

The application, application checklist and assessment details are included with this report as **CONFIDENTIAL attachment 1**.

Summary:

Expected attendance	900 patrons
Total Event Cost	\$22,616.90 cash and in-kind (other sources) expenditure \$12,484.00 volunteer hours <i>Total event cost \$35,100.99</i>
Total Amount Requested from Shire	\$19,116.99 (\$19,117)
Three year funding commitment requested	No

The Byford Carols event is free to attend and is proposed to include a family picnic with free sausage sizzle, face painting, children's craft activities, locally themed Christmas entertainment followed by Carol singing led by a Brass Band and the Heritage Country Choir. There will also be a visit from Santa.

A Carols event has been held in Byford for 30 years, originally organised and delivered by the Byford Progress Association. In more recent years, due to the increase in number and range of community faith-based groups participating in the coordination and delivery of the event, an incorporated group, Byford Carols Inc, has been formed as the organising body.

Following various challenges and event delivery impacts over the last few years as a result of COVID-19 periods (including an online event in 2020), the 2022 event was delivered with approximately 900 attendees. The event was supported by a Shire Major Event grant to the value of \$13,814 ex GST which has been acquitted.

A full outline of the applicant's budget and requested items for the 2023 event is included in **CONFIDENTIAL attachment 1**, however generally the items requested are as follows:

- Insurances and first aid services – noting the insurances do not cover event cancellation insurance. Public liability and volunteer insurance only.
- Professional provision of Audio Visual infrastructure and staging.
- Catering costs and entertainment.
- Toilets to provide additional facilities as well as more accessible facilities.

Costs/items listed within the Byford Carols application for the 2022 event remain reasonably consistent with the level of funding requested over the last two years and taking into consideration the increase in costs globally.

Officers recommend providing in-kind support to enhance promotions for the event, helping to attract additional attendance, as well as assistance with associated works preparing the grounds and improving accessibility of the Briggs Upper Oval on the event day including but not limited to the removal of goal posts and football shelters.

This support has been estimated at an approximate value of \$600 for associated labour costs and could be accommodated/scheduled if supported by Council.



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**Assessment Comment**

1. Eligible: Yes. Council Policy 5.1.7 – Community Funding states that Religious groups / organisations may be funded for community based activities / programs only. Funding towards religious specific activities will not be considered.

Officers consider the funding requested to be consistent with the policy as the application is from a community based organisation for activities that are not religious specific. A number of religious organisations identified as being involved in the organisation and delivery of the event, however activities are for whole of community.

2. Funding Criteria: 11/16. Further information pertaining to the funding criteria matrix is included in **CONFIDENTIAL attachment 1**.
3. Priority: Yes. The application was supported by the panel however, Officers note that the applicant has not yet sought funding from other sources leading to a high percentage of the event costs being requested. Byford Carols Inc has indicated other sponsors will be sought in the months leading into December. In comparison to other Major Events sponsored under this scheme, the event does not attract the same levels of attendance (relatively small attendance for the amount contributed). However, given a number of event delivery costs that have escalated over recent months (including AV hire), the amount requested is considered reasonable in order to continue a collaborative community Carols event that has minimal alternatives for income (being a group that convenes once annually for the purpose of delivering an event).

Officers recommend funding the full amount requested, as this would ensure the event progresses with all elements proposed (including free sausage sizzle and other family friendly activities), and enables the group to lock suppliers in early. This early confirmation of Shire support should also allow the group to leverage this for additional sponsors, on the assurance the event can proceed.

**Assessment Recommendation**

Officers recommend funding to the value of \$19,117; as well as the provision of in-kind support to an approximate value of \$600, being for:

- (a) The removal and reinstatement of infrastructure on the Oval; and
- (b) Promotional support.

Officers recommend as a condition of funding that the Shire be recognised as the Major Supporter for the event, being the primary contributor for the budget presented. Officers will also work with the group to source multiple quotes for AV equipment, ensuring best value for money options are obtained.

The Schedule from the Major Supporter Agreement with conditions for the approved funding is included in **CONFIDENTIAL attachment 2**. These will be incorporated into the formal agreement once resolved by Council.



**WA State Jumping Championships – 20 -22 October 2023**

Applicant: Jump Promotions WA

The application, application checklist and assessment details are included with this report as **CONFIDENTIAL attachment 3**.

Summary:

Expected attendance	1,200 participants and spectators
Total Event Cost	\$151,878.50 cash and in-kind (other sources) expenditure Value of volunteer hours not captured <i>Total event cost \$151,878.50</i>
Total Amount Requested from Shire	\$13,043.75
Three year funding commitment requested	No

The Jumping WA State Championships event has been held in the Shire for the last three years (being 2022, 2021 and 2022). This event attracts approximately 1,200 participants and spectators over the three day event.

The event closely aligns with the Shire's rural character and equine community, providing a high-level competition for both the local and state-wide equine enthusiasts. The event allows free entry each day for general public, and provides a number of trade stands and food vendors on site to add a shopping experience for spectators and promotional/economic opportunities for businesses.

Jump Promotions WA have not previously received Shire funding, although have made one application. On that occasion, the Major Event funding round applied for did not allow sufficient time for an outcome prior to their event. This application to Round Two of the 2022/23 Major Events Grant is well within the required timelines for assessment.

The applicant has noted that applying to Round Two meant the State body had not yet announced the location for the 2023 State Championships event. Officers have since been advised that Serpentine Jarrahdale has been confirmed as the location for the 2023 State Championships and therefore the event is proceeding as intended in the application.

A full outline of the applicant's budget and requested items for funding is included in **CONFIDENTIAL attachment 3**, however generally the items requested are as follows:

- Traffic and parking management
- Toilets and waste services.
- Event infrastructure and signage.
- Audio Visual and entertainment.
- Photography / videography.

It is noted that the State Championship event is live streamed to a Global audience further increasing the exposure of Serpentine Jarrahdale as a prominent equine community, should this be the location supported for the event.

The organisation has not requested in-kind support however Officers note some site preparation will be required, such as line-marking of reticulation infrastructure.

This has been estimated at an approximate value of \$1450 for associated labour costs and could be accommodated/scheduled if supported by Council.



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Assessment Comment

1. Eligible: Yes. Officers consider the funding requested to be consistent with Council Policy 5.1.7.
2. Funding Criteria: 11/16. Further information pertaining to the funding criteria matrix is included in **CONFIDENTIAL attachment 3**.

It is noted that scoring above was for the State Championship, with a lightly lesser score applying if Serpentine Jarrahdale not selected as the 2023 event location (10/16 as promotional reach not expected to be as wide). Either way, the panel considered the expertise of the group and caliber of events previously delivered to be worthy of support in either format.

3. Priority: Yes. The application was supported by the panel as it aligns well with the Shire's character, promotes the community facility to a broad audience as well as celebrating the important role equine plays in the Shire.

Substantial funding contributions have been evidenced from alternate sources and the overall cost of the event is significantly higher than the requested contribution from the Shire.

Officers recommend funding to the full amount requested, for either of the event delivery formats. The expenditure items requested are unlikely to change, even if the State Championships are not held in the Shire.

Assessment Recommendation

Officers recommend funding to the value of \$13,043.75; as well as the provision of in-kind support to an approximate value of \$1450, being for minor site preparation works preceding the event.

The Schedule from the Major Supporter Agreement with conditions for the approved funding is included in **CONFIDENTIAL attachment 4**. These will be incorporated into the formal agreement once resolved by Council.

**Options and Implications**

Option 1

That Council:

1. APPROVES Major Event Grant funding to Byford Carols Inc for the Byford Carols to be held in December 2023, to the value of \$19,117 ex GST and agree to the provision of in-kind support estimated at a value of \$600; subject to the applicant's agreement of conditions outlined in **CONFIDENTIAL attachment 2**;
2. APPROVES Major Event Grant funding to Jump Promotions WA for the WA State Jumping Championships (or alternate Jumping Event) to be held in October 2023, to the value of \$13,043.75 ex GST and agree to the provision of in-kind support estimated at a value of \$1450; subject to the applicant's agreement of conditions outlined in **CONFIDENTIAL attachment 4**; and
3. REQUESTS the Chief Executive Officer advise both applicants of outcomes relevant to their Major Event application.

Option 2

That Council:

1. DECLINES to provide Major Event Grant funding to Byford Carols Inc for the Byford Carols to be held in December 2023; and
2. DECLINES to provide Major Event Grant funding to Jump Promotions WA for the WA State Jumping Championships or alternate Jumping Event to be held in October 2023; and
3. REQUESTS the Chief Executive Officer advise both applicants of outcomes relevant to their Major Event application and support the applicants to develop applications for future funding rounds.

Option 1 is recommended.

**Conclusion**

The second round of the 2022/2023 Major Event Grant scheme for the financial year was advertised in February and March 2023. \$37,000 for round two is available, and two applications were received from:

- Byford Carols Inc for the 2023 Byford Carols event, requesting an amount of \$19,117 ex GST; and
- Jump Promotions WA for WA State Jumping Championship event, requesting an amount of \$13,043.75 ex GST. If Serpentine Jarrahdale is not selected as the location for the WA State Championships, Jump Promotions WA propose to use the same level of funding to run a comparable event within the two weekends following the 20-22 October 2023 date.

No applicants requested multiple years funding.

Officers recommend supporting both events to a combined value of \$32,931.20 ex GST, subject to agreement of conditions to be formed into a Major Supporter Agreement.

**Attachments (available under separate cover)**

- **10.4.1 - CONFIDENTIAL attachment 1** - Byford Carols 2023 Checklist, Matrix and Application (E23/5330)
- **10.4.1 - CONFIDENTIAL attachment 2** - Schedule to Major Supporter Agreement - Byford Carols (E23/5362)
- **10.4.1 - CONFIDENTIAL attachment 3** – State Jumping Championships 2023 Checklist, Matrix and Application (E23/5357)
- **10.4.1 - CONFIDENTIAL attachment 4** - Schedule to Major Supporter Agreement - State Jumping Championships (E23/5365)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district



**Financial Implications**

An amount of \$75,000 has been included in the 2022/23 budget, for the two Major Events Grant rounds (account number 4300-15422-6276).

Should Council support the Officers recommendation, this budget allocation would be committed as follows:

<b>Major Event Round</b>	<b>Group / Event</b>	<b>Amount Committed</b>
2020/2021 Round Two	Serpentine Jarrahdale Lions Club Inc – 2023 Jarrahdale Log Chop and SJ Lions Country Fair <i>Payable in the 2022/2023 financial year</i>	\$18,000
2022/2023 Round One	Serpentine Jarrahdale Food and Farm Alliance Inc – Food and Farm Fest 2023	\$20,000
<b>Subtotal</b>		<b>\$38,000</b>
2022/2023 Round Two	Byford Carols Inc – Byford Carols 2023 event <i>Officers Recommendation</i>	\$19,117
2022/2023 Round Two	Jump Promotions WA – WA State Jumping Championships <i>Officers Recommendation</i>	\$13,043.75
<b>Subtotal</b>		<b>\$32,160.75</b>
<b>Total value of Major Events supported 2022/2023 (Officers Recommendation)</b>		<b>\$70,160.75</b>

The provision of in-kind support (where supported by Council) would be costed to the events at the appropriate time and as required.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	The Shire is not adequately recognised for its financial contribution, or the events are not delivered in line with the funding agreements, causing missed brand recognition or brand damage to the Shire	Development of conditions for the respective event funding agreements.	Reputation	Rare	Moderate	LOW	Ongoing engagement by Shire Officers with Event applicants
2	Applicants are unable to deliver their respective event without Shire funding, which means the community will miss out on events which will help to foster connections and social cohesion.	Nil	Social / Community Outcomes	Possible	Moderate	LOW	

**Director Development Services, Mr Andrew Trosic left the Meeting at 9:38pm.**

**Director Development Services, Mr Andrew Trosic returned to the Meeting at 9:39pm.**



**Voting Requirements:** Simple Majority

**OCM116/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Duggin, seconded Cr Byas**

**That Council:**

- 1. APPROVES Major Event Grant funding to Byford Carols Inc for the Byford Carols to be held in December 2023, to the value of \$19,117 ex GST and agree to the provision of in-kind support estimated at a value of \$600; subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 2;**
- 2. APPROVES Major Event Grant funding to Jump Promotions WA for the WA State Jumping Championships (or alternate Jumping Event) to be held in October 2023, to the value of \$13,043.75 ex GST and agree to the provision of in-kind support estimated at a value of \$1450; subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 4; and**
- 3. REQUESTS the Chief Executive Officer advise both applicants of outcomes relevant to their Major Event application.**

**CARRIED UNANIMOUSLY 9/0**

**10.4.2 – Local Emergency Management Committee (LEMC) Information Report (SJ716-02)**

<b>Responsible Officer:</b>	Director Community Engagement
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is for Council to:

- receive the minutes from the Shire of Serpentine Jarrahdale Local Emergency Management Committee (LEMC) meeting held on 14 March 2023, and
- consider recommendations made to it by the LEMC.

**Relevant Previous Decisions of Council**

Ordinary Council Meeting – 20 February 2023 – OCM032/02/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 13 December 2022 contained in attachment 1.

Ordinary Council Meeting – 14 December 2020 - OCM403/12/20 - COUNCIL RESOLUTION / Local Emergency Management Committee Recommendation - **extract**

That Council:

3. ADOPTS the draft Local Emergency Management Arrangements (2020) at attachment 2 and the draft Local Recovery Plan (2020) at attachment 3 and REQUESTS the Shire President and Chief Executive Officer to sign the documents and provide a copy to the State Emergency Management Committee for noting.



## **Background**

Section 38 of the *Emergency Management Act 2005* requires that the Shire of Serpentine Jarrahdale convene a Local Emergency Management Committee (LEMC). The Shire of Serpentine Jarrahdale LEMC operates under a Terms of Reference as endorsed by Council; however, the LEMC is not a Committee of Council as described in the *Local Government Act 1995*.

Council adopted Local Emergency Management Arrangements (LEMA) for the Shire in 2020. The LEMA consists of a number of plans, contact lists and procedures to inform preparedness, planning, response and recovery when an emergency incident occurs.

## **Community / Stakeholder Consultation**

Described in the comment section where applicable.

## **Statutory Environment**

### *Emergency Management Act 2005*

#### *Section 38 - local emergency management committees*

*(1) A local government is to establish one or more local emergency management committees for the local government's district.*

#### *Section 39 - Functions of local emergency management committees*

*The functions of a local emergency management committee are, in relation to its district or the area for which it is established —*

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and*
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

#### *Section 41 - Emergency management arrangements in local government district*

*(1) A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government's district are prepared.*

#### *Section 42 - Reviewing and renewing local emergency management arrangements*

- (1) A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.*
- (2) Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.*

### *State Emergency Management Policy*

*4.11.1 Following an exercise identified within an exercise schedule, lead agencies must develop a consolidated post-exercise report in consultation with participants, in accordance with State EM Preparedness Procedure 3.19.*

*4.11.3 Local governments must submit post-exercise reports to DEMCs, as soon as practicable after the exercise.*



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**Comment**

A LEMC meeting was held on 14 March 2023 with the minutes of the meeting at **attachment 1**. There are two matters for Council's consideration as a result of the meeting.

**Emergency Animal Welfare Plan**

During 2022 and post review of the Animal Welfare in Emergencies State Support Plan, improvements and new activation procedure were identified for the Shire's Animal Welfare Plan as Appendix 8A and B of the LEMA.

The Department of Primary Industries and Regional Development (DPIRD) are responsible for the coordination of animal welfare services in emergencies at a State level and were consulted during the review of the Shire's Emergency Animal Welfare Plan.

The LEMC were presented the draft Emergency Animal Welfare Plan at its meeting on 13 December 2022 with an opportunity for review and comment before making a recommendation on 14 March 2023 for Council to consider its inclusion in the LEMA. The Emergency Animal Welfare Plan excluding sensitive operational appendices is at **attachment 2**.

Operational appendices to the Plan are reviewed and updated annually ahead of the bush fire high threat season.

The resultant plan provides clearer operational knowledge and direction during and after an emergency where animal welfare is a consideration.

The LEMC recommends that Council ADOPTS the Emergency Animal Welfare Plan for inclusion in the Local Emergency Management Arrangements.

**Exercise Scorcher Post Exercise Report**

Exercise Scorcher was held on Tuesday 13 December 2022 with members of the Local Emergency Management Committee and Shire Officers.

The exercise was designed to:

- raise awareness of emergency management capabilities, roles and responsibilities to enhance preparedness and resilience.
- identify new strategies and existing gaps to improve the Shire of Serpentine Jarrahdale local emergency management arrangements.

The scenario for Exercise Scorcher was built on a past Heatwave event in the Perth metropolitan area where power supply was also affected. The exercise was a discussion exercise where participants were provided with questions to formulate and present a response on behalf of their agency or local government.

The post exercise report is at **attachment 3**. Through this exercise, the following gaps and considerations were identified.

1. Identify key assets that would be vulnerable to loss of power. Investigate and develop processes to provide back-up power to key Shire assets including fuel access arrangements for key asset generators. Recommend this be included as an operational appendix to the LEMA and embedded in the Shire's Business Continuity Plan. – *Emergency Services / Community Development (Welfare Centres) / Facilities, Fleet*.
2. Source Department of Health preparedness messaging. Prepare communications assets and develop a Heatwave Communication Plan to alert the community and key vulnerable cohorts



i.e. aged care, senior's groups and community/agency networks. Recommend this be included as an operational appendix to the LEMA. – *Community Development / Communications*

3. Consider and prepare for other methods of communicating Heatwave messaging during power outage (boots on the ground, variable message signage, fixed corflute signage, flyer drop, information brochures). Recommend this be included in the Heatwave Communications Plan as an operational appendix to the LEMA. – *Community Development / Communications*
4. Promote energy efficient dwelling construction and consider developing a policy to support this – *Building Services*

The Local Emergency Management Committee recommends that Council:

1. REQUESTS the Chief Executive Officer prepare plans, processes and policy to address the identified gaps from Exercise Scorcher Post Exercise Report to support the Shire's Local Emergency Management Arrangements.
2. Provides a copy of the Post Exercise Report to the District Emergency Management Committee (DEMC) for noting.

These items are achievable within Business Unit Service Team Plans currently being developed for 2023/24FY and have been discussed with the relevant Officers.

## **Options and Implications**

### Option 1

That Council:

1. RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 14 March 2023 contained in **attachment 1**.
2. ADOPTS the Emergency Animal Welfare Plan at **attachment 2** for inclusion in the Shire's Local Emergency Management Arrangements.
3. REQUESTS the Chief Executive Officer prepare plans, processes and policy to address the identified gaps from the Exercise Scorcher Post Exercise Report at **attachment 3** to support the Shire's Local Emergency Management Arrangements.
4. REQUESTS the Chief Executive Officer provide a copy of the Exercise Scorcher Post Exercise Report to the District Emergency Management Committee (DEMC) for noting.

### Option 2

That Council:

1. RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 14 March 2023 contained in **attachment 1**.
2. DOES NOT ADOPT the Emergency Animal Welfare Plan at **attachment 2** for inclusion in the Shire's Local Emergency Management Arrangements and provides reasons why.
3. DOES NOT REQUEST the Chief Executive Officer prepare plans, processes and policy to address the identified gaps from the Exercise Scorcher Post Exercise Report at **attachment 3** to support the Shire's Local Emergency Management Arrangements and provides reasons why.
4. REQUESTS the Chief Executive Officer provide a copy of the Exercise Scorcher Post Exercise Report to the District Emergency Management Committee (DEMC) for noting.



Option 1 is recommended.

### Conclusion

The minutes of the Local Emergency Management Committee meeting held 14 March 2023 are provided to Council for information and to consider recommendations from the Local Emergency Management Committee on the Emergency Animal Welfare Plan and Exercise Scorcher Post Exercise Report.

### Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Local Emergency Management Committee (LEMC) - Minutes – 14 March 2023 (E23/2888)
- **10.4.2 - attachment 2** – Emergency Animal Welfare Plan (E22/15632)
- **10.4.2 - attachment 3** – Exercise Scorcher Post Exercise Report - 13 December 2022 (E22/16376)

### Alignment with our Strategic Community Plan

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.1</b>	Comply with relevant local and state laws, in the interests of the community
<b>Strategy 1.3.2</b>	Support local emergency services
<b>Strategy 1.3.3</b>	Enhance community safety

### Financial Implications

There are no financial implications to this report.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	By not adopting plans for emergencies will reduce the organisations capacity to respond and recover from emergencies and not meet legislative requirements to have plans in place for the district.	Local Emergency Management Arrangements  Emergency Management Act 2005	Organisational Performance	Unlikely	Minor	LOW	Nil





**Voting Requirements:** Simple Majority

**OCM117/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Dagostino, seconded Cr Strautins**

**That Council:**

- 1. RECEIVES** the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 14 March 2023 contained in attachment 1.
- 2. ADOPTS** the Emergency Animal Welfare Plan at attachment 2 for inclusion in the Shire's Local Emergency Management Arrangements.
- 3. REQUESTS** the Chief Executive Officer prepare plans, processes and policy to address the identified gaps from the Exercise Scorcher Post Exercise Report at attachment 3 to support the Shire's Local Emergency Management Arrangements.
- 4. REQUESTS** the Chief Executive Officer provide a copy of the Exercise Scorcher Post Exercise Report to the District Emergency Management Committee (DEMC) for noting.

**CARRIED UNANIMOUSLY 9/0**



### 10.4.3 – 2021 / 2022 Annual Report (SJ3949)

<b>Responsible Officer:</b>	Director Community Engagement
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

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

The purpose of this report is for Council to consider:

- Accepting the 2021/2022 Annual Report in accordance with section 5.54 of the *Local Government Act 1995* (the Act); and
- Setting a date for the General Meeting of Electors.

#### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 21 February 2022 – OCM029/02/22 - COUNCIL RESOLUTION / Officer Recommendation*

1. *ADOPTS the Shire of Serpentine Jarrahdale 2020/2021 Annual Report provided at attachment 1, in accordance with section 5.54 of the Local Government Act 1995;*
2. *RESOLVES that the General Meeting of Electors be held on Wednesday, 16 March 2022, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2020/2021 Annual Report;*
3. *AUTHORISES the Chief Executive Officer, in liaison with the Shire President, to make arrangements to hold the Electors' meeting at an alternative location;*
4. *REQUESTS the Chief Executive Officer give local public notice of the General Meeting of Electors; and*
5. *AUTHORISES the Shire President and Chief Executive Officer to set an alternative date and time for the General Meeting of Electors in the event that Public Health Directives do not permit the meeting to be held on the date and time set out in point 2 above.*

#### Background

In accordance with section 5.54 of the *Local Government Act 1995*, the Annual Report is to be accepted by Council no later than 31 December after that financial year, or no later than two months after the auditor's report becomes available.



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**Community / Stakeholder Consultation**

At the conclusion of the 2021 / 2022 Financial Year, Officers commenced compiling information for the Annual Report. The Audited Financial Report was finalised by the Office of the Auditor General and received by the Shire on 8 April 2023.

**Statutory Environment**

The minimum contents of an annual report and the process to be followed following acceptance of the annual report are defined in the *Local Government Act 1995*.

**5.53. Annual reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
  - (a) *a report from the mayor or president; and*
  - (b) *a report from the CEO; and*
  - [(c), (d) deleted]*
  - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
  - (f) *the financial report for the financial year; and*
  - (g) *such information as may be prescribed in relation to the payments made to employees; and*
  - (h) *the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and*
  - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
  - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
    - (i) *the number of complaints recorded in the register of complaints; and*
    - (ii) *how the recorded complaints were dealt with; and*
    - (iii) *any other details that the regulations may require; and*
    - (iv) *such other information as may be prescribed.*

**5.54. Acceptance of annual reports**

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* Absolute majority required.*
- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*



5.55. *Notice of annual reports*

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

5.55A. *Publication of annual reports*

*The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.*

5.27. *Electors' general meetings*

- (1) A general meeting of the electors of a district is to be held once every financial year.*
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.*

**Comment**

Annual Report

The draft 2021/2022 annual report presented for Council's consideration at **attachment 1** meets the requirements of the Act through the inclusion of:

1. Shire President's Report;
2. Chief Executive Officer's Report;
3. Overview of Planning for the Future of the District in accordance with Section 5.56 of the *Local Government Act 1995* and achievements made against the Strategic Community Plan 2017-2027;
4. A report on entries made under section 5.121 of the Act that relate to complaints of minor breaches of the Act Report in relation to the Complaints Register subject to Section 5.121 of the Act;
5. Report required under Section 29(2) of the Disability Services Act 1993;
6. Auditor's Report and Audited Financial Statements;
7. Information about certain employees required under regulation 19B of the *Local Government (Administration) Regulations 1996*; and
8. A report on compliance with the organisation's recordkeeping plan.

This latest version of the Annual Report features an updated layout and structure designed to make the report more visually appealing and more accessible for readers.

The updated layout includes more infographic displays, easy to read "quick stats" and less text-heavy content. This layout was approved by Executive Management Team prior to the content collation process.

The Annual Report will be available for public access via the Shire's website, Administration Centre and Serpentine Jarrahdale Library Services.

A copy of the 2021/2022 Annual Report will also be provided to the Director General of the Department of Local Government, Sport and Cultural Industries.



### General Meeting of Electors

In accordance with section 5.27 of the *Local Government Act 1995*, a General Meeting of Electors of a district is to be held once every financial year. The meeting is to be held not more than 56 days after the local government accepts the annual report for the previous financial year.

Advertising of the General Meeting of Electors is required to the community through the local newspaper as well as through community notice boards.

The recommended date for the General Meeting of Electors is Wednesday, 14 June 2023 commencing at 6.30pm.

Section 5.33 of the Act states that all decisions made at an Electors' meeting are to be considered at the next Ordinary Council Meeting or, if that is not practicable, at the first Ordinary Council Meeting after that meeting; or at a Special Council Meeting called for that purpose, whichever happens first.

### Annual Financial Statements and Audit Report 2021/2022

The Annual Financial Statements and Audit Report 2021/2022 will be considered by the Audit, Risk and Governance Committee on 8 May 2023.

### **Options and Implications**

#### Option1 - Adopt the 2021/2022 Annual Report

That Council:

1. **ADOPTS** the Shire of Serpentine Jarrahdale 2021/2022 Annual Report provided at **attachment 1**, in accordance with section 5.54 of the *Local Government Act 1995*;
2. **RESOLVES** that the General Meeting of Electors be held on Wednesday, 14 June 2023, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2021/2022 Annual Report; and
3. **REQUESTS** the Chief Executive Officer give local public notice of the General Meeting of Electors.

#### Option 2 – Adopt 2021/2022 Annual Report with minor amendments

That Council:

1. **ADOPTS** the Shire of Serpentine Jarrahdale 2021/2022 Annual Report in accordance with section 5.54 of the *Local Government Act 1995* with amendments;
2. **RESOLVES** that the General Meeting of Electors be held on Wednesday, 14 June 2023, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2021/2022 Annual Report; and
3. **REQUESTS** the Chief Executive Officer give local public notice of the General Meeting of Electors.

#### Option 3 – Not adopt the 2021/2022 Annual Report

That Council **DOES NOT ADOPT** the 2021/2022 Annual Report.

Council would need to reconsider the 2021/2022 Annual Report at a Special Council Meeting to ensure compliance with the Act.

Option 1 is recommended.



### Conclusion

Council is requested to adopt the 2021/2022 Annual Report as required by section 5.54 of the Act and resolve to hold the General Meeting of Electors on Wednesday 14 June 2023, to be held in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong commencing at 6.30pm.

### Attachments (available under separate cover)

- **10.4.3 - attachment 1** – 2021/2022 Annual Report (E23/5647)

### Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

### Financial Implications

Nil.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil						
2	Major changes to the Annual Report would delay the availability of the Annual Report and may compromise compliance with the legislation requirements to hold a General Meeting of Electors following the acceptance of the Annual Report.	Engagement with all service teams to ensure all information and achievements are captured in the Annual Report.	Organisational Performance	Possible	Minor	MODERATE	



3	That Council does not accept the Officer recommendation and does not meet its obligations under Section 5.53 of the Local Government Act 1995.	2021/2022 Annual Report prepared and presented to Council for their consideration	Organisational Performance	Possible	Minor	MODERATE	
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**Voting Requirements:** Absolute Majority (section 5.54, *Local Government Act 1995*)

**OCM118/05/23**

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Coales, seconded Cr Strautins

That Council:

1. **ADOPTS** the Shire of Serpentine Jarrahdale 2021/2022 Annual Report provided at attachment 1, in accordance with section 5.54 of the *Local Government Act 1995*;
2. **RESOLVES** that the General Meeting of Electors be held on Wednesday, 14 June 2023, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2021/2022 Annual Report; and
3. **REQUESTS** the Chief Executive Officer give local public notice of the General Meeting of Electors.

**CARRIED UNANIMOUSLY 9/0**



Continued

## Ordinary Council Meeting Minutes Monday, 15 May 2023

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### **10.5 Executive Services reports:**

**Nil reports.**





Continued

## Ordinary Council Meeting Minutes Monday, 15 May 2023

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### **10.6 Confidential reports:**

**Nil reports.**



Continued

**Ordinary Council Meeting Minutes  
Monday, 15 May 2023**

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**11. Urgent business:**

Nil.

**12. Councillor questions of which notice has been given:**

Nil.

**13. Closure:**

There being no further business, the Presiding Member declared the meeting closed at 9:41pm.

Officers assisting the Meeting stopped the recording of the Meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on  
19 June 2023.

.....Presiding Member – Councillor Rich

.....26/06/2023.....Date