



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 18 September 2023

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



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
11/09/23	Q & A (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
11/09/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/09/23	PCF	✓	✓	✓	A	A	✓	✓	✓	A
28/08/23	PCF	✓	A	A	✓	A	✓	✓	✓	✓
23/08/23	OCM reconvened	✓	✓	✓	✓	✓	✓	✓	✓	A
21/08/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
14/08/23	PCF cont. (from 07/08/23)	✓	✓	✓	A	✓	✓	✓	A	✓
14/08/23	Q & A (OCM)	✓	✓	✓	A	✓	✓	✓	✓	✓
07/08/23	PCF	✓	✓	A	A	✓	✓	✓	✓	✓
02/08/23	WORKSHOP (CEO Employment - Presentation of self-assessment report against criteria)	✓	✓	✓	✓	A	✓	✓	A	✓
31/07/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
24/07/23	PCF	✓	✓	A	✓	A	✓	A	✓	✓
19/07/23	WORKSHOP (Budget)	✓	✓	A	✓	✓	✓	A	✓	✓
17/07/23	OCM	✓	✓	A	✓	A	✓	A	✓	✓
10/07/23	Q & A (OCM)	✓	✓	A	A	A	A	A	✓	✓



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Ordinary Council Meeting Minutes Monday, 18 September 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
03/07/23	PCF	✓	✓	✓	A	A	A	✓	A	✓
26/06/23	PCF	✓	✓	A	✓	A	✓	✓	A	✓
21/06/23	OCM reconvened	✓	✓	A	✓	✓	✓	✓	✓	A
19/06/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
15/06/23	WORKSHOP (Budget)	✓	✓	A	✓	✓	✓	✓	✓	A
12/06/23	Q & A (OCM)	✓	✓	✓	✓	A	✓	A	A	A
07/06/23	WORKSHOP (Budget)	✓	A	A	✓	✓	✓	✓	✓	A
01/06/23	WORKSHOP (Budget)	✓	A	✓	A	✓	✓	✓	✓	A
29/05/23	PCF	✓	A	A	A	A	✓	✓	✓	A
25/05/23	WORKSHOP (Budget)	✓	✓	✓	✓	✓	✓	✓	A	✓
22/05/23	PCF	✓	✓	✓	✓	A	✓	✓	✓	A
15/05/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
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)	✓	✓	✓	✓	✓	✓	✓	✓	✓



Continued

Ordinary Council Meeting Minutes Monday, 18 September 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
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	✓
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, 18 September 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
 R Coales
 M Dagostino (via Electronic Means)
 T Duggin
 S Mack
 L Strange

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

Leave of Absence: Nil.

Apologies: Councillor M Byas
Councillor D Strautins

Observers: 19

Media: 1

2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting – Monday, 21 August 2023

Questions asked by **Mrs Lee Bond** at the Ordinary Council Meeting, Monday, 21 August 2023. Correspondence was sent to Mrs Bond on Monday, 28 August 2023 (OC23/15792) and Tuesday, 5 September 2023 (OC23/15702).

Question 2

What designation does a Councillor hold regarding their position when an OCM / SCM is closed because that particular meeting has completed, what is the difference between the local government insurance scheme paying for a Councillors legal fees when the Council is required to pay the requested amount by the Councillor to the local government insurance scheme, isn't that ratepayers money, how many times has this type of request been approved, the amounts and who was it approved for and the dates?

Response (Director Corporate Services)

Under section 2.6 of the Local Government Act 1995 (the Act) a councillor is an 'office' of the Council. The 'office' of a Councillor is a 'public office' under law.

Section 2.28 of the Act sets out when the term begins and ends of an office holder. A councillor holds their office while they remain qualified under section 2.19 of the Act until their term ends. As such, a person holding the office of Councillor, is a Councillor at all times while they hold that office, including following the conclusion of an Ordinary Council Meeting or Special Council Meeting where the business of Council is transacted.

In respect to the second part of your question regarding insurance, the Shire holds a Management Liability Protection policy with LGISWA.

As defined in the Policy:

- o Covered Person means a natural person who is a Director or Officer.*
- o Director or Officer means councillor, elected Mayor or elected president of the Council.*

Under the Policy, the Insurer will pay to or on behalf of the Covered Person all loss resulting from a Claim first made during the Period of Protection against a Covered Person except where the Council has indemnified such Loss. In this clause, 'claim' means any civil or arbitral proceeding against a Covered Person for a 'Wrongful Act'; 'Loss' means defence costs and 'Wrongful Act' means any other matter claims against a Covered Person whilst acting in the capacity of a Covered Person.

If a claim is approved under the Shire's insurance, the Shire must pay the retention amount for the coverage. This is commonly referred to as the Insurance Excess and is valued at \$5,000.

In addition to the Shire's insurance policy, Council Policy 1.1.2 – Legal Representation and Cost Indemnification provides a framework for Councillors to request approval of the Shire to pay for legal representation. The Shire's policy is consistent with the Department's guideline on the matter which sets out that Councillor's legal fees may under certain circumstances be approved to be met either directly by a local government or by their Insurer.

In respect to your last question, there has been one instance in the last five years where the Shire's Insurer has agreed to respond to a claim by a Councillor under the policy. This occurred on 16 August 2023 and relates to a matter in progress. In accordance with the Shire's Insurance Policy the Shire must pay the retention amount.



There have been no instances in the last five years where Council has agreed to pay a Councillor's legal fees.

Question 3

Having been made aware in July by a member of the gallery that cameras were operating in the Council Chamber, I noted it was specific to the gallery seating only, what date were these cameras installed, how much has been paid for the continued operation of these cameras from the installation date and to whom has the ratepayer been paying for the operation of these cameras, who installed these cameras, why is there no acknowledgement of these cameras being in operation and I request a copy of the meeting 19/6/2023 including after the meeting was closed and before all people had left the Council Chamber, a copy of the meeting and after closure on the 31/7/2023 before all people had left the Council Chamber?

Response (Director Corporate Services)

Security cameras were installed between September and October 2015. At the time the cameras overlooked both the Council table and public gallery as shown in the image below:



The initial installation cost was \$3,861. There are no ongoing costs associated with the cameras. Under Western Australian law there is no requirement to have signage notifying people in workplaces or public places of security cameras.

In respect to accessing the footage from the cameras Council's Policy states that

"All requests for access to recorded material, other than by authorised representatives of Council, must be made by means of a CCTV Access Application pursuant to the (WA) Surveillance Devices Act 1998. CCTV Access Applications are to be determined by Council's authorised officers in accordance with the provisions of that Act."

The policy goes on to state that:

"The showing of recorded material is only permitted in accordance with the needs of WA Police and/or Council security provider/contractors in connection with the investigation of a crime or other circumstances provided by law. This



includes the release of recorded material to the media, where public information is being requested to identify a person/s wanted.”

As such a request for CCTV footage would typically only be supported if that request was made by WA Police.

Question asked by **Mr Norm Anderson** at the Ordinary Council Meeting, Monday, 21 August 2023. Correspondence was sent to Mr Anderson on Wednesday, 30 August 2023 (OC23/16112).

Question 1

What depth are the bores on the property, are they licensed and do they have metres on them to check usage?

Response (Director Development Services)

According to the State Government’s Department of Water and Environmental Regulation Online Water Register (available <https://maps.water.wa.gov.au/#/webmap/register>), there are two DWER licenced groundwater bores recorded for Lot 60 Robertson Road Cardup. Specific questions regarding the depth of the bores and how monitoring of usage occurs, will need to be directed to the responsible agency, being the DWER.

2.2 Public questions:

Public question time commenced at 7:02pm.

Mr Nick Clayton, Mundijong, WA 6123

Question 1

As a constituent that takes local government very seriously and an active participant, it goes without saying that I’m doing extensive research in regard to the upcoming election. I have never been in favour of our President being elected by the public in a non-compulsory election when apathy and misinformation is rampant in the general community. You are asking people to make a key decision on governance who think (and openly post) that all Council does is empty their rubbish bin. In 2023, it becomes a vote now ostensibly of popularity via Social Media and already the flood of propaganda and pork barrelling has begun.

My question is, (as I clearly seem to have missed something from previous meetings I’ve attended), under the new legislation that has been implemented, has the powers of the President changed or just the way they are elected?

If the answer to Q.1 is yes – no more questions. If the answer to Q.1 is no – then I have Question 2.

Response (Director Corporate Services)

No, while the State Government’s legislative reform program required local governments that are classified as a band 1 or 2 (larger local governments) to elect the Mayor or President by a vote of the electors, if they are not already, the reforms have not amended the role of the President which is set out in section 2.8 of the Local Government Act 1995.

Question 2

So if the powers of the President have not changed, how can a current sitting member be allowed to campaign for the position of President on the grounds that they can implement policies, reviews (which suggests a possible previously approved budget repeal) and even ratepayer rebates without going through the democratic Council motion, debate and voting system. The promises insinuate that the President has this power to implement without requiring any approval from fellow Councillors or ratepayers. That is highly disrespectful to both the fellow Councillors, and the ratepayers.

Is the Council endorsing a dictatorship or does Council have any due diligence or disciplinary process to prevent the publishing of misinformation and swaying the (fickle) public with what is at best misleading, at worst, blatant lies?

Response (Director Corporate Services)

The Western Australian Electoral Commission has been appointed as the Returning Officer for the 2023 ordinary local government election at the Shire. Queries regarding the authorisation and publication of electoral material should be directed to the Western Australian Electoral Commission.

Alternatively, the Shire's Code of Conduct states that candidates should only publish factual material. If you have concerns regarding any published material, you can consider making a code of conduct complaint, which will only be heard if the candidate is elected.

Mr Bill Denholm, Karrakup WA 6122Question 1

After the recent success of the Matilda's women's soccer team, the federal government released or promised 250 million dollars for women's sport. Has the Shire applied for any of these available funds, i.e., assistance regarding Keirnan Street Sporting and Community precinct?

Response (Director Community Engagement)

On 19 August the Federal Government announced the \$200 million Play Our Way program to improve sporting facilities and equipment specifically for women and girls.

In the government's press release regarding the announcement, guidelines for Play Our Way grants are in development and it is expected applications will open by early 2024.

The Shire will await further information about the Play our Way program and what local projects may be eligible for submission for funding.

In June Council endorsed its election priorities for the 2025 state and federal government elections, which include recreation facilities. The Shire will be advocating for these priorities leading up to these elections.

Question 2

In my calculations, a new dog and cat management facility would cost several million dollars. Using 3 million dollars as a base, what rate rise to the ratepayers would be needed to fund such a new facility?



Response (Director Corporate Services)

It is not possible to answer this question so specifically. The development of such a facility would require a costing and concept document to be prepared, which would explore potential funding options and would be considered by the Council of the day.

Mr Christopher Jacobs

Question 1

Would you consider a fence and or gates installed on Shire property to be a Shire asset?

Response (Director Corporate Services)

Yes. However, election signage is a topical issue as several candidates for election are placing their signs in locations across the district including Shire land and road reserves.

As noted in the information provided to candidates at the Candidate Information Session in August 2023, the Shire does not provide endorsement or consent for signage but will only remove signage in limited conditions such as when directed to by the Western Australian Electoral Commission, signage is placed on a Shire building or facility, or poses a safety hazard to traffic and/or the community.

This approach, which is used for all elections be they State, Federal or local reinforces the Shire's apolitical stance in all elections.

If you are concerned about any specific election signage, it is advised that you contact the relevant person who authorised the election signage under election legislation. The person who authorised the signage is required to appear on the election signage.

Question 2

Is there any early voting for Local Government Election in the Shire of Serpentine Jarrahdale today at Briggs Park or the YMCA Recreation Centre?

Response (Director Corporate Services)

No. Early voting does not commence until the State Wide notice is issued by the Western Australian Electoral Commission. It is anticipated that early voting will commence on Tuesday, 26 September 2023. A list of polling places and times is available on the Shire's website. The Recreation Centre at Byford will be a polling place on election day, Saturday, 21 October 2023 from 8am – 6pm.

Question 3

On the Shire's webpage under Information Sheet Election Signage - All signs, whether election signs or not, must comply with the Shire's Local Planning Policy 4.11. Prior consent is required from the Shire for any signs that are on property that is owned by the Shire freehold, or which is under the care, control and management of the Shire and are not to be erected on Shire facilities or assets without consent, however the Shire states that consent to erect election signs on the Shire's facilities or assets will not be provided as it may be interpreted as having the endorsement of the Shire and conflict with the a-political position that the Shire maintains. The only exception to this is on the day of an election where the facility is being used as a polling place.



So, my question Madam President is who gave you consent to erect a sign on the wire fence at Briggs Park that fences off the water tanks near the cricket practice pitches?

Response (Director Corporate Services)

Public question time is not the best forum to be discussing the merits of individual signs.

As noted in the information provided to candidates at the Candidate Information Session in August 2023, the Shire does not provide endorsement or consent for signage but will only remove signage in limited conditions such as when directed to by the Western Australian Electoral Commission, signage is placed on a Shire building or facility, or poses a safety hazard to traffic and/or the community.

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Mr Michael Smowton, Cardup WA 6122

Question 1

Can I please get clarification about a question in the minutes of Council Meeting Agenda of Monday 21st August 2023 which states on page 41 of 227, Ref. E23/10497: The site is currently utilised by Permacast Concrete Distribution business and the Permapole Timber Processing business.

Why is there no mention of concrete manufacture?

Response (Director Development Services)

The report in question identifies the subject proposal correctly as a Concrete Product Manufacturing Facility General Industry. Business descriptions as they appear in planning reports, are not utilised in respect of assessing a proposal, as they will often differ from the land use classification of activities under the Scheme.

The Presiding Member, Councillor Rich asked if there were any public questions from the floor at 7:16pm.

Mrs Lee Bond, Box 44 Armadale WA 6122

Question 1

Is it the normal behaviour to make wild promises to voters and fail to materialise those promises after the election, e.g. splash park?

Response (Shire President)

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



Question 2

Why has there been a rush of motions put to this OCM when there may be a big change on Council in October?

Response (Shire President)

Councillors can bring Notices of Motion to Council when they have an item that they see fit to bring to Council.

Public question time concluded at 7:18pm.

3. Public statement time:

Public statement time commenced at 7:18pm.

Mr Wayne Herren, Serpentine WA 6125

Drainage: I have asked for no more or less than has been given to other land owners on Rudall Street lot 100 and 101.

Lot 101 the corner of Tonkin and Rudall Street has a small open drain on the edge of the road, in the verge area. This drain runs the length of the property and stops at lot 100. The water from this drain is piped under the road into a deep drain then flows north into the Serpentine River.

Lot 100 has an open drain along the road edge in the verge that stops where lots 100 and 99 meet. The water from this drain is then directed under the road via a pipe into another open drain that flows south into Hardey's Creek.

I have asked for an open drain to be dug along the road edge and pointing out that it would need a pipe under the road to allow the water to drain into Hardey's Creek. That is no more or less than has been supplied by the SJ Shire to lots 100 and 101.

My explanation of the drainage system comes from the talk I had with the SJ Shire engineer in charge of the work at the time. If anyone from the Shire is interested I would be more than happy to walk them through the drainage system onsite.

As Refusing access to my land: I do not understand how this was a problem, it is being used as a way to shift the responsibility onto me by the developer and the shire for not having put drainage in place when the earth works for the development was done.

I did tell the site manager to stay off my land, if he needed access he was to ask first.

He never did ask for access to deal with drainage.

I would find it hard to believe if anyone in this room would not be upset with a developer were they to come home one day and find that survey pegs had been place 3.5 metre inside their fence line. When speaking to the site manager about the pegs I was told that this land was required for their road. I believe that had I not known they had no legal claim to this land I would have lost it to them. About 350 sq. m of my land at the developers land sale price approx. \$50,000 worth.

I was never contacted by either the Shire or developer prior to work starting. The first official contact was after the development was finished and it rained. With water run of from my undrained land damaging the developers road and foot path.



Mr Nick Clayton, Mundijong, WA 6123

It has only recently come to my attention that one of my representatives in the Southern Ward will be retiring as a Councillor and not seeking re-election. That Councillor is of course, Mr Dave Atwell.

I wanted to make this statement at the next meeting, which I believe will be Councillor Atwell's last however I will be away over east on business and didn't want to miss the opportunity.

It is my understanding that Councillor Atwell has served for approximately 10 years and as a ratepayer for that whole period, I just want his service recognised and my sincere appreciation passed on for that service.

I have always found Councillor Atwell a very approachable representative, a strong advocate and debater in the chamber, a loyal and capable deputy for the Shire President and a man who has always treated the Council's Executive with the utmost respect.

Thanks very much Councillor Atwell. You will be sorely missed.

Mr Bill Denholm, Karrakup WA 6122

After the weekends event of the woman being attacked by her own two rottweilers, I have decided to make this statement. Regarding the front page story of the Examiner, August 31st, 2023, a story by Mel Dee, 1.5 years after the actual dog attack. I don't know why now! contrary to her story, this is what really happened. On January 31, 2022, in the middle of summer, around midday, I saw two dogs, one an American Pitbull chasing, obviously attacking our pet sheep, this is on video. I immediately called the Shire ranger services and the response was very prompt. Exactly what you would want and expect. The lady ranger assessed the situation and proceeded to quickly and calmly secure the two dogs. They were absolutely exhausted. She requested some cool water and gave them a drink before taking to the Shire facility and finding the owner of the attack dogs. In my opinion, from the rangers quick response she saved our flock of pet sheep. Approximately 20 years ago, we had a flock of pet sheep completely wiped out by dogs, around 25 sheep and lambs mauled to death. Since the dog attack in January, we have had a pet goat mauled so badly it had to be euthanised, not a sight for children to witness. This dog was last seen running toward the property next door where the January attack dogs had come from, so dog owners and trainers, don't blame the Shire's facilities, the attack was caused by not securing your dogs properly. The Shire's rangers do a fantastic job! Please dog owners and trainers, make sure your dogs and pets are responsibly managed and secured. There are other people's pets, cars that could hit them and then there are children, out in the real world.

Finally, I would like to thank the retiring Councillors for their time and effort. It's not an easy job. If it was, all the very vocal critics would put their hand up at the coming elections. But no, they haven't.

Ms Christine Smowton, Cardup WA 6122

This is a 'Statement' again, regarding Permacast's illegal facility at Robertson Road, Cardup.

Statistics have already been stated and proved by numerous people and their reports (with no outcome) so I would now like to follow a more personal vein and also that of the Cardup resident's health and wellbeing. While the, so called, clean-up is now meant to be



undertaken by Permacast, how have all the previous years of their illegal manufacturing affected the water we drink and the air we breathe? As we have said before we came to Cardup for a rural lifestyle, with clean air and a peaceful environment. How do we know if the air/water has affected our health all these years since Permacast set up this illegal facility? Personally speaking, both myself and my husband have allergies and I have pulmonary problems and this certainly has become more severe in the last few years. I always tell my specialist that when the easterly winds blow, I am so much worse. Is this due to this Permacast facilities dust/pollution? Who knows? I honestly think that the first thing that should have been done by the Shire/Dept of Water, months before this facility was extended and illegality was realised, is the testing of the water that the Cardup residents use, especially the drinking water even after it has been filtered. We also need testing of the air purity extending out to the 1 kilometre zone, especially during the summer months when the east/south easterly winds are gusting. We realised at the end of last summer, March 2022, that our drinking water, even though it is filtered became much more concentrated with the 'turquoise' colour than in any previous years. Was this due to the water being taken by Permacast or was it pollution from their facility leach into the ground water. Again, who knows. It was at this time that we decided to have bottled drinking water delivered to us. The previous owners of our property, had a pony on the land which is designated 'Bush Forever'. Why were the Shire so adamant about them not being able to have a pony on this property whilst they did not notice the huge, noisy, illegal set up/extensions to the Permacast facility during and after 2006? I think the Shire Councillors need to go to Specsavers.

I would also now like to read out President Rich's profile that is featured on the Serpentine/Jarrahdale website, I quote, "Councillor Rich brings a solid understanding of new businesses and environmental issues to the Shire and is passionate about promoting Shire as a tourism destination whilst encouraging economically sustainable, environmentally sound developments that protect the character, lifestyle and rural history of the area." I do not think that any 'tourists' would be very impressed in seeing the disgusting, filthy, polluted eyesore on Robertson Road, Cardup and also viewing the concrete jungle 'laydown' area (which was once trees) which is adjacent to the South West Highway, Cardup.

Another issue we have that is on page three of the Examiner. It says that the Shire have a surplus this year from increased rates. They propose to build concrete bus shelters. A rural area becoming even more like a 'concrete jungle'. We wonder who will manufacture these concrete bus stops!? Also an option to spend the money on leveraging the existing tree planting in the Shire to offset carbon emissions. The Permacast facility destroyed a large amount of 'planted' trees that existed in their laydown area. That has really helped carbon emissions! Also, the other two 'eyesores' that have been built along the South West Highway also need 'greening'. Good health everybody!!!!.

Mr John McEwan, Cardup WA 6122

My statement is related to Item 10.1.1 - Proposed Metropolitan Region Scheme Amendment – Cardup Urban Precinct.

Given the events over the past few weeks related to this piece of land and one particular industry currently located on it, I read this agenda item with skepticism and found it ironic. The events I am referring to are of course the last Shire meeting, when all 9 Councillors agreed to refuse approval for the retrospective approval of the illegal Permacast operation, and just a couple of weeks later when neither of the Councillors representing us at the



MOJDAP meeting, could raise their hands to pass this same motion. We all felt depressed after that meeting on the 8th of September. But the actual depth of betrayal only hit us after the events of the meeting were described in detail in the Examiner newspaper.

The history of the zoning and activities on this piece of land is extremely ironic. In 2012 a company called RPS Koltasz-Smith, representing the owners of this piece of land, put forward a plan for the Cardup Industrial Precinct, which culminated in most of the land being re-zoned as General Industry. Those of you who are familiar with the recent MOJDAP meeting will find the name Koltasz familiar. In 2019, Harley Dykstra created the Local Structure Plan for the Cardup Business Park, stating stringent environmental implementation in relation to the issues of subdivision, industrial buffer zones, noise management, on site effluent, wastewater and stormwater management, wetland management, fire management, bush forever interface, site planning and landscape design. In early 2023 Harley Dykstra put forward the Retrospective Approval application for the Permacast Facility with reduced buffer zones and reduced environmental requirements. Now, we have the same proponent, Harley Dykstra submitting a proposal for most of the land to be re-zoned once again, to create the Cardup Urban Precinct.

I am sure you understand our skepticism, since Harley Dykstra is the Planner and representative for the illegal heavy industry that is operating on this very same piece of land. We are sure there is some cunning plan behind this proposal.

I am sure you are all familiar with the recent ABC news item that reported of our previous State Premier pressuring the Head of the EPA regarding industry emissions, he requested Dr Hatton to withdraw tough new emission guidelines. This type of lowering of standards has been used for this particular company. Heavy Industry is now called General Industry, the lay down area where heavy equipment operates and illegal operations resulting in emissions is performed, was referred to by Mr Dykstra as 'Industry Light'. This area has been approved by the Shire, and the Company feels it is their absolute right to do whatever they like on this area. MOJDAP ignored the fact that this operation has been illegally active over several years, ignored the fact that there is no buffer zone between this industry and the residents and ignored it's serious and frightening emissions. Mr Dykstra requested 3 weeks to correct the emissions and serious issues that were identified by various government and private agencies. He advised that the company had not been given sufficient time to correct the issues. MOJDAP ignored the fact that the company has been operating for several years and Mr Dykstra has put forward several operating plans for various companies on this site, all claiming how well all issues can be managed. Perhaps if they had actually applied for approval prior to building the plant, they would have been advised that they did not have a sufficient buffer zone and would not be able to control their emissions, but this would have been inconvenient and a more expensive option than simply building illegally. The Presiding Member of the MOJDAP Panel chose to ignore all of the above and decided to defer retrospective approval and gave the company 30 days rather than the requested 3 weeks - ironic.

The next step will be that this 'Prescribed Premise' will suddenly no longer be a Prescribed Premise. It will be acceptable for it to operate on land classified as 'Urban'. It will no longer be required to meet the requirements of a General Industry, let alone the Heavy Industry and Prescribed Premise that it actually is.

As noted by the Speaker, we don't know much about politics, however we are learning about how our state and local governments are prepared to lower standards and betray us, the people.



The last Premier pressured Dr Hatten into lowering the bar. Let's hope this behaviour is not taken up by other politicians and government agencies, to pressure DWER to reduce emission regulations. So far the DWER have done a fantastic job and it would be very disappointing to see them cobbled for political purposes.

Mr Norm Anderson, Cardup WA 6122

My statement is regarding Permacast.

There has been a gravel bank built from the sheds down the front towards the West from the sheds, then across the stressing beds. They have started putting shipping containers on top of the bank to suppress the noise. I doubt this will work because the noise from working and hammering is still quite loud from my house, keeping in mind that they are only approximately 150 metres from my property.

These front stressing beds, closed in by a bank and shipping containers, creates a small working area. This restricted area causes an unsafe working environment for employees.

Mobility beepers on machinery are constantly going and I have heard these 2 kilometres away at a client's house in Cavanaugh Street.

There are 2 stressing beds at the very front on the West boundary one of which handles 3,000 tonnes and is 109 metres in length. There are 2 more this size on the property. Vibrating these huge concrete and steel molds causes vibration through the ground which causes my house to vibrate. This is a huge concern. There is no relief with this and noise which can go for 2 hours at a time.

It has been a lot quieter since the MOJDAP meeting, though I think they have still done concrete molds using the small stressing bed.

I have photographic evidence of concrete trucks up and down Soldiers and Robinson Road, and some use Karbro Drive.

Looking at the amount of reinforcing steel being brought in, they appear to be increasing production in the future.

A 5 acre property a couple of houses down from me on Soldiers Road had 2 mobile cranes parked at the back of their property. They were made to move them because of visual emission. Permacast cranes are so big you can see them through the trees and over the top of trees. This is visual emission to residents, general public and tourists. It is a mine site look that is not very inviting to the area.

I am still very concerned about evaluation to our properties due to this concrete manufacturing mine site.

Public statement time concluded at 7:42pm.

4. Petitions and deputations:

Mr Paul Ghantous, Urbii Consulting Pty Ltd regarding item 10.1.4 - Proposed Change of Use of 'Showroom' to 'Health Studio' and relocating of 'Warehouse' and 'Light Industry' uses - Lot 128 South Western Highway, Byford (PA23/397)

Presented a deputation in support of the Officer's recommendation for item 10.1.4.



5. President's Report:

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

I would like begin tonight by thanking our SJ community, Shire staff and local Emergency Services for their efforts in minimising damage and responding to incidents promptly during last week's stormy weather.

Thanks to reports and information received from residents, our staff were able to attend more than 25 urgent jobs within a two-hour period. This is a great example of our Shire and community working together to achieve a positive outcome.

Moving on, it's been a busy past month since our last Council meeting.

I was pleased to meet with plenty of locals as staff continued to gather community feedback about the Shire's Draft Council Plan at the SJ Farmer's Market last month.

This was a wonderful opportunity to hear from passionate residents about what they want to see happening in their neighbourhood.

Feedback received on the day is now being reviewed by Shire Officers. More information on the Draft Council Plan can be found on the Your Say SJ website.

Continuing with the theme of things happening in our community, it was great to meet with Whitby local Sandra Hawkins and Member for Darling Range Hugh Jones to announce safety upgrades to the Keirnan Street Rail Crossing last month.

These upgrades will include the installation of a pedestrian maze crossing, which will greatly increase safety for all Whitby residents accessing the area.

Sandra has been a strong advocate for these upgrades over recent years, and it's wonderful to see funding for the project secured and planning works underway.

Looking ahead, with winter behind us and summer now fast approaching, it's a timely reminder for all SJ residents to ensure their properties are prepared for the threat of bushfire over the coming months.

Being ready in the event of an emergency was among the many topics discussed at this month's Bushfire Advisory Committee meeting.

The Shire's Emergency Services Team will be out in the community over the coming weeks, appearing at events in Serpentine and Mundijong to chat with locals and offer advice on preparing your property.

More on bushfire preparation can be found on the Shire or the DFES websites.

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

22 August 2023	National Growth Areas Alliance Meeting	Shire Offices
23 August 2023	National Growth Areas Alliance - WA networking event	Beckenham
	PHBG August Committee Meeting	Waroona Landcare
	Ordinary Council Meeting (reconvened)	Shire Offices
24 August 2023	PRLF General Meeting	Mandurah
	WALGA Peel Zone - Mandurah	Mandurah



**Ordinary Council Meeting Minutes
Monday, 18 September 2023**

	Special Bush Fire Advisory Committee Meeting	Shire Offices
25 August 2023	Seniors Mental Health	Byford Country Club
26 August 2023	Pop-Up Booth at SJ Markets	SJ Markets
28 August 2023	Meeting with Alcoa	Shire Offices
	Special Bush Fire Advisory Committee Meeting	Shire Offices
	Policy Concept Forum (PCF)	Shire Offices
30 August 2023	Weekly Catch up with CEO	Shire Offices
	Pre SAC Meeting	Online
31 August 2023	RAV Vision 2030 Breakfast	Kings Park
1 September 2023	State Road Funds to Local Government Advisory Committee	WALGA
4 September 2023	Special CEO Employment Committee Meeting	Shire Offices
	Policy Concept Forum (PCF)	Shire Offices
6 September 2023	Environment and Waste Policy Team meeting	WALGA
7 September 2023	Weekly Catch up with CEO	Shire Offices
	Auspire Social Impact Sundowner	Perth
11 September 2023	Monthly meeting with Hugh Jones	Byford
	Special Council Meeting (SCM)	Shire Offices
	Q & A Agenda Briefing (Q&A) – September	Shire Offices
12 September 2023	State Council Regional meeting	Shire of Katanning
13 September 2023	State Council Regional meeting	Shire of Katanning
14 September 2023	Breakfast Event: Fostering water sensitive communities	Wilson
	RUOK Day Landcare SJ	
	ORV Advisory Committee - Monthly meeting	Online
	Equine Advisory Group Meeting	Shire Offices
15 September 2023	Weekly Catch up with CEO	Shire Offices

6. Declaration of Councillors and Officer's interest:

Chief Executive Officer, Mr Paul Martin declared a Financial Interest in item 8.2 – Special CEO Employment Committee Meeting – 4 September 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 meeting while this item is discussed.



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

7.1 Ordinary Council Meeting – 21 August 2023

That the minutes of the Ordinary Council Meeting held on 21 August 2023 be CONFIRMED (E23/11159).

MOTION

Moved Cr Atwell

That the minutes of the Ordinary Council Meeting held on 21 August 2023 be CONFIRMED (E23/11159).

MOTION LAPSED for want of a seconder

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

8.1 Audit, Risk and Governance Committee Meeting – 28 August 2023

Attachments (available under separate cover)

- attachment 1 – Audit, Risk and Governance Committee Meeting Minutes – 28 August 2023 (E23/11381)

Voting Requirements: Simple Majority

OCM223/09/23

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Atwell

That Council:

1. RECEIVES the Unconfirmed Minutes of the Audit, Risk and Governance Committee Meeting held on 28 August 2023 (E23/11381).
2. ADOPTS Audit, Risk and Governance Committee Resolution ARG016/08/23 and:
 1. RECEIVES the ICT General Controls Audit Report contained in CONFIDENTIAL attachment 1;
 2. NOTES the Management Comment as the response provided in this report, including actions that will be implemented subject to provision of funding;
 3. REQUESTS that the Chief Executive Officer present a report to Council considering additional actions.
 4. REQUESTS that the Chief Executive Officer review if the ICT department is adequately staffed and resourced to implement the findings of the audit.



5. **NOTES** that the results of the ICT Audit highlight a need for additional resources to ensure that the Shire's ICT services provide a secure environment.
 6. **REQUESTS** that the Strategic Risk Register be updated to include the risks, actions and controls from this audit.
 3. **ADOPTS** Audit, Risk and Governance Committee Resolution ARG017/08/23 and **NOTES** the update regarding the implementation of agreed actions to audits previously conducted and update on the 2023 24 Audit Program as described in this report.
 4. **ADOPTS** Audit, Risk and Governance Committee Resolution ARG018/08/23 and:
 1. **NOTES** the Strategic Risk Register Review as contained within this paper.
 2. **ENDORSES** the updated Strategic Risk Register as contained within attachment 1.
- CARRIED UNANIMOUSLY 7/0**

8.2 Special CEO Employment Committee Meeting – 4 September 2023

The Chief Executive Officer, Mr Martin declared a Financial Interest in item 8.2 and left the meeting at 7:50pm prior to this item being discussed.

Attachments (available under separate cover)

- attachment 1 – Special CEO Employment Committee Meeting Minutes – 4 September 2023 (E23/11622)

Voting Requirements: Absolute Majority

OCM224/09/23

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Duggin

That Council:

1. **RECEIVES** the Unconfirmed Minutes of the Special CEO Employment Committee Meeting held on 4 September 2023 (E23/11622).
2. **ADOPTS** CEO Employment Committee Resolution CEO013/09/23 and:
 1. **RECEIVES** and **ENDORSES** the Annual Performance Review 2022-23 in **CONFIDENTIAL** attachment 1.
 2. **RECEIVES** and **ENDORSES** the recommendations to Council contained in CEO Performance and Remuneration Review 2022-23 in **CONFIDENTIAL** attachment 2 including:
 - a. **RESOLVING** to offer a renewal of the CEO's contract for a further 3 years which will result in a new expiry date of 22 September 2027; and
 - b. **APPROVING** the outcome of the Annual Remuneration Review.



- 3. REQUESTS that the Shire President write to Mr Paul Martin to:
 - a. INFORM Mr Martin of the outcome of the review; and**
 - b. OFFER a renewal of the CEO's contract for a further 3 years which will result in a new expiry date of 22 September 2027.****
- 4. REQUESTS that the CEO advise Councillors of his decision regarding the offer of a contract renewal.**
- 5. AUTHORISES the Shire President to sign a contract giving effect to Council's resolution above.**

CARRIED UNANIMOUSLY 7/0

Mr Martin returned to the meeting at 7:51pm.

Presiding Member, Councillor Rich advised Mr Martin of the Council Resolution for item 8.2.

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

9.1 - Notice of Motion – Jarrahdale Pedestrian Improvements (SJ4087)	
Councillor	Councillor Rich
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Notice of Motion

A Notice of Motion was received from Councillor Rich via email on Thursday, 31 August 2023.

The Notice of Motion is “That Council REQUESTS the Chief Executive Officer:

1. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to design and construct an approximately 53 metre extension to the footpath on the south side of Jarrahdale Road, opposite the Nettleton Road intersection as shown in **attachment 1**, to provide safe pedestrian access to visitors and residents of Jarrahdale;
2. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to engage external consultants to undertake community consultation, investigation, concept design and costings for implementation of appropriate traffic calming treatments along Jarrahdale Road through the Jarrahdale townsite to better manage the anticipated increase in increase in traffic and pedestrian movement in preparation for Trails Town Status and Tonkin Highway Extension.”

Officer Comment

1. Proposed footpath along Jarrahdale Road

The Shire does not currently have a forward works plan for new footpaths where future new footpaths could be identified and prioritised for funding and construction. Accordingly, the proposed footpath along Jarrahdale Road has been assessed on its own merits without comparison to any other potential future footpath or prioritisation.

The proposed footpath will provide pedestrian access to residents of 3 properties located along the south side of Jarrahdale Road and also to visitors and residents who are reported to park their vehicles at the tourist information bay located on the north side of Jarrahdale Road and want to walk to the nearby townsite or to the bus stop located outside house number 546 Jarrahdale Road. The proposed footpath will be a 2m wide x approximately 53.5m long concrete footpath linking the existing 2m wide footpath to house number 528 Jarrahdale Road.

The estimated construction cost of the footpath will be \$60,000 which will include the construction of the footpath, relocation of a western Power stay wire, constructing retaining structure in vicinity of the bus shelter, modifications and tie ins to 3 x existing crossovers and driveways, Shire overheads and 30% contingency. In order to progress this further, Officers will prepare a business case and submit for funding consideration by Council as part of the 2024/25 budget process.



2. Traffic calming treatments along Jarrahdale Road through Jarrahdale townsite

There are currently no traffic management treatments or traffic calming devices including median islands or traffic channelisation along Jarrahdale Road through the town site other than regulatory signage and line markings. The latest traffic survey undertaken in 2020 along the section of Jarrahdale Road through the Jarrahdale townsite indicates that the average daily traffic in this section of Jarrahdale Road is 1,565 which includes 10.7% heavy vehicles. The traffic volume on Jarrahdale Road is anticipated to increase following the construction of Tonkin Highway extension which is planned to be constructed during the next 3 to 5 years. As a result of this increase, it is anticipated that the volume of heavy traffic will also rise. In addition to this, through the implementation of the Trail Town strategies and resulting developments, it is anticipated that cycling and pedestrian traffic will also increase in parts of Jarrahdale town site.

In order to be prepared for the growth in vehicular, cyclist and pedestrian traffic in Jarrahdale town site, it is important to develop plans to better manage the traffic in a changing road environment to ensure road user and pedestrian safety and more efficient flow of traffic. This can be achieved by installation of traffic calming devices, traffic channelization and provision of appropriate cyclist/pedestrian facilities.

The Shire does not currently have a strategic long term traffic management or road and streetscape improvement plan for Jarrahdale Road which could inform the future road infrastructure upgrades and improvements. To ensure appropriate advance planning is undertaken, it is a necessary first step to develop a concept plan for all future improvements to road and transport infrastructure in consultation with the stakeholders. As part of the concept design development, order of magnitude costings will also be developed to inform future decision making. This will then be followed by detailed design development and costings which could be used for preparation of business cases for seeking funding allocation for construction. It is proposed that the concept plan for the entire section of Jarrahdale Road through the town site is developed first with the detailed design for various intersections and localised areas to be developed in stages over several years as funding becomes available.

Development of such a concept plan and detailed design is specialised work which will require services of qualified traffic engineering and planning consultants. The estimated cost for concept design development including community engagement will be approximately \$250,000. In order to progress this further, Officers will prepare a more accurate consultancy cost estimate and prepare a business case for funding consideration as part of the 2024/25 budget process.

Attachments (available under separate cover)

- **9.1 - attachment 1** – Location of the proposed footpath along Jarrahdale Road - photo (E23/12264)



Voting Requirements: Simple Majority

OCM225/09/23

MOTION / Councillor Recommendation

Moved Cr Rich, seconded Cr Atwell

That Council REQUESTS the Chief Executive Officer:

1. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to design and construct an approximately 53 metre extension to the footpath on the south side of Jarrahdale Road, opposite the Nettleton Road intersection as shown in attachment 1, to provide safe pedestrian access to visitors and residents of Jarrahdale;
2. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to engage external consultants to undertake community consultation, investigation, concept design and costings for implementation of appropriate traffic calming treatments along Jarrahdale Road through the Jarrahdale townsite to better manage the anticipated increase in traffic and pedestrian movement in preparation for Trails Town Status and Tonkin Highway Extension.

MOTION LOST 2/5

In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:

Councillors Rich and Atwell voted FOR the motion.

Councillors Coales, Dagostino, Duggin, Mack and Strange voted AGAINST the motion.

Councillor Dagostino's connection to the meeting was lost at 8:03pm.

Councillor Dagostino's connection to the meeting was re-established at 8:05pm.

OCM226/09/23

COUNCIL RESOLUTION

Moved Cr Mack, seconded Cr Duggin

That Council REQUESTS that the asset management plan for footpaths be brought to a PCF for discussion in the first instance, with a report to be presented back to Council.

CARRIED 6/1

In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:

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

Councillor Atwell voted AGAINST the motion.

**9.2 - Notice of Motion – Boundary Road Management Agreement (SJ4087)**

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

Notice of Motion

A Notice of Motion was received from Councillor Byas via email on Tuesday, 5 September 2023.

The Notice of Motion is “That Council:

1. REQUESTS that the Chief Executive Officer write to the CEO at the City of Armadale to advise that the Shire of Serpentine Jarrahdale is terminating the Boundary Road Management Agreement (1976 as amended) with immediate effect;
2. NOTES termination of the agreement will result in the local governments being responsible for the roads in their district including:
 - i. the Shire of Serpentine Jarrahdale being responsible for the maintenance of the portions of Hopkinson Road within the Shire’s district; and
 - ii. the City of Armadale being responsible for the portions of Rowley Road and North Road located within the City’s district.
3. REQUESTS that the Chief Executive Officer reflect the change in the Shire’s planning and asset management documentation and schedules.”

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 12 December 2022 - OCM305/12/22 - COUNCIL RESOLUTION
That Council REQUESTS the Chief Executive Officer write to the CEO at the City of Armadale to advise that the Shire of Serpentine Jarrahdale wishes to amend the Boundary Road Management Agreement (1976 as amended) as following:*

- a. Transfer the maintenance responsibility for the section of Rowley Road between Hopkinson Road and Nicholson Road and full length of North Road to the City of Armadale with an effective date of 30 June 2023.*
- b. Take over the maintenance responsibility for the section of Hopkinson Road between Rowley Road and the Armadale Tip from the City of Armadale with an effective date of 30 June 2026.*

*Special Council Meeting – 6 December 2021 - SCM085/12/21 - COUNCIL RESOLUTION /
Officer Recommendation*

That Council:

- 1. AUTHORISES the Chief Executive Officer to review and renegotiate a new Boundary Road Management Agreement with the City of Armadale or hand over Rowley Road to the City of Armadale.*
- 2. REQUESTS the Chief Executive Officer to proceed with the Rowley Road rehabilitation project in accordance with the Shire’s adopted 2021-22 capital projects budget.*



Officer Comment

Officers are not aware of any other boundary road agreements between the Shire and other local governments.

The existing Memorandum of Understanding for Boundary Road Management between the Shire of Serpentine Jarrahdale and the City of Armadale dates back to 1976. This agreement has been revised 4 times since that time, in 1990, 1998, 1999 and most recently on 1 February 2001. The MoU covers 6 boundary roads between the two Local Governments, as per the table below:

Maintenance agreement 01 February 2001					
Road	Location	Length (km)	Responsible LG	Verge Responsibility	
Rowley Rd	Wolfe Rd to Nicholson Rd	2.25	City of Armadale	South side SJ	North side CoA
Rowley Rd	Nicholson Rd to Hopkinson Rd	4.71	Shire of SJ	South side SJ	North side CoA
Rowley Rd	Hilbert Rd to Phar Lap Dr	1.36	City of Armadale	South side SJ	North side CoA
Hopkinson Rd	Rowley Rd to Rowley Rd	0.23	Shire of SJ	East side SJ	West side CoA
Hopkinson Rd	Rowley Rd to Tip entrance	1.43	City of Armadale	East side SJ	West side CoA
Hilbert Rd	Rowley Rd to Rowley Rd	0.23	City of Armadale	South/West side SJ	North/East side CoA
Keenan St	Turn circle to Eleventh Rd	0.62	City of Armadale	City of Armadale	
Eleventh Rd	Keenan St to South West Hwy	0.68	City of Armadale	City of Armadale	
North Rd	Full Length	1.3	Shire of SJ	Shire of SJ	

There are no records of methodology used in determining maintenance responsibility for each of these roads between the two local governments. It is assumed the traffic generated from either side of the boundary road may have been decision making factor in deciding which LG becomes responsible for each road. Notwithstanding this, the road environment, traffic distribution and volumes and land developments surrounding these roads have changed significantly since the MoU was established and therefore the MoU is no longer considered to be the appropriate boundary road management framework for current times and more importantly into the future.

This matter has been formally discussed between the senior officers and elected member from both LGs including the CEOs of both LGs, Shire President and Mayor at two meetings held on 8 September 2021 and 15 November 2022 with the intention to transfer the maintenance responsibility of the section of Rowley Road between Hopkinson Road and Nicholson Road plus full length of North Road to the City of Armadale and take of the maintenance responsibility for the section of Hopkinson Road between Rowley Road and Armadale tip entry from the City of Armadale. The annual maintenance cost of the above roads is estimated to be as following:

- Rowley Road - \$150,000
- North Road - \$6,000
- Hopkinson Road - \$30,000



Following the discussions with the City of Armadale, legal advice was obtained by the Shire confirmed that the existing MoU is not a contractually agreement and also, in accordance with the s 55 of the *Land Administration Act*, care, control and management responsibility for roads located with the municipal boundaries of each LG rests with that LG.

The findings of the legal advice were presented to Council at the 12 December 2022 OCM and the City of Armadale was notified of that resolution through a letter sent from the Shire, dated 22 December 2022 (refer **attachment 1**). The City of Armadale Council have since then considered this matter at their July OCM as a confidential item. The Shire has not received a written response from the City of Armadale to the Shire's letter dated 22 December 2022.

If the termination of the current MoU is supported and the recommended transfer of roads between the two LGs takes place, there will be a significant reduction in asset liability of approximately \$126,000.

Attachments (available under separate cover)

- **9.2 – attachment 1** – Boundary Road Management Agreement – letter to City of Armadale advising amendment to MOU (OC22/23621)

In accordance with clause 3.10(6)(a) of the *Standing Orders Local Law (as amended)*, Councillor Strange moved the motion when called upon, having received the written authorisation from Councillor Byas to do so.

Voting Requirements: Simple Majority

OCM227/09/23

COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr Strange, seconded Cr Coales

That Council:

- 1. REQUESTS that the Chief Executive Officer write to the CEO at the City of Armadale to advise that the Shire of Serpentine Jarrahdale is terminating the Boundary Road Management Agreement (1976 as amended) with immediate effect;**
- 2. NOTES termination of the agreement will result in the local governments being responsible for the roads in their district including:**
 - i. the Shire of Serpentine Jarrahdale being responsible for the maintenance of the portions of Hopkinson Road within the Shire's district; and**
 - ii. the City of Armadale being responsible for the portions of Rowley Road and North Road located within the City's district.**
- 3. REQUESTS that the Chief Executive Officer reflect the change in the Shire's planning and asset management documentation and schedules.**

CARRIED UNANIMOUSLY 7/0



9.3 - Notice of Motion – Facility Queries - Leases and Licences (SJ4087)

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

Notice of Motion

A Notice of Motion was received from Councillor Dagostino via email on Monday, 11 September 2023.

The Notice of Motion is “That Council REQUESTS the Chief Executive Officer:

1. Undertake a review of all leases and licenses that are currently in place, both informal and formal in the Shire with a view to compiling a list of all such arrangements including the nature of the arrangement and a summary of key terms, e.g., rent term key obligations on each party;
2. Undertake a review of the Shire’s budget allocated to each of these tenure arrangements with a view to ensuring that the proposed amount allocated in the 24/25 budget is reasonable and proper as determined by Council at the time;
3. Develop a long-term strategy for each of the existing leased and licenced facility taking into account the current and proposed use, generated revenue and whole of life asset cost to rationalise the utilisation of these facilities;
4. As part of the 2024/25 budget process, prepare a business case for funding consideration by Council to engage an external consultant, estimated to cost approximately \$150,000 +/- 30%, to undertake a detailed utilisation analysis of the facilities and develop a long-term strategy for consideration by Council to rationalise the asset ownership and use of these facilities.

Officer Comment

There are currently 40 Shire owned facilities that are utilised by various community groups and sporting clubs under a lease, licence, Memorandum of Understanding or shared use agreements, with 15 of the leases being based on \$1 peppercorn arrangements. Some of these leases have been in place for more than 20 years.

The current operating budget for maintenance of these facilities does not correlate to the generated revenue and most of these facilities are underutilised, some significantly.

The Shire does not currently have a long-term plan for future use of these facilities. Developing a long-term strategic plan would inform rationalisation of the future use of these facilities and improve existing arrangements. This would require detailed analysis of each facility with consideration given to current use arrangements, whole of life asset maintenance cost, asset condition, community needs etc which would be undertaken by an expert professional in the field. It is estimated that it will take 6 to 8 months for a consultant to undertake this work and develop the plan at an approximate cost of \$150,000 +/- 30%.

If funded, development of this strategic plan will provide an important tool for better decision making and result in significant cost savings, improved service delivery and utilisation of the facilities.

Into the future, the CIDCP identifies a range of buildings to deliver. This work will need to be cognisant of these future works.



Voting Requirements: Simple Majority

OCM228/09/23

COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr Dagostino, seconded Cr Duggin

That Council REQUESTS the Chief Executive Officer:

1. Undertake a review of all leases and licenses that are currently in place, both informal and formal in the Shire with a view to compiling a list of all such arrangements including the nature of the arrangement and a summary of key terms, e.g., rent term key obligations on each party;
2. Undertake a review of the Shire's budget allocated to each of these tenure arrangements with a view to ensuring that the proposed amount allocated in the 24/25 budget is reasonable and proper as determined by Council at the time;
3. Develop a long-term strategy for each of the existing leased and licenced facility taking into account the current and proposed use, generated revenue and whole of life asset cost to rationalise the utilisation of these facilities;
4. As part of the 2024/25 budget process, prepare a business case for funding consideration by Council to engage an external consultant, estimated to cost approximately \$150,000 +/- 30%, to undertake a detailed utilisation analysis of the facilities and develop a long-term strategy for consideration by Council to rationalise the asset ownership and use of these facilities.

CARRIED UNANIMOUSLY 7/0

**9.4 - Notice of Motion – Environmental Centre (Old Nurses Quarters) Jarrahdale (SJ4087)**

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

Notice of Motion

A Notice of Motion was received from Councillor Rich via email on Monday, 11 September 2023.

The Notice of Motion is:

“That Council REQUESTS the Chief Executive Officer:

1. Writes to Department of Biodiversity, Conservation and Attractions and enquires about the current Expression of Interest process that is currently open for the Environmental Centre in Jarrahdale.
2. Presents the information received in point 1 above to Council at a future Policy Concept Forum.”

Officer Comment

The Environment Centre in Jarrahdale is located at 697 Jarrahdale Road, Jarrahdale, and is owned by the Department of Biodiversity, Conservation and Attractions.

Shire Officers understand the Department of Biodiversity, Conservation and Attractions is looking to dispose of the Environment Centre building and has been in liaison with the National Trust about disposing of the site. The Shire has not been approached by DBCA about the site or any Expression of Interest period that may be open regarding the building or property.

If the motion was supported, the next step would be for the Chief Executive Officer to make enquiries with DBCA regarding the Environment Centre building and property. The outcomes of this would be presented to Council at a future Policy Concept Forum.

Officers see that the that the future use of this building could be an important part of achieving the Trail Towns Vision. However, this building is not currently reflected or considered in any of the Shire’s strategic documentation for the area. While Officers see merit in the building being utilised to achieve the Trail Towns Vision, Officers do not necessarily see that the Shire needs to facilitate this outcome.



Continued

**Ordinary Council Meeting Minutes
Monday, 18 September 2023**

Voting Requirements: Simple Majority

OCM229/09/23

COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr Rich, seconded Cr Atwell

That Council REQUESTS the Chief Executive Officer:

- 1. Writes to Department of Biodiversity, Conservation and Attractions and enquires about the current Expression of Interest process that is currently open for the Environmental Centre in Jarrahdale.**
- 2. Presents the information received in point 1 above to Council at a future Policy Concept Forum.**

CARRIED UNANIMOUSLY 7/0

**9.5 - Notice of Motion – Free Verge Plant Program (SJ4087)**

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

Notice of Motion

A Notice of Motion was received from Councillor Rich via email on Monday, 11 September 2023.

The Notice of Motion is “That Council:

REQUESTS the Chief Executive Officer to bring a report to Council for consideration as part of the 2024-25 budget process, reviewing the current Street Tree and Verge Plant Programs, in particular considering the following:

- a. effectiveness of the programs;
- b. funding and resources allocated to the programs, and whether such is sufficient based on current and project demand levels;
- c. degree of alignment of the programs with the Shire’s ‘Urban and Rural Forest Strategy 2018-2028’;
- d. investigates additional funding opportunities.

Relevant Previous Decisions of Council

Nil.

Officer Comment

The Shire currently operates two programs which provide opportunity for residents to apply for:

1. Free street trees to be planted on a resident’s verge;
2. Free verge plants to be planted on a resident’s verge.

Both programs are limited in their capacity to deliver upon all requests received. The Shire’s webpage contains information on how to apply for either program, and indicates that due to resourcing limits, not all requests can be guaranteed to be met. As part of the application process for free verge plants, residents are directed to the Landcare SJ’s website to submit an online application for the Free Verge Plants program. Their application is then received and assessed by Landcare SJ following which vouchers are emailed to successful applicants. The resident then may redeem the voucher at the nominated nursery to receive the plants.

If supported, this notice of motion will deliver a detailed report to Council that considers the degree to which current programs remain fit for purpose, and what may need to be considered for the future.

Attachments (available under separate cover)

Nil.



Voting Requirements: Simple Majority

OCM230/09/23

COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr Rich, seconded Cr Atwell

That Council REQUESTS the Chief Executive Officer to bring a report to Council for consideration as part of the 2024-25 budget process, reviewing the current Street Tree and Verge Plant Programs, in particular considering the following:

- a. effectiveness of the programs;**
- b. funding and resources allocated to the programs, and whether such is sufficient based on current and project demand levels;**
- c. degree of alignment of the programs with the Shire's 'Urban and Rural Forest Strategy 2018-2028';**
- d. investigates additional funding opportunities.**

CARRIED UNANIMOUSLY 7/0



10. Chief Executive Officer reports:

10.1 Development Services reports:

10.1.1 - Proposed Metropolitan Region Scheme Amendment - Cardup Urban Precinct - Request for Preliminary Comment (SJ1655-02)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Harley Dykstra
Owner:	Various
Date of Receipt:	14 July 2023
Lot Area:	194ha
Town Planning Scheme No 2 Zoning:	Urban Development, Special Use, Rural
Metropolitan Region Scheme Zoning:	Industry, Rural

Report Purpose

The purpose of this report is for Council to consider the request received from the Western Australian Planning Commission (WAPC) to provide preliminary comment on the proposed Metropolitan Region Scheme (MRS) Amendment for a Proposed Cardup Urban Precinct.

Council originally considered the matter at its August 2023 meeting, however deferred consideration of the matter. This has also enabled further discussion with the landowner located at the northern end of the precinct, which is an existing industrial development seeking to remain where it is located.

It is recommended Council provide preliminary comment outlining the various regional planning considerations and opportunities, which generally support a Proposed MRS Amendment with exception to retaining sufficient Industry zoned land at the northern end of the precinct, to protect existing development and adequately ensure effective interfacing. Specifically, it is recommended that this land portion and an appropriate extension to the south (with a transition point), be excluded from the rezoning proposal. This will enable retention of that existing industrial development outcome, and appropriate interfacing of this to the south through retained Industry zoned land. Development of that land would address the needs to buffer existing development on Lot 41, consistent with both state and local planning frameworks.



Relevant Previous Decisions of Council

*Ordinary Council Meeting - 21 August 2023 - OCM192/08/23 - COUNCIL RESOLUTION
That Council DEFERS this matter to the September Ordinary Council Meeting.*

*Ordinary Council Meeting - 18 July 2022 - OCM169/07/22 - COUNCIL RESOLUTION
That Council:*

1. *REQUESTS the WAPC (as regional planning authority) to undertake a subregional structure planning exercise for the area bound by Kargotich Road, Mundijong Road, King Road and the freight rail line, with the intent that this subregional structure plan inform the suite of MRS amendments required to achieve the most effective planning outcome for this precinct. This subregional structure plan should include stakeholder and community engagement, and address the following matters:
 - a. *Road infrastructure coordination (specifically to request that Mundijong Road be recognised as a State Government Main Roads road, and be reserved as a Primary Regional Road under the MRS given its linkage between north south highways of Kwinana Freeway, future Tonkin Highway, South West Highway and Albany Highway).*
 - b. *Potable water and sewer infrastructure coordination (specifically to request that Water Corporation provide direction on the timing and delivery of the necessary urban water and sewer infrastructure given the pressure for development taking place within Mundijong).*
 - c. *Intermodal infrastructure coordination (specifically to request Westport actively consider how an expanded West Mundijong Industrial Area which interfaces with the current and ultimate freight rail servicing a new port and freight links, is a strategic opportunity.*
 - d. *Regional planning clarification (specifically to request that the WAPC consider removing the current Cardup Planning Investigation Area which impacts on the Cardup Equestrian Area, which erodes an important rural residential precinct between the urban localities of Byford and Mundijong).*
 - e. *Industrial area expansion (specifically to request that the WAPC consider the southeast subregional opportunities associated with a connected and expanded West Mundijong Industrial Area).*
 - f. *Activity centre classification (specifically to request the Mundijong District Centre be considered for reclassification as a strategic regional centre).**
2. *CONSIDERS its position on the Proposed Metropolitan Region Scheme Amendment - West Mundijong Urban Precinct once Part (1) is completed by the WAPC.*

*Ordinary Council Meeting - 22 February 2010 - SD104/02/10 - COUNCIL RESOLUTION /
Officer Recommendation - **extract***

That Council:

1. *Formally request that the Western Australian Planning Commission, through the South East District Planning Committee, progress an amendment to the Metropolitan Region Scheme to rezone the area shown on the plan marked as attachment SD104.1/02/10 from Rural to Industrial.*



Background

The WAPC have requested that the Shire provide preliminary comment on a Proposed MRS Amendment to rezone a 194ha portion of land in Cardup, from 'Industry' and 'Rural' to 'Urban'. The subject site is bound by South Western Highway to the east, Norman Road to the south, Soldiers Road to the west and Cardup Siding Road to the north as shown in Figure 1.

At the Ordinary Council Meeting held on 22 February 2010, Council considered an Amendment to the MRS to rezone the subject site from 'Rural' to 'Industry'. The MRS Amendment to rezone the land as 'Industry' was approved and came into effect on 18 October 2012. Following the rezoning under the MRS, Amendment 183 to Town Planning Scheme No.2 (TPS2) was initiated to align the zoning of the subject site under TPS2 with the zoning under the MRS. Amendment 183 to TPS2 zoned the subject site as 'Urban Development' under TPS2, which enabled the establishment of a 'development area' with a set of statutory provisions as a framework for more detailed structure planning. Amendment 183 was approved by the WAPC and the Minister and was gazetted on 3 June 2014. The Cardup Business Park Local Structure Plan was subsequently progressed and was approved by the WAPC on 29 March 2019. The Structure Plan identifies the site as 'Industry - General' to facilitate the development of a range of industrial land uses, however with limits on the nature and intensity of development, given the constrained nature of nearby sensitive development.

With respect of context, there has been issues with the relationship of development within Cardup Business Park, to nearby sensitive land uses and single dwellings west of the subject land.

In terms of the whole precinct, there have been complaints received from members of the community, raising amenity concerns associated with impacts from noise, dust, vibration, air emissions, drainage management and hours of operation. This continues to provide a challenge for the Cardup Business Park to grow existing development or attract new industrial development, given the area is highly constrained with no ability to moderate impacts from industry. Development in the area needs to manage its impacts, and development approvals include conditions that seek to do this.

There has also been a general observation made to the more contemporary West Mundijong Industrial Area (WMIA), which through structure planning set designated buffers and graduate of land use intensity, as a key way to protect against the encroachment of sensitive development. Market feedback tends to reveal WMIA to be the preferred industrial area for industry wanting to establish within the Shire.



Figure 1: Subject Land

Community / Stakeholder Consultation

Once the Department of Planning, Lands and Heritage (DPLH) have received preliminary comments on the Proposed MRS Amendment, DPLH may present a report to the WAPC to consider whether to formally initiate an amendment to the MRS. Should an amendment be initiated, the WAPC will seek formal comment on the MRS amendment proposal from the Shire, State agencies, stakeholders and the community.



Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy

Planning Assessment

Planning Framework

The WAPC's Perth and Peel @ 3.5 Million Sub-Regional Planning Frameworks provide a land use planning and infrastructure framework to accommodate 3.5 million people by 2050, defining the urban form of the Perth and Peel regions. Under the South Metropolitan Peel Sub-Regional Planning Framework, the subject site is identified as 'Industrial'. The subject site is currently zoned 'Industrial' and 'Rural' under the MRS, with the 'Rural' zoned portion of land relating to Bush Forever Site No. 361. Under TPS2, the subject site is zoned as 'Urban Development', 'Special Use' and 'Rural', with the 'Special Use' and 'Rural' zoned portion of land relating to Bush Forever Site No. 361. The subject site is zoned as 'Industrial Development' and 'Rural' under the Draft Local Planning Scheme No. 3. The WAPC approved Cardup Business Park Local Structure identifies the majority of the subject site as 'Industry - General', though with restrictions to attempt to manage the inadequate separation that exists between the area and nearby sensitive development.

There are a range of relevant strategic considerations and documents that form part of a merits-based assessment of the Proposed MRS Amendment, which are discussed below.

Local Planning Strategy

The Shire's approved Local Planning Strategy, which sets out a 10-year framework for the Shire's future planning and development, is required to reflect the current regional planning of the WAPC. The subject site is identified as 'Industry' under the Shire's Local Planning Strategy to align with the current 'Industrial' zoning of the subject site under the MRS. The Local Planning Strategy also identifies important planning considerations, which should be addressed in considering strategic planning proposals such as the Proposed MRS Amendment.

The Local Planning Strategy contains a strategy to ensure that more intensive industrial uses, which are likely to affect the amenity of the surrounding area, are located away from existing urban areas. The subject site is surrounded by existing urban areas, and reflects an example of the kind of incompatibility now striving to be avoided. As mentioned prior, this continues also to limit the type of industrial uses that the area can accommodate.

In the opinion of Officers, the identification of the whole subject site for general industry land uses is not aligned with the Shire's Local Planning Strategy.



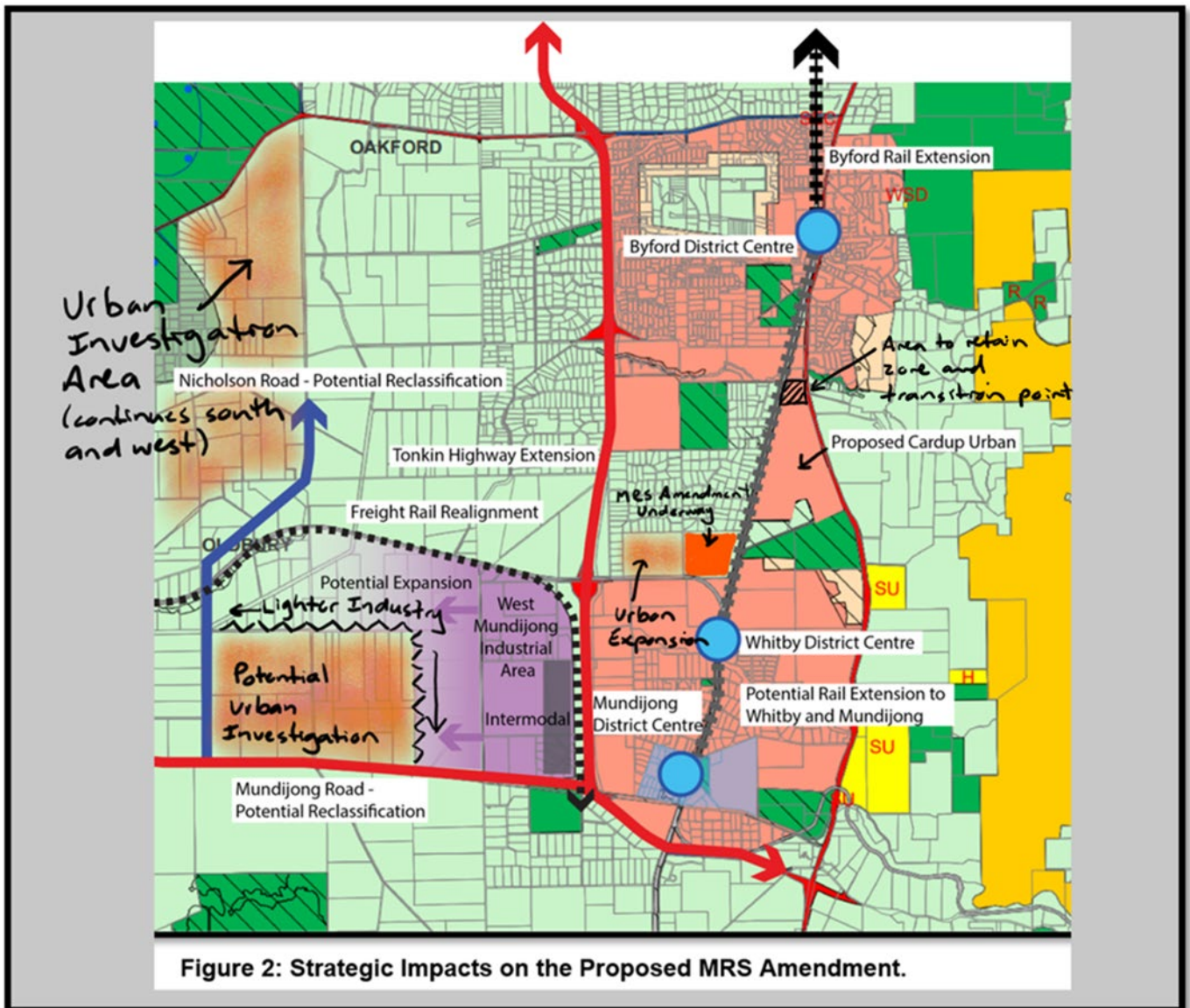
Industrial Land

There are currently two key industrial areas identified within the Shire, being the West Mundijong Industrial Area and the Cardup Business Park. The location of the Cardup Business Park is constrained, situated between the urban areas of Byford and Mundijong and rural living development in Cardup. This constrained location limits the scale of land that is available to accommodate industrial development and provide for a range of industries and future growth. The long-term potential of the Cardup Business Park to accommodate significant further industrial development is limited and considered to be largely unavailable now.

The Cardup Business Park Local Structure Plan recognises that general industrial land uses '*may or may not result in emissions that could affect the amenity levels considered acceptable in residential areas or other nearby sensitive land uses*'. A number of measures and development controls are discussed in the Structure Plan to manage the potential adverse amenity impacts to sensitive land uses. Future development is required to meet the relevant legislative requirements, including the *Environmental Protection Act 1986* and its associated regulations. The Structure Plan also requires development to be in accordance with the Environmental Protection Authority's (EPA) 'Guidance for the Assessment of Environmental Factors No.3 - Separation Distances between Industrial and Sensitive Land Uses', which provides advice on generic separation distances between industrial and sensitive land uses to avoid conflicts between incompatible land uses. Such constraints limit the viability of the Cardup Business Park to provide an appropriate location for further industrial development.

Industrial land is important to generate investment, attract business and create local employment opportunities. As the Shire continues to grow, there may be a need for industrial land to be further developed and expanded to support growth. The future Mundijong Freight Rail Realignment and Tonkin Highway extension adjacent to the West Mundijong Industrial Area provides clear strategic opportunities for this area, and key opportunities to shape a regional context for that portion of land. The West Mundijong Industrial Area is strategically located with the potential to accommodate the expansion of light and general industries further west as demand increases. As demand for industrial land within the Shire increases, the expansion of the West Mundijong Industrial Area further west provides a more logical and strategic opportunity to accommodate industrial growth, while the Cardup Business Park is constrained given the urban and rural living areas which surround the site that prevent future expansion.

The strategic impacts on the Proposed MRS Amendment are illustrated in the following concept. This shows, in lieu of the removal of Cardup Business Park from Industrial to Urban, a larger and more consolidated strategic land holding could be pursued through further western expansion of the West Mundijong Industrial Area. It is noted however, that existing development at the northern end of the precinct intends to remain, and would require appropriate recognition through an MRS amendment.



In consideration of the above, there is also a pressing consideration for the State Government to consider the rapidly changing context that is happening within the Shire, as a positive result of a range of infrastructure and planning advancements. In this regard, Officers identify that as part of recommending preliminary support for this proposal, Council may also wish to reiterate its decision of the 18 July 2022 meeting. This decision requested the WAPC (as regional planning authority) to undertake a subregional structure planning exercise for the area bound by Kargotich Road, Mundijong Road, King Road and the freight rail line, in order to create greater certainty as to a coordinated regional planning direction.

Tonkin Highway and Freight Rail Realignment

The commitment to fund the extension of Tonkin Highway from Thomas Road to South Western Highway and the commitment to plan and deliver the Mundijong Freight Rail Realignment has implications on the viability of the Cardup Business Park as an industrial area. The Tonkin Highway extension will provide an important north-south transport connection adjacent to the West Mundijong Industrial Area. The Freight Rail Realignment will remove freight train operations through the Mundijong urban area, improving transport infrastructure connectivity and efficiencies of rail operations, as well as community safety and amenity. The Freight Rail Realignment will



also support the planned development of the West Mundijong Industrial Area. This infrastructure provides important employment, enterprise, transport and freight linkages to the West Mundijong Industrial Area, which offer advantages and opportunities for industrial development. The West Mundijong Industrial Area is therefore better located to access such opportunities and attract a wider range of industrial development than the Cardup Business Park.

Road Network

The Cardup Business Park has access to South Western Highway, however increasing residential development in the area will increase traffic on the road network. South Western Highway extends northwards from the Cardup Business Park traversing through the Byford Town Centre. This portion of South Western Highway has limited speeds, traffic lights and pedestrian activity, making this transport route less favourable for trucks.

Furthermore, constraints on the Restricted Access Vehicle (RAV) Network to the Cardup Business Park limits the potential for certain industrial operations. Access to Cardup is restricted to RAV Network 4 vehicles and below, which limits the accessibility for trucks. The West Mundijong Industrial Area is planned to have road access that can accommodate RAV Network 7 vehicles, providing greater opportunities for industrial development.

Passenger Rail Line

The commitment to deliver the Byford Metronet project will provide key public transport access from Perth to Byford, with the rail extending north-south from Armadale. The Shire's Local Planning Strategy identifies the potential for the passenger rail line to extend further south to Whitby and Mundijong in the longer term. This creates the potential for the subject site to be located along a passenger rail corridor, providing opportunities for the urban area proposed by the MRS Amendment to be well-connected to public transport.

Urban Land and Activity Centres

The subject site is located between the Byford urban area to the north and the Mundijong urban area to the south. The Byford and Mundijong urban areas have a planned activity centre hierarchy to support and meet the needs of the existing population catchments. The Proposed MRS Amendment identifies additional urban land to be located between Byford and Mundijong. The impact of additional urban land in this location on the established and planned activity centre hierarchy in the adjoining urban areas is an important consideration. Additional urban land would generate additional activity centre need and would require an integrated approach to the assessment of activity centre provision within the Shire.

Additional populations in this area will require access to employment and educational opportunities. Providing for a level of economic self-sufficiency within the proposed urban area will be important to ensure the area is sustainable, activated and contributes to the local economy. Opportunities for the subject site to accommodate service commercial businesses should be investigated to support the surrounding residential populations, and create the critical interface to the north to protect retained industrial development. The impact of additional urban land on the provision of schools and community facilities within the Shire is also an important consideration to be addressed as part of future planning.

Environmental Considerations

The subject site accommodates Bush Forever Site No. 361, which contains remnant vegetation with conservation significant vegetation values. This includes a threatened ecological community (TEC), 'Corymbia calophylla - Eucalyptus marginata woodlands on sandy clay soils of the southern Swan Coastal Plain', and black cockatoo foraging and potential breeding and roosting



habitat. The Bush Forever Site has presented a further constraint to the industrial development of the Cardup Business Park. The interface to the Bush Forever Site would also need to be managed under the Proposed MRS Amendment to zone the land for urban purposes.

Deferral and additional detail

As discussed, Council originally considered the matter at its August 2023 meeting, however deferred consideration of the matter. This has also enabled further discussion with the landowner located at the northern end of the precinct, who is noted as not being included as part of the landowner group proposed the amendment.

This comprises Wormall Civil operations, which is an established industry servicing extensive civil construction projects throughout Western Australia. This business intends to remain at this location, which is shown in the following image.



In order to protect these operations, it is considered viable to retain a portion of Industry zoned land that coincides with the boundaries of the highlighted allotment, extending south to a logical extent which provides buffering and a potential point of transition. This is generally shown following:



Given the logical edge to the north of Cardup Siding Road and Cardup Brook, and the opportunity to select a logical transition point to the south that protects ongoing operations of the businesses on Lot 41, this is considered a sound planning principle to adopt. Future structure planning would enable interface to this retained industry zone and the demarcated transition line, through commercial type uses such as showrooms and warehousing, which can then transition beyond that to residential development.

Connectivity is expected to occur across Lot 1 by way of local road connectivity. This connectivity would enable the interfacing development to the south to have the flexibility of access, which would also enable a greater range of land use mix to occur (given the intention to retain development on Lot 41). This will also allow for opportunities for potential supply chain relationships to be formed and/or grow, as different businesses are attracted to the area.

Officers are also aware that the business on Lot 41 would be interested in seeking to expand southwards, should the opportunity arise to secure land and adequate access.

It is recommended Council provide preliminary comment outlining the various regional planning considerations and opportunities, which generally support the Proposed MRS Amendment subject to the appropriate retention and transition point at the northern end of the precinct, to remain zoned Industry.



Options and Implications

Option 1

That Council:

1. PROVIDES preliminary comments of **CONDITIONAL SUPPORT** (with such condition being the exclusion of Lot 41 Cardup Siding Road and an appropriate additional area of land of between 150m to 200m southwards of Lot 41) in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - Cardup Urban Precinct.
2. REQUESTS the Chief Executive Officer write to the Western Australian Planning Commission (WAPC), reiterating the Council decision of 18 July 2022 (OCM169/07/22), that seeks the WAPC to undertake a subregional structure planning exercise for the area bound by Kargotich Road, Mundijong Road, King Road and the freight rail line, with the intent that this subregional structure plan inform the suite of MRS amendments required to achieve the most effective planning outcome for this precinct.

Option 2

That Council PROVIDES preliminary comments **NOT SUPPORTING** the Proposed Metropolitan Region Scheme Amendment - Cardup Urban Precinct to the Western Australian Planning Commission.

Option 1 is recommended.

Conclusion

The Proposed MRS Amendment seeks to rezone a 194ha portion of land within the existing Cardup Business Park from 'Industrial' and 'Rural' to 'Urban' under the MRS. There are a number of strategic considerations that impact the Proposed MRS Amendment including the current planning framework, industrial and urban land location and supply, activity centres, transport, infrastructure and the environment. Officers recommend the Proposed MRS Amendment be supported subject to these considerations and the exclusion of Lot 41 and an appropriate further extent of land south, from the proposal. It is recommended Council also re-issue its request, highlighting a number of strategic regional considerations to be addressed by the WAPC undertaking a subregional structure planning exercise in accordance with the July 2022 resolution of Council.

Attachments (available under separate cover)

- **10.1.1 - attachment 1** - Proposed MRS Amendment - Cardup Urban Precinct (IN23/15167)



Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

Financial Implications

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	This Option is considered the lowest strategic risk Option.						
2	That Council PROVIDES preliminary comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendment - Cardup Urban Precinct to the Western Australian Planning Commission, which prevents the transition of incompatible industrial development away from the precinct to West Mundijong.	Planning legislation and framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Give reason for decision.



Voting Requirements: Simple Majority

OCM231/09/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council:

- 1. PROVIDES preliminary comments of CONDITIONAL SUPPORT (with such condition being the exclusion of Lot 41 Cardup Siding Road and an appropriate additional area of land of between 150m to 200m southwards of Lot 41) in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - Cardup Urban Precinct.**
- 2. REQUESTS the Chief Executive Officer write to the Western Australian Planning Commission (WAPC), reiterating the Council decision of 18 July 2022 (OCM169/07/22), that seeks the WAPC to undertake a subregional structure planning exercise for the area bound by Kargotich Road, Mundijong Road, King Road and the freight rail line, with the intent that this subregional structure plan inform the suite of MRS amendments required to achieve the most effective planning outcome for this precinct.**

CARRIED UNANIMOUSLY 7/0



10.1.2 - Update on Draft Local Planning Policy - Development within the Rural Zone (SJ4181)

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

Authority / Discretion

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

The purpose of this report is for Council to receive an update on the Draft Local Planning Policy - Development in the Rural Zone. This Draft Policy has been subject to a process of community engagement, but had been paused pending advancement of the Shire's new Local Planning Scheme No. 3 (LPS3).

Recently, the Shire has been advised that the new LPS3 has been approved, subject to modifications. These modifications have been undertaken, with the LPS3 documentation sent back to the WAPC and Minister for final sign off and gazettal.

In reviewing the Draft Policy, there are a number of new considerations that emerge as a result of the new LPS3. These considerations have warranted a review of the Draft Policy, to ensure it is made most effective to assist Officers and the community going forward.

An updated Draft Policy has been prepared, and comprises a number of revisions such that it represents a different draft to that which was advertised. As a result, Officers recommend that the revised Draft Policy be adopted for a new round of community consultation, before being presented back to Council for final consideration.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 March 2021 – OCM050/03/21 - COUNCIL RESOLUTION

That Council:

1. *ENDORSES further revisions to draft Local Planning Policy 4.19: Development within the Rural Zone.*
2. *REQUESTS that the Chief Executive Officer advertise the revised Local Planning Policy per attachment 2 for community consultation for a period of three months, in order to enable broader community consideration in light of the proposed Local Planning Scheme No. 3 as a seriously entertained planning proposal.*
3. *DEFERS further consideration of draft Local Planning Policy 4.19: Development within the Rural Zone, pending the Minister's decision on Proposed Local Planning Scheme No. 3 and specifically whether further revisions to the Draft Policy would be necessary as a result of the Minister's decision.*

**Ordinary Council Meeting – 15 March 2021 – OCM050/03/21 - COUNCIL RESOLUTION**

That Council ADOPTS, for the purposes of advertising, the draft Local Planning Policy 4.19: Development in Rural Zone in accordance with Clause 4(1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015 as contained within attachment 1, and requires this to be advertised for a minimum of 28 days including one (1) community forum midway through the advertising process.

Background

The Shire's rural area is unique. It is characterised by generally large land holdings, agricultural/rural activities, natural environmental features (natural vegetation, watercourses, protected fauna, Serpentine River) and open landscapes. The Shire is also located within sensitive environmental areas such as the Peel Harvey Catchment and the Jandakot Water Mound Protection area.

As the Shire continues to grow, the 'Rural' zone is coming under growing interest and pressure from development. This development needs to align with the objectives and the Rural zone, and what the community has helped shape in terms of the strategic planning direction for the Rural zone, being captured through the Local Planning Strategy.

With the establishment of industrial zones namely located at West Mundijong, it has become a particularly relevant planning objective to ensure industrial developments are located in the appropriately zoned industrial areas. This further ensures that the Rural zone can be protected to facilitate compatible rural and non-rural development, occurring. This particularly seeks to avoid development in the Rural zone which:

- May cause significant, adverse off-site impacts;
- May create land use conflicts due to their incompatibility with existing rural and sensitive land uses;
- May result in the semi-industrialisation of rural and; and
- May reduce the amount of land available for productive agricultural purposes.

The Draft Policy was initially presented to Council at its meeting of 17 February 2020 where Council resolved to advertise the draft for a minimum period of 28 days, including one community forum. Subsequently, a revised Draft Policy was presented back to Council on 15 March 2021, where Council resolved to readvertise the draft for a period of three months "*in order to enable broader community consideration in light of the proposed Local Planning Scheme No.3*". Council also resolved to defer consideration of the draft pending the Minister's decision on LPS3, specifically whether further revisions to the Draft Policy would be required as a result of the Minister's decision.

On 2 June 2023, the WAPC approved LPS3 subject to 194 modifications, which have been carried out and gazettal currently now being arranged. These modifications are significant, and have required further revisions to the Draft Policy.



Community / Stakeholder Consultation

Community consultation initially occurred over a period of three weeks between 27 October 2020 to 12 November 2020. A community drop-in session was undertaken on 5 November 2020 at the Shire Administration building, where 15 people attended to discuss the Draft Policy with Officers.

Three submissions were received which provided the following feedback:

1. Further clarity needed on what type of land uses the Policy applies;
2. Better document the development pressures being faced in the Rural zone;
3. Need to embrace appropriate opportunities to diversify within the zone;
4. Policy needs to assist in the exercise of discretion;
5. Policy consistency with the new LPS;
6. More guidance as to land use acceptability according to the objectives of the zone; and
7. Policy needs to support innovation and market led opportunities that would otherwise be compatible with the Rural zone.

These submissions were addressed and the Draft Policy modified and presented back to Council.

Following this, the Draft Policy was readvertised from 19 August 2021 to 12 November 2021 on the Shire's website and in the Examiner newspaper. During this period one further submission was received providing support.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 2.5 - Rural Planning

Local Planning Framework

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

Planning Assessment

The Draft Policy was initially drafted based on considering non-rural uses against the objective of the 'Rural' zone under TPS2 which stated *"to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area"*. However, since the approval of LPS3, a new objective has been formulated for non-rural uses in the Rural zone, being:

"to provide for a limited range of non-rural land uses, only where they have demonstrated benefit to the local community and are compatible with surrounding land uses".

This change results in the Draft Policy being no longer reflective of the planning framework. This has required a number of revisions, in order to provide both Officers and the community an effective policy document for the purpose of guiding non-rural development in the Rural zone.



The revised purpose of the Draft Policy aims to assist Officers and the community in setting out the circumstances where proposed non-rural development may or may not be supported in the Rural zone. The Draft Policy examines the related objective of the Rural zone under LPS3, pertaining to non-rural uses, and proposes a set of policy provisions that aim to:

1. Require suitable detail to be submitted by an applicant to enable assessment;
2. Establish the circumstances where certain forms of non-rural development may be supported.

The Draft Policy highlights the following considerations:

- The new objective of the Rural zone pertaining to non-rural uses states *“To provide for a limited range of non-rural land uses, only where they have demonstrated a direct benefit to the local community and are compatible with surrounding rural uses.”*
- This objective is performance in nature, insofar that it doesn't:
 - o Quantify or set measures for demonstrating direct benefit;
 - o Quantify the area considered to be the local community; or
 - o Define what compatibility may consider with surrounding rural uses.
- The Draft Policy aims to assist in setting out measures, that Officers and applicants are to have regard to, in respect of non-rural uses proposed in the Rural zone;
- For such development applications:
 - o Certain non-rural uses (deemed potentially beneficial) are expected to undertake a preliminary benefits analysis of the use to the local community;
 - o Certain non-rural land uses (deemed potential unbeneficial) are expected to undertake a detailed benefits analysis of the use to the local community.
- All non-rural land uses are expected to undertake a compatibility analysis with surrounding rural uses.
- The following non-rural uses are considered potentially beneficial:
 - o Art gallery;
 - o Bed and breakfast;
 - o Brewery;
 - o Caravan park (in the form of chalets, camping, and/or tiny homes);
 - o Cinema / theatre;
 - o Civic use;
 - o Club premises;
 - o Commercial vehicle parking;
 - o Community purpose;
 - o Educational establishment;
 - o Exhibition centre;
 - o Family day care;
 - o Garden centre;



- Holiday accommodation;
 - Holiday house;
 - Hospital;
 - Industry - cottage;
 - Industry - primary production;
 - Industry - rural;
 - Market;
 - Motel;
 - Place of Worship;
 - Reception Centre;
 - Renewable Energy Facility;
 - Restaurant / Café;
 - Road House;
 - Telecommunications infrastructure;
 - Tourist development;
 - Trade supplies;
 - Tree farm;
 - Veterinary Centre;
 - Winery;
 - Workforce accommodation.
- The following non-rural uses are considered potentially unbeneficial:
- Betting agency;
 - Corrective institution;
 - Resource Recovery Centre;
 - Recreation - private;
 - Tavern;
 - Transport depot.
- An application proposing a potentially unbeneficial land use, would have a higher reporting requirement to assess whether such was (or was not) aligned with the objective of the zone.
- All non-rural land uses would be required to include a detailed assessment of compatibility, taking account of:
- The proportion of the lot proposed to be used for non-rural uses and whether the majority of the land would be available to be used for rural uses alongside;
 - Whether there is a rural use occurring on the site;
 - Whether the proposal would adversely impact existing rural uses on the site or surrounding locality;



- Whether the proposal would impact the ability of the land to be used for rural uses in the future;
- The capability of the land to undertake productive rural uses;
- The scale of development/activities;
- Built form character;
- Any external impacts and their proposed management;
- Traffic generation and suitability of infrastructure to accommodate.

Given the revisions which have been undertaken to the Draft Policy, Officers recommend it be readvertised, to enable community feedback. This will enable the community to consider the updated Draft Policy framework, and the feedback they would seek to have considered as part of the Draft Policy.

Options and Implications

Option 1

That Council APPROVES, for the purposes of advertising, the revised Draft Local Planning Policy: Development in the Rural Zone in accordance with Clause 4(1)(a) of the Deemed Provisions, for a minimum of 28 days.

Option 2

That Council REFUSES to ADOPT, for the purposes of advertising, the revised Draft Local Planning Policy.

Option 1 is recommended.

Conclusion

The report is presented to Council recommending that, in light of the new LPS3, further revisions to the Draft Policy is necessary, to ensure it is made most effective to assist in the exercise of discretion pertaining to development in the Rural zone. Given the extent of changes, it is recommended Council advertise the revised Draft Policy, for further community feedback.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** - Revised Draft Local Planning Policy - Development within the Rural Zone (E23/10691)

Alignment with our Strategic Community Plan

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



Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered the lowest strategic risk.						
2	If Council resolves not to proceed with the revised Draft Policy, the planning framework may be incapable of properly shaping development in the rural zone which could lead to adverse impacts on the local community which cannot be managed.	Planning Framework	Reputation	Possible	Major	SIGNIFICANT	Accept Option 1.

Voting Requirements: Simple Majority

OCM232/09/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

That Council **APPROVES**, for the purposes of advertising, the revised Draft Local Planning Policy: Development in the Rural Zone in accordance with Clause 4(1)(a) of the Deemed Provisions, for a minimum of 28 days.

CARRIED UNANIMOUSLY 7/0



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

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	McMullen Nolan Group Pty Ltd (MNG)
Owner:	LWP
Date of Receipt:	26 May 2023
Lot Area:	30.6ha
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 proposal for two new road names associated with a subdivision at Lot 9066 Orton Road, Byford. The proposed road naming plan is contained within **attachment 1**. Six alternative names are also presented to Council for endorsement in the instance Landgate do not support the preferred names.

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

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

Relevant Previous Decisions of Council

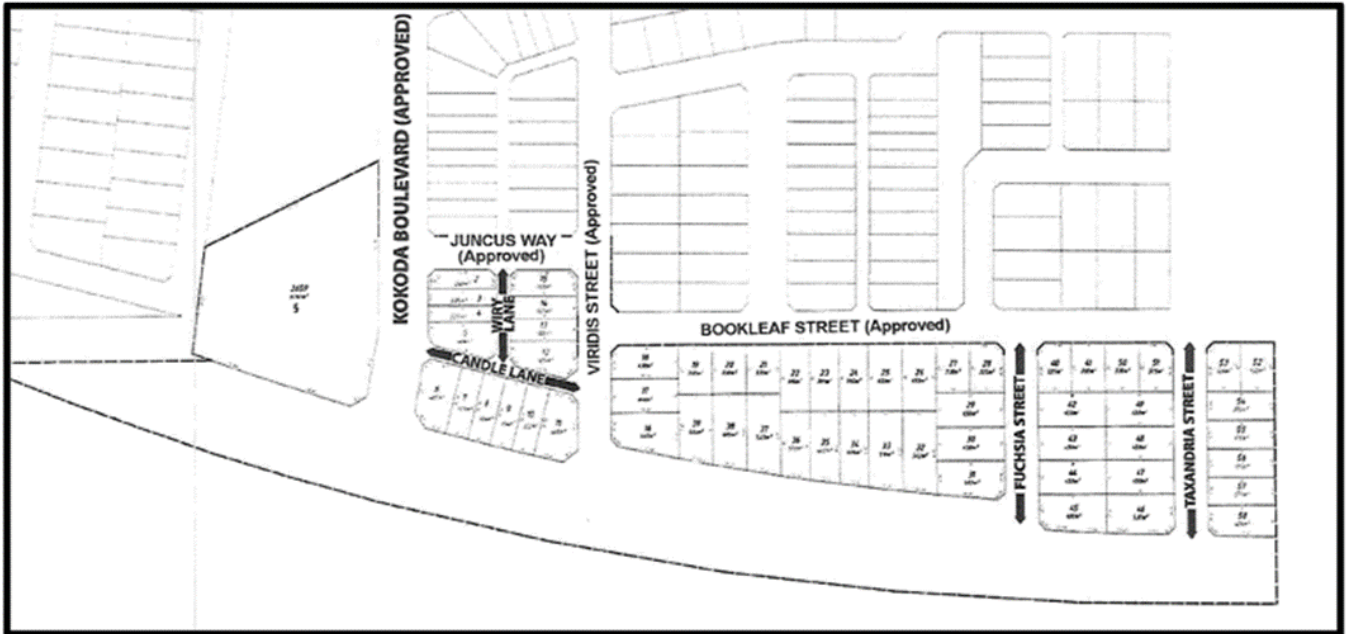
Ordinary Council Meeting - 10 February 2014 - OCM112/02/14 COUNCIL DECISION / Officer Recommendation:

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



Background

Road names for stages 13 and 14 of the subdivision have been endorsed by Landgate based on a previously approved subdivision layout as depicted below:

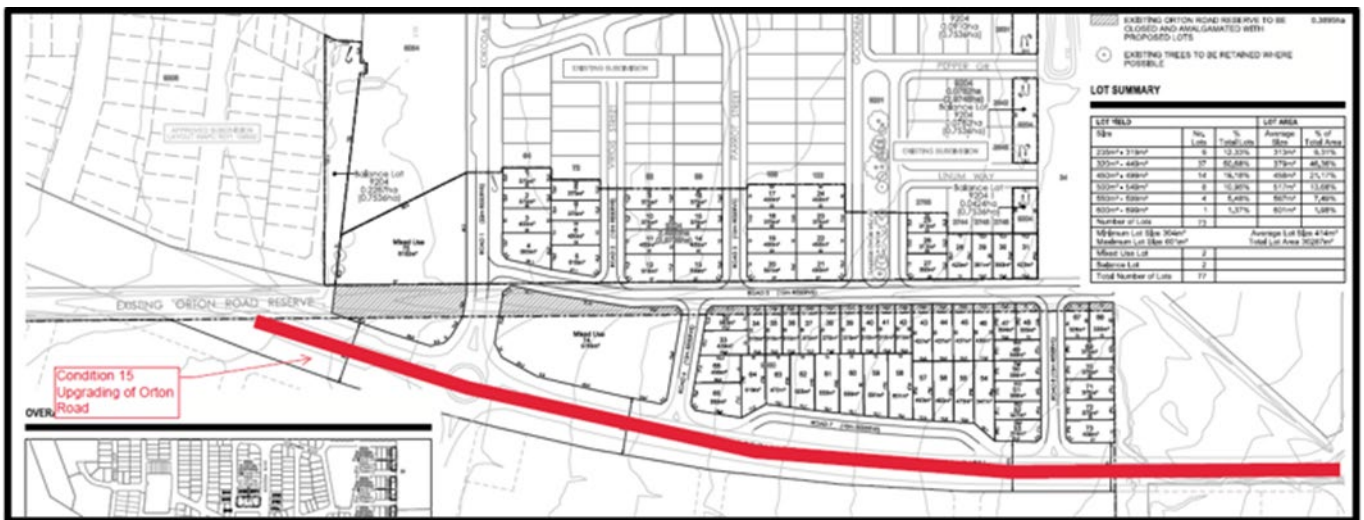


Road Names previously approved by Landgate 4 May 2015

The approved names were as follows:

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

Since this approval, the subdivision layout has been amended and approved by the Western Australian Planning Commission (WAPC) as detailed below:



Subdivision approved 11 April 2023

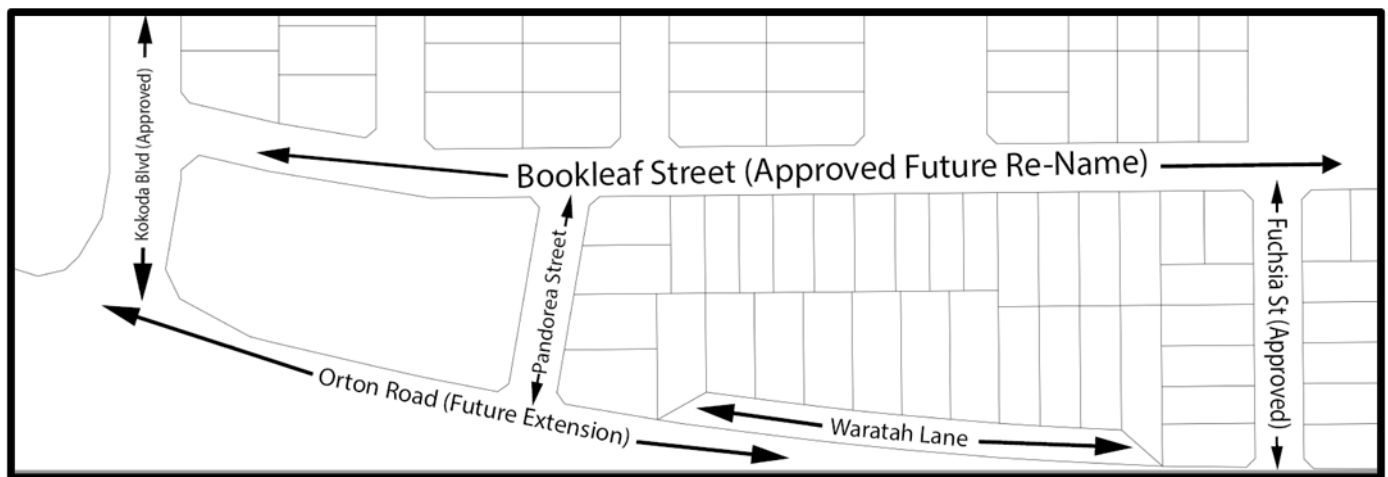


The amended subdivision approval results in a different layout for both proposed lots and roads. As such, an amended road naming application is required to which this report is subject.

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

Proposal

The application proposes the naming of two new roads to be created as part of an approved subdivision within Byford. The applicant has also submitted six names to be endorsed as second preference names in the instance there are issues with the preferred names. The road and proposed names are shown in the following plan and reference table:



‘Pandorea’ and ‘Waratah’ are names of Australian flora, consistent with the approved theme of the subdivision (2015). The proposed and backup names along with their description as provided by the applicant are detailed in the following table:

Road Name Table	
Proposed Preferred Names	Background
Road 1: Pandorea	Australian native climbers and creepers, Pandorea is low-maintenance and hardy. They are a popular choice for pergolas, archways and trellises.
Road 2: Waratah	A dramatic plant with fiery red blooms and leathery leaves, waratahs can sometimes be tricky to grow in the garden. They need very well-drained soil or a large container with free-draining potting mix. The floral emblem of NSW, <i>T. speciosissima</i> is the most spectacular of its type.



Reserve Names	Background
Lomandra	A popular grass-like choice for the garden, Lomandra are evergreen perennials with tiny creamy flowers on spikes. An excellent drought-tolerant choice, Lomandra need to be regularly pruned to the ground as dead foliage can build up.
Koda	Koda thrives in disturbed areas and is ideal for many regeneration projects. It is deciduous in winter and provides shade during hot summer days. The dense, sweetly scented panicles of flowers in spring are followed by large clusters of edible fruit from January to April. The flowers and fruit attract a range of beautiful birds such as Lewin's honeyeater, the wompoo fruit dove and figbird as well as being a food plant for several butterflies. This hardy tree grows in well-drained soil with full sunlight, is largely pest and disease free and only requires a dose of fertiliser every spring.
Cycad	With dark green palm-like leaves which grow up to one to two metres, these slow-growing plants are ideal for rockeries. They are best grown in well-drained sandy soil. Larger cycads are happiest in full sun, while smaller ones prefer shade. Young plants need regular watering.
Cuttsia	Cuttsia viburnea is a shrub or bushy tree which has toothed leaves and panicles of white flowers, and that is endemic to eastern Australia.
Tetraria	Tetraria capillaris - Hair Sedge - A rhizomatous, tufted perennial sedge growing 0.15 - 0.7m high in clumps to 1m. Brown flowers appear from Jan - Dec. Found in grey or brown sand, lateritic loam, mud, sandy clay in swamps to uplands.
Hakea	Available in around 150 diverse species, Hakea comes in a range of small to medium shrubs. They showcase spectacular flowers and leaves in a variety of colours and shapes. Some Hakeas have long spidery flowers which are similar to grevilleas, while others have prickly leaves and long spears at the end of the branches. Hakeas thrive in full sun with well-draining soil. Keep them looking good with regularly pruning, but keep fertiliser to a minimum.

Community / Stakeholder Consultation

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



Statutory Environment

Legislation

- *Land Administration Act 1997*

State Government Policies

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

Local Planning Framework

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

Planning Assessment

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

Policy Assessment	
Policy Requirement	Officer Comment
Consideration of current and future street names	The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire. No duplicates in surrounding Local Government areas within 10km have been identified.
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area.
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed and reserve road names have been documented in the road name table, earlier in this report.
Names shall not be offensive or likely to give offence, incongruous or commercial in nature	The proposed and reserve names are not considered to be offensive, incongruous, or commercial in nature.
Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public	In terms of easiness to read, spell and pronounce, the names are simple to read or pronounce, and so would not cause complexities for emergency services, service providers or the travelling public.
Unduly long names and names that comprise of two or more words should generally be avoided	The proposed preferred names comprise of no more than ten letters in length and are no more than one word.
Proposals for road names shall include an appropriate road type suffix	The proposed suffixes are considered to be appropriate and consistent with suffix definitions under the Landgate policy. Street (st) - Public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.



Policy Assessment	
Policy Requirement	Officer Comment
	Lane (Ln) - Narrow way between walls, buildings or a narrow country or city roadway The proposed suffixes are considered suitable as they generally are reflective of the proposed carriageway.
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	As shown on the road name plan earlier in this report, the road names are commensurate with the length of the road and are considered to be practical.

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

Options and Implications

Option 1

That Council:

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

Option 2

That Council:

1. REFUSES TO ENDORSE the proposed road names.
2. ADVISES the applicant to consider different naming options.

Option 1 is recommended.



Conclusion

Council endorsement is sought for two proposed road names to be used as part of the subdivision at the subject site. The proposed road names are based upon an approved theme of Australian flora. The proposed names are considered consistent with the requirements of LPP1.7 and Landgate's road naming policy. It is therefore recommended that Council endorse the proposed names.

Attachments (available under separate cover)

- 10.1.3 - attachment 1 - Road Layout Plan (E23/10707)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

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



Voting Requirements: Simple Majority

OCM233/09/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Atwell, seconded Cr Strange

That Council:

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

CARRIED UNANIMOUSLY 7/0



10.1.4 - Proposed Change of Use of 'Showroom' to 'Health Studio' and relocating of 'Warehouse' and 'Light Industry' uses - Lot 128 South Western Highway, Byford

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent: MW Urban
 Owner: Byford Project 2018 Pty Ltd
 Date of Receipt: 26 June 2023
 Lot Area: 3.76ha
 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 change of use from 'Showroom' to 'Health Studio' to Units 6 and 7, located as part of a new development at Lot 128 South Western Highway, Byford. The application also includes relocating of 'Light Industry' and 'Warehouse' land uses which is explained in detail later in the report.

The application is presented to Council for determination due to objections received during the consultation period. In accordance with Delegated Authority 12.1.1 - Determination of Development Applications, Officers do not have delegation to determine applications where objections have been received that cannot be addressed through amendments to the proposal or conditions of approval. The proposal seeks a variation to the car parking requirements under Town Planning Scheme No. 2.

Notwithstanding the objections received, the proposed development is consistent with the planning framework and it is recommended that Council approve the application subject to appropriate conditions.



Relevant Previous Decisions of Council

Ordinary Council Meeting - 19 July 2021 - OCM179/07/21 - COUNCIL RESOLUTION / Officer Recommendation:

That Council APPROVES the development application for a Vehicle Repair, Warehouse, Light Industry and Showroom development at Lot 128 South Western Highway, Byford, as contained within attachment 1 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the following conditions:

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

<i>Plans and Specifications</i>	<i>P1 (Development Plans) received at the Shire’s Offices on 22 February 2021;</i> <i>P2 (Transport Impact Statement) received at the Shire’s Offices on 22 April 2021;</i> <i>P3 (Acoustic Advice) received at the Shire’s Offices on 23 June 2021;</i> <i>P4 (Air Emission Assessment) received at the Shire’s Offices on 5 May 2021;</i> <i>P5 (Stormwater Management Plan) received at the Shire’s Offices on 5 May 2021;</i> <i>P6 (Waste Management Plan) received at the Shire’s Offices on 5 May 2021; and</i> <i>P7 (Bushfire Management Plan) received at the Shire’s Offices on 22 February 2021.</i>
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b. Prior to issue of a Building Permit, engineering drawings shall be submitted to and approved by the Shire for the extension of Robertson Road as shown on the approved plans. Robertson Road must be constructed to an appropriate urban standard for the full frontage of the land (including an appropriate fully built temporary cul-de-sac head at the southern extent of the site), to the satisfaction of the Shire. Once approved, the works shall be undertaken in accordance with the approved plans prior to occupation, to the satisfaction of the Shire of Serpentine Jarrahdale.

c. Prior to issue of a Building Permit, a Landscape Management Plan shall be submitted to and approved by the Shire. The Landscape Management Plan shall include the following detail to the satisfaction of the Shire:

- i. The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;*
- ii. Any lawns to be established;*
- iii. Any natural landscape areas to be retained;*
- iv. Those areas to be reticulated or irrigated; and*
- v. Verge treatments.*

The landscaping must be completed prior to the occupation of the development and must be maintained at all times to the satisfaction of the Shire of Serpentine Jarrahdale.

d. Prior to issue of a Building Permit, details are to be submitted setting out how the provision of per cent for art will be undertaken on-site, in accordance with Local Planning Policy 1.6 - Public Art for Major Developments, to the satisfaction of the Shire of Serpentine Jarrahdale.



- e. *Prior to issue of a Building Permit, a Dust Management Plan shall be submitted to and approved by the Shire. The Dust Management Plan must be prepared in accordance with the DWER's guideline for the development and implementation of a dust management program, to the satisfaction of the Shire. All works must be carried out in accordance with the Dust Management Plan, for the duration of the construction period.*
- f. *Plans submitted for a Building Permit are to demonstrate a minimum of 10 short-term bicycle parking facilities being designed and provided in accordance with AS2890.3 - 1993, Parking facilities, Part 3: Bicycle parking facilities. The bicycle parking spaces must be constructed prior to the occupation of the development, and must be thereafter maintained to the satisfaction of the Shire.*
- g. *All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.*
- h. *The carpark must:*
- i. *be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;*
 - ii. *include 78 bays, all of which are appropriately signed and marked to show their intended use;*
 - iii. *include two car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1 - 2009, Design for access and mobility, Part 1: General Requirements for access - New building work;*
 - iv. *be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;*
 - v. *have lighting installed, prior to the occupation of the development.*
- The car park must comply with the above requirements for the duration of the development.*
- i. *Prior to the lodgement of a building permit application, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan must address the following requirements as per the acoustic assessment submitted with the original application:*
- *The requirement of any acoustic shielding around roof and wall mounted exhaust extraction systems including heights, and locations to ensure compliance with the assigned noise levels;*
 - *The construction of an acoustic wall of minimum height of 2.9m being constructed of recycled facebrick;*
 - *The factory units being designed to contain all noise impacts at all times, so as to ensure such impacts do not extend beyond the property boundaries of the land;*
 - *The factory units only being permitted to be tenanted for light industry use.*
- The NMP must also demonstrate how noise generated from the Automotive Repairs, Spray Painting and Panel Beating activities will be mitigated to an acceptable level at all times, to the satisfaction of the Shire of Serpentine Jarrahdale.*
- j. *Within six months of commencement of spray painting activities associated with the 'Vehicle Repair' land use, an updated Air Emission Assessment shall be submitted to and approved*



by the Shire of Serpentine Jarrahdale. The updated Air Emissions Assessment is required to assess emissions generated from the development across the first six months of operations and demonstrate that it has not impacted upon pre-development air quality levels, to the satisfaction of the Shire. The updated Air Emissions Assessment must include mitigation recommendations in the instance emissions have impacted upon the existing level of air quality.

- k. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads. The Strategy shall demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs and include information to demonstrate:
 - i. Signage shall not be electronic / digital format;
 - ii. Any proposed illumination of signage must not exceed 300cd.m² (candela per square metre) between sunset and sunrise;
 - iii. The proposed signage must not flash, pulsate or chase; and
 - iv. The device must not contain fluorescent, reflective or retro reflective colours or materials. Once approved, signage shall be displayed and maintained in accordance with the strategy.
- l. Prior to occupation of the buildings, the intersection of Robertson Road and South Western Highway must be designed and constructed at the applicant's cost. All vehicular access shall be via Robertson Road.
- m. No development and/or improvements shall be permitted on the land as shown required for future road purposes on Main Roads Land Protection Plan 201232-0008 and 201232-0009.
- n. The future Orton Road as nominated on any plans shall not form part of this approval.
- o. Any vehicle crossover(s) or gates to South Western Highway are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or to the specifications of the local government.
- p. Bushfire Management Plan section 5.1.2.2 shall be amended to refer to 'local roads', rather than 'public roads'.
- q. The landowner/applicant shall make good any damage to the existing verge within the South Western Highway road reserve. No earthworks shall encroach onto the South Western Highway road reserve. Stormwater discharge shall not exceed pre-development discharge to the South Western Highway road reserve.
- r. Prior to issue of a Building Permit application, revised elevation plans being submitted to and approval by the Shire demonstrating the following design changes to the satisfaction of the Shire:
 - The South Western Highway elevation of the Lot 2 building including a prominent extension to the surrounding frame component to help enrich this feature and create a more aesthetically interesting design;
 - In respect of the Robertson Road façade of 'Lot 3' building, the addition of a mix of materials that reflect rural character such as recycled brick and timber to both vertical and horizontal elements.
- s. Prior to the lodgement of a Building Permit application, a Colours and Materials schedule must be submitted to the Shire of Serpentine Jarrahdale for approval. The Colours and Materials Schedule must incorporate the rural tones and characteristics of the Shire and be sympathetic to nearby residential development to the east.



- t. The operation times of the Vehicle Repair use are to be restricted to only between 7am to 7pm Monday to Friday, and between 7am to 5pm on Saturday, to the satisfaction of the Shire of Serpentine Jarrahdale

Background

Existing Development

The site is bound by Robertson Road and the rail corridor to the west, South Western Highway to the east, vacant land (proposed Lot 2) and National Storage (proposed Lot 1) to the north and vacant land (proposed Lot 4) to the south. Figure 1 following shows the location of the development in the context of its surroundings, with Lot 3 highlighted in red.



Figure 1: Location plan

The land has been granted subdivision approval by the Western Australia Planning Commission (WAPC) to create four lots as shown on the figure following.



Figure 2: Subdivision layout of Lot 128 South Western Highway

The subject site (Lot 3) contains a development comprising of three separate buildings associated with a previous development approval. This proposal now seeks some limited changes of use within those buildings. The following shows the current extent of development, which is still underway.



Figure 3: View of the subject site from the west (ie. Robertson Road)



Proposed Development

The proposal seeks to amend previous development approval as follows:

- The change of use of Units 1 and 2 from Warehouse to Light Industry.
- Change of use of Unit 5 from Light Industry to Warehouse.
- Change of use of Units 6 and 7 from Showroom to Health Studio.
- Amalgamation and change of use of Units 8 and 9 from Light Industry to Warehouse with the unit becoming Unit 8.
- Change of use of originally approved Unit 12 from Warehouse to Light Industry (to become Unit 11 with the amalgamation of Units 8 and 9).
- Where the units not mentioned above are concerned:
 - Units 3 and 4 will remain as originally approved (Light Industry).
 - Unit 10 remains as Warehouse (to become Unit 9 with the amalgamation of Units 8 and 9).
 - Unit 11 also remains as Warehouse (to become Unit 10 with the amalgamation of Units 8 and 9).

The main component of the proposal is changing the use of Units 6 and 7 from 'Showroom' to 'Health Studio'. 'Group training' classes are proposed to be conducted within Unit 6 with a maximum of 24 persons at any one time. 'Pilates' classes are proposed to be conducted within Unit 7 with a maximum of 10 persons at any one time. Group training and Pilates classes are not proposed to take place at the same time and there would be 10 minute intervals between classes. The hours of operation are proposed from 4.50am to 8.00pm on weekdays, 5.50am to 9.20am on Saturdays and 6.50am to 8.30am on Sundays.

The vehicle accessway and car parking area has been redesigned as part of the proposal resulting in the number of car parking bays being reduced from 46, as previously approved, to 44.



The proposed land use changes and car parking plans are depicted below.

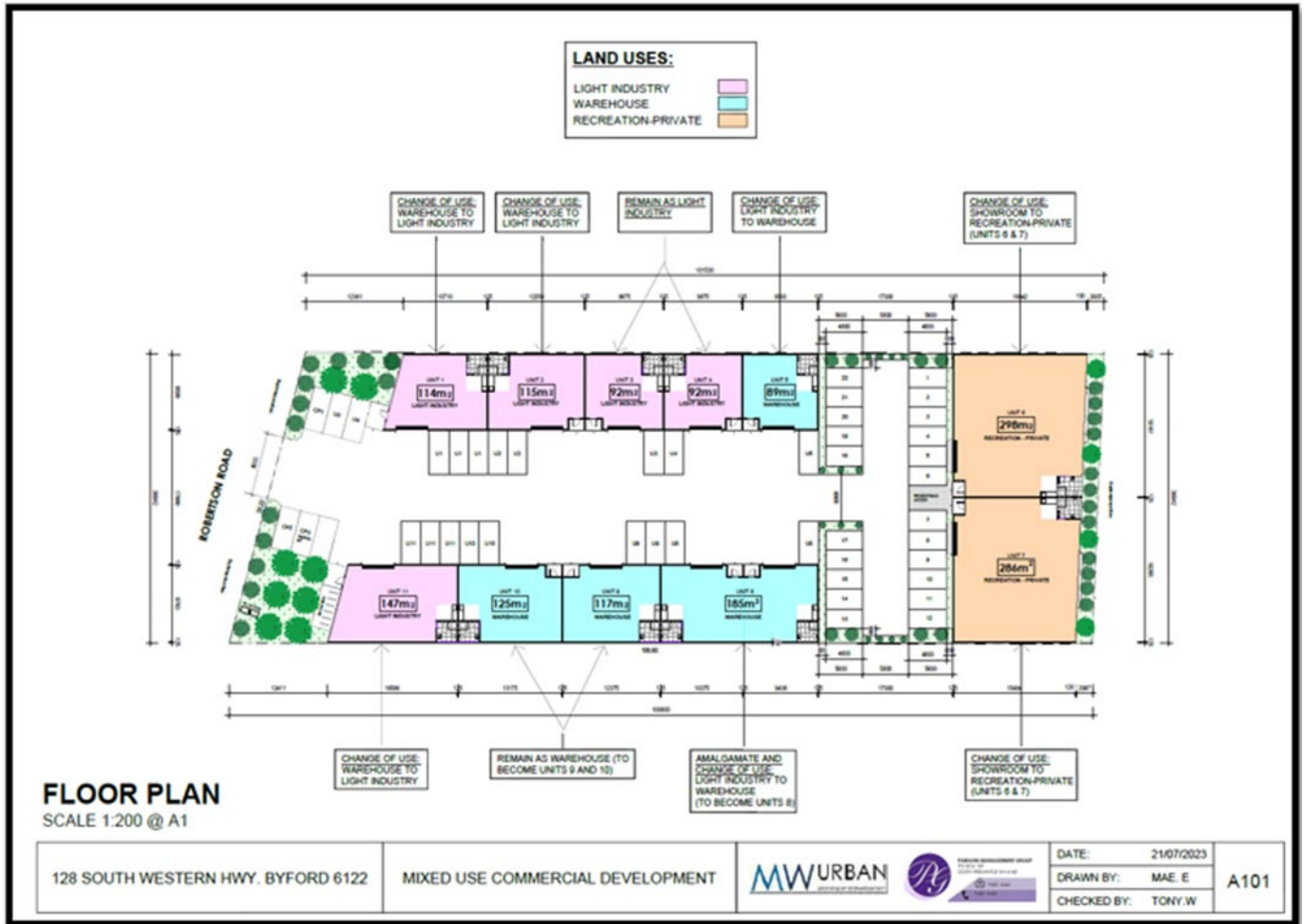


Figure 4: Land use plan

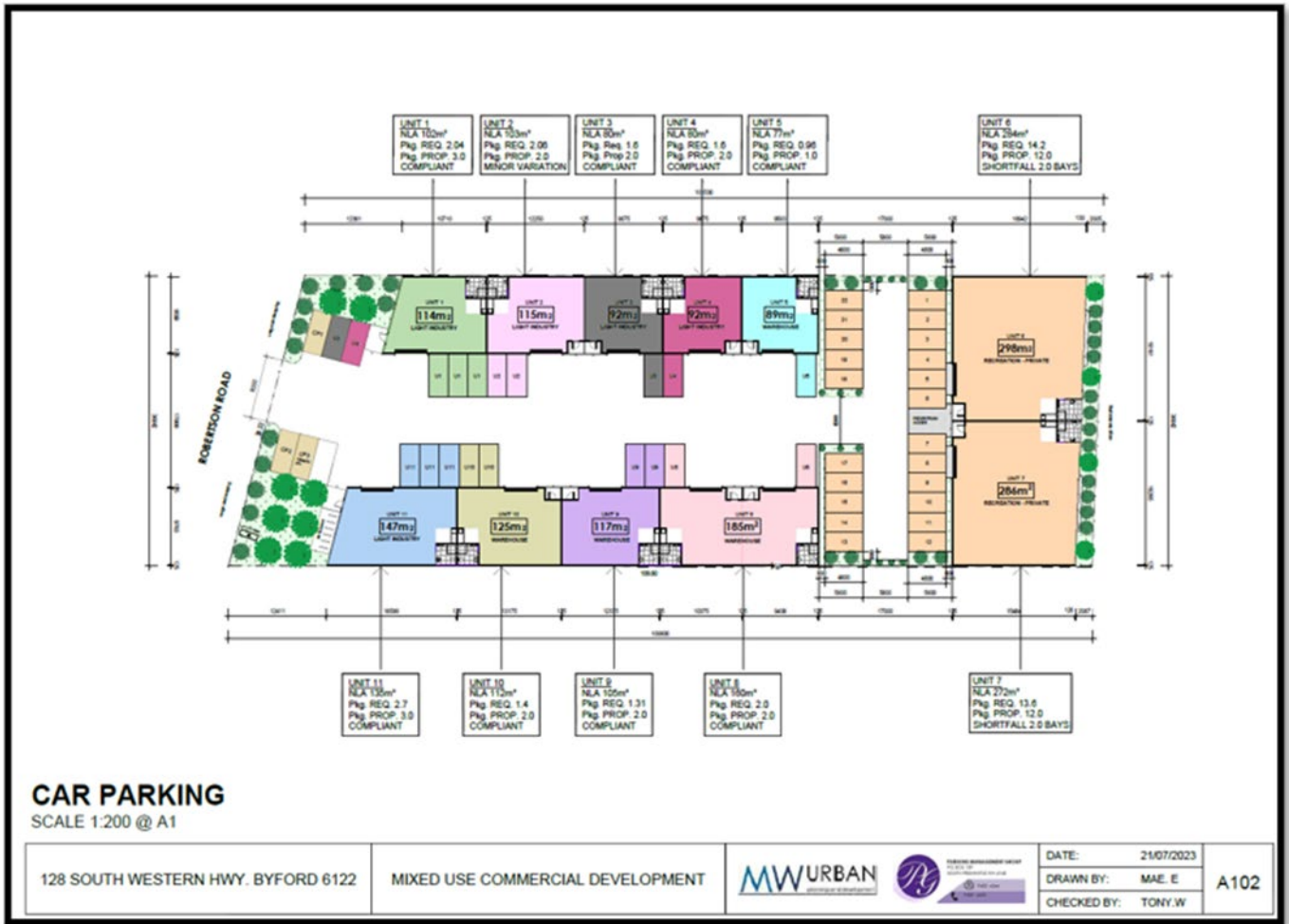


Figure 5: Car parking plan

The full details of the proposed development can be viewed within **attachment 1**.

Community / Stakeholder Consultation

The application was advertised to surrounding landowners within 400m radius of the site for a period of 28 days, in accordance with Local planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4). The application details were displayed on the Shire’s website for the same period.

During this period, four submissions were received objecting to the proposal. The concerns raised relate to the following issues:

- Noise impacts from early morning group classes;
- Removal of bushland and impact on fauna;
- Additional vehicular traffic, noise and pollution.

Main Roads Western Australia:

The application was also referred to Main Roads Western Australia (MRWA) due to the location of the development adjacent to a Primary Regional Road Reserve (South Western Highway).



A submission was received from Main Roads in support of the proposed development, subject to conditions in relation to restricting direct access from South Western Highway, signage and remediation works for any damage incurred to the road reserve during construction. The conditions recommended by MRWA are reflected in the Officer recommendation.

The issues raised through the consultation period have been addressed in detail further in this report. A summary of all the submissions with Officer comments can be viewed within **attachment 2**.

Statutory Environment

Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Metropolitan Region Scheme*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2*
- *Environmental Protection (Noise) Regulations 1997*

State Government Policies

- State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

Local Planning Framework

- Draft Local Planning Scheme No.3
- Local Planning Strategy
- Lots 1, 3 and 128 South Western Highway Local Structure Plan
- 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 (LPP4.15)
- Local Planning Policy 4.16 - Tree Retention and Planting (LPP4.16)

Planning Assessment

Clause 67 of the Deemed Provisions of the Scheme lists matters to be considered in the determination of development applications. A full assessment was carried out against the applicable matters relevant to this proposal and can be viewed within the Clause 67 Checklist contained within **attachment 3**. For the purpose of this report, the objections resulting in the proposal being presented to Council are discussed as well as where Council is required to exercise discretion.

Land Use

The proposal seeks to change the use of Units 6 and 7 for the purposes of group training and pilates classes. This is consistent with the TPS2 land use of 'Health Studio' defined as:

'Health Studio - means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation'.



The subject site is zoned 'Urban Development'. Within this zone development is generally guided by Structure Plans. The site falls within the Lots 1, 3 and 128 South Western Highway Local Structure Plan (LSP) and is designated 'Mixed Business'. Within the 'Mixed Business' zone under TPS2, a 'Health Studio' is a 'P' (permitted) use and therefore consistent with the intended use of land within the LSP area.

Draft Local Planning Scheme No. 3 - Land Use

Under the draft Local Planning Scheme No. 3 (LPS3), the subject site is located within the 'Service Commercial' zone. The proposal falls within the land use of 'Recreation - Private' under LPS3 which is defined as:

'Recreation Private - means premises that are -

- (a) used for indoor or outdoor leisure, recreation or sport; and*
- (b) not usually open to the public without charge'.*

Pursuant to LPS3, 'Recreation Private' is a 'D' use which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. The objectives of the 'Service Commercial' zone seeks:

- *To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.*
- *To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.*

The proposal is consistent with the above objectives, being located in an area designed to provide good vehicle access and opportunity for large building forms to accommodate (in this case) the organised class structures. Such uses, on the edge of town centres, also helps to preserve the finer grain relationship between buildings intended for town centres, with larger unrelated buildings kept for peripheral areas.

Lots 1, 3 and 128 South Western Highway Local Structure Plan

The LSP designates the site as 'Mixed Business' and provides requirements for the development of the area covered. As previously stated, a 'Health Studio' a 'P' (permitted) use in the 'Mixed Business' zone and therefore consistent with purpose of the zone.



Car Parking

Table V of TPS2 sets out the parking requirements for specific land uses. The car parking requirements for each use and number of car parking bays proposed are detailed in the table below.

Land use	TPS2 requirement	LPS3 requirement	Proposed	Compliance
Industry (TPS2) Light	1 space per 50 sqm gross leasable area: $560\text{sqm} \div 50\text{sqm} = \mathbf{11 \text{ spaces}}$	Based on site cover and setback controls	12 spaces	TPS2: Yes - surplus of 1 space LPS3: Yes
Health (TPS2) Studio Recreation (LPS3) Private	1 space per 15 sqm floor area available for the public: $584\text{sqm} \div 15\text{sqm} = \mathbf{39 \text{ spaces}}$	1 bay per 20sqm nla, 1 bay per 4 spectator seats and 1 bay per employee: $556\text{sqm} \div 20\text{sqm} = 28$ plus 2 staff = 30 spaces	22 spaces	TPS2: No - shortfall of 17 spaces LPS3: No - shortfall of 8 spaces
Warehouse (TPS2) Warehouse/Storage (LPS3)	1 space per 100 square metres gross leasable area: $516\text{sqm} \div 100\text{sqm} = \mathbf{5 \text{ spaces}}$	1 bay per 80sqm of NLA: $454\text{sqm} \div 80\text{sqm} = \mathbf{6 \text{ spaces}}$	7 spaces	TPS2: Yes - surplus of 2 spaces LPS3: Yes - surplus of 1 space
Totals	55 spaces	36 spaces	44 spaces (including 3 common property spaces)	TPS2: shortfall of 11 spaces LPS3: surplus of 8 spaces

With regard to the above analysis, there is a variation proposed to car parking under the current Scheme, however a surplus under the new Scheme which will be imminently approved and operational. Notwithstanding, the planning framework currently before the Shire requires consideration to whether a variation under the current Scheme is suitable.

In this regard, a variation is considered reasonable given that Units 6 and 7 to be used as a Health Studio will not operate at the same time and there will be 10 minute intervals between classes. Such will also operate outside the normal operating hours of the light industry, warehouse and showroom tenancies, creating opportunities for shared parking.

Furthermore, the car parking layout has provided three common property car spaces to the front of the development that can be used by all customers / visitors should no spaces be available for any individual unit within the mixed tenancy development.

Given the above, it is considered that a sufficient number of car parking spaces has been provided onsite for both the Health Studio and the other Light Industry and Warehouse uses and that on-street parking will not be required.



Traffic and Access

Access to the site is via one 8m wide crossover on Robertson Road. There are no changes proposed to the access as part of this application.

The application was accompanied with a Transport Impact Statement (TIS) to account for traffic impacts resulting from the development. The TIS builds on the Traffic Assessment undertaken as part of a previous stage of development, accounting for additional traffic volumes, site access and maneuvering within the site.

The TIS estimates the proposed development would result in an additional 312 vehicular trips per day, 63 of which would occur during the peak hour periods. The WAPC Transport Impact Assessment Guidelines for Developments (2016) sets out that an increase of less than 10% of capacity would unlikely impact on the capacity of a road network. These Guidelines state that an increase in 100 vehicles per hour for any lane and be considered as equating to around 10% of capacity. Based on this, the road network is considered to have an appropriate capacity to accommodate the proposal.

As part of the application, it is proposed to redesign the car parking area to create more parking bays for the health studios. As such, the bays have been reorientated from that previously approved.

Amenity

One submission received has raised concerns regarding music / noise from early morning (i.e. before 5.00am) group classes. The subject site is located within a mixed business precinct between the railway corridor to the west, South Western Highway to the east, and vacant commercial land to the north and south. The nearest residential area is located approximately 75m to the east on the opposite side of South Western Highway. Given these factors, noise generated by the Health Studio use will not have any adverse impact on the amenity of any residential area by way of noise. Also, a condition of approval is recommended and states "*The proposed operations, during and after construction, must comply with the Environmental Protection (Noise) Regulations 1997.*"

Local Planning Policy 4.15 - Bicycle Facilities Policy

LPP4.15 sets out those land uses that require the provision of bicycle parking facilities and provides a rate in which bicycle parking facilities are to be provided for each use, split between long term spaces (enclosed and secure spaces) and short term spaces (generic bike racks and the like). The policy provisions identify bicycle parking requirements for 'Health Studio', 'Industry Light' and 'Showroom' land uses but excludes 'Warehouse' land uses.

The proposal does not seek to alter bicycle spaces however it is proposed to relocate them from the frontage on the northern side of the vehicle accessway to the southern side. Given the context of the site, accessible only from South Western Highway, and nature of uses proposed, Officers consider the proposed bicycle parking facilities to be acceptable.



Options and Implications

Option1

That Council APPROVES the development application for a Change of Use (including Showroom to Health Studio) at Lot 128 South Western Highway, Byford, as contained within **attachment 1** in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions:

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

Plans and Specifications	<p>P1 and P2 (Development Plans) received at the Shire's Offices on 25 July 2023</p> <p>Transport Impact Statement prepared by Urbii Consulting Pty Ltd, dated July 2023</p> <p>Bushfire Management Plan prepared by Emerge Associates, dated July 2021</p>
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2. The proposed operations, during and after construction, are required to comply with the Environmental Protection (Noise) Regulations 1997.
3. The carpark must:
 - a. be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;
 - b. include 44 bays, all of which are appropriately signed and marked to show their intended use;
 - c. include one car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1 - 2009, Design for access and mobility, Part 1: General Requirements for access - New building work;
 - d. be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - e. have lighting installed, prior to the occupation of the development.
4. A Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads. The Strategy shall demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs and include information to demonstrate:
 - a. Signage shall not be electronic / digital format;
 - b. Any proposed illumination of signage must not exceed 300cd.m² (candela per square metre) between sunset and sunrise;
 - c. The proposed signage must not flash, pulsate or chase; and
 - d. The device must not contain fluorescent, reflective or retro reflective colours or materials.

Once approved, signage shall be displayed and maintained in accordance with the strategy.



5. No vehicle access shall be permitted onto the South Western Highway road reserve. All vehicular access shall be via Robertson Road.
6. Any vehicle crossover(s) or gates to South Western Highway are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or to the specifications of the local government.
7. The Bushfire Management Plan section 5.1.2.2 being amended to refer to "local roads", rather than "public roads".
8. The landowner/ applicant shall make good any damage to the existing verge within the South Western Highway road reserve.
9. No earthworks shall encroach onto the South Western Highway road reserve.
10. Stormwater discharge (if any) shall not exceed pre-development discharge to the South Western Highway road reserve.

Option 2

That Council REFUSES the proposed development on the basis that there is a slight car parking shortfall associated with the current Scheme requirement.

Option 1 is recommended.

Conclusion

The proposed development seeks approval for the change of use from 'Showroom' to 'Health Studio' to Units 6 and 7, Lot 128 South Western Highway, Byford. The application also includes relocating of 'Light Industry' and 'Warehouse' land uses within the development. The site is located in an area designated as 'Mixed Business under an approved LSP. The proposal is considered consistent with the planning framework and it is recommended that Council approve the application.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Development Plans (E23/10685)
- **10.1.4 - attachment 2** - Summary of Submissions (E23/8919)
- **10.1.4 - attachment 3** - Clause 67 Checklist (E23/10372)
- **10.1.4 - attachment 4** - Transport Impact Statement (E23/10779)
- **10.1.4 - attachment 5** - Bushfire Management Plan (E23/10686)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This Option does not raise any significant risks that have not otherwise been addressed through conditions.						
2	Council REFUSUS the development, which results in a review to the SAT which creates direct financial impacts on the Shire.	Planning Framework	Reputation	Possible	Minor	MODERATE	Ensure that reasons for refusal reflect valid planning matters only.

Voting Requirements: Simple Majority

OCM234/09/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council **APPROVES** the development application for a Change of Use (including Showroom to Health Studio) at Lot 128 South Western Highway, Byford, as contained within attachment 1 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions:

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

Plans and Specifications	<p>P1 and P2 (Development Plans) received at the Shire's Offices on 25 July 2023</p> <p>Transport Impact Statement prepared by Urbii Consulting Pty Ltd, dated July 2023</p> <p>Bushfire Management Plan prepared by Emerge Associates, dated July 2021</p>
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2. The proposed operations, during and after construction, are required to comply with the *Environmental Protection (Noise) Regulations 1997*.

3. The carpark must:



- a. be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;
 - b. include 44 bays, all of which are appropriately signed and marked to show their intended use;
 - c. include one car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1 - 2009, Design for access and mobility, Part 1: General Requirements for access - New building work;
 - d. be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - e. have lighting installed, prior to the occupation of the development.
4. A Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads. The Strategy shall demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs and include information to demonstrate:
- a. Signage shall not be electronic / digital format;
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 - c. The proposed signage must not flash, pulsate or chase; and
 - d. The device must not contain fluorescent, reflective or retro reflective colours or materials.
- Once approved, signage shall be displayed and maintained in accordance with the strategy.
5. No vehicle access shall be permitted onto the South Western Highway road reserve. All vehicular access shall be via Robertson Road.
 6. Any vehicle crossover(s) or gates to South Western Highway are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or to the specifications of the local government.
 7. The Bushfire Management Plan section 5.1.2.2 being amended to refer to "local roads", rather than "public roads".
 8. The landowner/ applicant shall make good any damage to the existing verge within the South Western Highway road reserve.
 9. No earthworks shall encroach onto the South Western Highway road reserve.
 10. Stormwater discharge (if any) shall not exceed pre-development discharge to the South Western Highway road reserve.

CARRIED UNANIMOUSLY 7/0



10.1.5 - Byford Train Station and Associated Infrastructure Development Application - Lot 101 and 34 Evans Way, Lot 1 Abernethy Road and Lot 103 Bushman Glade, Byford - PA23/609

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent: MetConnx Alliance
 Owner: Shire of Serpentine Jarrahdale (L103), Public Transport Authority WA (L101 and 34), ARD No.5 Pty Ltd (L1)
 Date of Receipt: 9 August 2023
 Town Planning Scheme No. 2 Zoning: Urban Development
 Metropolitan Region Scheme Zoning: Planning Control Area 164

Report Purpose

The purpose of this report is for Council to consider an application for development approval submitted by MetConnx Alliance for the Byford Rail Extension. This project takes place across Lot 101 Evans Way, with associated incidental infrastructure on Lot 1 Abernethy Road, Lot 34 Evans Way and Lot 103 Bushman Glade, Byford. The Western Australia Planning Commission (WAPC) are the decision-maker, by virtue of the subject land being designated within a Planning Control Area. The Shire has been referred the application for comment and recommendation to the WAPC.

The development is in part a culmination of work undertaken regarding design, road connectivity and infrastructure requirements that has occurred over the last three years. As explained in this report, however, there remain elements that require further work in order to reflect the expectations set through the local planning framework.

The application is presented to Council to endorse the recommendation and conditions to be sent to the WAPC.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.



Background

Lot 101 Evans Way is zoned 'Urban Development' under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2) and is approximately 8ha in size. The site is vacant and free of vegetation. The site is designated 'Mixed Use' within the Byford Town Centre Structure Plan and falls within the Metronet Station Precinct within Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines.



Incidental associated infrastructure such as roads, and new pedestrian paths are proposed to be constructed on Lot 1 Abernethy Road and Lot 103 Bushman Glade, Byford.

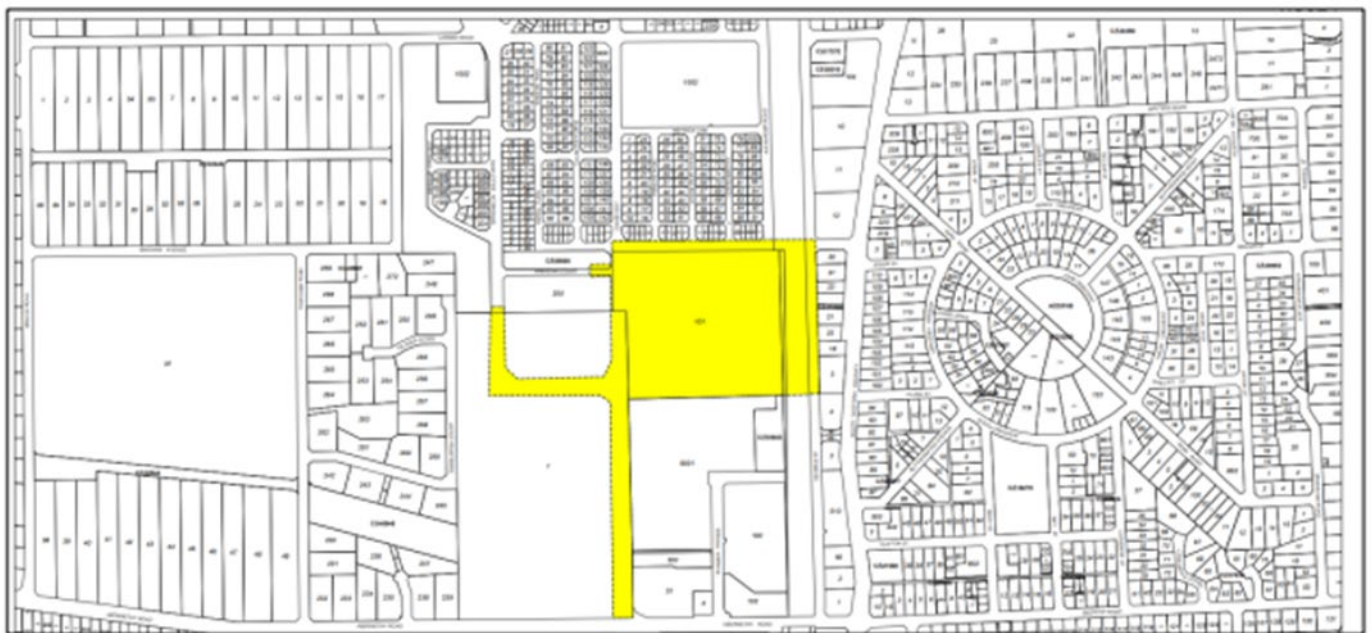
Lot 1 is zoned 'Urban Development' under TPS 2 and is approximately 19ha in size. The site has several designations under the Byford Town Centre Structure Plan, being 'Residential', 'Highway Commercial' and 'Commercial'. The site is also located within the 'Residential Precinct' of Local Planning Policy 3.8: Built Form Guidelines. The site is vacant and does not comprise of vegetation.



Lot 103 Bushman Glade is zoned 'Urban Development' under TPS2 and is approximately 7,000sqm in size. The site is designated 'Community and Public Purpose' under the Byford Town Centre Structure Plan and 'Commercial' under Local Planning Policy 3.8: Byford Town Centre: Built Form Guidelines.

The site adjoins residential development to the north and west, commercial development to the east and south. It adjoins land reserved as 'Railway' under the Metropolitan Region Scheme (MRS) which will also be upgraded as part of the overall train station works. Lot 34 is also reserved 'Railway' under the MRS.

On 22 June 2022 a Planning Control Area prepared under Section 112 of the *Planning and Development Act 2005* was declared over the sites to allow the future reservation of land for the purposes of 'Railway' under the MRS as captured following:



Planning Control Area

The development falls within the PCA area, which as a planning instrument under the *Planning and Development Act 2005* places decision making responsibilities in respect of development applications with the WAPC.

The Shire has been involved in consultation with the State Government for a period of time relating to the delivery of the train station. Amongst several things, the Shire has engaged strongly to effect a number of project based outcomes, including:

- advocacy for grade separated rail;
- advocacy for coordinated infrastructure provision (particularly roads and paths) to enable a fully connected and accessible station precinct;
- advocacy for an effective civic and station design, with particular focus upon:
 - o the design quality of the Station Plaza;
 - o the Station Plaza interface with the public purpose reserve and Health Hub;
 - o the urban realm treatments of key streets within the station main street precinct;



- urban tree canopy creation especially along roads and throughout the Plaza, that need to support pedestrian connectivity through enabling a safe and shaded pedestrian experience;
- ensuring students and parents of Marri Grove Primary School are not left disconnected as a result of the Larsen Road rail crossing;
- ensuring new connectivity is created to fully replace that which will be lost by the closure of Larsen Road and the position of the State Government to deliver an at grade rail solution;
- ensuring safety in design and active crime prevention strategies in the station layout;
- ensuring community feedback is taken on board and used to inform detailed design elements like the Plaza space.

Many of these elements have been successfully secured, whereas some have not. This report in part deals with formulating a recommendation that will effect the necessary outcomes needed for a quality station development and precinct for the community.

As briefed to Councillors by the applicant and State Government representative, the application proposes an at grade Byford rail solution.

Proposed Development

The application proposes the following elements, with Plans contained in **attachment 1**. The following contains a summary of justification provided by the applicant in respect of key elements:

Train Station Building

The design of the station building maintains a key emphasis on functionality and space flexibility, to reflect the look and feel of the place-based aspects of Byford. The architectural design has considered the locality, key movement routes and overall a holistic approach whereby the station building aims to form an integral part of the town centre and surrounding context. The station is delivered 'at grade'.

Station Platforms

As part of the proposal, three platforms are planned to be constructed. The eastern pair service the metropolitan line, while the western services the Perth to Australind service. At grade pedestrian crossings at the southern end of the station building enable the designed platform to be accessed.

Canopies

A landmark entrance canopy has been designed to unify the platform areas and provide a protected space across the rail crossing. Beyond this a series of linking canopies provide a pathway for commuters, making the transition from the bus interchange to the platforms using the main entrance canopy.

Bus Interchange

A bus interchange provides access to local and regional bus services to the west of the station. Buses will circulate through interchange in a counter-clockwise arrangement, with access from a new road created to connect to Evans Way. The bus interchange incorporates the following:

- Four standard bus bays (for rigid bus sizes);
- Three standard bus bays (for articulated bus sizes);



- Three layover bus bays (for rigid bus sizes);
- One TransWA bus bay.

New Plaza

The Plaza is focused on providing a spacious, uncluttered space that offers flexibility for events, markets and food trucks. With the inclusion of tall, clear trunked trees, the Plaza offers shade, shelter, and unobstructed sightlines, enhancing both the safety and comfort of the area.

The area seeks to serve as a vibrant and activated space, promoting community engagement and a sense of inclusivity. Its open design and the presence of a seating wall edge creates an occupiable boundary encouraging people to gather, relax and participate in various activities.

Station Forecourt

The Station Forecourt is the area directly in front of the station entrance. It serves as a transition space between the precinct and the station building, providing an entry point for commuters

Principal Shared Path (PSP)

The PSP along the west side of the rail line will serve as a cycling linkage, connecting Armadale to the north and to Abernethy Road to the south. A grade separated crossing at Larsen Road and an at grade crossing at Clara Street West will improve the east-west connectivity across the rail line for pedestrians also.

Park and Ride

Access to the park and ride is accessed from a new road connected to Evans Way. The park and ride area allows for 409 bays across a range of different parking types as follows:

- 401 standard bays;
- Four electric vehicle bays - long stay;
- Four accessible parking bays.

Additionally, the spatial planning for this area considered the potential future demand for parking. When the need arises, the PTA has identified the ability to expand the parking facilities by 121 extra bays to accommodate additional vehicles.

Kiss and Ride

Access to the kiss and ride parking area is from a new road connected to Evans Way. This area includes 35 bays across a range of different parking types as follows:

- 10 short term bays;
- Eight kiss and ride bays;
- Two accessible bays;
- One taxi bay;
- Four PTA service bays;
- Two emergency bays;
- One tenancy bay;
- Six motorcycle bays.



Bicycle Parking

Two undercover secure bicycle parking areas are proposed. A standard PTA secure bike shelter is proposed east of the station building entry, with an internal secure bike storage area proposed within the western station building. Bicycle parking provides secure parking for:

- 60 bicycle spaces (eastern bike storage);
- 136 bicycle spaces (western bike storage - in station building).

New Roads and Infrastructure (including road treatments)

The road networks to be constructed as part of this development to support the appropriate functioning of the new rail and bus facilities include:

- The construction of Sansimeon Boulevard (south), north of Abernethy Road to form the northern leg of the roundabout at Abernethy Road/Gordin Way;
- The existing Sansimeon Boulevard (west) will be extended south and deviate to the east to intersect the new north-south section of Sansimeon Boulevard (south) through to Abernethy Road;
- A roundabout will be constructed at the intersection of the two Sansimeon Boulevard links;
- From the new roundabout, Evans Way will extend to the north and connect into Padra Turn/Evans Way to form a four-way intersection. This section of Evans Way will provide access to Byford Station via an access road;
- Clara Street will be constructed to the east across the rail line and connect into George Street. The section of Clara Street (west) will have a secondary access to the station (left in/out only) via Plaza Road.

These road inclusions, overlaid on the adopted Structure Plan, are shown following:

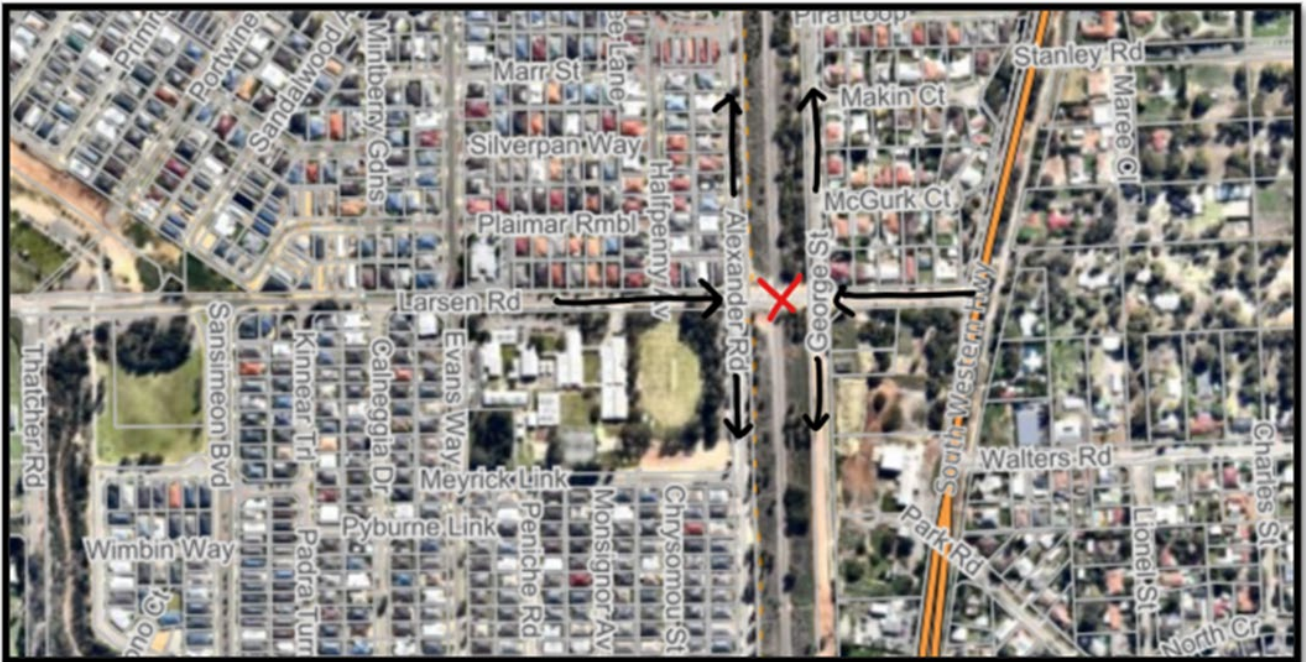


Highlighted areas form road infrastructure being delivered



Road treatments showing Station context

As mentioned, Larsen Road is to be closed by the project. This creates a significant change for accessibility throughout Byford and the town centre. This will require a high degree of adjustment by the community, and central to this adjustment was having a replacement road network fully developed to maintain accessibility and connectivity. Officers noted a number of times throughout the project, that a grade separated solution would have enabled greater community connectivity, such as via Larsen Rd remaining connected.

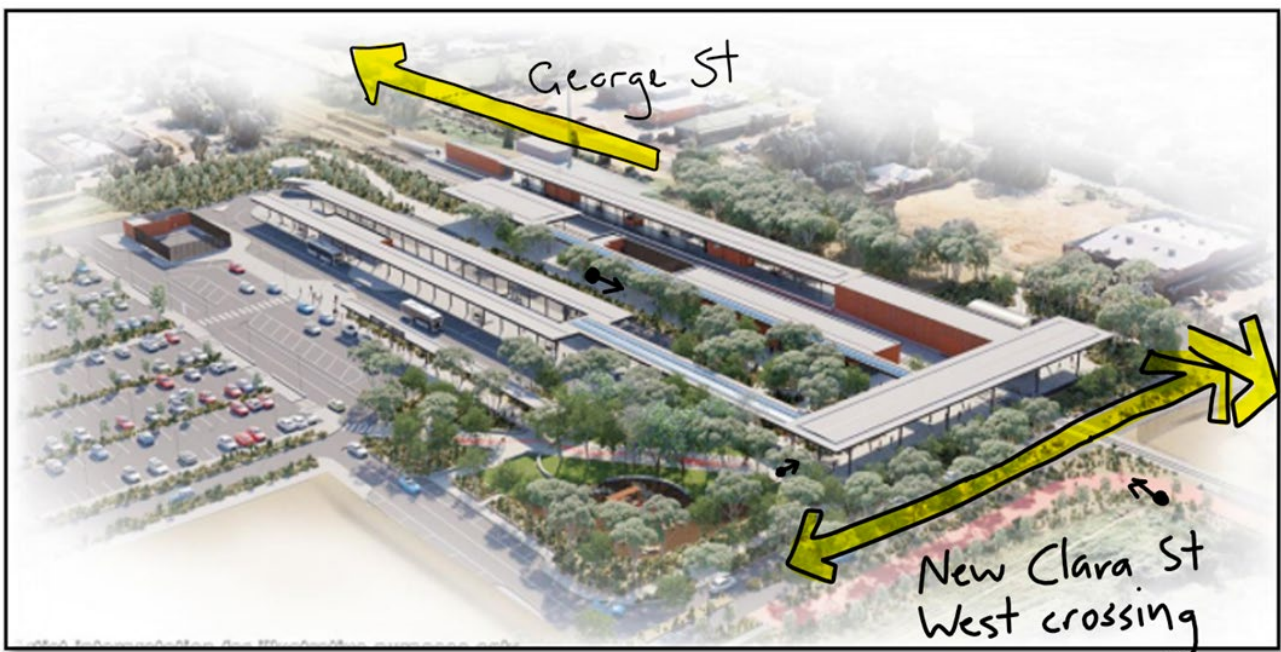


Larsen Road crossing removal

East west road connectivity of the rail, will therefore be:

- Thomas Road bridge over rail;
- Clara Street West at grade crossing immediately south of the station building (metropolitan trains terminate on the north side of this crossing, and the only crossing trains will be the limited Perth to Australind rail service);
- Abernethy Road at grade crossing (existing).

In terms of precinct layout, the following artist impression has been provided. Some further markups have been added to assist in orienting:



Artist Perspective



Concourse Level - East Facing



Canopies-South Facing

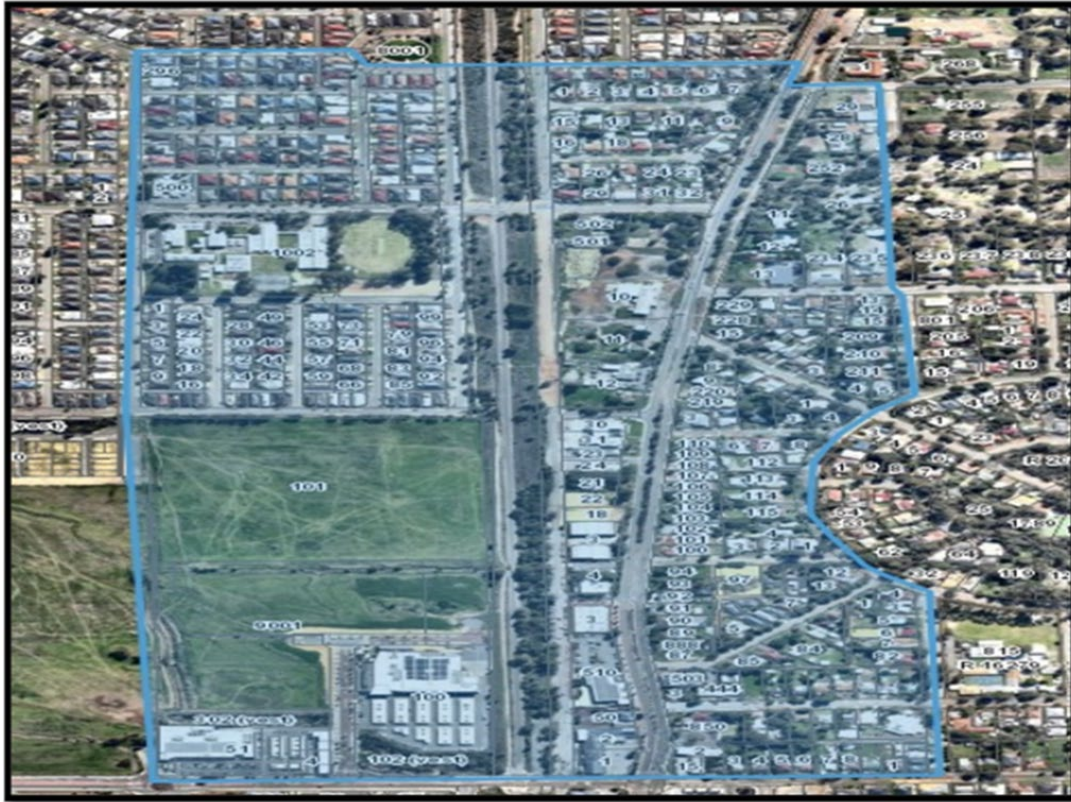


Entrance Canopy - North Facing

Community / Stakeholder Consultation

The Shire was advised that comprised of:

- a letter to nearby landowners (refer image following);
- adverts in the local paper;
- digital copy of the development application available for viewing on the DPLH website;
- a survey on the DPLH website for public submissions to be made;
- physical copies being made available at DPLH and Shire Offices.



Direct mailout

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 Areas
- State Planning Policy 5.4 - (Road and Rail Noise)

Local Planning Framework

- Draft Local Planning Scheme No. 3 (LPS3)
- Local Planning Strategy
- Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines
- Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines
- Byford District Structure Plan
- Byford Town Centre Local Structure Plan
- Local Planning 4.15: Bicycle Facilities Policy
- Local Planning 4.15: Bicycle Facilities Policy



Planning Assessment

An assessment has been undertaken in accordance with section 67 of the *Planning and Development Regulations 2015*.

Town Planning Scheme No. 2 (TPS2)

Under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2), the development would fall within the use class of 'Civic Building' which is defined as

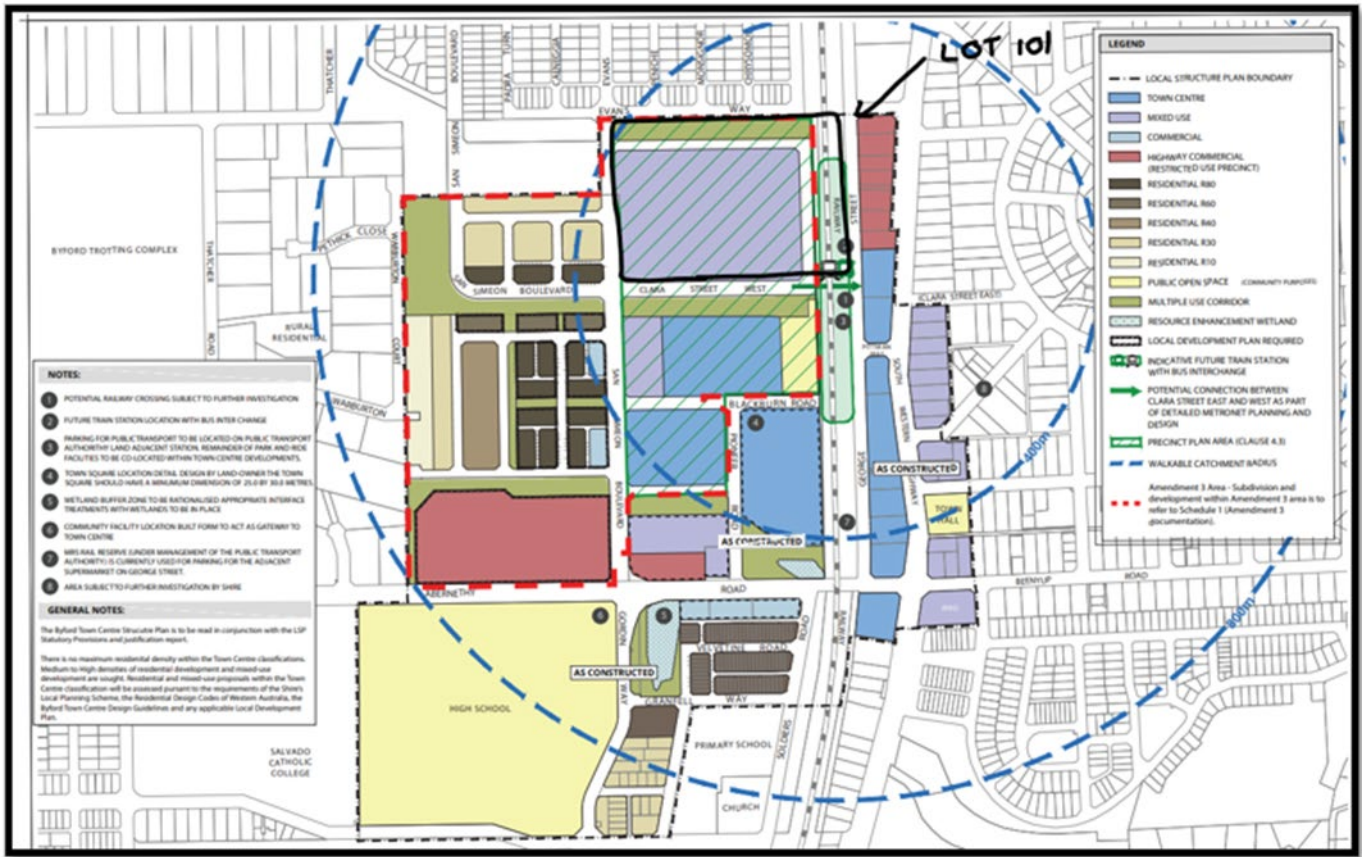
“means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council as offices for administrative or other like purposes.”

The development is considered to fall within this use class as it is to be used by the Public Transit Authority which is 'an instrumentality of the crown'.

Lot 101 Evans Way is zoned 'Urban Development' under TPS2. Development within the 'Urban Development' zone is guided by Structure Plans. The site is designated by way of hatching within the Byford Station Precinct for the town centre, with this also integrated with mixed use, retail, commercial and high density residential development outcomes. This is also reflected by the Byford Town Centre Local Structure Plan, showing the station precinct and mixed use designation. The two Structure Plans showing the land in question is as follows:



Byford District Structure Plan



Byford Town Centre Structure Plan

In terms of the objectives of the 'Mixed Use' zone, TPS 2 states as follows:

5.25.1 The purpose and intent of the 'Mixed Use' zone is to provide for a variety of commercial and residential land uses in a complimentary and co-located manner, often in a mixed use format. Development in the zone may provide a transition between intense activity centre development and surrounding residential areas, or for the purposes of minor local commercial development sites in residential areas. Residential development should allow for future conversion into mixed use development.

The development is considered to be consistent with the objective, as the proposal will provide opportunities to activate the precinct and attract new commercial and higher density residential development. The development also creates new east west town centre connectivity, via Clara Street West.

Once the development has been constructed, the Public Transport Authority (PTA) will undertake a Metropolitan Region Scheme amendment to rezone the station elements as 'Railway'.

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

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."



The site is designated 'District Centre' under LPS 3. The objectives of the 'District Centre' are as follows:

- Provide a community focal point for people, services, employment and leisure that are highly accessible and do not adversely impact on adjoining residential areas;
- Provide a broad range of employment opportunities to encourage diversity within the Centre;
- Ensure a mix of commercial and residential development which provides for activity and accessibility at the street level and supports the provision of public transport and pedestrian links.

The proposal is consistent with the new Scheme, insofar that it anchors the highest quality public transport service available to the Shire, within the District Centre. This will be an important element to activating the centre, and attracting the intended forms of primary and secondary mixed land use.

Development introduces a community focal point for people and encourages a broad range of employment opportunities within the centre. Furthermore, under the Transport section of the LPS, it states:

"A key component of providing effective transport connections involves improvements to the provisions and frequency of public transport. The first stages of Metronet include building the railway extension from Armadale to Byford. This will significantly improve the public transport network to connecting a larger demographic of population, including those who do not drive as well as offering convenience, reduced travel times and less traffic congestion and green house gas emissions "

The proposal is aligned within this.

Local Planning Policy 3.8 - Byford Built Form Guidelines

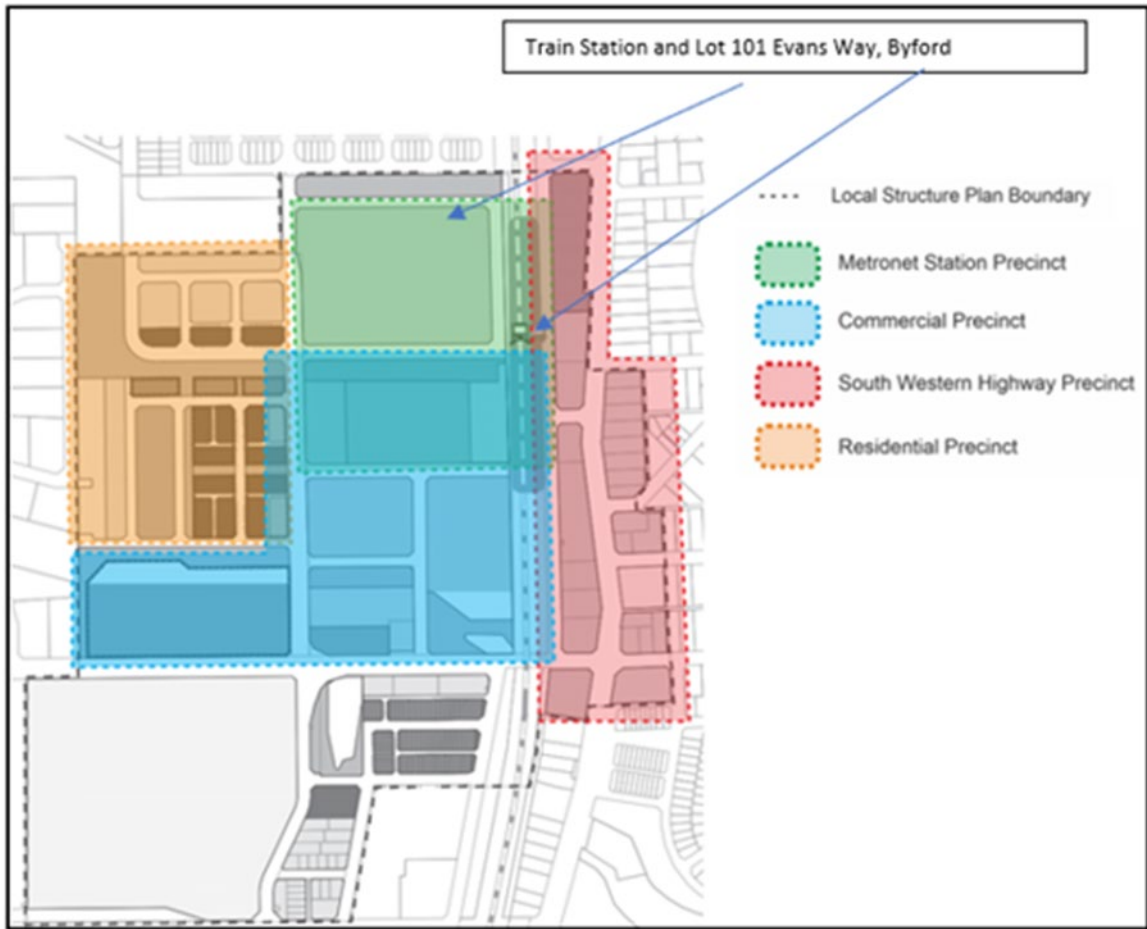
The site falls within the 'Metronet Precinct' of the policy. The vision for the precinct within the policy states as follows:

- The Metronet Precinct has as its core a passenger railway station (including bus interchange) and associated development precinct in accordance with a Byford Metronet vision. Land uses within this precinct may include library, community and innovation centre, town square, allied health, TAFE and technical skills education hub. The station is a key opportunity to facilitate the desired collaboration between the landowner, State Government and community and the local government in delivering what would be an exceptional precinct for the community.

The most relevant provisions of the policy are as follows:

- Metronet Precinct should be connected to the surroundings and provide high quality public areas for people to gather and human scale architecture to frame streets and public areas. Urban forest canopy coverage should be the essential theme of the streetscape and provide shade to pedestrian, create a buffer between road users and pedestrian.

The development is considered to meet the vision and objective of the policy, as it seeks to deliver a train station which provides for a connected town centre and pedestrian environment. Land has been set aside for future mixed use, civic and/or community purposes, in addition to the Shire's community purpose site that will include the Byford Health Hub. Conditions are recommended to address improvements in certain design elements however, which need to be imposed to ensure the effective design outcome is reached.



Local Planning Policy 3.8: Byford Town Centre Built Form Guidelines-Precincts

Noise

An assessment of environmental noise has been undertaken. Predicted noise emissions from the station have been compared with targets derived from the *Environment Protection (Noise) Regulations 1997* (the Regulations). The predicted results indicate generally that external emissions from the proposed train station and associated station facilities are suggested to be compliant with the assigned levels of the Regulations, at all existing and future noise sensitive receptors.

Officers note, however, that in respect of train noise, there will be a significant amenity change driven by the project. Significantly higher train movements, will create significantly different amenity levels, and it is not clear the degree to which this needs further intervention (such as through noise walls). This is particularly a concern for residential communities shown following:



Area of concern for noise impact

A condition is recommended to be imposed to require a detailed noise amenity impact to be prepared, showing how existing noise levels will change as a result of the project, and whether this will require the provision of noise walls by the project consistent with SPP5.4.

The proposed new bus interchange is designed with a significant distance of approximately 50 metres from the nearest existing residential properties. As a result, it is not anticipated that the bus interchange will contribute to excessive noise levels at these nearby residential areas,

The proposed park and ride carpark will have a total of 409 bays on opening (35 kiss and ride), with expansion in the future by another 121 bays. The predicted noise levels were modelled, and achieved compliance with the assigned noise levels of the Regulations.



In respect of patrons, the station layout is designed in such a way that the passenger waiting area on the platform, waiting areas, and pick-up points are located at distances exceeding 80m from residences and open environments. This has been modelled to show compliance with noise levels.

State Planning Policy 5.4 - Road and Rail Noise

The purpose of SPP 5.4 is to minimise the adverse impact of road and rail noise on sensitive land use and/or development within the specified trigger distance of strategic freight and major routes and other significant freight and traffic routes. It ultimately seeks to ensure that the community is protected from unreasonable levels of transport noise, while also ensuring the future operations of these transport corridors.

The trigger distance for passenger railways is as follows:

Transport corridor classification	Trigger distance	Distance measured from
Roads		
Strategic freight and major traffic routes Roads as defined by Perth and Peel Planning Frameworks and/or roads with either 500 or more Class 7 to 12 Austroads vehicles per day, and/or 50,000 per day traffic volume	300 metres	Road carriageway edge
Other significant freight/traffic routes These are generally any State administered road and/or local government road identified as being a future State administered road (red road) and other roads that meets the criteria of either ≥ 100 Class 7 to 12 Austroads vehicles daily or $\geq 23,000$ daily traffic count (averaged equivalent to 25,000 vehicles passenger car units under region schemes).	200 metres	Road carriageway edge
Passenger railways		
	100 metres	Centreline of the closest track
Freight railways		
	200 metres	Centreline of the closest track

SPP 5.4 sets noise targets to be achieved to ensure appropriate indoor and outdoor noise levels can be achieved to ensure a high degree of amenity can be maintained. The targets are as follows:



Proposals	New/upgrade	Noise targets		
		Outdoor		Indoor
		Day (L _{Aeq} (Day) dB) (6 am–10 pm)	Night (L _{Aeq} (Night) dB) (10 pm–6 am)	(L _{Aeq} dB)
Noise-sensitive land-use and/or development	New noise-sensitive land-use and/or development within the trigger distance of an existing/proposed transport corridor	55	50	L _{Aeq} (Day) 40 (living and work areas) L _{Aeq} (Night) 35 (bedrooms)
Roads	New	55	50	NA
	Upgrade	60	55	NA
Railways	New	55	50	NA
	Upgrade	60	55	NA

The development proposed falls within the 'major upgrade classification' of SPP 5.4 which is as follows:

- A proposed realignment, either inside or outside the existing rail corridor;
- A trail track duplication;
- Works that are likely to adversely affect a noise sensitive land use, such as the installation of switches, turnouts, signalling systems spurs or passing loops, the modification to the track support structure, crossover, refuges, and relief lines.

The applicant seeks to conduct a future comprehensive assessment of railway noise, with the undertaking to ensure noise is appropriately managed. Officers do not agree with this approach, and while it is acknowledged that works within rail corridors are not required to obtain a development approval, there is a clear need to document noise impacts in order to determine whether additional built controls (such as noise walls) are needed to protect the amenity of the local community.

A condition is recommended to be imposed to require a detailed noise amenity impact to be prepared, showing how existing noise levels will change as a result of the project, and whether this will require the provision of noise walls by the project consistent with SPP5.4.

Built Form

Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines

The Byford Town Centre LSP area has been divided into four precincts. The policy has been prepared to assist in realising the development vision and objectives for the Byford Town Centre. As previously advised, the site falls within the Metronet Precinct. The proposed development has been assessed against the broader provisions of the specific precinct as follows:



<p>The Metronet Precinct should be connected to the surroundings and provide high quality public areas for people to gather and human scale architecture to frame streets and public areas. Urban forest canopy coverage should be the essential theme of the streetscape and provide shade to pedestrians, create a buffer between road users and pedestrians and help to mitigate heat island effect.</p>	<p>Byford Station is connected to its surroundings and prioritises the creation of high-quality public areas for community gatherings. The station design incorporates human-scale architecture that frames streets and public spaces, creating a visually appealing and comfortable environment for pedestrians. The concept of an urban forest canopy coverage is central to the streetscape design, with a focus on incorporating trees and vegetation that provide shade to pedestrians. The Plaza detail, while conceptually appearing to be acceptable, is a concern for Officers as the lack of detail could result in a Plaza that does not achieve a high quality civic domain. Further, main street road treatments are also inadequate under the current Plans, and these issues need conditions in order to address the expected design outcome.</p>
<p>On the main street leading to the training station, architecture should remain the same proportions and repeat some elements, shapes, materials, maintain the line of window rows and the same height of surrounding buildings.</p>	<p>The station building incorporates brick finishes that carefully match the colour, texture and visual qualities of the natural surroundings seamlessly integrating the structure with the aesthetics of the Darling Scarp. Other examples include the soffits of the veranda spaces, and feature timber look panels to elevate the rural characteristics of the Shire.</p>
<p>Vertical articulation is encouraged for taller structures, to assist in grounding the building within the streetscape. Upper floors can have an extra setback to maintain the human scale and create verandas contribution to passive surveillance of the street. A variety of materials and articulated forms to break up overall building mass is recommended.</p>	<p>The design of Byford Station considers the specific scale, massing and height of the surrounding urban environment, through its distinctive architectural elements. The station's built form comprises a series of linear canopies that cover under the entry roof structure. As the highest built element, the entry roof serves as a prominent marker, signalling the station's entrance from both east and west approaches while providing a focal point for orientation and wayfinding.</p> <p>The entry roof canopy serves multiple purposes, offering shelter for movement through the station and creating an inviting indoor-outdoor threshold space that encourages congregation. This design approach not only achieves functional objectives but also adds a sense of character and identity to the station, exemplifying a thoughtful integration of built form and scale.</p>



Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines

The policy seeks to facilitate and coordinate desired public realm outcomes within the Byford Town Centre. An assessment of the broader objectives of the policy is as follows:

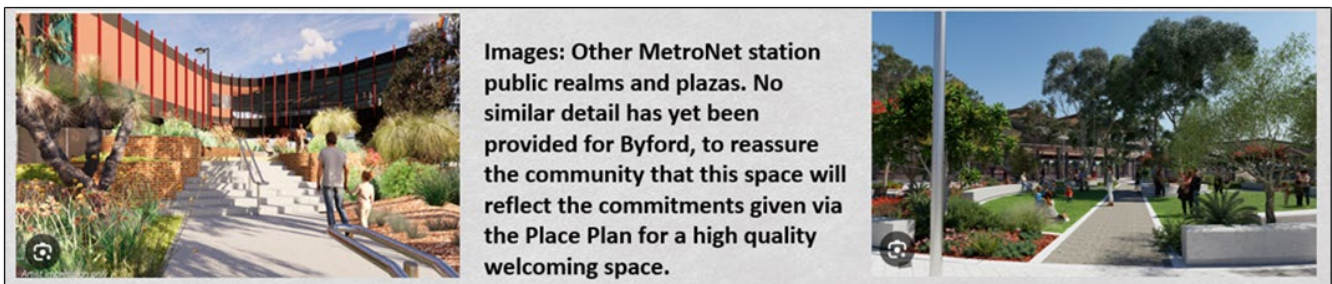
<p>A vibrant and integrated District Centre</p>	<p>Byford Train Station embraces a mixed-use development approach, for future blending residential, commercial and retail spaces within the district centre. It aims to achieve well designed public spaces and Plazas, serving as gathering points for community activities and events.</p> <p>By combining mixed-use development, public spaces, community facilities, local business support and active street frontages, Byford Station will create a vibrant and integrated district centre. This fosters a strong sense of community, enhanced economic activity and promote social interactions, contributing to a thriving and cohesive urban environment.</p> <p>As mentioned above, the Plaza detail, while conceptually appearing to be acceptable, is a concern for Officers as the lack of detail could result in a Plaza that does not achieve a high quality civic domain. Further, main street road treatments are also inadequate under the current Plans, and these issues need conditions in order to address the expected design outcome.</p>
<p>Identifiable Character and Distinct Sense of Place</p>	<p>Byford Station offers a distinct character and a strong sense of place through its architectural design, contextualisation with the local environment, incorporation of public art and landscaping. The architecture reflects the surrounding area and utilises materials and colours that elevate the rural themes of the Shire.</p> <p>By providing gathering spaces and amenities (such as the Plaza), the proposed development encourages social interaction. Through these elements, Byford Station establishes itself as a distinct and vibrant hub that reflects the local community and creates a strong district sense of place.</p> <p>Similar to the above, the Plaza detail, while conceptually appearing to be acceptable, is a concern for Officers as the lack of detail could result in a Plaza that does not achieve a high quality civic domain. Further, main street road treatments are also inadequate under the current Plans, and these issues need conditions in order to address the expected design outcome.</p>
<p>A Safe Pedestrian and Transit Orientated Place</p>	<p>The extension of Sansimeon Boulevard and the connection of Clara Street West with the eastern Town Centre include legible crossing points and station access, ensuring a natural passage for people. Activation of the Welcome Place through future development opportunities</p>



	<p>provides passive surveillance. It emphasises open sight lines, enhancing visibility and creating a sense of openness contributing to a safer environment.</p> <p>The proposal also includes the construction of shared use paths connecting the surrounding Byford community to the train station. This also encouraging the use of different forms of transport to site.</p> <p>The detail of paths is lacking specificity however, such as to ensure paths being providing on both sides of roads and with the appropriate sheltering from planted street trees. A condition is necessary to underpin this issue.</p>
<p>A Place that Capitalises on its Environmental Assets</p>	<p>The proposed development maximises its environmental assets by utilising the natural features and resources of the surrounding area to create a sustainable and harmonious development. It incorporates green infrastructure, energy-efficient systems, and water management practices to enhance the environmental quality of the precinct. The station integrates with the natural landscape, preserving native vegetation and creating wildlife habitat where possible.</p> <p>The proposed development demonstrates its commitment to sustainability, minimising its ecological footprint and enhancing the overall environmental well-being of the area.</p>
<p>A Water Integrated Place</p>	<p>Swales have been designed throughout the car park to encourage healthy grow of trees over the long term, they also act as vegetated drainage area for the onsite treatment of stormwater as per the Water Sensitive Urban Design principles.</p>

As discussed, in terms of the Plaza area, the proposal focuses on providing a spacious, uncluttered space that offers maximum flexibility for events, markets and food trucks. With the inclusion of tall, clear trunked trees, the Plaza is proposed to offer shade, shelter, and unobstructed sightlines, enhancing the comfort of the area.

Officers, for a long period of time, have advocated for this area to reflect the community needs and aspirations for a positive outdoor, in what is the fastest growing community in Western Australia. As such, the Plaza needs to comprise a high-quality landscape and civic realm, which attracts families, visitors and commuters alike. It needs to be activated to ensure that the area is kept safe and welcoming. Below are examples of other MetroNet Plazas.





The application is accompanied by a 'Place Plan' which provides some overarching broad objectives of how the Plaza will be developed. However, no detailed concept plans have been prepared to demonstrate how the Plaza will be developed to provide for a high-quality public realm. This is a major concern for Officers. As such, a condition will be recommending a Plaza Public Realm Design Plan to be submitted and approved by the Shire prior to the submission of a building permit. It must demonstrate how it meets the aforementioned principles.

State Planning Policy 7.0 - Design of the Built Environment (SPP7.0)

SPP 7.0 is the lead policy that elevates the importance of design quality in WA's built environment. It includes 10 principles for good design and establishes the framework for integrating design review as part of the design process. A detailed summary of the design against the proposed development is below:

<p>Context and Character Good design responds to and enhances the distinctive characteristics of a local area contributing to a sense of place.</p>	<p>Byford Station has been carefully integrated into the emerging Town Centre, connecting both sides of the railway tracks. The station's architecture draws inspiration from the Darling Scarp landscape, with its undulating forms and textures reflected in the station's design elements.</p> <p>The large veranda awnings, not only provides shelter but also serves as a gathering space.</p>
<p>Landscape Quality Good design recognises that together landscape and buildings operate as an integrated and sustainable system with a broader ecological context.</p>	<p>The landscape approach for the proposed development and the surrounding precinct integrates the landscape design and urban design with the architectural form to create safe active spaces that promote a local rural setting.</p> <p>As mentioned, Officers are concerned with elements of the landscape (Plaza) design, and also urban realm treatment of framing main streets. These issues need to be conditioned to ensure design quality is achieved.</p>
<p>Built Form and Scale Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</p>	<p>The design of the proposed development considers the scale, massing, and height of the surrounding urban environment, through its distinctive architectural elements.</p> <p>The station's built form comprises a series of linear canopies that converge under the entry roof structure. As the highest built element, the entry roof serves as a prominent marker, signalling the station's entrance from both east and west approaches while providing a focal point for orientation and wayfinding.</p>



<p>Functionality and Build Quality</p> <p>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full lifecycle.</p>	<p>Byford Station and its surrounds have been designed as functional buildings and spaces that focus on simplicity, efficiency, and long term viability.</p> <p>The design prioritises flexibility and adaptability to meet future requirements without major modification, ensuring the stations longevity. The selection of durable materials, finishes, elements and systems reflect a dedication to build quality, making maintenance easier and enabling the station to withstand weathering over time. An example of this is the use of brick on the exterior of many station buildings, which is known for its durable qualities.</p> <p>Officers note however, that consistent with previous Council decision making, that the ambition for Byford Town Centre is an elevated rail solution, similar to what is occurring at Armadale as rail extends southwards. When rail services extend south, Officers recommend that the station be grade separated, as by that time Byford will have become one of the largest strategic centres in the southeast corridor of Perth, warranting such rail elevation.</p>
<p>Good design optimises the sustainability of the built environment delivering positive environmental, economic and social outcomes.</p>	<p>The design of the development incorporates various sustainability initiatives tailored to the local climate and site conditions, prioritising passive environmental design measures. These measures include thoughtful orientation shading strategies, thermal performance considerations and natural ventilation to optimise energy efficiency and minimise reliance on artificial heating and cooling systems.</p>

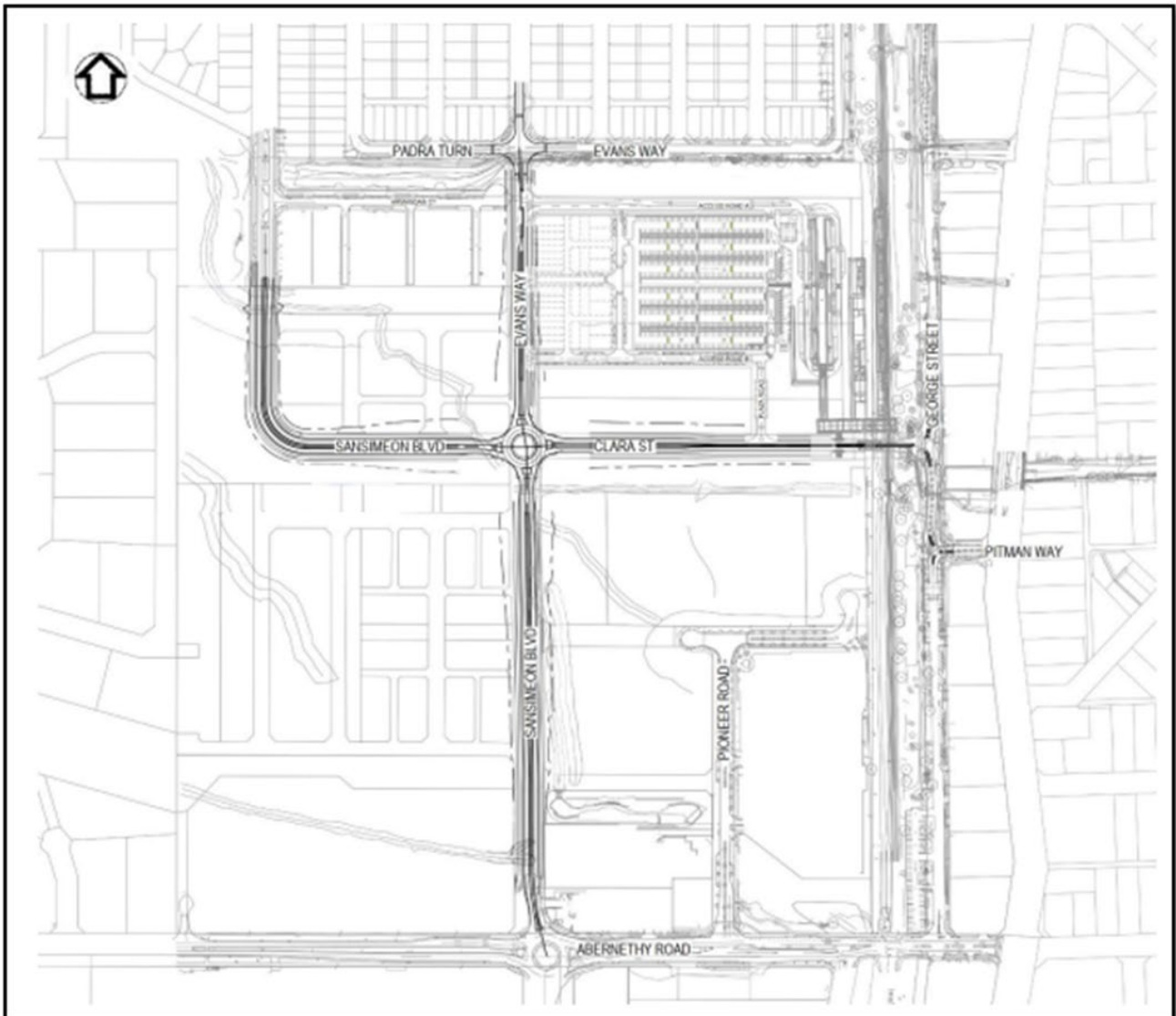
Traffic

As part of the submitted application, a Transport Impact Assessment (TIA) was submitted to demonstrate the capacity of the proposed road network in dealing with the current and predicted (2036) AM and PM traffic peak periods of the development.

There are several roads surrounding the site. Abernethy Road to the south, South Western Highway and George Street to the east and Evans Way to the north. As part of the proposed development to cater for the increased trips generated by the development and to better connect the urban cells to the west, the following roads are to be constructed/extended:



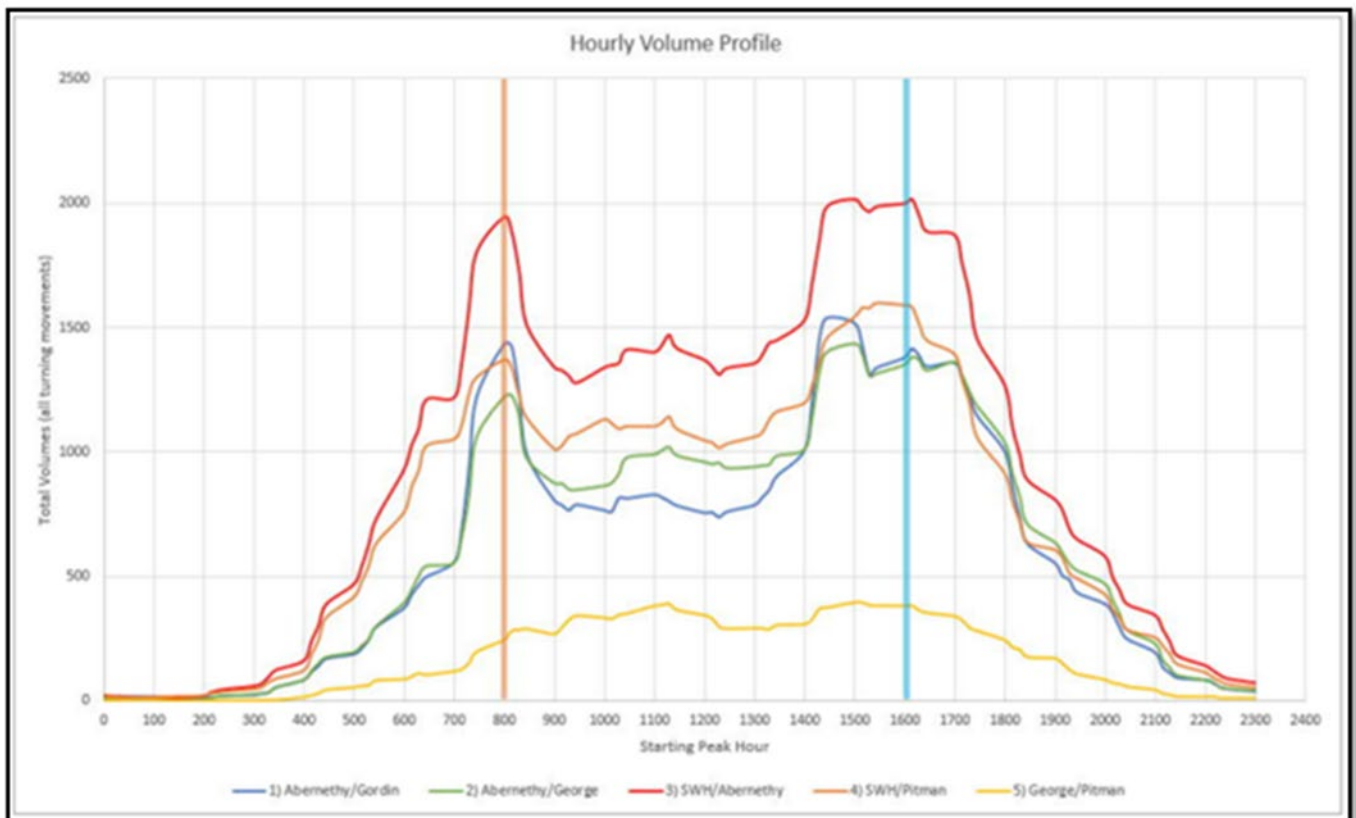
- The construction of Sansimeon Boulevard (south), north of Abernethy Road to form the northern leg of the roundabout at Abernethy Road/Gordin Way;
- The existing Sansimeon Boulevard (west) will be extended south and deviate to the east to intersect the new north- south section of Sansimeon Boulevard (south) through to Abernethy Road;
- A roundabout will be constructed at the intersection of the two Sansimeon Boulevard links;
- From the new roundabout, Evans Way will extend to the north and connect into Padra Turn/Evans Way to form a four-way intersection. This section of Evans Way will provide access to Byford Station via an access road;
- Clara Street will be constructed to the east across the rail line and connect into George Street (at grade). The section of Clara Street (west) will have a secondary access to the station (left in/out only) via Plaza Road
- Footpaths have also been proposed along Evans Way, Clara Street and San Simeon Boulevard and a new Principal Shared Path along the west side of the rail line will create a cycling linkage in the Byford cycle network.



Roads and Intersections to be Delivered



To demonstrate that the new network is capable of dealing with the traffic generated by the development, the TIA includes a SIDRA analysis of the development's impact on the surrounding road network. The volume of traffic generated by the development was modelled on the current Armadale Train Station trip generation and 2036 forecasted generation. The morning peak period being 8:00am-9:00am and the afternoon being 3:00pm-4:00pm. The volumes used in the analysis for the 2022 period were taken from a survey of the existing intersections surrounding the proposed development as follows:

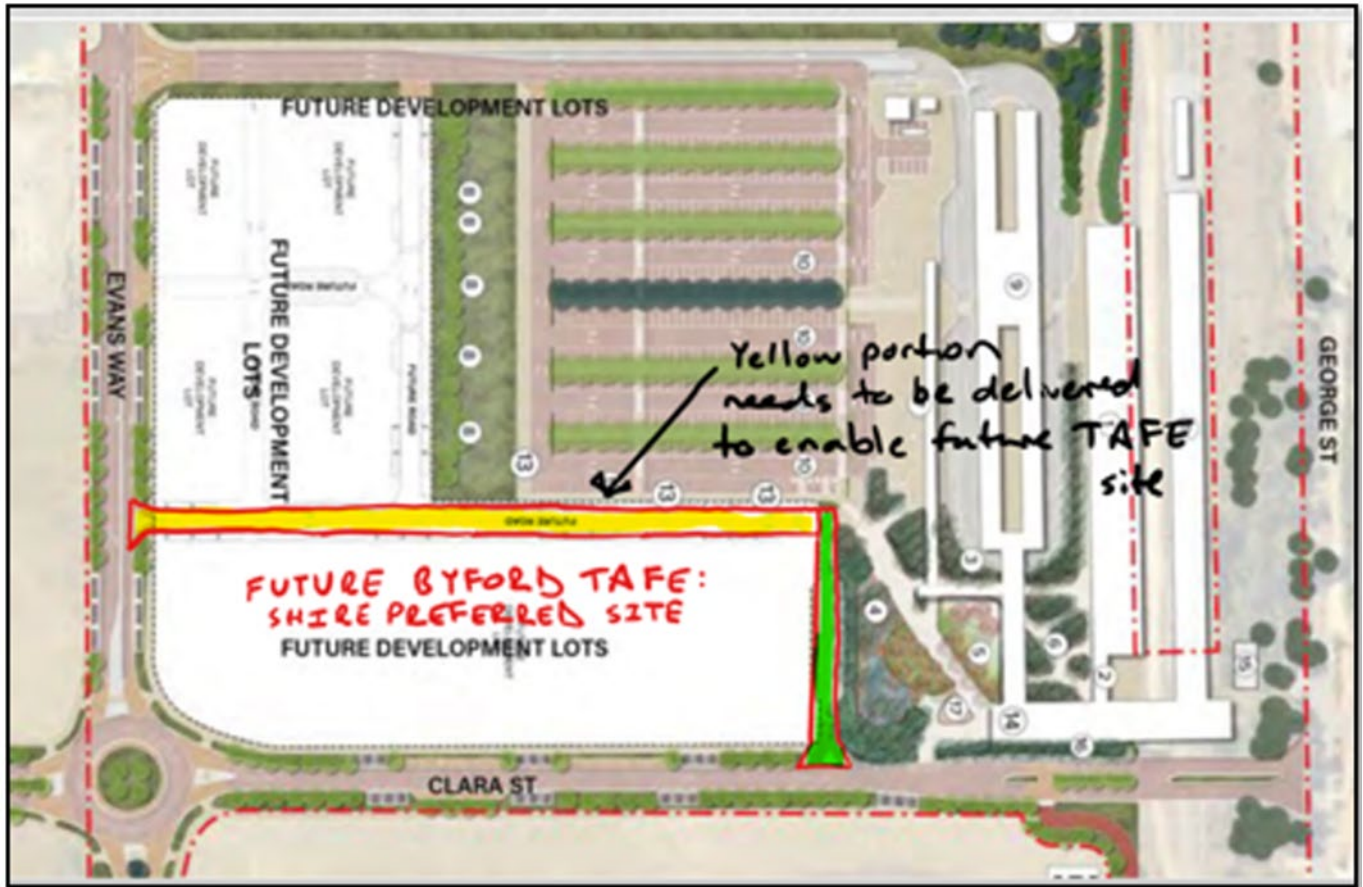


Existing Volumes

In terms of the 2026 predictions, the traffic volumes used in the SIDRA analysis included a 50% development of the Byford Town Centre Structure Plan. The assessment indicates that the network is expected to operate satisfactorily during the peak periods. The 2036 modelling indicated that the network is generally expected to operate satisfactorily. Although there may be some querying occurring at Abernethy Road/San Simeon intersection, which can be managed.

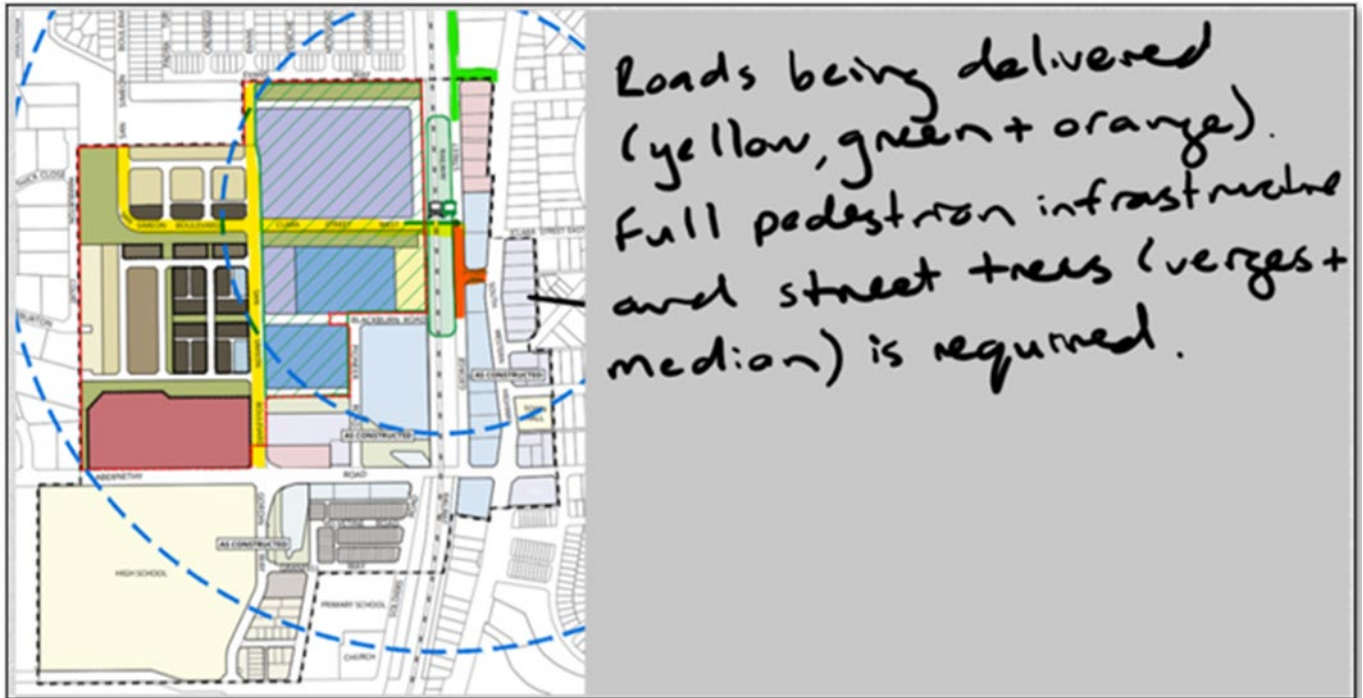
The TIA ultimately demonstrates that the development can be undertaken in a safe manner as there is capacity on the existing and future road network to facilitate the volumes of trips generated by the development. A condition will be imposed requiring the construction of the required roads and intersections as detailed within the TIA.

Officers also require that all access roads be delivered so as to facilitate the intended range of mixed use development within the station precinct. This would be central to being able to attract and deliver a Byford TAFE to the town centre. Officers recommend that additionally the road highlighted in yellow in the following image, be included:



Additional Road to be Delivered

Furthermore, all roads to be delivered are required to include pedestrian footpaths and shade trees. This is central to supporting walkability and accessibility of the station precinct. This also reflects liveable neighbourhoods, which does not permit for roads to be built without supporting footpaths and street tree infrastructure on both sides. The Shire will ultimately manage these assets and Metronet will not have ongoing liability. The image below shows roads to be delivered as part of the development which require pedestrian footpaths to be delivered with street trees included.



Footpaths

Officers also note that the application has not included details of the pedestrian overpass and parent parking proposed to replace the Larsen Road link that will be terminated. This also needs to be conditioned, to ensure appropriate and safe design.

In addition to the construction of new roads and intersections, several discussions have occurred over the last three years relating to the treatments and traffic calming devices at new key intersections to make for a pedestrian orientated environment. This is discussed as follows:

Clara Street West/George Street/ Pitman Way

These intersections are considered as key elements of both the transit and public domain. This route particularly needs to safely cater for all pedestrians and commuters, to safely move between the station precinct and future civic precinct which includes the State Government's \$40+million Byford Health Hub. This will also be anchored at the northern end by the Shire's lifelong learning centre and community facility, to be delivered into the future.

The combination of pavement design, feature inserts, cobble stones, bollards, mature trees planting and lighting needs to come together in forming a street realm that is safe and inviting for pedestrians. Below is an image from the adopted Byford Town Centre Master Plan, developed in collaboration with Metronet and State Government stakeholders.

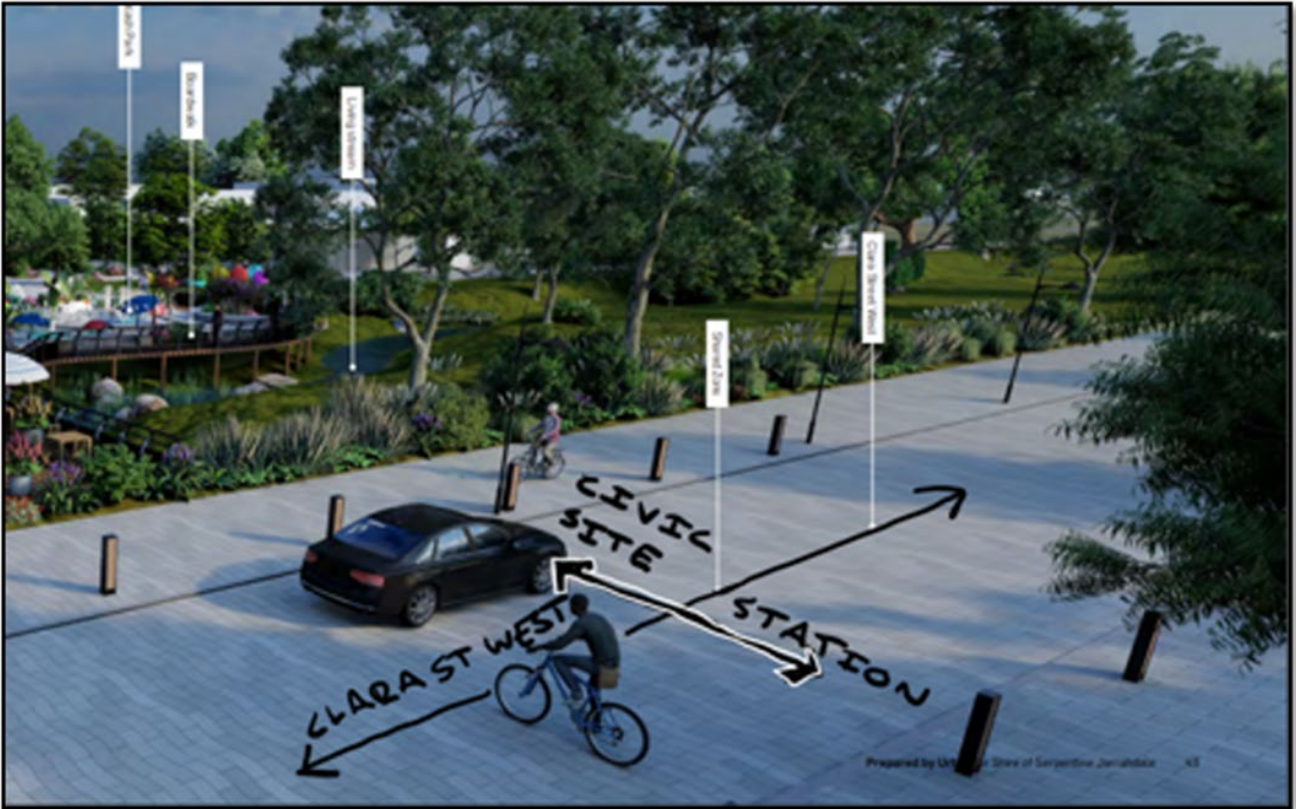


Image From Byford Town Centre Master Plan

Below showing area in yellow where treatment required to ensure a pedestrian friendly environment.

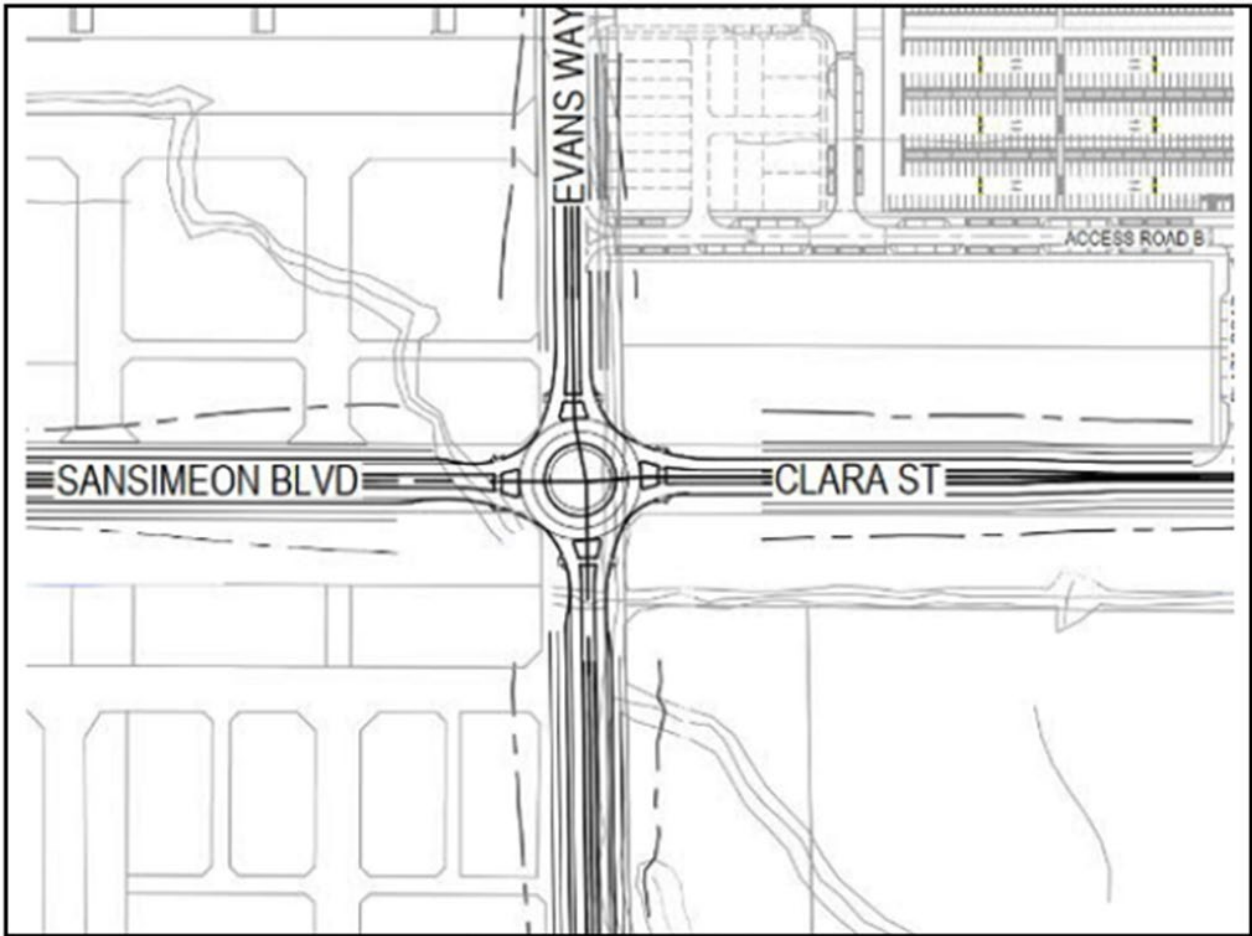


Area Requiring Treatment

This must also ensure no net loss of current main street parking, which is a key elements that underpins a successful and accessible main street centre on the east side of the rail reserve.

Clara Street West and Sansimeon Boulevard

The intersection as Sansimeon Boulevard/Evans Way and Clara Street West is proposed to be roundabout controlled. This intersection forms a key distribution point and a roundabout is considered to be a suitable control mechanism to ensure safety of vehicles moving through the precinct. Officers consider however that the treatment of this roundabout area has to be carefully considered to also ensure the safe movement of pedestrians and cyclists moving through the precinct. Location of roundabout following:



Location of Roundabout

As such, Officers consider a roundabout which provides some better level of vehicle versus pedestrian management, is necessary. This could for example be based on something like the following image:



Indicative Treatment



A condition has been recommended to ensure the roundabout is constructed with treatments which elevates the pedestrian orientated environment.

Evans Way/Prada Street Intersection

The original intent for the Evans Way Link (extending north of the roundabout at Sansimeon Boulevard/Clara Street) was to terminate at the station entrance road, however, subsequent to consultation with the Shire, the intersection is now proposed to be full movement. In this regard, the Shire seeks to ensure that the future extension of Evans Way to connect with the existing Evans Way, provides for a safe connection which does not create the risk of speeding. This four-way intersection treatment needs to be a raised intersection plateau, that moderate driver speeds through the change in road height level and inclusion of paved thresholds as pictured following:



Location of Intersection



Example of Elevated Intersection

A condition of approval will be recommended to ensure this is delivered as part of the development.

Principal Shared Path (PSP)

The new PSP along the west side of the rail line will create an important cycling linkage in the Byford cycle network. The PSP will connect Armadale in the north, and to Abernethy Road in the south. The PSP will be key to creating safe cycle connection to important local destinations such as the Town centre, and the Byford Secondary College south of Abernethy Road. A grade separated crossing at Larsen Road and an at-grade crossing at Clara Street West will improve the east-west connectivity across the line. Location of the PSP is shown following:



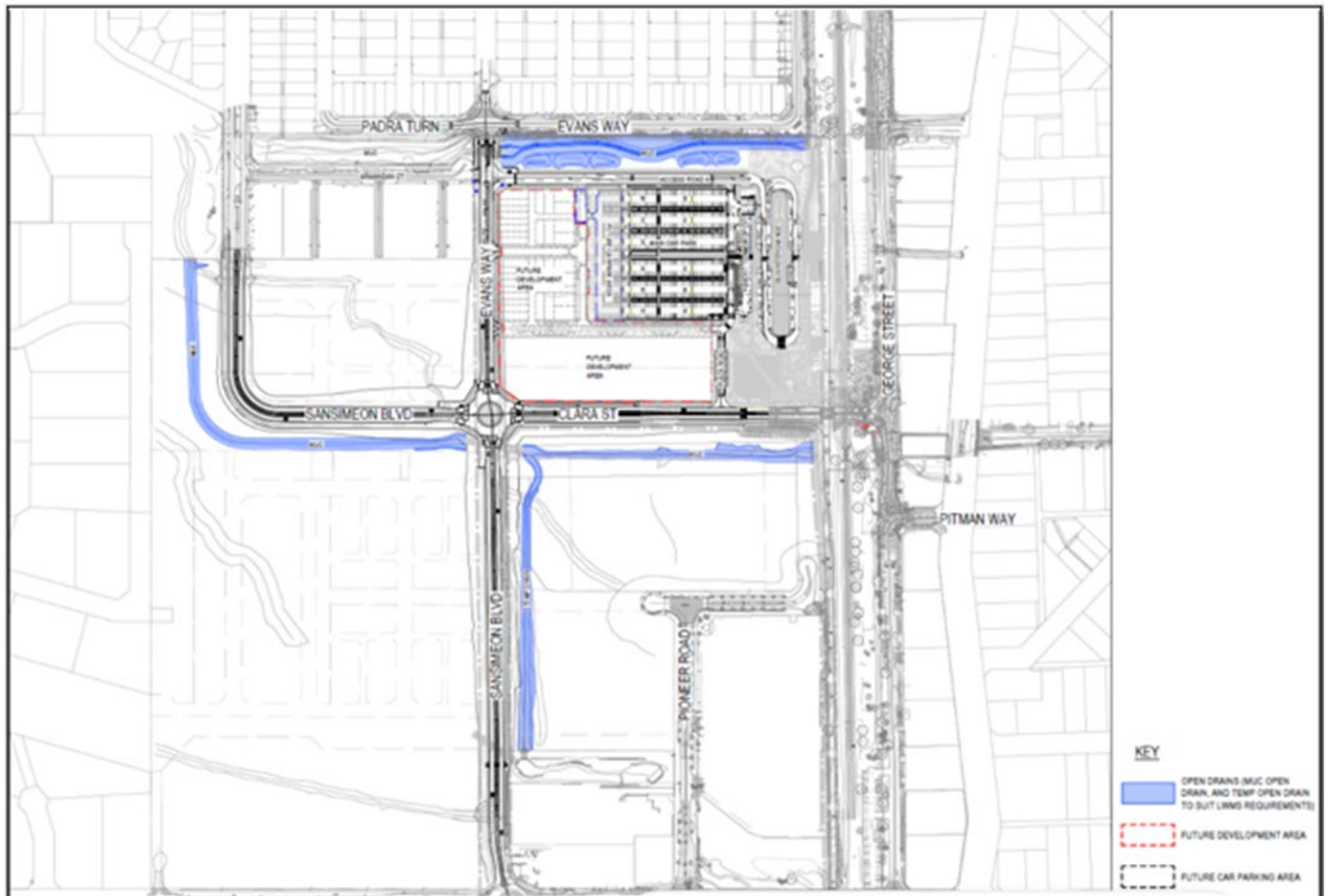
Location of PSP

Officers note however, that it likely that the PSP may encroach within the Shire's Public Purpose Reserve. A condition will be required seeking detailed Plans drawn of the PSP and to the extent it encroaches on the Shire's land. The condition will require any encroachment to be compensated on land to the west of the site, essentially ensuring protection of the Shire's 7,000sqm public purpose reserve.

Drainage

To manage stormwater on the site, a concept has been designed using the Abernethy Road Local Water Management Strategy and Byford Town Centre Structure Plan and Water Sensitive Urban Design (WSUD) principles.

The stormwater management proposes bio swales in the median strip of the new roads to treat the initial runoff. Similar to the existing road section in the northern development, the swales have drain blocks to hold back the first 15mm of water and a catch pit for larger flows. The swales are planted with vegetation and have a special soil to filter pollutants. Minor flows are directed through swales and pipes while some water spreads. Major flows stay within the road, ensuring safety. Location of bio swales and concept of stormwater management is shown following:



Location of Swales

In terms of WSUD, the use of swales throughout the car park promote the healthy growth of trees over the long term. By incorporating swales, the car park creates an environment that supports growth and development of trees, which brings numerous benefits such as shade, improved air quality and aesthetic value.

With regard to street plantings, Officers raise concerns pertaining to the need for irrigation to ensure a thriving tree is sustained for the long term. This forms a condition of approval.

A condition of approval also requiring a Stormwater Management Plan to be submitted will be recommended which will finalise the stormwater management processes and associated plant species for the proposal.

Parking

A Station Access Strategy was prepared for the development, which had input from Shire Officers. The key feedback pertained to:

- Ensuring road infrastructure to connect the community to and throughout the precinct;
- Pedestrian and cycling infrastructure, especially to account for the ambitious levels of pedestrian and cycling aimed for under the Station Access Strategy;
- Ensuring safe intersection design and operation, noting the vulnerable nearby uses such as primary and high schools and many children and teenagers walking to and from the area.

Generally the level of parking appears appropriate, however it is recommended a condition be imposed which monitors this as includes a threshold whereby additional parking be provided.



Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP 4.15)

The purpose of LPP4.15 - Bicycle Facilities Policy is to:

- Encourage cycling and improve conditions for bike riders in proposed urban developments;
- Ensure the provision of appropriate bicycle facilities;
- Provide an alternative to private vehicle transport through provision of secure and effective end of trip facilities; and
- Provide guidance to developers on the design and requirements of bicycle and end of trip facilities for both commuters and visitors.

The proposed development seeks to provide a total of 196 bicycle bays for patrons using the train station.

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.

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

The objectives of LPP 1.6 are as follows:

- Create artwork in public spaces that are site specific, meaningful and integrated into built and natural landforms within the Shire;
- Enhance public enjoyment, engagement and understanding of places through the integration of public art, thereby enhancing sense of place;
- Enhance the appearance, character and value of buildings and places through the inclusion of high quality public art;
- Establish a clear and equitable system for the provisions of public art in the development process.

The public art opportunities associated with the proposed development are being developed to align with the objectives of Metronet and the Shire. The approach draws inspiration from culture, history and landscape. A condition of approval will be recommended ensuring public art is delivered in accordance with LPP 1.6.

Landscape

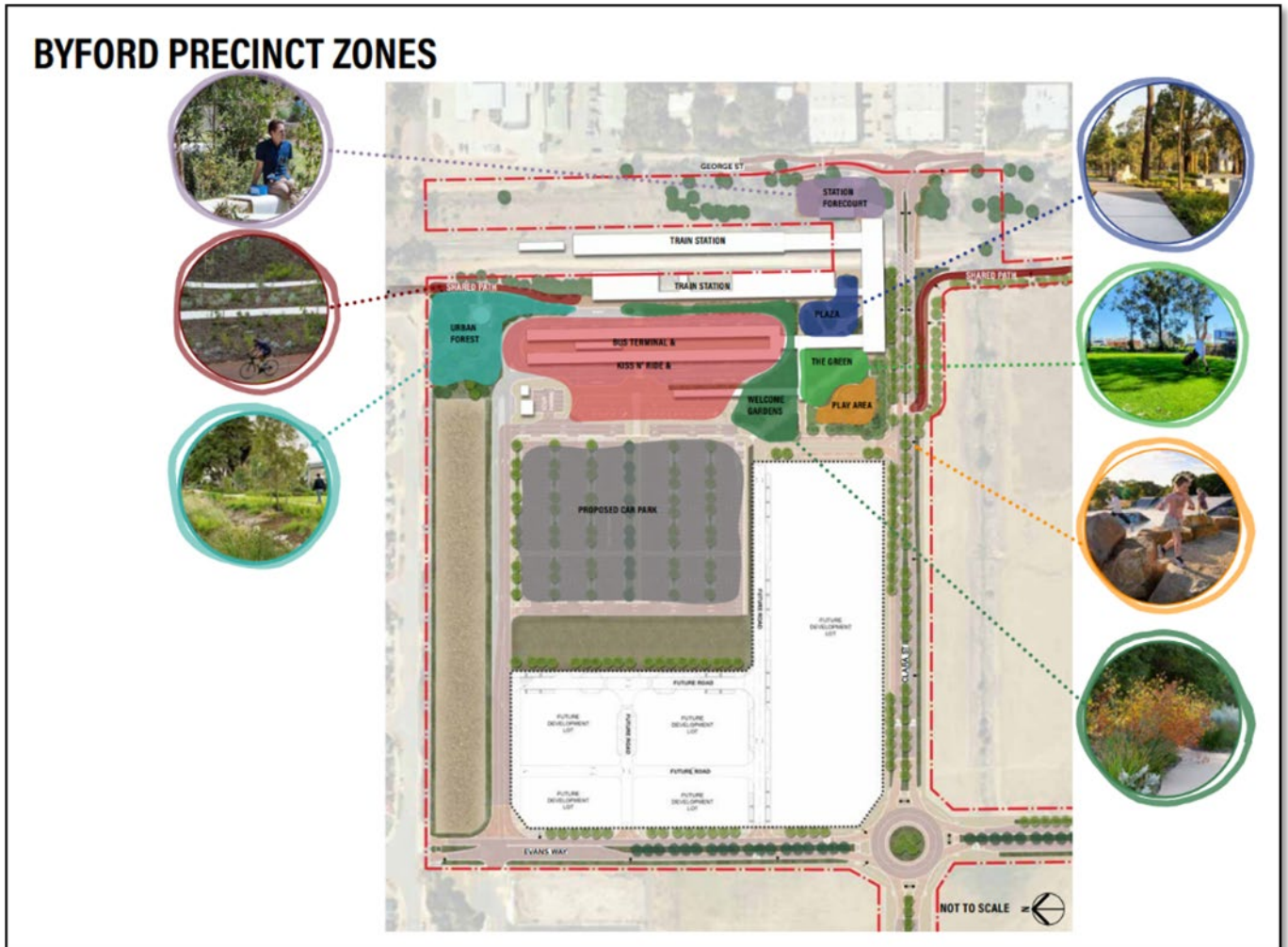
The train station is divided into seven distinct landscape zones, each serving a different purpose and offering unique features. These precincts are:

- Urban Forest;
- PSP;
- Welcome Gardens;
- Play Area;
- the Green;
- the Western Plaza; and



- Station Forecourt.

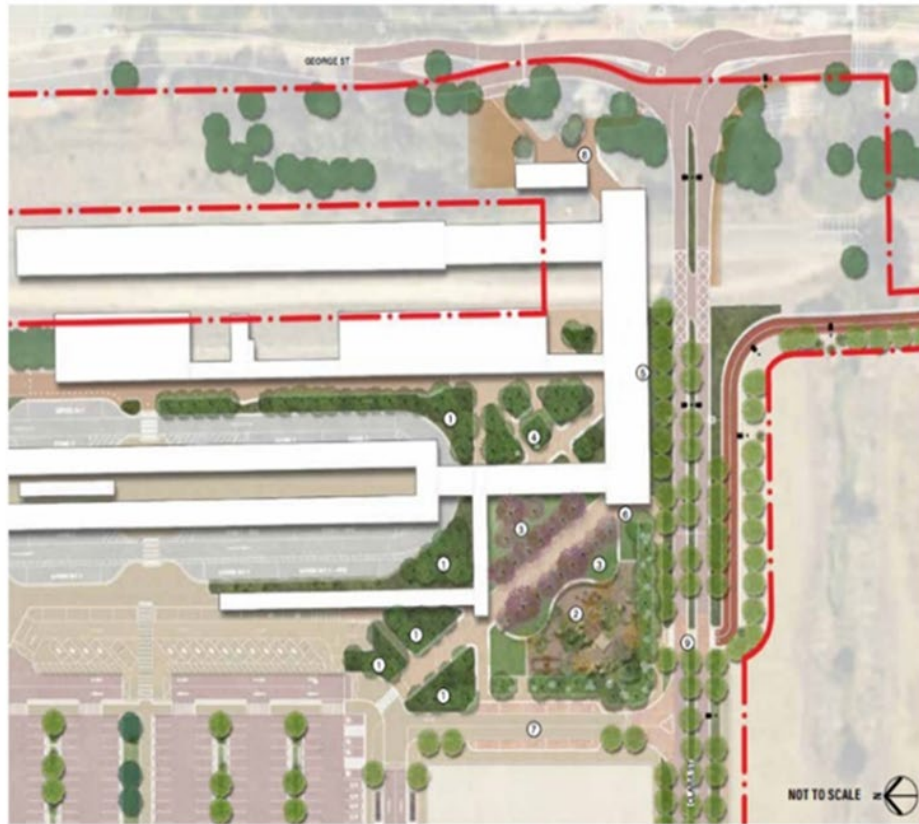
The precinct zones are located as follows:



The Landscape Masterplan for the proposal and Public Precinct is shown following:

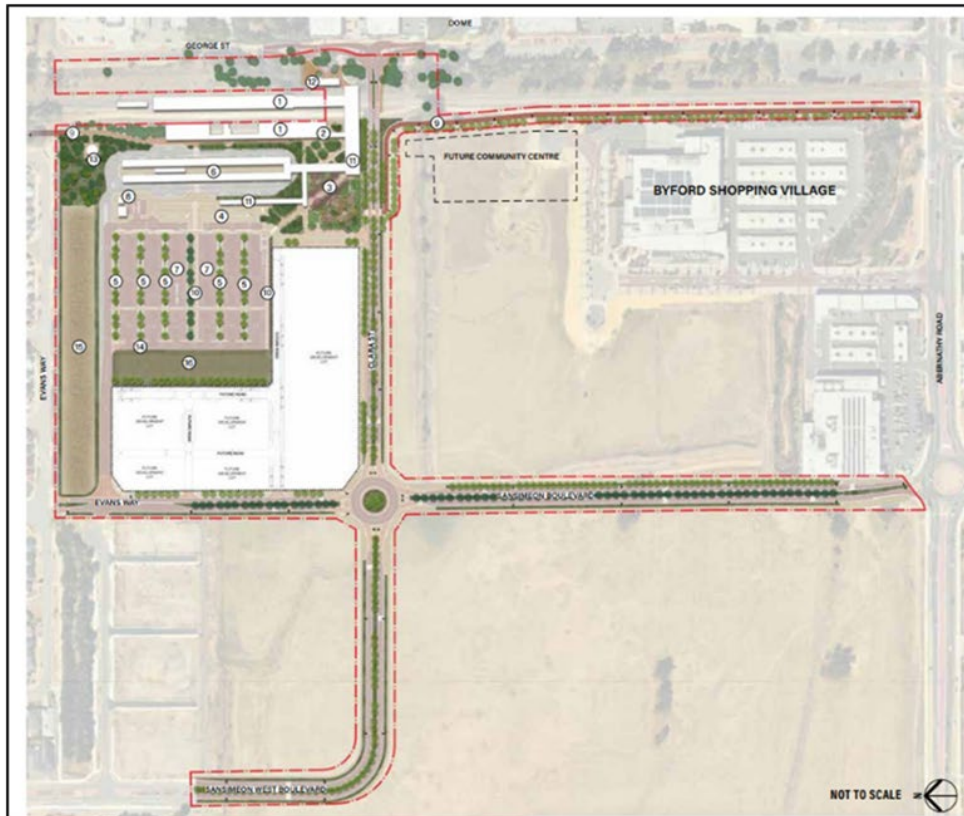


LANDSCAPE MASTERPLAN - ULTIMATE - PUBLIC PRECINCT



LEGEND

- ① Welcome Gardens
- ② Play Space
- ③ The Green
- ④ Bush Plaza
- ⑤ Bike Racks
- ⑥ Cafe cart opportunity
- ⑦ Plaza St - including power & water
- ⑧ George St Entry
- ⑨ Clara St Crossing



LEGEND

- ① Train Station
- ② Kiosk
- ③ Public Precinct
- ④ Kiss & Ride
- ⑤ WSUD
- ⑥ Bus Terminal
- ⑦ Public Parking
- ⑧ Staff Parking
- ⑨ Principal Shared Path
- ⑩ Pedestrian Pathway
- ⑪ Shelters
- ⑫ Bicycle Shelter
- ⑬ Irrigation Tank
- ⑭ Access Road
- ⑮ Multi-Use Corridor
- ⑯ Revegetation



The Plan seeks to retain a significant amount of existing canopy (within the road reserve of George Street and railway reserve) within and around the subject site to provide for a development which also respects its surroundings. Section of the development in context of proposed landscaping is shown following:



View Looking North



View Looking North-East



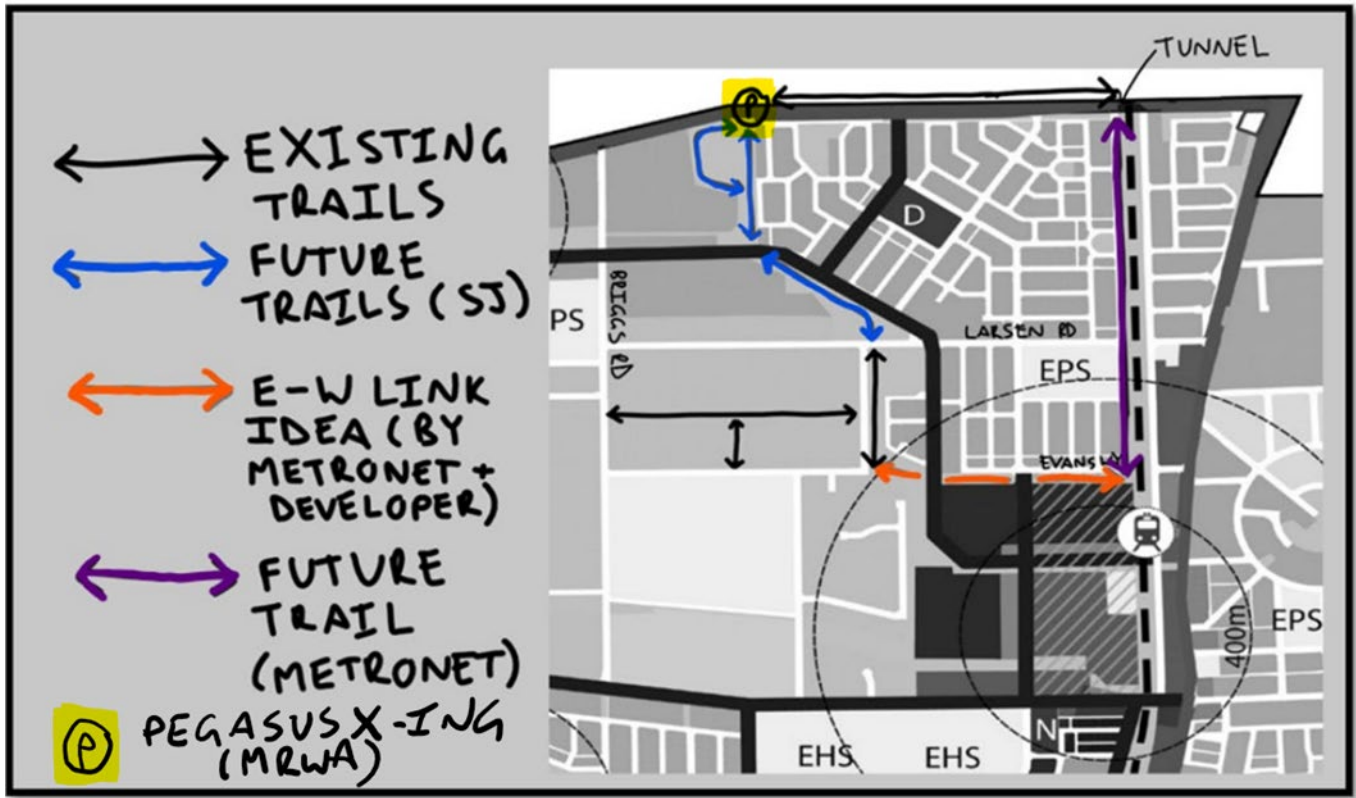
View Looking South

The submitted Landscape Masterplan provides broad principles on how the area will be landscaped, however, there is no specific information relating to the species or maturity of vegetation to be used. As such, Officers recommend a Landscape Plan be submitted for each zone which demonstrates the species to be used in addition to the maturity of vegetation to ensure a high quality public realm is achieved from the immediate commencement of the development.

The Plan must also include an irrigation strategy to ensure the vegetation planted are kept watered and cool. This is particularly important given the importation of extensive sand fill that will be free draining, resulting in the need to ensure that ongoing sustainable irrigation sources are found and provided to the ultimate. This will be included as part of the condition of approval.

Equine trails

Council has previously resolved to request new equine links along Alexander Road (purple) and Evans Road (orange - within the adjoining multi-use corridor), to be delivered as part of the Byford Rail Extension project. These are shown following:



A condition is recommended to affect these.

Options and Implications

Option 1

That Council:

1. Recommends that the Western Australian Planning Commission APPROVES the development application for the proposed 'Byford Train Station and associated development, as contained within **attachment 1**, subject to the following conditions:
 - 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	Byford Station Development Plan dated 7 July 2023 Stormwater and Drainage Strategy Transport Impact Assessment dated August 2023 Operational Waste Management Plan dated 20 June 2023 Acoustic Report dated 4 July 2023 Bushfire Management Plan dated 10 July 2023 Lighting Strategy dated 16 June 2023 Place Plan dated 7 August 2023
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- b. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), detailed design of the following roads and intersections must be submitted to the satisfaction of the Shire for approval:



- (i) Sansimeon Boulevard south and west as feature tree lined boulevards with shaded paths on both sides;
- (ii) Clara Street West as a feature tree lined boulevard, with shaded paths on both sides, before interfacing the Plaza space and wrapping through George Street and Pitman Way, where it becomes a high quality public domain street;
- (iii) The Plaza Road running north from Clara Street West connecting all the way through to the new extended Evans Way north, in order to clearly establish the 'Future Development Site' and create pedestrian connectivity through the precinct;
- (iv) Evans Way north from the new roundabout to connect into Padra Turn/Evans Way intersection to form a four way intersection.

All designs must include provision for pedestrian and street trees on both sides, and in all central medians where such are included (i.e. boulevard roads). Once approved, the roads must be delivered prior to operation of the development, to the satisfaction of the Shire.

- c. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), detailed designs of treatments for the following mains street civic realms and intersections are to be submitted to the satisfaction of the Shire for approval:
 - (i) The roundabout at the intersection of Sansimeon Boulevard, Clara Street West and Evans Way to provide for a safe environment for pedestrians, cyclists and vehicles which incorporate the following:
 - pedestrian and cyclist crossings;
 - change in road surfaces for up to 30 metres towards the roundabout from either direction;
 - traffic calming devices.
 - (ii) The four way intersection at Evans Way and Padra Turn to provide for a safe environment for vehicles, pedestrians and cyclists which incorporates the following:
 - A raised intersection plateau which includes a change in road surface to moderate driver speed through the intersection and paved threshold treatments on approach.
 - (iii) Clara Street West/George Street main street precinct roads to comprise combination of pavement design, feature inserts, cobble stones, bollards, mature tree planting and lighting to form a street realm that is of high urban design quality safe and inviting for pedestrians and commuters safe.
 - (iv) Pitman Way to George Street to the intersection of Clara Street West main street precinct roads to comprise combination of pavement design, feature inserts, cobble stones, bollards, mature tree planting and lighting to form a street realm that is of high urban design quality safe and inviting for pedestrians and commuters;
 - (v) No net loss of any on-street carparking currently provided along the George Street main street, which is located adjoining and south of the Dome Café.
- d. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Lighting Plan be submitted and approved by the Shire of Serpentine Jarrahdale which shows lights within the Plaza, the Station Forecourts and along roads and intersections to be constructed. The Plan must consider the Lighting Strategy prepared for the train station and focus on providing safe and encouraging active environments at all times, to promote a safe and secure precinct.



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- e. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), detailed designs being submitted for the Principal Shared Path to the west of the Railway reserve. Details of how much of the path will encroach within Lot 103 Bushman Glades, Byford to be included in the design to enable the Shire to be compensated for the land encroached upon by increasing the size of Lot 103 to the west. The cost associated with this must be borne by the applicant and undertaken prior to the operation of the station.
- f. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Noise Management Plan including detail noise amenity impact study being submitted to the satisfaction of the Shire. This must demarcate where noise walls and/or other built controls are needed, to address the impact that train noise will create to interfacing residential communities of Byford. The Plan must also ensure noise emissions from the railway comply with assigned internal and outdoor noise levels of State Planning Policy 5.4 Road and Rail Noise.
- g. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Plaza Public Realm Plan be submitted showing how the Plaza will be developed to the satisfaction of the Shire of Serpentine Jarrahdale. The Plan must demonstrate that the Plaza will provide for an activated high quality public realm public space, that delivers upon all of the detailed design outcomes expressed for the Plaza. The Plan must also demarcate the commercial ground lease site to be made available for the Shire, in order to activate the Plaza space once developed. Further, space for future public toilets must be demarcated to ensure the possibility for these to be built at the required time.
- h. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Landscape Plan be submitted for each zone identified within the submitted Landscape Master Plan. The Plan must demonstrate the following:
- (i) Species of vegetation to be used;
 - (ii) Maturity of vegetation planted;
 - (iii) Irrigation Strategy which identifies a reliable irrigation source to ensure trees are kept irrigated and cool at all times. The strategy must consider the fill proposed to be imported to site;
 - (iv) Irrigation system to be used;
 - (v) Trees to be retained.
- Once approved, the Landscape Management Plan must be implemented prior to operation of the development.
- i. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. The Stormwater Management Plan must address stormwater for all areas of the development. Once approved the Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.
- j. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), the applicant shall submit and have approved Plans depicting the



proposed art piece/s consistent with Local Planning Policy 1.6. Upon approval of the Plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.

k. The vehicle parking areas, accessways and crossover must:

- (i) Be designed in accordance with relevant Australian/New Zealand Standard.
- (ii) Include a minimum of 401 car parking bays.
- (iii) Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard.
- (iv) Four electronic car bays;

Plans depicting these works are to be submitted to and approved by the Shire prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first). The works are to be completed prior to operation of the development, and thereafter maintained.

l. The vehicle parking areas associated with the Kiss and Ride area must include 35 bays comprising of the following:

- (i) 10 short term bays;
- (ii) Eight kiss and ride bays;
- (iii) Two accessible bays;
- (iv) One taxi bay;
- (v) Four PTA service bays
- (vi) Two emergency bays
- (vii) One tenancy bays;
- (viii) Six motorcycle bays.

Plans depicting these works are to be submitted to and approved by the Shire prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first). The works are to be completed prior to operation of the development, and thereafter maintained.

m. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a total of 196 bicycle spaces are to be provided as follows:

- (i) 60 bicycle spaces within the eastern storage;
- (ii) 136 bicycle spaces in the western storage.

n. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), detailed designs of a pedestrian footbridge across Larsen Road are to be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the crossing shall be constructed prior to operation of the development. Should the crossing not be established before closure of Larsen Rd, suitable interim pedestrian connectivity across the rail must be provided in the intervening period.

o. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a materials and colour schedule to be submitted to the Shire of Serpentine Jarrahdale for approval. The schedule should include materials and colours which



are sympathetic to the rural tones of the Shire. Once approved the schedule should be implemented prior to the operation of the station.

- p. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), Equine Trail Plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale. These are to include an equine path running on the west side of the rail reserve, connecting from Evans Way to the new Thomas Road budge underpass, and in an east west direction along the multiple use corridor running parallel to Evans Way / Padra Turn.
2. REQUESTS the Chief Executive Officer send copies of this report and the Council's recommendation to the Member for Darling Range Mr Hugh Jones MLA, and the Chair of the State Design Review Panel Ms Rebecca Moore as part of continuing to advocate for the best project outcome for the community.
3. REQUESTS the Chief Executive Officer to undertake a deputation (if available) for the meeting of the Western Australian Planning Commission (WAPC) or its Committees, where the development application will be considered.

Option 2

That Council recommends that the Western Australian Planning Commission (WAPC) REFUSES the development application for proposed 'Byford Train Station and associated development as contained within **attachment 1**, due to current Plans not adequately depicting the full extent of detailed design deemed necessary for the Plaza, road connections, civic main streets and pedestrian areas.

Option 1 is recommended.

Conclusion

The application has been referred to the Shire for comment by the DPLH on behalf of the WAPC. The application seeks approval for a train station and associated infrastructure on Lots 101 and 34 Evans Way, Byford, Lot 1 Abernethy Road, Byford and Lot 103 (3) Bushman Glade, Byford. The application generally meets the requirements of TPS2 and draft LPS3 in addition to the broader planning framework.

However, there are a number of elements that must be addressed, in order to achieve an effective design outcome for the community of Byford, and more broadly, the Shire. These are critical elements in design, to achieve the policy and scheme expectations set for the Byford District Centre.

Attachments (available under separate cover)

- **10.1.5 - attachment 1** - Development Application, Technical Documents and Plans (IN23/17071)



Alignment with our Strategic Community Plan

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

Financial Implications

Currently, local governments within the south east corridor are seeking to work with the State Government in terms of a framework that clearly designated asset management responsibilities. This also includes requested seed capital to be provided to local government, given the asset costs that may be incurred depending on the level of asset management responsibility agreed. This draft agreement will be presented to a future Council meeting, for consideration.

As part of the Plaza, Officers have also requested a space be designated for a commercial leasing opportunity, which the Shire can manage to attract a pop-up style sea container café. This is seen as important to help in activating the Plaza space. This would include space for a toilet, to be built by the Shire at a future point. The Plans do not currently depict this detail, and a condition has been recommended to address.

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 the lowest strategic risk as it imposes a range of condition to address issues in the current design.						
2	Council recommending refusal of the application, which potentially results in WAPC not being aware of detailed issues that need to be addressed (such as communicated through conditions of approval).	Planning Framework	Social Community Outcomes /	Possible	Major	SIGNIFICANT	Nil.



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. Recommends that the Western Australian Planning Commission APPROVES the development application for the proposed 'Byford Train Station and associated development, as contained within attachment 1, subject to the following conditions:
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- b. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), detailed design of the following roads and intersections must be submitted to the satisfaction of the Shire for approval:
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 - (ii) Clara Street West as a feature tree lined boulevard, with shaded paths on both sides, before interfacing the Plaza space and wrapping through George Street and Pitman Way, where it becomes a high quality public domain street;
 - (iii) The Plaza Road running north from Clara Street West connecting all the way through to the new extended Evans Way north, in order to clearly establish the 'Future Development Site' and create pedestrian connectivity through the precinct;
 - (iv) Evans Way north from the new roundabout to connect into Padra Turn/Evans Way intersection to form a four way intersection.

All designs must include provision for pedestrian and street trees on both sides, and in all central medians where such are included (i.e. boulevard roads). Once approved, the roads must be delivered prior to operation of the development, to the satisfaction of the Shire.

- c. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), detailed designs of treatments for the following mains street civic realms and intersections are to be submitted to the satisfaction of the Shire for approval:
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- change in road surfaces for up to 30 metres towards the roundabout from either direction;
 - traffic calming devices.
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- (iii) Clara Street West/George Street main street precinct roads to comprise combination of pavement design, feature inserts, cobble stones, bollards, mature tree planting and lighting to form a street realm that is of high urban design quality safe and inviting for pedestrians and commuters safe.
- (iv) Pitman Way to George Street to the intersection of Clara Street West main street precinct roads to comprise combination of pavement design, feature inserts, cobble stones, bollards, mature tree planting and lighting to form a street realm that is of high urban design quality safe and inviting for pedestrians and commuters;
- (v) No net loss of any on-street carparking currently provided along the George Street main street, which is located adjoining and south of the Dome Café.
- d. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Lighting Plan be submitted and approved by the Shire of Serpentine Jarrahdale which shows lights within the Plaza, the Station Forecourts and along roads and intersections to be constructed. The Plan must consider the Lighting Strategy prepared for the train station and focus on providing safe and encouraging active environments at all times, to promote a safe and secure precinct.
- e. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), detailed designs being submitted for the Principal Shared Path to the west of the Railway reserve. Details of how much of the path will encroach within Lot 103 Bushman Glades, Byford to be included in the design to enable the Shire to be compensated for the land encroached upon by increasing the size of Lot 103 to the west. The cost associated with this must be borne by the applicant and undertaken prior to the operation of the station.
- f. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Noise Management Plan including detail noise amenity impact study being submitted to the satisfaction of the Shire. This must demarcate where noise walls and/or other built controls are needed, to address the impact that train noise will create to interfacing residential communities of Byford. The Plan must also ensure noise emissions from the railway comply with assigned internal and outdoor noise levels of State Planning Policy 5.4 Road and Rail Noise.
- g. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Plaza Public Realm Plan be submitted showing how the Plaza will be developed to the satisfaction of the Shire of Serpentine Jarrahdale. The Plan must demonstrate that the Plaza will provide for an activated high quality public realm public space, that delivers upon all of the detailed design outcomes expressed for the Plaza. The Plan must also demarcate the commercial ground lease site to be made available for the Shire, in order to activate the Plaza space once developed. Further, space for future public toilets must be demarcated to ensure the possibility for these to be built at the required time.



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- h. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Landscape Plan be submitted for each zone identified within the submitted Landscape Master Plan. The Plan must demonstrate the following:
- (i) Species of vegetation to be used;
 - (ii) Maturity of vegetation planted;
 - (iii) Irrigation Strategy which identifies a reliable irrigation source to ensure trees are kept irrigated and cool at all times. The strategy must consider the fill proposed to be imported to site;
 - (iv) Irrigation system to be used;
 - (v) Trees to be retained.
- Once approved, the Landscape Management Plan must be implemented prior to operation of the development.
- i. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. The Stormwater Management Plan must address stormwater for all areas of the development. Once approved the Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.
- j. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), the applicant shall submit and have approved Plans depicting the proposed art piece/s consistent with Local Planning Policy 1.6. Upon approval of the Plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.
- k. The vehicle parking areas, accessways and crossover must:
- (i) Be designed in accordance with relevant Australian/New Zealand Standard.
 - (ii) Include a minimum of 401 car parking bays.
 - (iii) Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard.
 - (iv) Four electronic car bays;
- Plans depicting these works are to be submitted to and approved by the Shire prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first). The works are to be completed prior to operation of the development, and thereafter maintained.
- l. The vehicle parking areas associated with the Kiss and Ride area must include 35 bays comprising of the following:
- (i) 10 short term bays;
 - (ii) Eight kiss and ride bays;
 - (iii) Two accessible bays;
 - (iv) One taxi bay;
 - (v) Four PTA service bays



- (vi) Two emergency bays
- (vii) One tenancy bay;
- (viii) Six motorcycle bays.

Plans depicting these works are to be submitted to and approved by the Shire prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first). The works are to be completed prior to operation of the development, and thereafter maintained.

- m. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a total of 196 bicycle spaces are to be provided as follows:
 - (i) 60 bicycle spaces within the eastern storage;
 - (ii) 136 bicycle spaces in the western storage.
 - n. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), detailed designs of a pedestrian footbridge across Larsen Road are to be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the crossing shall be constructed prior to operation of the development. Should the crossing not be established before closure of Larsen Rd, suitable interim pedestrian connectivity across the rail must be provided in the intervening period.
 - o. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a materials and colour schedule to be submitted to the Shire of Serpentine Jarrahdale for approval. The schedule should include materials and colours which are sympathetic to the rural tones of the Shire. Once approved the schedule should be implemented prior to the operation of the station.
 - p. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), Equine Trail Plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale. These are to include an equine path running on the west side of the rail reserve, connecting from Evans Way to the new Thomas Road budge underpass, and in an east west direction along the multiple use corridor running parallel to Evans Way / Padra Turn.
2. REQUESTS the Chief Executive Officer send copies of this report and the Council's recommendation to the Member for Darling Range Mr Hugh Jones MLA, and the Chair of the State Design Review Panel Ms Rebecca Moore as part of continuing to advocate for the best project outcome for the community.
 3. REQUESTS the Chief Executive Officer to undertake a deputation (if available) for the meeting of the Western Australian Planning Commission (WAPC) or its Committees, where the development application will be considered.

OCM235/09/23

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Strange

That Council:

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



- 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	Byford Station Development Plan dated 7 July 2023 Stormwater and Drainage Strategy Transport Impact Assessment dated August 2023 Operational Waste Management Plan dated 20 June 2023 Acoustic Report dated 4 July 2023 Bushfire Management Plan dated 10 July 2023 Lighting Strategy dated 16 June 2023 Place Plan dated 7 August 2023
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- b. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), detailed design of the following roads and intersections must be submitted to the satisfaction of the Shire for approval:

- (i) Sansimeon Boulevard south and west as feature tree lined boulevards with shaded paths on both sides;
- (ii) Clara Street West as a feature tree lined boulevard, with shaded paths on both sides, before interfacing the Plaza space and wrapping through George Street and Pitman Way, where it becomes a high quality public domain street;
- (iii) The Plaza Road running north from Clara Street West connecting all the way through to the new extended Evans Way north, in order to clearly establish the 'Future Development Site' and create pedestrian connectivity through the precinct;
- (iv) Evans Way north from the new roundabout to connect into Padra Turn/Evans Way intersection to form a four way intersection.

All designs must include provision for pedestrian and street trees on both sides, and in all central medians where such are included (i.e. boulevard roads). Once approved, the roads must be delivered prior to operation of the development, to the satisfaction of the Shire.

- c. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), detailed designs of treatments for the following mains street civic realms and intersections are to be submitted to the satisfaction of the Shire for approval:

- (i) The roundabout at the intersection of Sansimeon Boulevard, Clara Street West and Evans Way to provide for a safe environment for pedestrians, cyclists and vehicles which incorporate the following:
 - pedestrian and cyclist crossings;
 - change in road surfaces for up to 30 metres towards the roundabout from either direction;
 - traffic calming devices.
- (ii) The four way intersection at Evans Way and Padra Turn to provide for a safe environment for vehicles, pedestrians and cyclists which incorporates the following:



- **A raised intersection plateau which includes a change in road surface to moderate driver speed through the intersection and paved threshold treatments on approach.**
- (iii) **Clara Street West/George Street main street precinct roads to comprise combination of pavement design, feature inserts, cobble stones, bollards, mature tree planting and lighting to form a street realm that is of high urban design quality safe and inviting for pedestrians and commuters safe.**
- (iv) **Pitman Way to George Street to the intersection of Clara Street West main street precinct roads to comprise combination of pavement design, feature inserts, cobble stones, bollards, mature tree planting and lighting to form a street realm that is of high urban design quality safe and inviting for pedestrians and commuters;**
- (v) **No net loss of any on-street carparking currently provided along the George Street main street, which is located adjoining and south of the Dome Café.**
- d. **Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Lighting Plan be submitted and approved by the Shire of Serpentine Jarrahdale which shows lights within the Plaza, the Station Forecourts and along roads and intersections to be constructed. The Plan must consider the Lighting Strategy prepared for the train station and focus on providing safe and encouraging active environments at all times, to promote a safe and secure precinct.**
- e. **Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), detailed designs being submitted for the Principal Shared Path to the west of the Railway reserve. Details of how much of the path will encroach within Lot 103 Bushman Glades, Byford to be included in the design to enable the Shire to be compensated for the land encroached upon by increasing the size of Lot 103 to the west. The cost associated with this must be borne by the applicant and undertaken prior to the operation of the station.**
- f. **Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Noise Management Plan including detail noise amenity impact study being submitted to the satisfaction of the Shire. This must demarcate where noise walls and/or other built controls are needed, to address the impact that train noise will create to interfacing residential communities of Byford. The Plan must also ensure noise emissions from the railway comply with assigned internal and outdoor noise levels of State Planning Policy 5.4 Road and Rail Noise.**
- g. **Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Plaza Public Realm Plan be submitted showing how the Plaza will be developed to the satisfaction of the Shire of Serpentine Jarrahdale. The Plan must demonstrate that the Plaza will provide for an activated high quality public realm public space, that delivers upon all of the detailed design outcomes expressed for the Plaza. The Plan must also demarcate the commercial ground lease site to be made available for the Shire, in order to activate the Plaza space once developed. Further, space for future public toilets must be demarcated to ensure the possibility for these to be built at the required time.**
- h. **Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Landscape Plan be submitted for each zone identified within the submitted Landscape Master Plan. The Plan must demonstrate the following:**



- (i) Species of vegetation to be used;
 - (ii) Maturity of vegetation planted;
 - (iii) Irrigation Strategy which identifies a reliable irrigation source to ensure trees are kept irrigated and cool at all times. The strategy must consider the fill proposed to be imported to site;
 - (iv) Irrigation system to be used;
 - (v) Trees to be retained.
- Once approved, the Landscape Management Plan must be implemented prior to operation of the development.
- i. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. The Stormwater Management Plan must address stormwater for all areas of the development. Once approved the Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.
- j. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), the applicant shall submit and have approved Plans depicting the proposed art piece/s consistent with Local Planning Policy 1.6. Upon approval of the Plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.
- k. The vehicle parking areas, accessways and crossover must:
 - (i) Be designed in accordance with relevant Australian/New Zealand Standard.
 - (ii) Include a minimum of 401 car parking bays.
 - (iii) Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard.
 - (iv) Four electronic car charging bays;Plans depicting these works are to be submitted to and approved by the Shire prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first). The works are to be completed prior to operation of the development, and thereafter maintained.
- l. The vehicle parking areas associated with the Kiss and Ride area must include 35 bays comprising of the following:
 - (i) 10 short term bays;
 - (ii) Eight kiss and ride bays;
 - (iii) a minimum of four disability accessible bays; ideally two disability parking bays closely abutted either side of the train station;
 - (iv) One taxi bay;
 - (v) Four PTA service bays
 - (vi) Two emergency bays



(vii) One tenancy bay;

(viii) Six motorcycle bays.

Plans depicting these works are to be submitted to and approved by the Shire prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first). The works are to be completed prior to operation of the development, and thereafter maintained.

m. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a total of 196 bicycle spaces are to be provided as follows:

(i) 60 bicycle spaces within the eastern storage;

(ii) 136 bicycle spaces in the western storage.

n. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), detailed designs of a pedestrian footbridge across Larsen Road are to be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the crossing shall be constructed prior to operation of the development. Should the crossing not be established before closure of Larsen Rd, suitable interim pedestrian connectivity across the rail must be provided in the intervening period.

o. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), a materials and colour schedule to be submitted to the Shire of Serpentine Jarrahdale for approval. The schedule should include materials and colours which are sympathetic to the rural tones of the Shire. Once approved the schedule should be implemented prior to the operation of the station.

p. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), Equine Trail Plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale. These are to include an equine path running on the west side of the rail reserve, connecting from Evans Way to the new Thomas Road budge underpass, and in an east west direction along the multiple use corridor running parallel to Evans Way / Padra Turn.

q. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), the universal accessible toilet within the main station building being redesigned as a changing places type facility, to the satisfaction of the Shire.

r. Prior to lodgement of a Building Permit or commencement of Station Building works (whichever comes first), all station, plaza and carpark lighting being redesigned to include live and neutral wiring so as to facilitate future smart lighting.

2. REQUESTS the Chief Executive Officer send copies of this report and the Council's recommendation to the Member for Darling Range Mr Hugh Jones MLA, and the Chair of the State Design Review Panel Ms Rebecca Moore as part of continuing to advocate for the best project outcome for the community.

3. REQUESTS the Chief Executive Officer to undertake a deputation (if available) for the meeting of the Western Australian Planning Commission (WAPC) or its Committees, where the development application will be considered.

CARRIED UNANIMOUSLY 7/0

Reason for difference to Officer Recommendation

So facilities are more aligned to best practice for increasing inclusive access and safety.



10.1.6 - Coordination of Telecommunication Infrastructure and Future Growth within the Shire (SJ4181)

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

Authority / Discretion

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

This report responds to a Council Resolution, that dealt with planning provision for telecommunication infrastructure within the Shire. The resolution was in two parts, the first being to undertake a Forum aimed at increasing awareness among stakeholders providing telecommunication infrastructure in a rapidly growing context like the Shire. The second part was to report back to Council in light of the Forum and further research, to determine whether any changes to the current Local Planning Policy should occur.

This forms the basis of this report.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 15 May 2023 – OCM094/05/23 – COUNCIL RESOLUTION
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.*



Background

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.

The Shire conducted a Forum to supplement the ongoing activities associated with structure planning and infrastructure coordination, with the intent to raise awareness of just how fast the Shire is growing and to increase early collaboration between land developers and telecommunication infrastructure providers to better plan for this essential infrastructure piece.

Community / Stakeholder Consultation

The stakeholder consultation took place via the Forum, that was hosted by the Shire on 3 August 2023. The outcomes of this Forum, and recommendations as a result, are discussed following.

Statutory EnvironmentLocal Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- State Planning Policy 5.2: Telecommunications infrastructure
- Local Planning Policy 4.6: Telecommunications Infrastructure

Comment

The NBN and Telecommunications Information Session was held virtually on 3 August 2023. 18 representatives attended the Forum, which included presentation from NBN and infrastructure providers. Attendance included land developers within the Shire, telecommunication industry representatives and companies involved in telecommunications.

The session featured two components that activated key discussion points. These were:

1. Presentation by NBN regarding processes that are required for developers to gain access to fixed network infrastructure, and the opportunities for smart technologies to be integrated as part of new community design;
2. Presentation by infrastructure provider Waveconn, regarding the planning and delivery of infrastructure, and challenges and opportunities for improvement. It was also discussed how the development of 5G networks will see significant demand for additional infrastructure to be built across the developed landscape of Australia.

The following image was utilised to show the key infrastructure response needed to support the successive shifts in mobile signal technology, and from this the challenge that increasing density of infrastructure provision will hold.

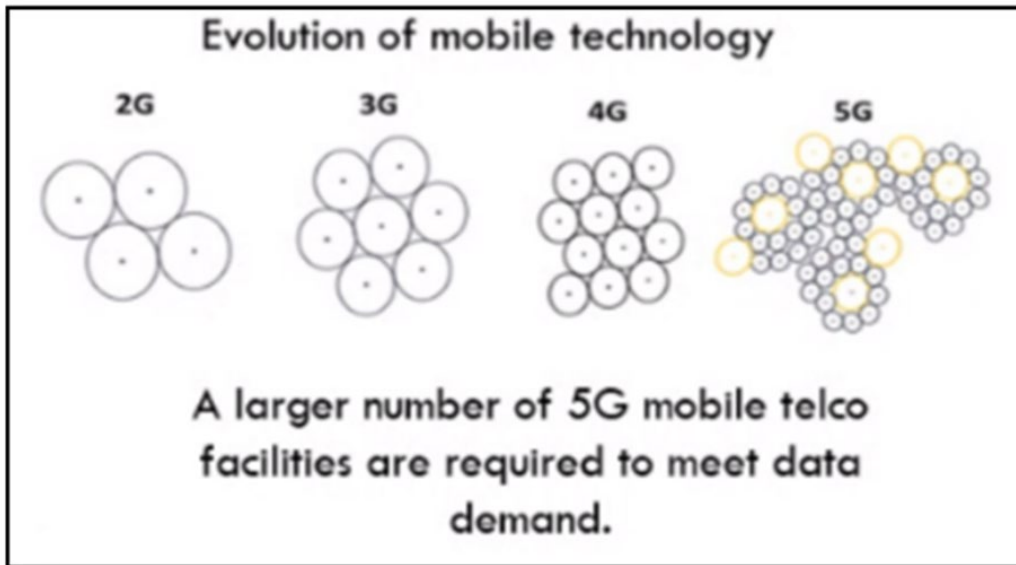


Figure 1: Impact of 5G on telecommunications infrastructure requirements

The Forum recognised the importance and increased demand being placed for digital infrastructure, particularly in outer growth areas like the Shire where increasing demand is being generated through combination of population growth and private business investment. These phenomena require continued expansion and intensification of telecommunication infrastructure, in order to meet customer and community need.

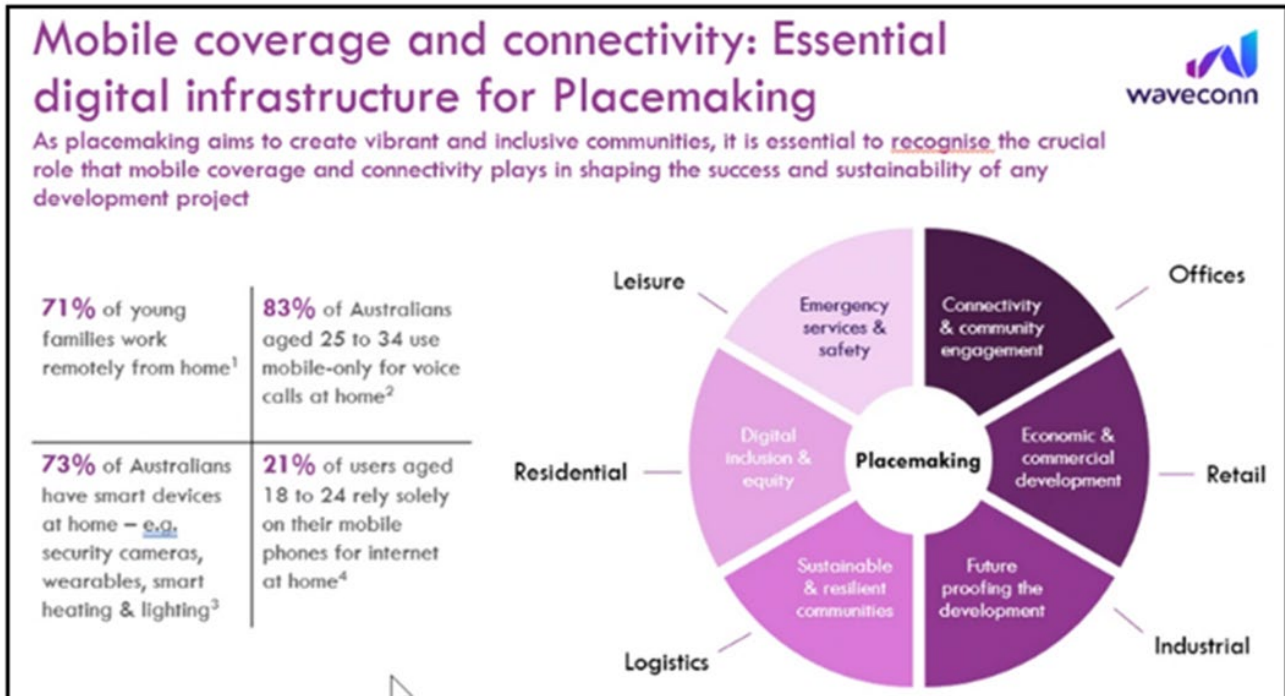


Figure 2: Statistics regarding digital infrastructure (Waveconn)

As part of bringing together the Forum, there was analysis and discussion of current network coverage deficiencies within the Shire, especially where such overlap areas intended for future development. The image following (Figure 3) shows current network coverage issues caused by absent telecommunication infrastructure. These areas of low or no service quality, are shown in purple.

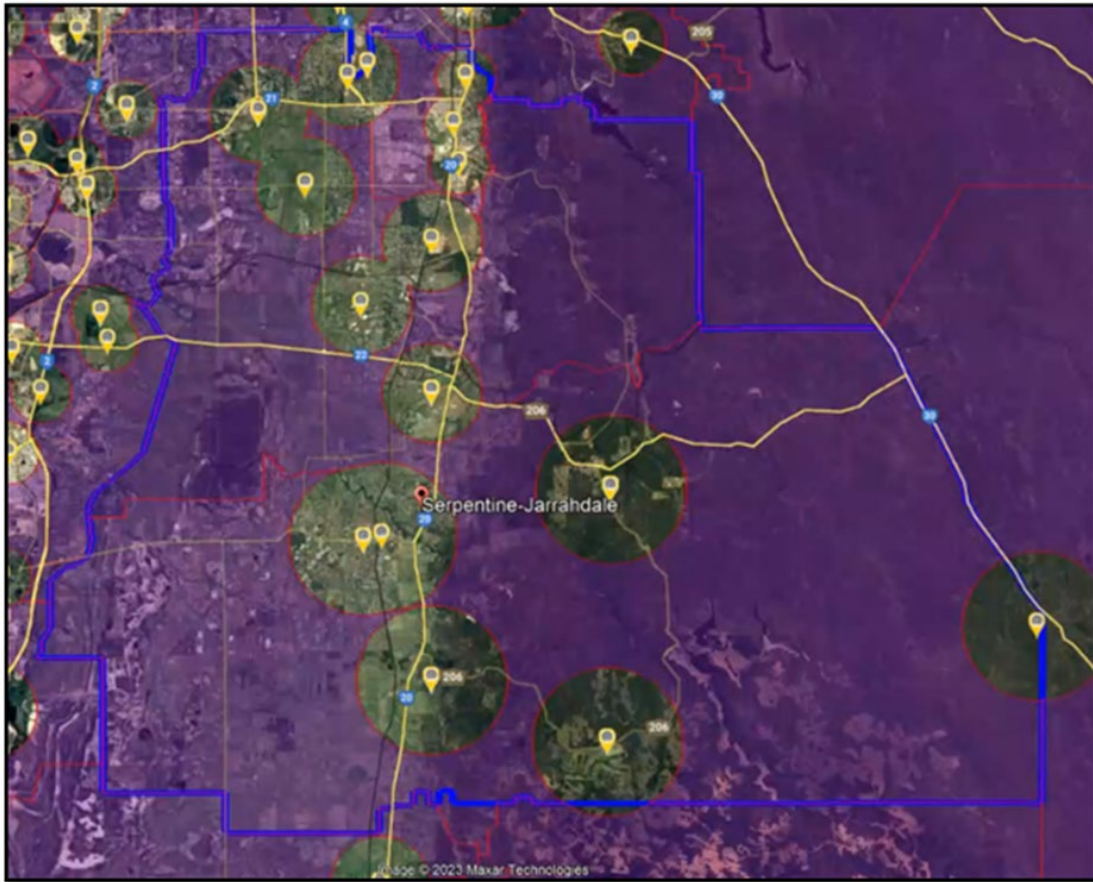
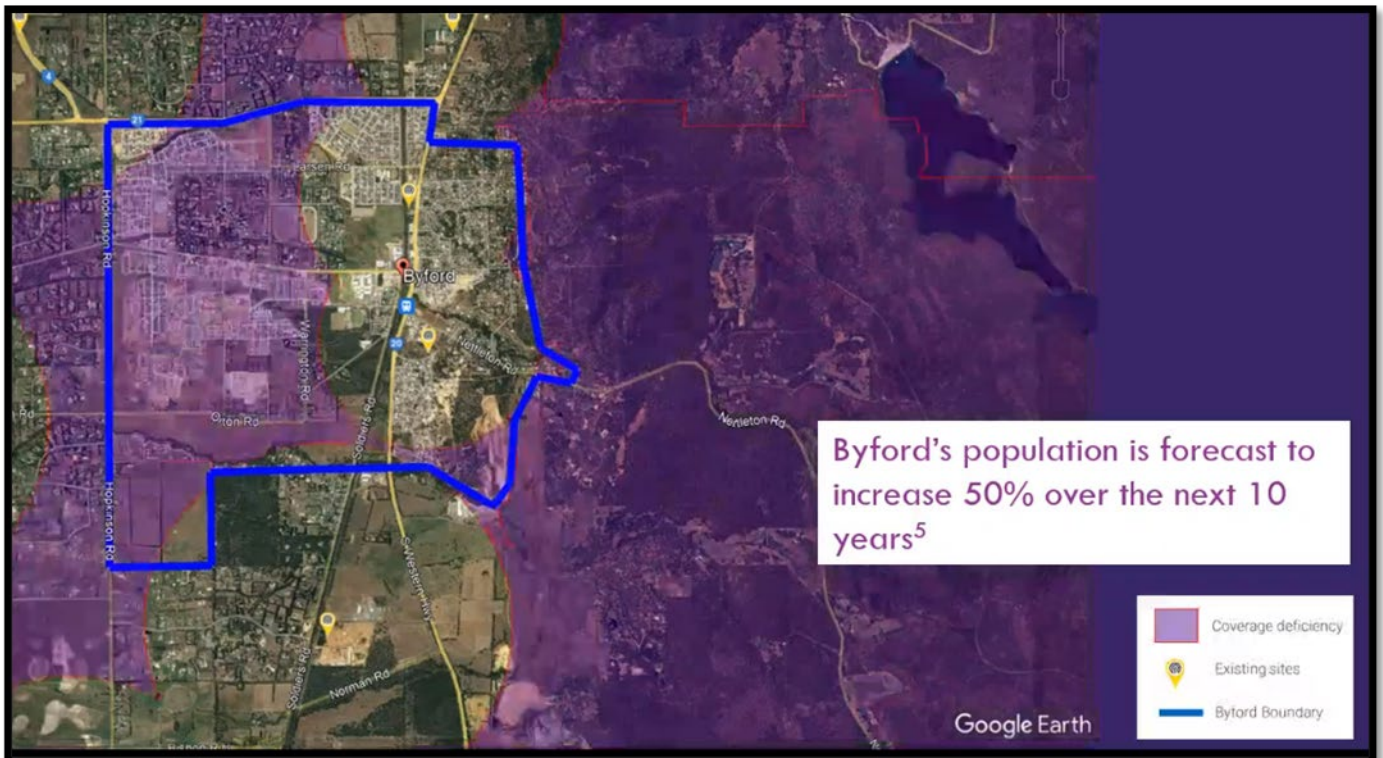


Figure 3: Coverage deficiency in Byford and Mundijong (Waveconn)

This lack of infrastructure is also reflected in the coverage of the two main urban areas in Byford and Mundijong below.



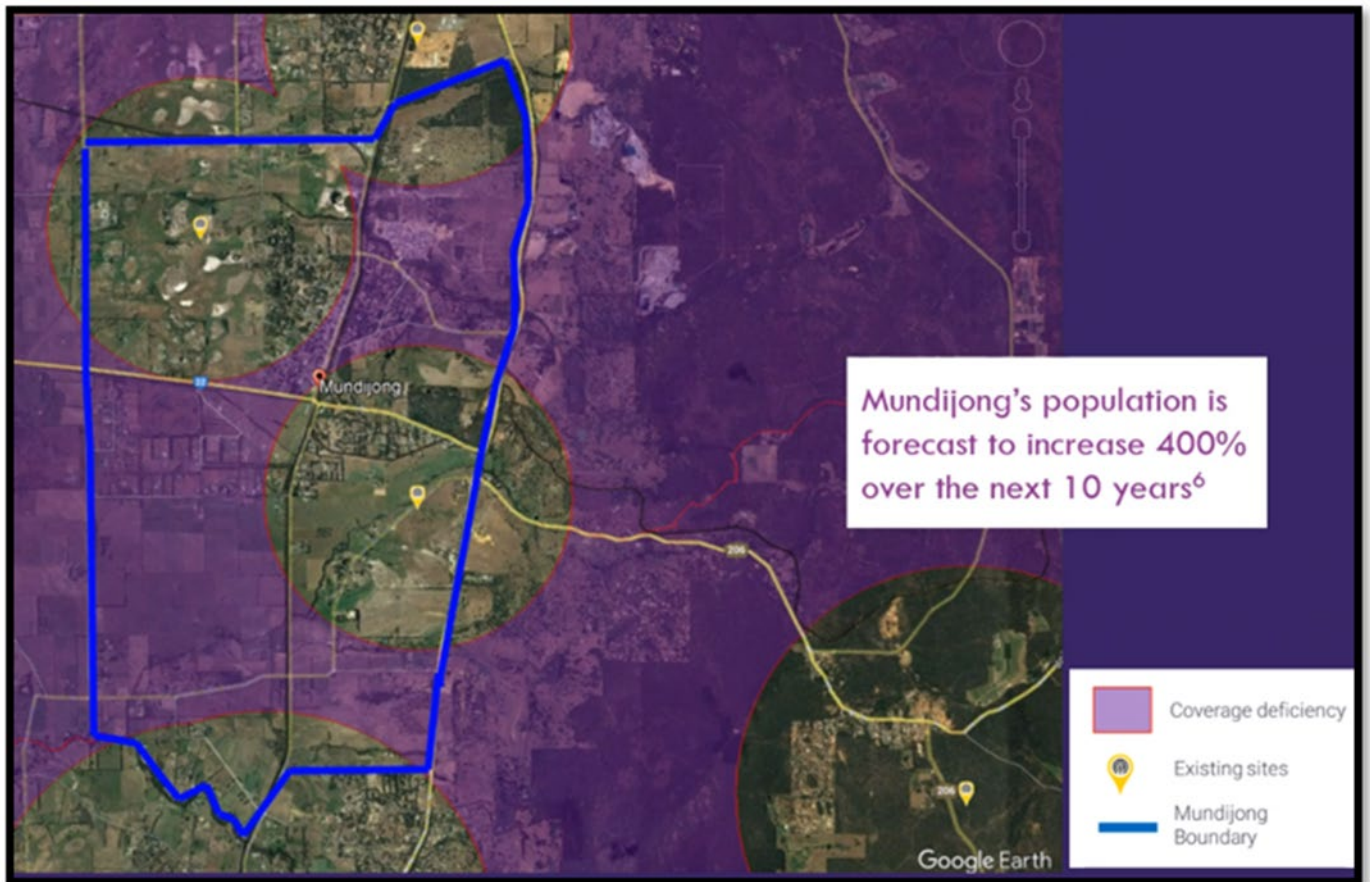


Figure 4: Coverage deficiency in Byford and Mundijong (Waveconn)

An aspect that was discussed in the light of the current lack of infrastructure was the restrictions that the Shire's Local Planning Policy 4.6 Telecommunications Infrastructure currently provides. The specific provision that was discussed was:

- 2.2 Towers/monopoles should not be located within 200 metres of land zoned Urban or Urban Deferred in the Metropolitan Region Scheme (other than in special circumstances accepted by Council i.e. presence of a physical buffer between Telecommunications Infrastructure and residential area). Council may, however, consider the use of existing structures for the attachment of antennas and other equipment which does not require the construction of Telecommunications Infrastructure and does not adversely impact on the visual amenity of an area.

Although this contains a provision to allow for special circumstances, the industry representatives raised concerns regarding the distance-based requirement (200m) that made provisioning of the infrastructure challenging. This had become even more of a concern due to the increased density required by the 5G network as discussed previously, and that placement of infrastructure on the edge of townsites (in order to avoid urban zoned land), made such infrastructure less effective.

In considering this perspective, Officers also looked at approaches taken by other local planning policies of various local governments, to determine their approaches. This revealed that none had a similar distance based provisions, rather relying on a more performance based framework that would encourage siting of such infrastructure taking account of the community being serviced by it.



Based on this, Officers recommend that clause 2.2 of the LPP should be amended as follows:

- 2.2 *Towers/monopoles situated within urban areas (land zoned Urban or Urban Deferred in the Metropolitan Region Scheme) should be located close to areas which already have a reduced level of amenity. This includes areas close to, or within, railway reserves, primary regional road reserves, utility corridors and/or utility stations, and where residential development is intended to be generally separated from.*
- 2.2(a) *The Shire may consider towers/monopoles within areas of district open space (“DOS”) reserve, provided:*
- (i) such does not impact upon any current or future useability of the DOS;*
 - (ii) the DOS is not co-located with any existing or future primary and/or high school;*
 - (iii) the DOS is configured in such a way that a tower/monopole can be placed in a manner that achieves adequate separation from any existing or proposed residential dwelling; and*
 - (iv) the portion of the reserve for the tower/monopole and associated ground level equipment, is agreed by the State Government to be excised out of the overall DOS reserve, and created as a new reserve for telecommunications vested within the Shire with power to lease.*
- 2.2(b) *Towers/monopoles will generally be supported within areas zoned light or general industry, industrial development and service commercial, in order to further separate this infrastructure from residential areas and support data needs of business and enterprise locations.*

The removal of the distance-based requirement and replacement with a more performance based approach is considered to provide better policy guidance for both applicants and Officers.

To enable the modification, pursuant to Clause 5(1) of the Deemed Provisions, Council would need to resolve to modify Local Planning Policy 4.6: Telecommunication Infrastructure, and advertise such for community and stakeholder feedback.

Options and Implications

Option 1

That Council, pursuant to Clause 5(1) of the Deemed Provisions, **RESOLVES** to modify Local Planning Policy 4.6: Telecommunication Infrastructure to update clause 2.2 as per **attachment 1**, and **REQUESTS** the Chief Executive Officer to advertise for 28 days this amendment to Local Planning Policy 4.6 Telecommunication Infrastructure in accordance with Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Option 2

That Council **RESOLVES** not to modify Local Planning Policy 4.6: Telecommunication Infrastructure.

Option 1 is recommended.



Conclusion

The purpose of this report is to provide feedback to Council on the recent telecommunications Forum, and review of the LPP based on further research and analysis. Officers recommend that Local Planning Policy 4.6 be amended as discussed in the report, and that such amendment should be advertised for community feedback.

Attachments (available under separate cover)

- **10.1.6 - attachment 1** - Modified Local Planning Policy (LPP) 4.6 Telecommunications Infrastructure (E23/10068).

Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

There are no direct financial implications resulting from this decision.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Modifying LPP 4.6 to remove the distance-based requirements may have adverse consequences for visual amenity resulting from more telecommunication infrastructure within urban areas.	LPP 4.6 still has various other provisions that will protect the visual amenity of the areas where this infrastructure is provided.	Strategic Stakeholder Relationships	Unlikely	Minor	LOW	The policy will be formally advertised.
2	Not modifying LPP 4.6 to remove the distance-based requirements may result in inadequate telecommunications infrastructure in the Shire.	All stakeholders are working together to find solutions to the increased density required for 5G.	Social Community Outcomes /	Likely	Moderate	MODERATE	Nil.



Voting Requirements: Simple Majority

Officer Recommendation

That Council, pursuant to Clause 5(1) of the Deemed Provisions, **RESOLVES** to modify Local Planning Policy 4.6: Telecommunication Infrastructure to update clause 2.2 as per attachment 1, and **REQUESTS** the Chief Executive Officer to advertise for 28 days this amendment to Local Planning Policy 4.6 Telecommunication Infrastructure in accordance with Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

OCM236/09/23

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Strange

That Council:

1. pursuant to Clause 5(1) of the Deemed Provisions, **RESOLVES** to modify Local Planning Policy 4.6: Telecommunication Infrastructure to update clause 2.2 as per attachment 1 **EXCEPT** with the addition of a clause 2.2(c) as follows:

2.2(c) All applications for development approval which include a technical study purporting to conclude that collocation options are not possible, is to have such technical study subject to independent peer review by a suitably qualified consultant, at full cost of the applicant. This is to consider specifically whether collocation has been correctly deemed unviable.

2. upon attachment 1 being updated as per Part 1, **REQUESTS** the Chief Executive Officer to advertise for 28 days this amendment to Local Planning Policy 4.6 Telecommunication Infrastructure in accordance with Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED UNANIMOUSLY 7/0

Reason for difference to Officer Recommendation

To ensure that there is an independent review when collocation is purported not to be possible.

**10.2 Infrastructure Services reports:**

10.2.1 – Minutes of the Rivers Regional Council Meeting – 17 August 2023	
Responsible Officer:	Manager Waste and Fleet
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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 17 August 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 (the Shire) is a member of the RRC.

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

The RRC Council Meeting held on 17 August 2023 was held online and was completed within 15 minutes.

The following items, detailed in **attachment 1** were presented at the meeting:

- Payments for the Period 1 June 2023 to 31 July 2023;
- Financial Report for the Period 1 June 2023 to 30 June 2023;
- Financial Report for the Period 1 July 2023 to 31 July 2023;



- CEO Report.

All items were carried unanimously 11/0.

The next meeting will be held on Thursday, 19 October 2023.

Options and Implications

Option 1

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 17 August 2023 as contained in **attachment 1**.

Option 2

That Council DOES NOT NOTE the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 17 August 2023.

Option 1 is recommended.

Conclusion

As a member of the RRC, the unconfirmed minutes of the RRC Ordinary Council Meeting held on 17 August 2023 are attached for Council's information.

Attachments (available under separate cover)

- **10.2.1 - attachment 1** – Rivers Regional Council Ordinary Council Meeting Minutes – 17 August 2023 (IN23/18040)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Nil.

Risk Implications

Nil.

Voting Requirements: Simple Majority

OCM237/09/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Atwell

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 17 August 2023 as contained in attachment 1.

CARRIED UNANIMOUSLY 7/0



10.2.2 - Award Request for Tender– RFT 02/2023 – Bore and Pump Maintenance Services (SJ4198)

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

Authority / Discretion

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

The purpose of this report is to award the Bore and Pump maintenance service contract to the recommended tenderer.

Relevant Previous Decisions of Council

Nil.

Background

Bore and Pump Services is an essential component of the Shire's maintenance activities across parks, reserves, and public open space with an annual spend of \$131,974 in 2022/23. The service also extends to provide pump maintenance resources in response to critical breakdowns of aging pumping equipment and aids the collection of asset data to inform maintenance schedule development. This is currently being managed on a case by case and reactive basis which impacts efficiencies, substandard service delivery and costing.

The procurement of Bore and Pump maintenance and asset pick up was approved by Council within the 2023 / 2024 annual budget. The Shire has had no previous contracts for this service and procuring these services through an annual supply contract, subject of this report, will be a major improvement in this area of operations.

The intent of securing an approved supplier by Tender is to address the delays in procuring services for urgent and reactive works and better manage the high impact period during the summer months when there are heightened pump failures. Additionally, failures have a direct effect to turf assets, streetscapes and gardens.

The forecast spend on this contract over a 5-year period is \$660,000 excluding CPI and increased service cost annually.

Community / Stakeholder Consultation

Nil.



Submissions

The Request for Tender RFT 02/2023 Bore and Pump Maintenance Services was advertised on Wednesday 12 July 2023 and closed at 2.00pm on Thursday 10 August 2023.

The Tender was advertised in the following papers:

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

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

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

Tender submissions were received from the following companies:

#	Company Name
1	Hydroquip Pumps
2	Newground Water Services Pty Ltd

Evaluation Panel

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

- Coordinator Parks and Environment;
- Senior Landscape Architect;
- Town Officer Maintenance.

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

Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	50%
<p>Relevant Experience</p> <p>Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years.</p> <p>Detail experience in pump and irrigation design, bore servicing and decommissioning, pump flow testing, pump maintenance and the use of divers for wet well maintenance.</p> <p>Provide details of how many pumps your company can service at any one time, and the timeframe it takes to complete a service.</p>	20%



EVALUATION CRITERIA	WEIGHTING
<p>Key Personnel, Skills, and Resources</p> <p>Provide information that explains the capacity of the Company to deliver the services including:</p> <p>Key personnel and their Professional Qualifications, Certifications, Accreditations and Relevant Experience.</p> <p>Certified Irrigation Designer.</p> <p>Companies after hour's response capabilities.</p> <p>The tenderer shall state which key personnel will be involved in the contract and their roles within the Company. Include / describe the past work of a similar nature for each person.</p> <p>The tenderer shall demonstrate its ability to provide suitably maintained plant and equipment to complete the work as described in the specifications. Include a list of the plant and equipment which states the model, year of manufacture and a brief description of its use.</p> <p>The tenderer shall provide a description of its workshop capabilities to repair, modify or manufacture parts when servicing pumps, bore headworks and wet wells.</p>	15%
<p>Demonstrated Understanding</p> <p>Provide a detailed programme showing how the service will be delivered to:</p> <ol style="list-style-type: none"> a. Undertake a single performance maintenance service for a submersible pump and developing a bore for irrigation use. b. Undertake single performance maintenance service both pumps and a wet well for storm water pumping. c. Design and install a new wet well and pumping system for storm water use. <p>Tenderers should include details such as:</p> <p>The sequence of works; identifying Principal approval points; safe worksite management; advise of any sub-contractor/s required to support the tendered works, and how the sub-contractor/s will be managed.</p> <p>Indicate three common issues that can arise during these typical works. Outline the methodology or approaches your company will take to address these issues to ensure that there is a successful outcome.</p> <p>Include a forecast timeline for delivering each of the services.</p> <p>Processes should be set out in a concise manner and the use of dot points or tabular schedule is acceptable.</p>	15%

The tender sought to include the provision of materials and additional services such as specialised bores and pumps servicing and associated specialist repair services including in water access and remediation activities. In addition, awarding this contract will ensure timely resolution of unplanned maintenance issues, breakdown repairs, cost savings and cost control across the annual program of bore and pump maintenance and asset lifecycle activities including detailed asset data collection.



Comment

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

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

The tender evaluation panel therefore recommends the tender submission made by New Ground Water Services Pty Ltd be accepted.

Statutory Environment

Relevant legislation applicable to this tender is:

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

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

Tendering

2. Tender Exemption

The regulations make provision for certain circumstances where tendering is not required. Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*:

The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;

Options and Implications

The following options have been identified:

Option 1

That Council:

1. AWARDS Tender RFT 02/2023 – Bore and Pump Maintenance Services to New Ground Water Services Pty Ltd in accordance with **CONFIDENTIAL attachment 1 and 2**, for an initial period of two (2) years (1 October 2023 till 30 September 2025) with an option of an additional one (1) year plus one (1) year plus one (1) year (Total of 5 years) at the Chief Executive Officer's discretion;
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 02/2023 – Bore and Pump Maintenance Services.

Option 2

That Council NOT AWARD the contract and retender.

Option 3

That Council NOT AWARD the contract and NOT retender.

Option 1 is recommended.

**Conclusion**

New Ground Water Services Pty Ltd has been assessed as being able to meet the requirements of the contract. The respondent met all the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money.

Therefore, it is recommended that Council support Option 1 and the contract be awarded to New Ground Water Services Pty Ltd.

Attachments (available under separate cover)

- **10.2.2 – CONFIDENTIAL attachment 1** – RFT 02/2023 – Bore and Pump Maintenance Services - Evaluation Report (E23/9278)
- **10.2.2 – CONFIDENTIAL attachment 2** – RFT 02/2023 – Bore and Pump Maintenance Services – Pricing Schedule (E23/9279)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient, and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications:

Costs for Bore and Pump maintenance services have been included within several parks' maintenance budget items in the 2023-24 operations budget. Provision of these services through an annual supply contract, subject of this report, will ensure efficiencies in service delivery by the Operations teams and maintenance and supply cost savings over the term of the contract.



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 operates without a contract in place for provision of Bore and Pump Maintenance services	Procurement of Bore and Pump Maintenance services will be on a quote basis as per the Shires' procurement policy. This will decrease the amount of works undertaken due to increased administrative tasks to procure services including a rapid response to any mechanical failure of infrastructure	Reputation	Likely	Moderate	MODERATE	Nil
2	Council selecting an applicant contrary to the evaluation report may affect the probity of the procurement process resulting in reputation damage.	Procurement Policy	Reputation	Rare	Moderate	MODERATE	Nil



Voting Requirements: Simple Majority

OCM238/09/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council:

- 1. AWARDS Tender RFT 02/2023 – Bore and Pump Maintenance Services to New Ground Water Services Pty Ltd in accordance with CONFIDENTIAL attachment 1 and 2, for an initial period of two (2) years (1 October 2023 till 30 September 2025) with an option of an additional one (1) year plus one (1) year plus one (1) year (Total of 5 years) at the Chief Executive Officer’s discretion;**
- 2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 02/2023 – Bore and Pump Maintenance Services.**

CARRIED UNANIMOUSLY 7/0

**10.3 Corporate Services reports:**

10.3.1 - Confirmation of Payment of Creditors – August 2023 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

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

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 August 2023 to 31 August 2023 is provided in **attachment 1**.

Options and ImplicationsOption 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 August 2023 to 31 August 2023, totalling \$4,535,156.55

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 August 2023 to 31 August 2023, totalling \$4,535,156.55

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 31 August 2023 (E23/11525)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 June 2023 – 27 July 2023 – Redacted (E23/11530)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

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

The accounts paid under delegated authority for 1 August 2023 to 31 August 2023 totalled \$4,535,156.55



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

OCM239/09/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 August 2023 to 31 August 2023 totalling \$4,535,156.55 as contained in attachment 1.

CARRIED UNANIMOUSLY 7/0

**10.3.2 - Monthly Financial Report – July 2023 (SJ801)**

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

Authority / Discretion

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

The purpose of this report is to 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 July 2023.

Relevant Previous Decisions of Council

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

7. That Council, in accordance with regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2022/23 for reporting material variances shall be:

- a) $\geq 10\%$ of the amended budget and $\geq \$10,000$ of the amended budget; or
- b) $\geq \$150,000$ of the amended budget.

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

Background

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

The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. Furthermore, Council has resolved that each Capital project outside of the materiality thresholds be reported on separately. This gives an indication 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 July 2023.

The municipal surplus as at 31 July 2023 is \$4,626,759 which is favourable, compared to a budgeted amount. This primary due to a higher than anticipated opening position as well as conservative spends in Operating Activity pending budget adoption. It is worth noting that the opening position for 2022/23 may change, pending the finalisation of the 2022/23 Financial reports.

Further information on material variances that may have an impact on the outcome of the budgeted closing surplus position are listed below:

Operating Activities

Favourable variance in Operating Activities

Operating Revenue

Rates

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

Please notes there is no rates revenue in July as rates were not raised until after budget adoption on 31 July 2023.

Operating Grants, Subsidies and Contributions

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

Fees and Charges

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

Interest Earnings

Favourable permanent variance of \$47,313 due primarily to:

- Higher interest rates than anticipated on term deposits.

Other Revenue

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

Profit on Asset Disposal

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

Operating Expenses

Employee Costs

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



Materials and Contracts

Favourable Temporary Variance of \$219,849 due to conservative spending across the organisation pending budget adoption on 31 July 2023.

Utility Charges

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

Depreciation

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

Finance Costs

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

Insurance Expenses

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

Other Expenditure

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

Loss on Disposal of Assets

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

Investing Activities

Contributions/Grants for the Construction of Assets

Favourable temporary variance of \$132,865 due primarily to

- Byford DCP - \$80,875
- Community Infrastructure DCP - \$16,428
- West Mundijong DCP - \$7,573

Proceeds from Disposal of Assets

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

Capital Expenditure

Unfavourable temporary variance of \$39,894 due primarily to:

- Final Carryforward budget adjustments pending for
 - Depot Administration Refurbishment - \$66,964
 - Briggs Park – Dugouts - \$15,598
- ERP System Implementation - \$25,211 favourable temporary variance due to timing of project delivery.

Financing Activities

Proceeds from new Borrowings

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

Transfer from Reserve

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



Repayment of new Borrowings

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

Payment for principal portion of lease liabilities

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

Transfer to Reserve

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

Options and Implications

Option 1

That Council RECEIVES the Monthly Financial Report for July 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 July 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 – July 2023 (E23/11113)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

As at 31 July 2023, the Shire’s respective cash position was as follows:

Municipal Fund: \$5,179,612
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

OCM240/09/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council **RECEIVES** the Monthly Financial Report for July 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 7/0



10.4 Community Engagement reports:

10.4.1 – 2023-2028 Disability Access and Inclusion Plan (DAIP) (SJ4018)	
Responsible Officer:	Manager Community Activation
Senior Officer:	Director Community Engagement
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to enable Council to:

- Consider submissions received regarding the draft 2023-2028 Shire of Serpentine Jarrahdale Access and Inclusion Plan and associated five-year implementation plan; and
- Adopt the 2023-2028 Shire of Serpentine Jarrahdale Access and Inclusion Plan and associated five-year implementation plan.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 19 June 2023 – OCM152/06/23 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>ENDORSES the draft Shire of Serpentine Jarrahdale 2023 – 2028 Access and Inclusion Plan and associated Implementation Plan, as contained in attachments 1 and 2;</i> 2. <i>REQUESTS the Chief Executive Officer advertise the draft Shire of Serpentine Jarrahdale 2023 – 2028 Access and Inclusion Plan and associated Implementation Plan for a 30-day public comment period; and</i> 3. <i>REQUESTS the Chief Executive Officer present the draft Shire of Serpentine Jarrahdale 2023 – 2028 Access and Inclusion Plan and associated Implementation Plan to Council for final adoption following the public comment period. Where no comment is received, the endorsed plans in attachments 1 and 2 are to be considered adopted.</i>
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Background

The Shire is committed to creating an accessible and inclusive place for all people – no matter their age, ability or background. Access and inclusion creates a place that is liveable for everyone. Promoting a sense of connection and belonging can lead to improved mental health and other individual and community benefits; feeling valued and comfortable socially can prevent and reduce feelings of isolation, anxiety, and depression (reference: www.headtohealth.gov.au/meaningful-life/connectedness/community).

The *Disability Services Act 1993* requires Local Governments to develop and implement an Access and Inclusion Plan to ensure that people with disability have equity of access and inclusion to functions, facilities and services. The plans are to address seven specified outcome areas.

At the June 2023 Ordinary Council Meeting, Council endorsed the Shire's draft 2023 – 2028 Access and Inclusion Plan (**attachment 1**) and associated five year Implementation Plan (**attachment 2**), subject to a 30-day public comment period.

This report seeks to inform Council on the submissions received during this period and requests Council adopt the draft plans.

Final formatting and Shire branding will be applied to the document once adopted.

Community / Stakeholder Consultation

The draft 2023 – 2028 Access and Inclusion Plan and associated five-year Implementation Plan was developed through a range of consultation forums, including community workshops and engagement with the Access and Inclusion Advisory Group.

The draft plans were advertised from 5 July - 5 August 2023 on the Shire's Your Say SJ website, as well as hard copies made available at the Shire's administration centre.

The Shire received two (2) submissions during the public comment period and are provided at **attachment 3**. Officer's response to the submissions are addressed in the Comment section of this report.

Statutory Environment

The Disability Services Act 1993 (amended 2004) requires the Shire to develop a Disability Access and Inclusion Plan (DAIP) and report on it annually, with a full review undertaken every five years to ensure it remains current and relevant.

Comment

Submissions Received

Document	Submissions Received
Draft 2023 – 2028 Access and Inclusion Plan	<ul style="list-style-type: none">• One response supportive of the Plan.• One neutral response.
Draft 2023 – 2028 Access and Inclusion Implementation Plan	<ul style="list-style-type: none">• One response supportive of the Plan.• One response objecting to the Plan.



Comments supportive of the Plans were complimentary towards the inclusion of actions raised throughout the consultation undertaken during development of the draft DAIP.

Comments neutral or objecting to the Plans highlight a desire from the respondents for the Shire to advocate for and (where applicable) deliver services, infrastructure and engagement processes that exceed “minimum standards.” For example, building infrastructure not just within the legislated planning and building code requirements, but to standards that may exceed these in order to deliver outcomes that meet the needs of all community members now and into the future.

Officer Response

It is noted that the Shire is committed to advocating for increased accessibility within the draft Plans, particularly via the continuation of the Access and Inclusion Advisory Group. This group have provided valuable input on a range of matters, including the design of a range of public such as:

- Keirnan Park
- Jarrahdale Cemetery Toilet (Trail Head location),
- State Government developments such as the Byford Train Station, Byford Health Hub and the Water Corporation Playground at Serpentine Dam.

It has also helped inform the content shared on various Shire platforms and the development of programs and activities.

Delivering works above minimum standards has financial implications, hence delivery to this standard needs to be considered in context of each project and service.

There are a range of identified actions within the implementation plan that aim to demonstrate a commitment to best practice and community leadership for accessibility and inclusive purposes over the next 5 year period. These include actions such as 2.5; 3.1 and 3.2; 3.3; 3.5; 4.5; 5.2; and 7.4

Options for supporting disability employment within the Shire and suggestions for initiatives to enhance awareness and inclusive practices are also contained within the identified actions.

Upon review of the comments received and the actions contained within the draft implementation plan, Officers do not propose any amendment to the draft documents previously presented to Council. Officers recommend adopting the plans so that implementation of the identified actions can commence.



Options and Implications

Option 1

That Council:

1. NOTES the submissions received in the public consultation process as contained in **attachment 3**.
2. ADOPTS the Access and Inclusion Plan 2023 – 2028 (**attachment 1**) and associated five year Implementation Plan (**attachment 2**).

Option 2

That Council:

1. NOTES the submissions received in the public consultation process as contained in **attachment 3**.
2. ADOPTS the Access and Inclusion Plan 2023 – 2028 (**attachment 2**) and associated five-year Implementation Plan (**attachment 3**), subject to specified changes.

[Councillor moving motion to specify changes]

Option 1 is recommended.

Conclusion

At the June 2023 Ordinary Council Meeting, Council endorsed the Shire’s draft 2023 – 2028 Access and Inclusion Plan (**attachment 1**) and associated five-year Implementation Plan (**attachment 2**), subject to a 30-day public comment period.

Public comment on the documents was open between 5 July to 5 August. The Shire received two (2) submissions which are included as **attachment 3**. Only one submission objected to the implementation plan and following review of these comments Officer’s do not propose any amendment to the draft documents. Council is requested to adopt the draft Plans.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** - Draft Shire of Serpentine Jarrahdale 2023 - 2028 Access and Inclusion Plan (E23/4926)
- **10.4.1 - attachment 2** - Draft Shire of Serpentine Jarrahdale 2023 - 2028 Access and Inclusion Implementation Plan (E23/3377)
- **10.4.1 - attachment 3** – Draft 2023- 2028 Disability Access and Inclusion Plan Public Comment Submissions - Redacted responses (E23/11271)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration



Financial Implications

Option One

The draft 2023 – 2028 Access and Inclusion Implementation Plan has been developed to be consistent with current staff resourcing allocations and operational budgets.

Account 4300-15303 (Disability Access and Inclusion) provides an annual allocation for the implementation of action items. It is recognised that alternative actions may be identified over the life of the plan that meet the intended aim within the same resourcing parameters. Detailed budgets will be determined each year through the Shire's annual integrated planning and reporting processes.

Option 2

Where additional actions are identified, financial implications would need to be considered.

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 & 2	Inability for the Shire to deliver on identified actions, as a result of budget or staffing limitations.	Detailed internal consultation across all Shire Departments completed prior to endorsement. Annual integrated planning and reporting process as referenced in the documents.	Financial	Unlikely	Minor	LOW	
2	Changes to Plans result in the inclusion of actions that are unachievable due to being outside the scope of Shire operations.	Commitment to ongoing advocacy identified within the Plans.	Reputation	Possible	Moderate	MODERATE	



Continued

**Ordinary Council Meeting Minutes
Monday, 18 September 2023**

Voting Requirements: Simple Majority

OCM241/09/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Coales

That Council:

- 1. NOTES the submissions received in the public consultation process as contained in attachment 3.**
- 2. ADOPTS the Access and Inclusion Plan 2023 – 2028 (attachment 1) and associated five year Implementation Plan (attachment 2).**

CARRIED UNANIMOUSLY 7/0



10.5 Executive Services reports:

10.5.1 – National Growth Areas Alliance - Membership and attendance in Canberra in November 2023 (SJ514-11)	
Responsible Officer:	Chief Executive Officer
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to consider if the Council wishes to:

1. re-join the National Growth Areas Alliance
2. approve the Shire President and Chief Executive Officer to travel to Canberra in November 2023 for National Growth Areas Alliance activities.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 12 November 2012 - OCM092/11/12 - COUNCIL DECISION/Officer Recommendation

That Council approve Cr Merri Harris' attendance at the National Growth Areas Alliance's Research Launch, Tour and Members' Meeting to be held in Sydney on Thursday 29 and Friday 30 November 2012.

Background

The National Growth Areas Alliance states that it is:

"the peak body for local governments in Australia's outer metropolitan growth areas and advocates to state and federal governments on growth area challenges and opportunities. Together, we represent more than five million people living in Australia's fast-growing suburbs and are united by shared experiences of population growth rates at double the national average and long-term under-investment in vital infrastructure."

The group is made up of over twenty local governments across four states. Western Australian members local governments are the Cities of Wanneroo; Swan; Cockburn; Kwinana; Armadale; and Gosnells.

The Shire was previously a member of the NGAA from 2009/10 to 2017/18, however left as the NGAA was more focused to larger local governments.



Officers now understand that membership of the group has diversified and includes representatives from local governments in similar geographic and growth situations to the Shire in other States.

Representatives from the Shire recently attended an event involving the NGAA hosted in Perth by the City of Cockburn and City of Gosnells. This was a successful and valuable event. During their time in WA representatives from NGAA met with the Shire President and CEO and encouraged the Shire to consider membership of the group.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

The Shire has in recent years done well with election advocacy at a State Government level and arguably has good relationships and access to State Government Ministers and opposition spokespeople.

However, an area where there is opportunity for improvement is the advocacy the Shire does at a Federal government level. Although the Shire does have relationships with the local Federal Government member of Parliament and Senators for Western Australia these are not as developed at a member level or with Ministers.

The Council recently adopted its election priorities for the coming 2025 State and Federal Government elections. Work is beginning on the planning and feasibility work associated with these priorities as well as implementing the associated advocacy strategy.

However, measures will need to be implemented to increase the awareness and advocate for issues for the Shire at a Federal level.

Options for this include attending Australian Local Government Association National Congress or representatives from the Shire undertaking delegations to the Eastern States regularly to meet with politicians and public servants.

However, the issues Serpentine Jarrahdale are facing is not the same as issues being faced by most other local governments across the country.

As a high growth area on the urban fringe with a mixture of residential and rural communities, our issues are different to many other local governments in WA and indeed around Australia. Officers believe the Shire is better aligning with other high growth local governments with shared interests and issues with which advocacy can occur as a collective. Officers believe that membership to National Growth Areas Alliance presents such an opportunity.

Membership would be consistent with Council Policy Council Delegates and Representation on External Organisations, Including Community Groups in that the policy sets out the Shire should only provide representatives where:

- *it represents state or regional interests that are likely to have an impact on the Shire of Serpentine Jarrahdale;*
- *the terms of reference or constitution of the organisation complements the objectives of the Shire and does not readily involve a conflict;*



- *it is considering or working on a matter or issue of significant strategic interest to the Council. This may be confined to local interests, involve state or regional matters, or be issue based at any level;*
- *it represents local interests and the Council has a direct financial or strategic interest in the affairs of that group; and*
- *it represents local interests and the group occupies Shire property.*

Officers contend that the National Growth Areas Alliance meets this criteria.

Officers are recommending Council join the NGAA for a three year period until after the 2025 Federal Government election and then review membership moving forward.

The NGAA is funded by membership fees only, set on a sliding scale recognition of the different stages of growth of eligible Councils. Fees increase each year in line with CPI.

Population categories	Outer Metropolitan Growth Councils Full Membership Eligibility Membership Fees FY23/24
>200,000	\$ 32,742 plus GST
100-200,000	\$ 27,285 plus GST
50-100,000	\$ 21,828 plus GST
<50,000	\$ 16,371 plus GST

With a population of approximately 34,700 the annual membership for the Shire would be \$16,371.

If Council agrees to join, Officers would encourage the Council to resolve to participate in events, networking opportunities and meetings with Ministers and Government representatives by both the Shire President and the Chief Executive Officer. This will ensure the Shire receives maximum value from membership. Council Policy 3.3.4 - Councillor Training and Continuing Professional Development provides that training for Councillors that involves interstate travel at the expense of greater than \$300 has to be approved by resolution of Council.

NGAA has an event taking place in Canberra in November 2023. Details of the event are as follows (from the NGAA website):

Federal Parliamentary Showcase

12:00-2:00pm AEDT, Thursday 16 November 2023, Parliament House, Canberra

NGAA will host a Parliamentary Showcase over lunch, providing your Council the opportunity to connect in-person with Ministers and Shadow Ministers, Members of Parliament, Senators, advisors and other key stakeholders as we announce our advocacy priorities for 2024.

This is an important and coveted opportunity for NGAA to secure its place on the political radar, to reconnect our Alliance to Parliamentarians, and to present a strong, united voice on behalf of the 5.3 million people who live in our municipalities. Your presence will be vital to that show of strength.

All elected members and officers from NGAA Member councils are welcome.

Councils are requested to coordinate their delegations' registration, noting that two places are reserved for each NGAA Member council. Additional places are available at a cost of \$200pp.



2024-27 Strategic Plan Workshop

9:30am-3:00pm AEDT, Friday 17 November 2023, Old Parliament House, Canberra

NGAA Members are invited to shape the future of the Alliance at a workshop to develop the 2024-27 Strategic Plan. The workshop will consider:

Results from the 2021-23 Strategic Plan

Feedback from member survey

Advocacy opportunities in the next election cycle

Operational goals

Officers are recommending the Council approve the Shire President and CEO to attend this event. It is noted that other elected members are also able to attend at an additional cost. Officers consider that any other elected members interested in attending should also obtain Council approval to attend.

The attendance by the Shire President and CEO to Canberra in November 2023 is expected to cost approximately \$1,950 per person detailed as follows:

- Flights \$1,100
- Accommodation \$750 (3 nights at \$250)
- Travel (Taxi and public transport) \$100.

Options and Implications

Option 1

That Council:

1. RESOLVES to become a member of National Growth Areas Alliance for a period of three years.
2. REQUESTS the Chief Executive Officer present a report to Council at the end of the three year period for Council to consider ongoing membership and involvement.
3. AUTHORISES the Shire President and Chief Executive Officer to attend the National Growth Areas Alliance events in Canberra on Thursday 16 and Friday 17 November (using the two free tickets per local government) as outlined in this report on the following conditions:
 - a. Both the Shire President and CEO present reports to Council following the event on the benefits of attending
 - b. The Shire only pay for the following costs:
 - i. Airfares
 - ii. Accommodation only (not including any meals or alcohol)
 - iii. Travel (including taxis and public transport)
 - c. The Shire President and CEO to pay for all other costs associated with participation including meals and any alcohol.

**Option 2**

That Council:

1. RESOLVES to become a member of National Growth Areas Alliance for a period of three years.
2. REQUESTS the Chief Executive Officer present a report to Council at the end of the three year period for Council to consider ongoing membership and involvement.

Option 3

That Council RESOLVES not to become a member of the National Growth Areas Alliance at this point in time.

Option 1 is recommended.

Conclusion

Officers believe the Shire needs to increase its presence and advocacy at a Federal level. Attendance at local government events such as ALGA National Congress or delegations to Canberra are not considered to be as effective as joining an alliance of similar local governments such as the National Growth Areas Alliance.

On this basis, Officers are recommending the Council approve membership for a three year period and also authorise the Shire President and CEO to attend events in Canberra (subject to conditions) in November.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Annual Membership of the National Growth Areas Alliance will be \$ 16,371 plus GST. It is proposed these costs are sourced from 5200-17101-6363. As funding in this cost code is already allocated for other members, this cost code would need to be covered in the subsequent budget adjustments.

The attendance by the Shire President and CEO to Canberra in November is expected to cost approximately \$1,950 per person detailed as follows:

- Flights \$1,100
- Accommodation \$750 (3 nights at \$250)
- Travel (Taxi and public transport) \$100.

It is proposed these costs be charged to GL 1000-10110-6383-0000.



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	Travel in an area where scrutiny of the allocation of public funds is especially great		Reputation	Rare	Insignificant	LOW	
2 & 3	The opportunity presented to advocate would not be achieved		Organisational Performance	Unlikely	Moderate	LOW	



Voting Requirements: Simple Majority

OCM242/09/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Coales

That Council:

- 1. RESOLVES to become a member of National Growth Areas Alliance for a period of three years.**
- 2. REQUESTS the Chief Executive Officer present a report to Council at the end of the three year period for Council to consider ongoing membership and involvement.**
- 3. AUTHORISES the Shire President and Chief Executive Officer to attend the National Growth Areas Alliance events in Canberra on Thursday 16 and Friday 17 November 2023 (using the two free tickets per local government) as outlined in this report on the following conditions:**
 - a. Both the Shire President and CEO present reports to Council following the event on the benefits of attending**
 - b. The Shire only pay for the following costs:**
 - i. Airfares**
 - ii. Accommodation only (not including any meals or alcohol)**
 - iii. Travel (including taxis and public transport)**
 - c. The Shire President and CEO to pay for all other costs associated with participation including meals and any alcohol.**

CARRIED 6/1

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:
Councillors Rich, Coales, Dagostino, Duggin, Mack and Strange voted FOR the motion.
Councillor Atwell voted AGAINST the motion.*



Continued

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10.6 Confidential reports:

Nil reports.



Continued

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11. Urgent business:

Nil.



12. Councillor questions of which notice has been given:

12.1 - Councillor Questions of which Notice has been Given - WA State Government Local Government Act Reforms (SJ4087)	
Councillor	Councillor Byas
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

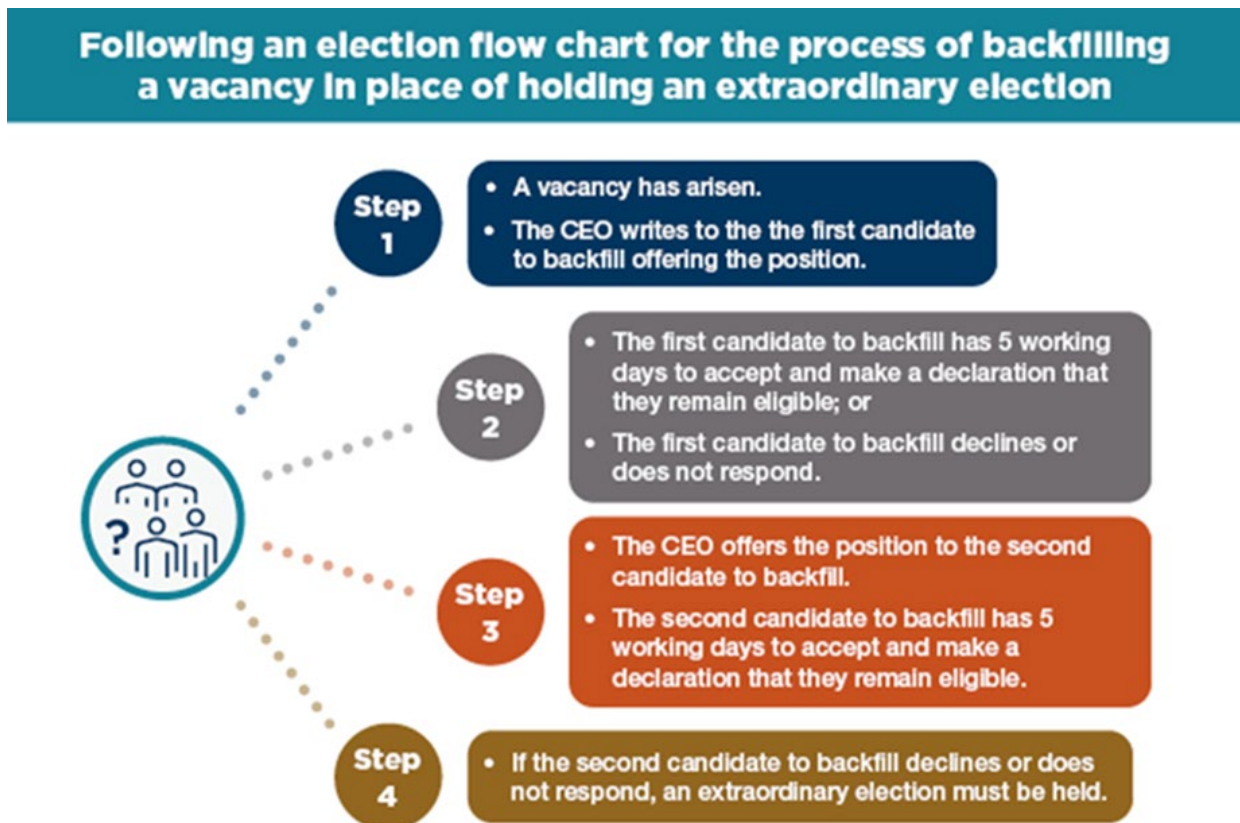
The following questions were received from Councillor Byas via email on Monday, 11 September 2023.

Question 1

I understand that the Local Government Act reforms allow for “countback” provisions to fill casual vacancies - is that correct and, if so, what is the process for the countback to occur?

Officer Response

Yes, the reforms to the Local Government Act 1995 (the Act) have introduced new means to fill vacancies in certain circumstances. Schedule 4.1A and 4.1B of the Act provides for the filling of vacancies using backfilling provisions. The Department of Local Government, Sport and Cultural Industries has produced the following flowchart to explain how backfilling works which involves the first and second unsuccessful candidates in the relevant election being given the option to fill the remaining term with the option given initially to the first unsuccessful candidate:



**Question 2**

If an ordinary councillor election is not held in a ward where a casual vacancy is created - for example, through the popularly elected Mayor/President election - that would mean a countback wouldn't be possible, forcing the casual vacancy to be filled by an extraordinary election?

Officer Response

The backfilling provisions only apply in certain circumstances. For the backfilling provisions to apply an election using the optional preferential voting must have occurred in the ward or district in the previous twelve months to fill a relevant vacancy in that ward or district.

Question 3

There will not be an ordinary councillor election in the North Ward at the October 2023 election; if a casual vacancy is created through the popularly elected President election:

- Would an extraordinary election need to be held to fill the casual vacancy?
- What would be the timeframe?
- What would be the costs associated with conducting the election for the 1x North Ward vacancy?
- Has an amount been budgeted for to cover the cost of an extraordinary election following the October 2023 ordinary election?
- What would be the format, i.e., in-person vs. postal?

Officer Response

Yes. Until a vacancy is filled in the North Ward using the Optional Preferential Voting method, any vacancy created in the North Ward for any reason would necessitate an extraordinary election.

Section 4.9 of the *Local Government Act 1995* provides that:

1. *Any poll needed for an extraordinary election is to be held on a day decided on and fixed —*
 - a. *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
 - b. *by the Council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
2. *The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*

The costs of holding an extraordinary election would be dependent on a range of factors such as whether the election was conducted in person or using the postal method, and if the in-person method was used the number of early voting and polling day polling places. As a guide, the costs of conducting the Fresh Election in the North Ward in 2022 were estimated to be \$22,000 for an in-person election and \$30,000 for a postal election.

The 2023-24 budget adopted by Council contains an election reserve which would be exhausted by the conduct of the 2023 ordinary local government election. As such the funding for any elections other than the 2023-24 ordinary local government election would need to occur through a budget reallocation.



Continued

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In the event that an extraordinary election is required to be held for any reason, Council would need to determine who is to perform the role of Returning Officer and the means of conducting the election, noting that only the WAEC is permitted to conduct a postal election.



Continued

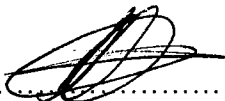
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Monday, 18 September 2023**

13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 8:48pm.

Officers assisting the meeting stopped the recording of the meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on
16 October 2023.

.....  Presiding Member – Councillor Rich

..... 18/10/23 Date