



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 19 June 2023 (concluding Wednesday, 21 June 2023)

Contact Us

Enquiries

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

In Person

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



www.sjshire.wa.gov.au



Councillor Attendance Register

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

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

Council 1 January 2023 –

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
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



Continued

Ordinary Council Meeting Minutes Monday, 19 June 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
03/04/23	PCF	✓	✓	A	✓	A	✓	✓	✓	✓
27/03/23	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
13/03/23	Q & A (OCM)	✓	A	✓	✓	✓	✓	✓	✓	A
08/03/23	WORKSHOP (Status update / report on 2022-23 CEO KPIs)	✓	A	A	A	A	A	✓	✓	A
02/03/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/02/23	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
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
NA – Non Attendance

LoA – Leave of Absence
EPNG – Electronic Participation Not Granted



Table of Contents

1. Attendances and apologies (including leave of absence):	7
2. Public question time:	7
2.1 Response to previous public questions taken on notice:	7
2.2 Public questions:	9
3. Public statement time:	16
10.5.1 – Advocacy Priorities 2025 State and Federal Government Elections (SJ4117)	22
4. Petitions and deputations:	34
5. President’s Report:	43
6. Declaration of Councillors and Officer’s interest:	45
7. Confirmation of minutes of previous Council meeting(s):	45
7.1 Ordinary Council Meeting – 15 May 2023	45
8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meeting:	46
8.1 Audit, Risk and Governance Committee Meeting – 22 May 2023	46
9. Motions of which notice has been given:	48
9.1 - Notice of Motion – Council approval to meet remaining costs for Councillor Strange to complete the WALGA provided Diploma of Local Government for Elected Members (SJ4084)	48
9.2 - Notice of Motion – Review of the Shire’s Debt Collection Policy (SJ4084)	52
9.3 - Notice of Motion – Westport Landside and Logistics Study (SJ4084)	54
10.1.11 - Consideration of Proposed Structure Plan - Lot 33 Hopkinson Road, Cardup (PA22/957)	56
10. Chief Executive Officer reports:	80
10.1 Development Services reports:	80
10.1.1 - Proposed ‘Place of Worship’ including incidental ‘Reception Centre’ and ‘Community Facility’ - Lot 128, South Western Highway, Byford (PA23/73)	80
10.1.2 - Development Application for Outbuilding - Lot 601, 142 Bruns Drive, Darling Downs (PA23/94)	103
10.1.3 - Proposed Road Naming Application - Lot 14 Scott Road, Mundijong (PA23/382)	115
10.1.4 - Proposed List of War Service Personnel Names for Roads/Streets (SJ500-4)	123
10.1.5 - Proposed Child Minding Centre - Lot 57 Briggs Road, Byford (PA23/172)	129
10.1.6 - Section 31 Reconsideration of Decision - Amendment to Conditions of Approved Transport Depot and Light Industry (Workshop) - Lot 41, 17 Cardup Siding Road, Cardup (SJ4050)	171
10.1.7 - Clem Kentish Reserve Master Plan - Interim Report (SJ3982)	184
10.1.8 - Appointment of Council Representative to Judging Panel for SJ Garden Competition (SJ3277)	193
10.1.9 - Mundijong F1 Precinct Structure Plan - Project Progression (SJ307)	197



10.1.10 - The Glades, Byford Local Structure Plan Amendment No. 11 - Cardup Brook Precinct (PA22/502)	203
10.1.11 - Consideration of Proposed Structure Plan - Lot 33 Hopkinson Road, Cardup (PA22/957)	221
10.2 Infrastructure Services reports:	222
10.2.1 – Tender Call for Soldiers Road - Cardup Siding Road Roundabout and Soldiers Road - Keirnan Street – Roundabout Upgrades (SJ3787)	222
10.2.2 - Road Closure and Land Exchange - Portion of Doley Road, Byford (SJ3580) ..	226
10.2.3 – Petition requesting a playground and BBQ area to the grassed area near Nokota Street and Appaloosa Avenue, Darling Downs (SJ1297)	231
10.2.4 – Council Policy Review – Crossovers (SJ526)	237
10.2.5 – Lot 123 and 124 Gordon Road Access, Serpentine (SJ1271)	243
10.2.6 - Review of Operations and Waste, Fleet and Facilities Business Units (SJ4029)	252
10.2.7 - Review of the Waste Transfer Station (SJ4029)	260
10.2.8 - Feasibility of Food Organics Garden Organics (FOGO) - implementation and organics processing (SJ4171)	265
10.3 Corporate Services reports:	275
10.3.1 - Confirmation of Payment of Creditors – May 2023 (SJ801)	275
10.3.2 - Monthly Financial Report – April 2023 (SJ801)	278
10.3.3 - Confirmation of arrangements for the 2023 Ordinary Local Government Election, including Communication Strategy (SJ4128)	283
10.3.4 - OneComm: Consolidation Phase Progress Update (SJ4034)	291
10.4 Community Engagement reports:	297
10.4.1 – Draft Council Plan 2023 – 2033 for Public Comment (SJ3617)	297
10.4.2 – Shire of Serpentine Jarrahdale Access and Inclusion Plan 2023 – 2028 (SJ4018)	307
10.4.3 – Community Events and Activities - Summary of 2022/2023 and Proposed 2023/2024 (SJ483)	314
10.4.4 – Jarrahdale Trails Audit (SJ4037)	327
10.5 Executive Services reports:	334
10.5.1 – Advocacy Priorities 2025 State and Federal Government Elections (SJ4117) ..	334
10.5.2 – Organisational Development Roadmap 2023 -2026 (SJ388)	335
10.6 Confidential reports:	340
Nil reports	340
11. Urgent business:	341
11.1 - Differential General Rates and Minimum Payments (SJ3909)	341
12. Councillor questions of which notice has been given:	350
13. Closure:	350



Continued

Ordinary Council Meeting Minutes Monday, 19 June 2023

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, 19 June 2023 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich declared the meeting open at 7:01pm and welcomed Councillors, Staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to the Elders Past, Present and Emerging.

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

Minutes

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

Attendees:

Councillors: M Rich.....Presiding Member

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

Officers: Mr P Martin.....Chief Executive Officer
 Mr R Najafzadeh.....Director Infrastructure Services
 Mr B Oliver.....Director Community Engagement
 Mr F 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: Nil.

Observers: 55

2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting – Monday, 15 May 2023

Question asked by Mrs Lee Bond at the Ordinary Council Meeting – Monday, 15 May 2023. Correspondence was sent to Mrs Bond on Friday, 26 May 2023 (E23/6481).



Question 3

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

Response (Shire President)

I, Cr Michelle Rich have paid in full an outstanding rates amount plus relevant interest payments and associated fees. I became aware of the outstanding amounts at a council meeting on Monday, 15 May and moved promptly to understand and resolve the situation making full payment on Thursday 18 May. The matter had been listed for resolution via the Magistrates Court and that action will now cease.

I have lived in the Shire for 30 years and has always previously paid my rates promptly and in their entirety throughout that period. I was not aware of the outstanding rates and was not aware of any attempts to advise that the rates were outstanding. However, I accept that the oversight is completely on my part and there was no attempt to avoid payment. I appreciate that as Shire President I have a responsibility to set an example by making all council-related payments on time.

Everyone in the Shire is treated the same when it comes to rate payments. The Shire's attempt to collect unpaid rates via court process clearly demonstrates that it does not matter who you are in the community, the Shire will treat each and every ratepayer equally and I'm proud of this fact.

Audit, Risk and Governance Committee Meeting – Monday, 22 May 2023

Question asked by Mrs Lee Bond at the Audit, Risk and Governance Committee Meeting – Monday, 22 May 2023. Correspondence was sent to Mrs Bond on Wednesday, 31 May 2023 (OC23/10198).

Question 1

As management is responsible for the operation of SJ Shire, after the knowledge that the Shire President has a pending Court Case against her and she denied knowing anything about it at OCM 15/05/23, who will be responsible for the continued operation of SJ Shire?

Response (Chief Executive Officer)

In broad terms, the Local Government Act 1995 (the Act) sets out the roles of the Council and the Administration to provide governance of the district and deliver services to the community. This includes:

- Section 2.7 of the Act which states that the Council governs the local government's affairs and is responsible for the performance of the local government's functions.*
- Section 5.41(d) of the Act which states that the functions of the CEO are to manage the day to day operations of the local government.*

The legislation also sets out provisions associated with separation of powers between the Council and administration.

As you outline in your question, the Act provides that the administration is responsible for the day-to-day operations of the Shire and the administration continues to perform its functions under this law.

**2.2 Public questions:**

Public question time commenced at 7:02pm.

The Presiding Member, Councillor Rich called forward Mr and Mrs Sandy and Graham Gilchrist to ask their submitted Public Questions. Mr and Mrs Gilchrist were not in attendance at the time of being called forward. The Presiding Member, Councillor Rich advised that written responses will be provided to Mr and Mrs Gilchrist.

Mr Bill Denholm, Karrakup WA 6122**Question 1**

While I was Councillor, a request was made to upgrade Clem Kentish Hall to accommodate a basketball competition, i.e. new backboards, etc. Is this facility now being utilised for a basketball competition, etc.?

Response (Director Infrastructure Services)

The hall has a marked out basketball court and hoops. If required, it is available to be booked for basketball competitions through the Spacetoco booking system, however, Officers are not aware that there have been competitions at the hall in the last 2 years. The inside court is currently booked through the Spacetoco website for 1-2 bookings x 1 hour training sessions per week.

Question 2

If the Shire does not receive funding, State or Federal, how much do the Officers think it would cost the SJ Shire to bring the netball facilities up to a standard acceptable to the community, that is canteen and courts, etc.?

Response (Director Infrastructure Services)

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

Question 3

Could I please have an update on the Oakford Fire Station, as at one stage the relocation to Pony Place did not look possible?

Response (Director Community Engagement)

Council endorsed the two-hectare portion of land on Pony Place as the location for the future station in August 2020 and approved the development application for the new facility in March 2023.

The Shire has also been awarded a 10-year, self-supporting loan as part of the 2021 Local Government Grants Scheme to fund construction of the new station.

Planning and delivery of the station is now being progressed by Officers.

Ms Beverley Hunt, Cardup WA 6123**Question 1**

Is the Shire following WAPC orders regarding making the development gradually blend from existing larger lot sizes to developers desired smaller block sizes? If so



how? The plans I have seen list the largest blocks being 700 to 1000 squares backing onto current 5 acre lots-which is not a gradual increase and does not blend giving a country feel. A gradual blend would be 2 acre lots backing onto current 5 acre lots, then 1 acre lots then 700-1000 heading smaller towards Cardup Siding Road?

Response (Director Development Services)

The Officer report discusses the specific issue of design interface, and notes that the current design is not considered to reflect an acceptable interface under the planning framework. The Ministerial determination on the Scheme amendment highlighted the need for an acceptable design interface, and accordingly I can confirm that this has been carefully assessed among all relevant planning issues. This is a matter for Council to consider at tonight's Council Meeting.

Question 2

Is there a buffer zone between suburbia and the current 5 acre lots? e.g. bridal trail, open space, wall? If so, what are details/size of buffer zone?

Response (Director Development Services)

The current design depicts 1000sqm lots interfacing to the south. The Officer sketch contained in the report suggests the interface needs to be 1ha lots, and provision also made for a future equine trail consistent with Council's adopted Equine Trails Master Plan. This is a matter for Council to consider at tonight's Council Meeting.

Question 3

Will there be connecting roads joining current area to this new development? If so, where?

Response (Director Development Services)

The current road design is an issue which Officers have discussed in the report. Specifically, Officers note that the design should be orientated to a road network which enters from the north east via an extension of Doley Road, and exits to the south west via a deviation of Hopkinson Road. Officers have also assessed that road connectivity through to the southern equine area is not supported under the local planning framework. This is a matter for Council to consider at tonight's Council Meeting.

Mrs Lee Bond, Box 44 Armadale WA 6122

Question 1

Council needs to explain what a million dollars has been specifically spent on in the Keirnan St / Whitby project in 2010 or explain what this amount of money was spent on in the Whitby area in 2010?

Response (Director Corporate Services)

The Director Corporate Services 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

What required local government courses have Councillors Rich and Atwell completed and proof is required, what reason do they claim for not completing these courses and why hasn't Councillor Strange completed the local government Diploma for which she now wants \$3,745.00? Why hasn't three years been long enough to follow the rules?

Response (Director Corporate Services)

The transcript of academic records contained within Shire records state that:

- *Cr Atwell has completed the mandatory training required under section 5.126 of the Local Government Act 1995 and a number of short courses;*
- *Cr Rich has completed the mandatory training required under section 5.126 of the Local Government Act 1995, the Diploma of Local Government and numerous short courses.*

In accordance with section 5.127 of the Local Government Act 1995, annually the Shire publishes the report detailing the training completed by all Councillors at the end of the financial year, which can be found on the Shire's website.

Cr Strange has advised that in October 2022 she was awarded the Jacqui Dodd Scholarship to complete WALGA's Diploma of Local Government – Elected Member. In this case, while the training is not completed, the assessment is not overdue.

Question 3

Why is the ratepayer paying for the food trucks at events in the Shire when previously it did not cost the ratepayer and why are we engaging this expensive company, they are from the northern suburbs, what was wrong with the local business who previously provided this service?

Response (Director Community Engagement)

Barefoot Entertainment previously ran food truck events called Dinner at Dusk within the Shire in 2018/2019, but have since discontinued delivering their Dinner at Dusk events in the Shire.

Community feedback through the Shire's Community Perceptions Scorecard and events surveys highlighted the community's desire for food truck style events.

In response to community feedback, the Shire introduced the Food Truck Fiesta Series in 2021 as part of our community events calendar, it has become a popular event with our community, with more than 9,700 people attending across the 7 events in 2022/23.

Engagement of an external contractor is required to arrange the delivery of the Food Truck Fiesta Series. This is a comprehensive service which includes:

- *event management.*
- *Complete coordination of food truck vendors.*
- *Minimum 2 x staff for event day.*
- *Go2Cup services (has reduced waste disposal costs).*
- *First Aid services.*



- *Movie screens and licenses.*
- *Performers, activities and PA systems (select events).*
- *Lighting (select events).*
- *Portable toilets (where required).*

The Shire has continued to support local businesses through the Food Truck Fiesta Series, with 15 local vendors attending our 2022/23 events and of the 13 market stalls at the 2022 Christmas Street Party event, 12 were from the Shire and surrounding areas.

The events calendar for 2023/24 will be considered by Council at tonight's Council Meeting.

Ms Lisa Brazier, PO Box 80, Mundijong 6123

Question 1

At the December 2020 OCM I asked which sitting Councillors hold a valid Diploma of Local Government or Diploma of Governance or hold accreditation with the Australia Institute of Company Directors and the question was taken on notice and a written response was sent to me advising the Shire does not have a record of all qualifications.

My question is to the Shire President - have you undertaken the Diploma of Local Government course in your time on Council, and if so, did you complete the course and thus you now hold a valid Diploma of Local Government?

Response (Director Corporate Services)

The Shire President's transcript of academic record provided by the Western Australian Local Government Association, state that Cr Michelle Rich completed the required elements of the Diploma of Local Government in September 2021.

Question 2

If you hold a valid Diploma of Local Government, are you able to present the certification to the Council Support Officer and if you did not complete the course - have you paid back the course costs to the Shire?

Response (Director Corporate Services)

As above, the Shire holds the transcript of academic record for Cr Rich for the Diploma of Local Government.

Question 3

Over the years Councillor training has been a very contentious issue starting many years ago with the continual questioning on whether previous Councillor, Barry Urban had completed training which the Shire paid for - this was finally reported back to Council that he had not completed training and he had not repaid any monies and that the Shire could not recoup the funds as he was no longer a Councillor - coupled with my questions back in December 2020 this has seen the Council Policy 3.3.4 adopted and subsequently reviewed and modified twice. Within the policy today it is now very clearly states that "Councillors shall, following completion of the training, provide evidence of completion of the training to the Council Support Officer".



At the 20th March 2023 OCM when Councillor Coales' AICD training was questioned, staff advised that he had completed this training. How was this able to be confirmed by staff?

Response (Director Corporate Services)

The response provided at the 20 March 2023 Ordinary Council Meeting stated that:

“In researching a response to a public question at a recent Council Meeting, Officers contacted all training providers that had provided training to Councillors in the period posed by that question where certificates of completion were not immediately able to be sourced from Shire held records. In this case, the Australian Institute of Company Directors advised that while its privacy policy prevented disclosing details or providing a copy of the certificate, they confirmed verbally the Councillor had completed the training.”

Since answering this question taken at the meeting, Officers have not made any subsequent attempts to confirm completion or otherwise.

Mr Norm Anderson

Question 1

What licences do the Permacast Facility require to operate?

Response (Director Development Services)

The subject land is zoned Development, and the associated Structure Plan designates the land for industrial development. According to the Shire's Scheme, development approval is required to be granted for a general industry, which is the use class for concrete product making.

Separately, the State Government Department of Water and Environmental Regulation (DWER) regulates emissions and discharges from the construction and operation of all prescribed premises through a works approval and licensing process, under Part V, Division 3 of the Environmental Protection Act 1986.

Premises known as 'cement products manufacturing' which produce more than 100t/year are a prescribed premise, and therefore the Environmental Protection Act 1986 requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge unless a licence or registration (for operation) is held for the premises.

Also on the subject land, is a mobile concrete (wet) batching plant, which is a form of general industry and requires development approval.

Adjoining the subject land, is a storage/laydown area that also requires development approval.

Question 2

Have they obtained the appropriate licences to operate?

Response (Director Development Services)

There is no development approval issued by the Shire for the general industry (concrete product making) development. The Shire is however in receipt of an application which seeks retrospective development approval for such. Given the estimated cost of this retrospective development, it is required to be determined by



the Development Assessment Panel, not the Shire, according to the planning framework.

In respect of the mobile concrete (wet) batching plant general industry, this received development approval on 13 December 2021.

In respect of the retrospective storage/laydown area, this received retrospective development approval on 9 June 2023.

According to the submission received from the DWER regarding the retrospective development application for the concrete product making, general industry they state that:

“the Department has not received an application for a works approval or licence for the facility described in development approval application to date.”

Question 3

If they have not, which governing body regulates this and why are they able to operate without them?

Response (Director Development Services)

The Director Development Services 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.

Mr John McEwan

Question 1

Why is this operation allowed to operate at the above premises (zoned for light industry), rather than the site at West Mundijong which is zoned for heavier industry and further away from residences and sensitive areas?

Response (Director Development Services)

Following compliance action being initiated by the Shire, the applicant submitted an application seeking retrospective development approval for the Concrete Product making aspect of the operations. In terms of suitability, this is currently being assessed as part of the Concrete Product making retrospective development application, which is also subject to community advertising. We encourage all members of the community to make a submission.

Question 2

What buffer zone has been applied to this Facility?

Response (Director Development Services)

There is no statutory buffer in place. This will be considered as part of the assessment of the current Concrete Product making retrospective development application.

Question 3

A Buffer Zone of 300 metres seems to be applied using the batching plant as the core.



The smallest buffer zone for this type of operation based on EPA regulations appears to be 500 metres and up to 1.5 km. For loading and unloading the buffer zone is 1 to 2 km.

How is the rest of the property not considered in the application of a Buffer Zone, as noise and dust does not only come from the area set aside for the batching plant?

Response (Director Development Services)

Currently Officers are assessing the retrospective development application, and this will be considered as part of the assessment of the current Concrete Product making retrospective development application.

The Presiding Member, Councillor Rich called forward Ms Nicole Marriott to ask her submitted Public Questions. Ms Marriott was not in attendance at the Meeting. The Presiding Member, Councillor Rich advised that written responses will be provided to Ms Marriott.

Ms Karen McEwan

Question 1

What are the components and chemicals in the concrete?

Response (Director Development Services)

The Director Development Services 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

What are the effects of this operation on the ground water and rain water tanks in the area?

Response (Director Development Services)

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

Question 3

What contaminants are expected and what are the expected long term effects on health?

Response (Director Development Services)

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

The Presiding Member, Councillor Rich called forward Mr Jeff Marriott to ask his submitted Public Questions. Mr Marriott was not in attendance at the Meeting. The Presiding Member, Councillor Rich advised that written responses will be provided to Mr Marriott.



Mrs Leeann Schneider

Question 1

Can you please advise what is the longest time frame that an applicant in the Claire Morris Estate has been made to endure, in relation to submitting a Development Application for a Shed, from initial application date to date of approval?

Response (Director Development Services)

The Director Development Services 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

Is it common practice in written communications between SJ Shire staff members, to refer to SJ Shire Ratepayers in relation to their Occupation e.g.: Welder / Plumber / Electrician etc., and not their name on SJ Shire documents, as this can be seen as defamatory?

For those that don't understand the meaning of defamation:

To be defamatory, the material has to be published (communicated by any means, including written, orally, pictorially) to at least one person other than the person making the claim. The intention of the publisher does not matter and liability for defamation can arise even from unintended errors.

Response (Chief Executive Officer)

No, it is not common practice, and I would be concerned if it is occurring. If you have examples of this occurring, I would be interested in hearing about it.

Public question time concluded at 7:32pm.

3. Public statement time:

Public statement time commenced at 7:32pm.

Ms Aleesha Denholm, Karrakup WA 6122

Thank you Councillors and Shire Officers for this opportunity.

My name is Aleesha Denholm, and I am the President of Serpentine's Jarrahdale netball Association and speaking on behalf of the members and families of the association.

Netball is the biggest team sport in Australia played by over 1.2 million people and we live in the fastest growing shire in WA with one of the highest proportions of young families within the nation.

The SJ netball association currently has 295 junior players. Each Saturday during winter we have these 295 registered players play in our competition, consisting of all sizes, junior ages and ability. Our aim is to provide a safe, enjoyable social competition.

Tonight some of our players and parents are here representing the association. Introduce a few players.



To cater and attract very good players, we the association actually pay for development teams to also play at Langford against the very best players in the region. Currently the under 13s and 15s play division 1, with the 13s currently 2nd.

We recently had a 12 year old selected in the state team. The SJ netball association donated approximately \$15,000 into the original idea of sports hub over 10 years ago. This was for the initial feasibility studies and was more than any other club. This then progressed to the current Keirnan precinct. This \$15,000 has so far had not 1 cent of return or benefit to the members.

Our courts are over 60 years old and worn out. Councillor Atwell's sister can remember playing on them as a child.

Approximately 10 years ago the surface was repainted, this has now worn out with the original basketball and netball lines now visible. Huge cracks are evident on the courts, water flows through one of the courts when it rains and the mesh is now showing.

The canteen is over 40 years old and needs completely overhauling as we still have laminated bench tops and no exhaust fan.

The Centrals senior football and netball have no home games in netball as our courts are deemed unsafe and unsuitable for their competition.

We have invited netball WA to come down to have a look as we seek their support. In our opinion the current facilities are hindering more young children within the Shire, wanting to come and play netball.

No one can underestimate the value of sport in maintaining a sense of community. Many experts are now realising the full benefits of sport in maintaining both mental and physical wellbeing.

As you would all be aware an invitation has been extended to all Councillors to visit our facilities including courts and canteen while operating.

I am sure you will all agree our facilities are sub-standard and we ask your help to fix this with respect to the advocacy item being considered by Council tonight. It is imperative that a new netball facility be placed as number one advocacy item for both state and federal elections.

Other sports in SJ are already catered for with facilities that can cater to their current needs.

Councillors, if you are genuinely concerned about the welfare of our children, please, on behalf of the children and families of this Shire, we ask that you prioritise netball so that we can continue to provide a safe and inviting experience for the community.

Finally I would like to thank parents and children for their support of this statement tonight.

Mr Michael van den Dool, Mundijong WA 6123

Good evening, Madam President Michelle Rich and Councillors,

May I refer you to the Footpaths Petition submitted to the SJ Shire Council late last year.



On behalf of the petitioners, I ask you again to urgently consider this matter in your budget workshops, so that the proposed works, or perhaps half of the works can be completed in the new financial year.

Not only will the footpaths make a big difference to the lives of the residents on Adonis Street and Richardson Street, but the residents living on the roads exiting onto Adonis and Richardson will all gain a safe route to exercise and will gain access to the Primary School and the local shops. Having a footpath on these two roads will complete a link route right around Mundijong, starting along Paterson St, down Cockram St, along Adonis St and up Richardson St past the Local Primary School and back to Paterson St.

Again, we ask you please to consider doing the whole works as one project in the coming financial year as we are conscious of the rising costs of construction and don't wish it to be more expensive than it has to be.

I get stopped quite frequently by local residents who were part of the petition and asked how it's going, I'd love to tell them that it's been given the green light, with your help we can make this happen. Thank you.

Ms Kylie Shailer, Waikiki WA 6169

Good evening Madam President and Councillors. Thank you for the opportunity to speak on item 10.1.11 - L33 Hopkinson Road Local Structure Plan.

Firstly, I would like to acknowledge that I am employee of the Shire who does not work in the planning or regulatory functions of the organisation. I have not been involved in the assessment of the proposal or preparation of the agenda item and my comments do not constitute the professional advice of an Officer.

This Local Structure Plan is majorly flawed and gives absolutely no regard to the character of surrounding rural areas. The Minister for Planning advised when determining MRS Amendment 1353/57 to give "...regard to the existing amenity of the locality and appropriate transition arrangement to be considered to the abutting Urban zone to the north, Special Rural areas to the south".

All the things are wrong with it. Density, Amenity, Road and Access, School Planning, Bushfire Planning. R10 is not a suitable transition to 5 acre lots. My northern boundary abutting the site is nearly 200 metres long. R10 is a minimum lot size of 875m² with an average of 1000m². If I was a gambler, I would put money on those lots being the smallest they could possibly be.

The Shire Planning Officers, Water Corp, Department of Education, Department of Fire and Emergency Services, Public Transport Authority, Main Roads, DWER – ALL HAVE CONCERNS! Not to mention the 47 residents who made a submission against it.

The proponent in response (source – Summary of Submissions) states "Our Client acknowledges and values the rural nature of the locality, which has ultimately influenced the vision for the project."

Sorry, I don't see it and I don't buy it.

Significant engagement was undertaken between the Shire and Developer as evidenced on pages 154 to 156. As adjoining land owners to the site, we are disappointed that the developer did not heed their advice. They have missed an epic



opportunity to provide a unique rural style residential development that fits in well with its surroundings rather than sticking out like a sore thumb.

In conclusion, this community values a rural living lifestyle as evidenced in attachment 1 Community Engagement Outcomes of item 10.4.1. This type of Local Structure Plan can only result in a high density ghetto trapped between an A Class Nature Reserve and Special Rural/Rural Residential properties.

I respectfully request that Council supports unanimously the Officer's recommendation to the WAPC to REFUSE the Local Structure Plan. Thank you.

Mr Jan de Jager, Byford WA 6122

I bought a block and built my house on Cardup Siding Road during 2008 and 2009 in compliance with strict strata rules that were specified at the time. (Minimum size property 200 SQM, farm style look with verandahs around house etc.) to blend into the farm style environment surrounding the estate.

I accept that Perth is growing and understand the need for development and the extreme growth it brings to the Peel region and am not opposing some development on Lot 33 Hopkinson Road.

The current form of the structure plan however raises major concerns to me:

- 1) A main access road to and from the estate leading to the high school is proposed in the current form of the proposed structure plan to provide entrance for all traffic to and from the estate less than 20 meters from my block and 32 meters from my front door.
- 2) The lot sizes proposed within the estate are small to very small and are great for increasing profitability and boosting the cash on the balance sheet of the developer RJ Noble.
- 3) The structure plan makes use of Cardup Siding Road as a main entrance to the estate with no public open space to provide a buffer between the larger rural blocks on the Northern side of the road.

Following consultation with Mr. P Docket of RJ Noble it is clear to me that the developer will not seriously consider changes to my concerns and therefore request that the SJ Shire refuse the structure plan as presented by RJ Noble at its ordinary meeting on 19 June 2023.

Key changes to the structure plan should include:

- 1) Changed position of the high school so that main entrance into estate is not right at my doorstep.
- 2) Increased minimum lot sizes to reduce the number of people.
- 3) Show some respect to the residents in Cardup Siding Road who built their properties in compliance with strict rural conditions by providing public open space on the southern side of Cardup Siding Road where screens/trees can be planted to maintain some of the current rural nature of the area.



Ms Stacey Cucca, Cardup WA 6123

Good Evening President and Councillors.

It is clear from reading the summary of submissions to Council regarding Lot 33 Hopkinson Rd that in no way should this development proceed in its current form. There is complete disregard from the developer to the surrounding rural and lifestyle area.

I speak on behalf of the immediate residents on the southern boundary of Lot 33. These beautiful properties were all purchased (for many millions) with rural living as a priority.

In response to concerns over R10 lot sizes along our boundary the developer states "The Minister for Planning did not stipulate minimum lot size." So I ask the developer: Why would it seem appropriate to allot 10+ neighbours to the back of a 5 acre block? You state that the windrow of trees provides enough visual cover to disguise the transition. I beg to differ. Please come and stand along the southern boundary and observe that the tree canopy is 20m high in the air! There is absolutely no privacy from anything. Let alone security or safety from the increase in crime that will most definitely occur with an urbanised development of "cheap housing."

The southern boundary fence line is currently barbed wire and star pickets. I ask the developer what exactly will you replace this fence line with? It cannot stay in its current state – imagine the legalities involved with safety, possession, humans and animals able to cross this boundary so readily. I agree with our fellow neighbours on Baigup Loop – I would much rather have a 10ft high limestone wall built the entire way along my boundary than to have the cheapest version of a "rural style" fence replacing what is there now. At least we could have complete privacy, safety and security from the many thousand people none of us want to see on the other side.

Secondly, the structure plan is said to meet bushfire zone planning recommendations. We all know in reality that the biggest bushfire threat is going to come during summer when a howling easterly wind is blowing a fast moving fire through Cardup Nature Reserve. With the usual wind speed we experience there would barely be time for emergency services to warn residents of impending fire, let alone evacuate 3000+ residents on the proposed connecting roads out. I implore with the Council to reject the current structure plan and number of proposed residents and please reconsider Lot 33 be also developed into special rural lots.

In conclusion, I request that Council support the rejection of this development in its current state and reconsider rural lifestyle lots in its place. It would be criminal for the Council to ignore an almost unanimous voice of opposition to this development. Thank you.

Mrs Lee Bond, Box 44 Armadale WA 6122

Seems Council wants to hit the ratepayer for more money under the guise of FOGO. Anybody can reduce food waste and enhance their gardens at the same time we don't need Council to find a useless excuse to charge more for rubbish collections. Many in the Shire already pay way too much for waste collections and their bins may only go out once a month or more. It has already been established by other Councils that FOGO is useless and some Councils are already getting rid of it. The behaviour at the Electors Meeting was a disgrace and shame on those who provided



this spectacle for their own entertainment and shame on those who helped create that obnoxious scene.

Mr Norm Anderson

Made a statement regarding noise at the Permacast Facility.

Ms Karen McEwan read a statement from Ms Maureen Tucci

Made a statement regarding concerns related to the Permacast Facility.

Public statement time concluded at 7:52pm.

OCM119/06/23

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Atwell

That in accordance with clause 3.4 of the *Standing Orders Local Law 2002 (as Amended)*, item 10.5.1 be the next item of business.

CARRIED UNANIMOUSLY 9/0



Shire President, Councillor Rich declared an Impartiality Interest in item 10.5.1.

10.5.1 – Advocacy Priorities 2025 State and Federal Government Elections (SJ4117)	
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.
----------	--

Report Purpose

The purpose of this report is to seek Councils endorsement of the advocacy priorities for the 2025 State and Federal Government Elections.

Relevant Previous Decisions of Council

Nil.

Background

The Shire has been successful in its advocacy at the last State and the last Federal Government elections.

In 2025 it is broadly anticipated that both the next State and Federal Government elections will occur unless the Federal Government decides to call the election late 2024.

It is important that Council identify its advocacy priorities early to:

1. Enable any feasibility or business case or project development work to be undertaken.
2. Enable advocacy material to be prepared.
3. Algin priority determination to commitment setting timeframes of major the political parities.
4. Provide a sufficient amount of time to advocacy for priorities in the lead up to the election.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	3 April 2023 – Workshop with GRA Partners
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Coales, Cr Duggin, Cr Mack, Cr Strange, Cr Strautins

Meeting Date	22 May 2023
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Mack, Cr Strange



Statutory Environment

Nil.

Comment

Notwithstanding the success at the last State and Federal Government elections in setting the priorities for the upcoming State and Federal Government elections in or before 2025 Officers wanted to ensure that the Shire was well positioned to achieve the best possible outcome.

To that end quotes were sought and an external company was engaged to help the Council determine priorities and develop an advocacy strategy. GRA Partners were engaged to undertake this work for the Shire and their report is attached at **attachment 1** for reference.

GRA Partners have prepared a draft advocacy strategy which following Councils endorsement of the priorities will be updated and circulated to Councillors before the end of June 2023.

GRA Partners (nor any other external company) have not and are not proposed to be engaged to act as Lobbyists for the Shire any lobbying will be undertaken by the Shire President and CEO. Obtaining assistance with developing the priorities is the extent of the scope of any external work.

GRA Partners assessed the suggestions from Councillors and Officers and have prepared the attached report (**attachment 1**) which provides the following recommendations.

Recommendation 1

The SoSJ prioritises advocating for projects and initiatives that it would deliver itself (rather than projects or initiatives that the State Government would deliver).

Recommendation 2

On the basis of their comparative readiness (or ability to be ready relatively quickly), and relative cost the SoSJ should pursue an election commitment strategy that seeks funding for road upgrades and basketball courts. Should the delivery issues around Stage 1A of Kiernan Park be resolved in the coming months, the SoSJ should consider replacing the basketball courts with the netball courts in its election commitment strategy on the basis that it remains a priority for the community, and that the preparatory work (including business case) is more advanced.

Recommendation 3

The SoSJ raise the construction of the caravan park in Jarrahdale with relevant candidates early in the election process to gather initial feedback on the project as an election commitment. Subject to the SoSJ receiving positive feedback it should consider adding the project to its list of election commitment priorities (noting the benefits of a shorter, more targeted election commitment priority list).



Recommendation 4

To address the expectations of the community and changing demographics in the district the SoSJ should commence the preparatory work around the Regional Water Park and Public Space, particularly around site location and any opportunity to offset operating costs, and consider including this project in future election commitment strategies.

Recommendations 5

That the SoSJ continues to liaise with the State Government and advocate for the delivery of the Byford TAFE, DFES Training Centre and the Tonkin Highway extension initiatives outside of the election cycle

Recommendation 6

That the SoSJ consider the merits in undertaking further analysis and preparatory work into water infrastructure upgrades, West Mundijong industrial area and duplication of West Mundijong Road. These projects could form part of a future election commitment request, or part of the SoSJ's ongoing advocacy strategy with the State Government.

Officers support these recommendations and the rationale for selection. Council is now asked to endorse these priorities as its advocacy priorities for the upcoming State and Federal Government elections.

The focus now needs to turn to what actions need to be done next to progress these priorities to the point they are able to be considered for funding advocacy.

Some of these projects have funding included in the budget others will require further investigation, funding for feasibility and development and consideration as is outlined below.

Hypergrowth Roads Upgrades

Officers identified a list of road upgrades required to deal with the hypergrowth the Shire is experiencing ahead of the last State Government election. During the advocacy process Officers were asked to prioritise these road upgrades. This prioritisation was then presented to and reviewed by Main Roads.

The Shire received \$18 m from the current State Government (funding of the top three priorities) as a result of this work and advocacy to do upgrade works on Kargotich, Soldiers and Orton Roads. Reports on this work have been presented to Council and works have commenced on stage 1 of Kargotich Road.

During the Federal Government election campaign the Shire advocated to receive funding for the next three priorities on this list of Hypergrowth Road Upgrades however we were unsuccessful with this request.

Officers are now recommending the initial priority list of hypergrowth roads be reviewed in light of current road crash data as well the recent (2022) road condition survey data undertaken by the Shire. Officers will then prepare a new priority list of road upgrade projects which will take into account road condition, safety improvements and impacts of growth.

The draft 2023/24 FY budget includes an amount of \$20,000 to peer review this scope of work to ensure scope and cost estimates are accurate and able to be reviewed by external parties. Officers are planning on undertaking this work over the coming months and will present a report to Council by December 2023 for endorsement of the priority listing.



Expansion of Basketball Courts at SJ Recreation Centre – Briggs Park

The Community Infrastructure Development Contribution Plan (CIDCP) identifies an extension to the current SJ Recreation Centre facility, in the form of extending the indoor courts which are currently well over subscribed for use. The planned expansion is for a further two indoor courts (multi use basketball and netball), which factoring in the current two courts, will provide for a flexible four court total indoor space. The demand for this facility expansion is in the short term, noting the historic and forecast growth for the Shire is particularly focused on Byford.

As per the CIDCP, the extension to the existing building is to accommodate 2 additional indoor sports courts. Costings are based on the equivalent m² to the design work done for the future recreation centre at Keirnan Park. The project includes:

- Construction of the building extension
- Creation of two indoor courts
- Associated increase in car parking provision.

Based on the CIDCP, the current cost of the project is \$5.15m. However this costing does not include the following:

- Lighting
- Drainage
- Footpaths to link to the building
- Project management and Shire oncosts
- Contingency
- Major earthworks
- Fencing/bollards

Other than a high-level sketch of the area there is currently no concept of this expansion.

Therefore Officers believe that if Council wants to select this project as an election priority the funding needs to be allocated in the 2023/24 FY budget to facilitate the following:

- Environmental study to enable clearing of land for the building to ensure the project can proceed(\$30,000)
- Concept development (\$20,000)
- Preparation of a revised cost estimate of the concept developed including all currently excluded items (\$10,000)

In total Officers are proposing \$60,000 will need to be allocated. Community and stakeholder consultation will be required however Officers are proposing this can be done in house.



Netball Courts at Kiernan Park

KP Masterplan and Business case indicates:

1. Netball was identified as the second sport in terms of 'need' within the ranking in section 5.2 of this the adopted Masterplan.

Club engagement with the Serpentine Jarrahdale Netball Association demonstrated that the current court surfaces are in poor condition with cracks and drainage is poor. The other facilities are modest and ageing, with the Association very interested in new facilities.

2. Netball courts will enable competitions and social games to be played. Existing courts are cracked and subject to regular flooding.
 - There are two existing netball clubs –Serpentine Jarrahdale Netball Association (670 players), and Mundijong Football and Sporting Club (45 players).
 - There is scope to increase participation numbers from the current levels, especially for senior teams.

Scope of works for Netball, courts as Stage 1C looks to create a netball hub at the northern part of the site adjacent the future recreation facility footprint. This hub notionally includes:

- Fifteen netball courts, two of which include multi-line marking for basketball and other sports, two of which are covered,
- (The project can be staged where eight courts could be built in the first stage of construction including 2 x multi lined and 2 x covered courts)
- Site preparation
- Cut and Fill
- Edge treatments
- Car parking for 222 bays
- Lighting to the courts – 100 Lux
- Fencing and retaining walls
- A small service pavilion of 324m², which notionally includes:
 - Four change rooms including wet areas (showers/toilets) – 45m² each, 180m² total
 - Two umpire change rooms (inc. shower) – 12m² each, 24m² total
 - First aid / medical room – 15m²
 - Office / administration room – 15m²
 - Public toilets (10 male, 10 female, 5 UAT) - 50m²
 - Storage – 20m²
 - Kitchen/kiosk – 20m²

Estimated Construction costs for this element are \$13M. A Business Case has been prepared to deliver the planning stage including Internal and external costs totalling \$1,575,055.



Whilst Officers are supportive of the construction of the Netball Courts as a priority however as identified by the Consultants it is not recommended to pursue this as an election priority until the water sourcing issue is resolved for Stage 1 A.

It would be challenging to advocate for further funding to the project when construction has not commenced on Stage 1 A.

As recommended by the consultants it is proposed to reconsider this as a potential election priority once the water issues are resolved and construction and commenced for Stage 1 A.

Caravan Park and Trails/Visitor Centre at Lot 814 in Jarrahdale

Council resolved to prepare a Business Case at the 20 April 2022 Special Council meeting for the subject sites (27ha) at Lot 814 and 815 Millars Road. These are two adjacent, undeveloped freehold lots owned by the Shire located adjacent to the Jarrahdale Townsite. The principal purpose of the Business Case sought to:

- Understanding the opportunity and need for greater tourism amenities;
- Demonstrate the ability to attract private investment;
- Provide scale, timing and delivery model for the project; and
- Support the long-term activation and development of Lots 814 and 814 Millars Road, Jarrahdale.

In the assessment of the project objectives, the preferred option and opportunity was for the Shire to develop the combined Trails Centre and Food and Beverage. An external operator would be sought for Food and Beverage through an expression of interest process. Once the precinct is established and operating then within 4-5 years, a ground lease for short-stay accommodation (Caravan Park) is sought through an expression of interest process. It is considered that the private sector would provide a greater development outcome for the caravan park.

The Business Case in place notes that the enabling works and trails centre has strong economic merit and is expected to align with a range of state and federal strategies and grant programmes. The following project delivery has been identified to consider progressing with this option. With respect to investment returns for the Shire, it is anticipated that the estimated revenue for the food and beverage would be \$30,000 (leased at \$150 / sq. M plus outgoings. The Caravan Park could attract a ground lease for a short stay at \$300,000 per annum with consideration of an incentive period. The road upgrade will have implications for ongoing maintenance though cost implications are expected to be minimal given the road is currently maintained by the Shire.

Capital Works Funding Strategy Overview			
STAGE/ ELEMENT	DESCRIPTION	FUNDING SOURCE/S	TOTAL (EXCL. GST)
Enabling Works	<ul style="list-style-type: none"> ▪ The commencement of the enabling works will benefit both the community as well as the commencement of the preferred option which aligns with government strategies and policy. 	Shire & Government Grant	\$772,370
Trails Centre	<ul style="list-style-type: none"> ▪ The trails centre will deliver a range of demonstratable social and economic benefits to the community which supports state and / or federal government funding support. 	Shire & Government Grant	\$4.5m*
Short Stay	<ul style="list-style-type: none"> ▪ There is a market opportunity to have the private sector develop and operate the short stay accommodation given the lack of competition in the area. 	Private Sector	\$10.8m



With respect to the preliminary staging (design of enabling works and trails centre), It is estimated \$50,000 is required to carry out design documentation for a Trails Centre / Food Beverage and surrounding public realm works. Officers have included this amount if the draft 2023/24 FY budget for Councils consideration.

Regional Water Park and Public Space

The recent Community Perceptions Survey undertaken by the Shire identify an opportunity for the Shire to do more to meet the needs of families with young children. One initiative worthy of consideration and feasibly is the creation of a destination playground in the shire, potentially with some water elements. Examples of similar projects have included the playground development in Kwinana.

This is not something the Shire has done any planning towards and as such a significant amount of work would be required to be undertaken to develop the project from an idea to a level at which advocacy can be undertaken.

Such a feasibility scope would likely include:

- Site selection
- Feasibility including needs analysis
- Scope determination
- Concept development
- Stakeholder and community engagement
- Capital and operating costing estimates

Officers are supportive of this as a long-term initiative however given the work required to develop the idea into a tangible project able to be advocated for Officers support the recommendation of commencing planning for this project and if the feasibility is positive consider advocating for this project in future election cycles.

Options and Implications

Option 1

That Council:

1. RECEIVES the report Election Commitment Priorities prepared by GRA Partners at **attachment 1**.
2. ENDORSES the recommendations for priorities for the upcoming State and Federal Government Elections in 2025 as follows:
 - a. Hypergrowth Road upgrades;
 - b. Expansion of the SJ Recreation Centre with two additional Basketball Courts;
 - c. Caravan Park and Visitors Centre at Jarrahdale on Lot 814 Millers Road.
3. REQUESTS the Netball Courts at Kiernan Park Recreation Precinct be reconsidered as a potential election priority once the water issues for Stage 1 A are resolved.
4. REQUESTS the Chief Executive Officer include funding to progress the following election priorities in the draft 2023/24 FY budget for Councils consideration:
 - a. Hypergrowth Road Upgrades Peer Review of Road Priorities;



- b. Planning for the Expansion of the SJ Recreation Centre to include two additional Basketball Courts;
 - c. Caravan Park and Trails Centre in Jarrahdale.
5. REQUESTS the Chief Executive Officer present the feasibility and potential development of a Regional Water Playground and Public Open Space area a major initiative for Councils consideration in the Strategic Community Plan and review of Corporate Business Plan occurring later in 2023.

Option 2

That Council:

1. RECEIVES the report Election Commitment Priorities prepared by GRA Partners at **attachment 1**.
2. ENDORSES the recommendations for priorities for the upcoming State and Federal Government Elections in 2025 as follows:
 - a. Hypergrowth Road upgrades;
 - b. Expansion of the SJ Recreation Centre with two additional Basketball Courts.
3. REQUESTS the Netball Courts at Kiernan Park Recreation Precinct could be reconsidered as a potential election priority once the water issues for Stage 1 A are resolved.
4. REQUESTS that the development of a Caravan Park and Visitor Centre at Jarrahdale be considered once any interest is determined from politicians.
5. REQUESTS the Chief Executive Officer include funding to progress the following election priorities in the draft 2023/24 FY budget for Councils consideration:
 - a. Hypergrowth Road Upgrades Peer Review of Road Priorities;
 - b. Planning for the Expansion of the SJ Recreation Centre to include two additional Basketball Courts.

Option 1 is recommended.

Conclusion

As mentioned previously Officers have engaged external consultancy to assist Council in determining election priorities for the 2025 State and Federal Government election. This has been a valuable exercise.

These priorities are now presented to Council for consideration and allocating of funding to progress their development.

Once Council has determined the priorities an Advocacy Strategy will be finalised and distributed separately directly to Councillors.

Attachments (available under separate cover)

- **10.5.1 - attachment 1** – GRA Partners Report – Election Commitment Priorities (E23/7065)



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.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Following a procurement process GRA Partners were engaged to assist the Shire identify and prioritise potential election priorities at a cost of \$25,000.

The costs of doing the planning work associated with each identified election priority is outlined in this report or will be subject of future reports to Council. Some of these funds are included in the draft 2023/24 FY budget for Councils consideration.

An amount of \$25,000 has been included in draft 2023/24 FY budget to implement the advocacy strategy for these priorities including preparation of marketing/advocacy material. Officers are not recommending an external party be engaged to assist in advocacy work, this will be done by internally.

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	If ultimately supported, the election priorities carry with them an expectation of delivery which may be limited by the provision of funding and organisational capacity	Project Management Framework	Organisational Performance	Possible	Minor	MODERATE	



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. RECEIVES the report Election Commitment Priorities prepared by GRA Partners at attachment 1.
2. ENDORSES the recommendations for priorities for the upcoming State and Federal Government Elections in 2025 as follows:
 - a. Hypergrowth Road upgrades;
 - b. Expansion of the SJ Recreation Centre with two additional Basketball Courts;
 - c. Caravan Park and Visitors Centre at Jarrahdale on Lot 814 Millers Road.
3. REQUESTS the Netball Courts at Keirnan Park Recreation Precinct be reconsidered as a potential election priority once the water issues for Stage 1 A are resolved.
4. REQUESTS the Chief Executive Officer include funding to progress the following election priorities in the draft 2023/24 FY budget for Councils consideration:
 - a. Hypergrowth Road Upgrades Peer Review of Road Priorities;
 - b. Planning for the Expansion of the SJ Recreation Centre to include two additional Basketball Courts;
 - c. Caravan Park and Trails Centre in Jarrahdale.
5. REQUESTS the Chief Executive Officer present the feasibility and potential development of a Regional Water Playground and Public Open Space area a major initiative for Councils consideration in the Strategic Community Plan and review of Corporate Business Plan occurring later in 2023.

MOTION

Moved Cr Coales, seconded Cr Duggin

That Council:

1. RECEIVES the report Election Commitment Priorities prepared by GRA Partners at attachment 1.
2. ENDORSES the recommendations for priorities for the upcoming State and Federal Government Elections in 2025 as follows:
 - a. Hypergrowth Road upgrades;
 - b. Expansion of the SJ Recreation Centre with two additional Basketball Courts;
 - c. Caravan Park and Visitors Centre at Jarrahdale on Lot 814 Millers Road.
3. REQUESTS the Netball Courts at Keirnan Park Recreation Precinct be reconsidered as a potential election priority once the water issues for Stage 1 A are resolved.
4. REQUESTS the Chief Executive Officer include funding to progress the following election priorities in the draft 2023/24 FY budget for Councils consideration:
 - a. Hypergrowth Road Upgrades Peer Review of Road Priorities;



- b. Planning for the Expansion of the SJ Recreation Centre to include two additional Basketball Courts;
 - c. Caravan Park and Trails Centre in Jarrahdale.
5. REQUESTS the Chief Executive Officer present the feasibility and potential development of a Regional Destination Playground and Public Open Space area as a major initiative for Councils consideration in the Strategic Community Plan and the review of the Corporate Business Plan occurring later in 2023.

OCM120/06/23

AMENDMENT

Moved Cr Rich, seconded Cr Atwell

Add a point d. to number 4:

d. Netball Courts at Keirnan Park.

CARRIED 7/2

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

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

OCM121/06/23

COUNCIL RESOLUTION / SUBSTANTIVE MOTION

Moved Cr Coales, seconded Cr Duggin

That Council:

1. **RECEIVES** the report Election Commitment Priorities prepared by GRA Partners at attachment 1.
2. **ENDORSES** the recommendations for priorities for the upcoming State and Federal Government Elections in 2025 as follows:
 - a. **Hypergrowth Road upgrades;**
 - b. **Expansion of the SJ Recreation Centre with two additional Basketball Courts;**
 - c. **Caravan Park and Visitors Centre at Jarrahdale on Lot 814 Millers Road.**
3. **REQUESTS** the Netball Courts at Keirnan Park Recreation Precinct be reconsidered as a potential election priority once the water issues for Stage 1 A are resolved.
4. **REQUESTS** the Chief Executive Officer include funding to progress the following election priorities in the draft 2023/24 FY budget for Councils consideration:
 - a. **Hypergrowth Road Upgrades Peer Review of Road Priorities;**
 - b. **Planning for the Expansion of the SJ Recreation Centre to include two additional Basketball Courts;**
 - c. **Caravan Park and Trails Centre in Jarrahdale.**
 - d. **Netball Courts at Keirnan Park.**



Continued

**Ordinary Council Meeting Minutes
Monday, 19 June 2023**

5. REQUESTS the Chief Executive Officer present the feasibility and potential development of a Regional Destination Playground and Public Open Space area as a major initiative for Councils consideration in the Strategic Community Plan and the review of the Corporate Business Plan occurring later in 2023.

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer Recommendation

To remove the water aspect of the destination playground to keep the options open in terms of a destination playground.

**4. Petitions and deputations:****Ms Jordeana Cain from Doral Mineral Sands Pty Ltd providing an update and overview for the Lot 63 and broader western extension plans**

Thank you Madam Shire President, Councillors and staff for the opportunity to speak to you this evening in regard to Doral Mineral Sands and the Company's Keysbrook mine. The purpose of speaking here tonight is to inform you of the Company's plans to extend its current operations, which remain subject to EPA and Shire approval, and will add an additional 3 – 4 years to the current mine life.

The Keysbrook mineral sands mine has been operating in the Shire of Serpentine Jarrahdale and the Shire of Murray since 2015. The mine was previously owned and operated by MZI Resources and was purchased by Doral Mineral Sands in 2019, an experienced mineral sands company with over 20 years of mining experience in the Southwest of WA. The Keysbrook site comprises a Wet Concentration Plant and administration offices, which are permanently located in the Shire of Murray, whilst the majority of the mining operation is located within the Shire of Serpentine Jarrahdale.

The Keysbrook mining operations are currently located on Lot 57, owned by Doral and situated in the Shire of Serpentine Jarrahdale. The current schedule forecasts mining to cease on Lot 57 by the end of January 2024.

The Company is seeking to extend its operations based on a two-stage approvals approach, which is critical to the future of the Keysbrook mine. If approved, the Keysbrook mine life will be extended by a further 3 – 4 years and maintain the employment of 75 local employees, in addition to contractors, suppliers and other associated economic benefits.

To facilitate the continuation of the Company's mining operations, Doral has submitted a Section 45c to the EPA in May this year for Lot 63 on Hopelands Road, located within the Shire of Serpentine Jarrahdale. This land is owned by Doral, with sections previously mined by MZI Resources in 2015. If approved, Stage 1 will extend the Keysbrook mining operations for a further 12 months.

Stage 2 of the extension approvals will be a larger mining footprint and will include the remaining ore from lots north of Elliott Road, being Lot 507, 508 and 201 down to Lot 20 Hopelands Road, which also includes Lot 64, 63 and 62. Subject to the completion of the environmental studies, we anticipate submitting the EPA documentation later this year and estimate an approval timeframe of 18 to 24 months. If approved, Stage 2 will extend the Keysbrook mine for a further 2 to 2.5 years. Apart from Lot 62 and Lot 20, all mining extensions remain within the Shire of Serpentine Jarrahdale.

Any further development to the existing approved area of Stage 1 is subject to the timing of EPA approval. In the interim, the Company has approached the Shire to revise the current Development Application and Extractive Industry Licence. Stage 2 will be a longer timeframe and we will continue to keep the Shire informed of our progress in this regard.

Doral is committed to operating to the most stringent environmental standards, with noise, dust and water remaining the highest of priorities. Significant resources are in place to ensure compliance which includes daytime mining only (with only the mineral processing plant and loading outside of those hours), dust suppression in high-risk months, noise mitigation on key items of equipment and a 24/7 contact number provided to closest neighbours.



In terms of consultation, the Company has communicated with all neighbours within a 2km radius of both Stage 1 and Stage 2, advising those residents of Doral's extension plans and to date, we have not received any feedback citing concerns with the proposal.

We are also required through the Company's Ministerial Conditions to seek amenity agreements with neighbours within a 2km radius to offset potential social impacts from time to time for the duration of mining and rehabilitation.

We would like to take this opportunity to acknowledge the Planning team at the Shire, who have been very cooperative and supportive in working through the Company's various approval requirements, which at times has changed, based on landholder access.

Subject to all approvals in place, Keysbrook will remain in the Shire of the Serpentine Jarrahdale locality for a further 3 – 4 years, in addition to the extensive rehabilitation program to follow. Approximately 60% of all land mined has now been rehabilitated to productive pasture in addition to 139ha of native vegetation, amounting to approximately half a million seedlings, locally sourced and planted across the operations.

Doral continues to fund worthy organisations through the Keysbrook Community Consultative Group, of which Councillor Dave Atwell is a member. Key projects have included the Serpentine Food and Farm Fest, Byford Carols, the Keysbrook Volunteer Fire Brigade, Landcare SJ, Keysbrook Community Group, Mundijong Library, Serpentine Historical Society and Serpentine Jarrahdale Men's Shed.

At Doral, we recognize the responsibility of operating in a small community. We remain committed to ensuring we are a good neighbour, the communities benefit from our presence, we actively reduce our impact on the environment and our stakeholders are informed and engaged on important developments.

If any Councillors or executive staff would like to tour our operations, we would be only too happy to facilitate this, noting that spring is the best time of year to view the rehabilitation progress.

Thank you all for your time this evening and happy to answer any questions.

Mr Clayton Plug from Harley Dykstra regarding item 10.1.1 - Proposed 'Place of Worship' including incidental 'Reception Centre' and 'Community Facility' - Lot 128, South Western Highway, Byford (PA23/73)

On behalf of the applicant, I would like to present a deputation in support of this development given it is compliant with all applicable statutory policy requirements and offers a significant benefit to the local community.

Primarily, however, the general purpose of the deputation would be to request an amendment to Condition b. so that it reads as follows:

- b. The operating hours of the development are limited to Monday – Sunday, 7:00am – 10:00pm, except for incidental staff meetings and any duties associated with cleaning, maintenance, or facility management. This incidental use will have a maximum capacity of thirty persons at any time, post-10:00pm, and will be restricted to the operating hours of Sunday – Saturday 7:00am – 12:00am.*



Mrs and Mr Leeann and Steven Schneider regarding item 10.1.2 - Development Application for Outbuilding - Lot 601, 142 Bruns Drive, Darling Downs (PA23/94)

Presented a deputation opposing the Officer's Recommendation for item 10.1.2.

Mr and Mrs Sandy and Graham Gilchrist regarding item 10.1.2 - Development Application for Outbuilding - Lot 601, 142 Bruns Drive, Darling Downs (PA23/94)

Good evening my name is Sandy and this is my husband Graham and we thank you for your time in hearing our statements relating to our earlier submission of 10.1.1 - Development Application for Outbuilding - Lot 601, 142 Bruns Drive, Darling Downs (PA23/94) and hereof 10.1.2 in this evenings agenda.

After years of saving, we are finally able to provide my husband with a larger shed in which to finally have the height to store his car. We hired Spinifex Sheds to complete this job and filed all of the appropriate paperwork for Council. We, as the applicants, were aware of one neighbour's objections via Spinifex Sheds regarding the distance from the fence and building envelope, so we were happy to change the distance as per Council regulations and then have the Council's Planning Department attend our property to audit and review the area to ensure that an unbiased report could be prepared and submitted to Council for review at the Council meeting on April 17th. Unfortunately, Spinifex Sheds was unable to attend that meeting, therefore myself and Graham attended in their place.

The meeting really blindsided us, in terms of our application because we had no idea how emotionally taxing the question period and deputation would be. During the initial submissions process, we were not made aware of the major point of contention, which was the objector's former application to the Council for a shed from ten years ago, when we were not residing at our property, which was denied.

Due to the fact that we were unable to voice any objections or observations during the unexpected discussions, we were quite disappointed with the meeting procedure. We felt our characters were being questioned, which was unpleasant and frustrating. In regard to the application, we, the applicants, have always complied with all requests without reservation or deviation.

One of the concerns mentioned by the objectors' deputation that we would like to address was the impact of the shed on the Claire Morris Estate community in terms of causing conflict between residents.

We have lived on our property for little over 9 years and love the neighbourhood. We adore the people, have had many parties, and have made lifelong relationships. We believe in having open debates over a drink or a conversation, thus we have never had the need to complain about what people did in their property. However, we have been the target of complaints from the objectors in relation to everything we do on the property to improve the quality and appearance this includes installing of a water tank, paving the path with asphalt, diverting the flow of the rain, maintaining firebreaks, Council approved burning, and mowing the lawn.

The subtle repositioning of vehicles or washing in the middle of our outdoor task is draining. A call from Council with a complaint the next business day almost became routine. As a resilient person, it pains me to say this, but this has caused me tremendous anxiety, making it difficult for me want to go outdoors and do jobs even though I would like to because I am afraid of the response.



Given this, it is true that there haven't been many conversations with objectors in a long time, but there haven't been any verbal conflicts either, merely polite interactions. We asked several of our neighbours if they had any problems with us having a shed facing north / south to please let us know in writing since we were concerned that this submission as the last thing we wanted was to cause stress in our area. The vast majority of responses expressed disappointment that the plans had been disallowed in the first place, and many volunteered to go or write to Council on our behalf, but we didn't think it was appropriate.

We really regret that the objectors have had to endure years of stress as a result of their previous application being denied. Sincerely, if we had been living there at the time, we would have encouraged it with no objection. We also regret that the objector now has to walk outside and see a shed in the spot where they had envisioned their shed, but the irony is that by objecting, they unintentionally put us the applicants in the same psychological predicament. We simply wanted a shed and want to be able to continue living our lives without fear of being punished for what we do on our property.

Finally, we agree that Council should guarantee that no landowner is not discriminated against and that all Town Planning laws and principles are followed. We would add, however, that if we do not move forwards and remain open to change by considering ongoing applications on merit and circumstances, we risk becoming stuck in the past. Thank you for your time.

Mr Paul McQueen from Lavan regarding item 10.1.6 - Section 31 Reconsideration of Decision - Amendment to Conditions of Approved Transport Depot and Light Industry (Workshop) - Lot 41, 17 Cardup Siding Road, Cardup (SJ4050)

Dear Councillors. Lot 41, 17 Cardup Siding Road, Cardup – Amendment to Conditions of Approved Transport Depot and Light Industry (Workshop)

Overview

1. Lavan acts for Wormald Cardup Pty Ltd who is the proponent of the development application to amend the conditions of an approved 'Transport Depot' and 'Workshop' (Development Application) at 17 (Lot 41) Cardup Siding Road, Cardup (Land).
2. I provide this legal submission on behalf of my client in support of the Development Application, ahead of Council reconsidering and determining the Development Application at its meeting scheduled for 19 June 2023.
3. For the reasons that follow, I would respectfully request that Council adopt the favourable officer recommendation and grant development approval to my client.
4. I will be attending the Council meeting on 19 June 2023 and respectfully request to deliver a brief oral submission in relation to the Development Application and address any questions that may arise from this written submission.

Factual background

5. On 9 February 2015, the Shire of Serpentine-Jarrahdale (Shire) granted development approval for a 'Transport Depot' and 'Workshop' on the Land, subject to a number of conditions (Existing Approval).
6. On 15 November 2021, the Applicant submitted the Development Application pursuant to clause 77(b) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions).
7. The Development Application seeks to:



- 7.1. delete condition 1 to the Existing Approval relating to stormwater management on the basis that an updated Stormwater Management Plan was approved in respect of the Land on 15 November 2021;
 - 7.2. amend condition 8 to the Existing Approval as it relates to weekday operations. This proposes to extend the operation hours of the development to between 6:00am - 8:00pm, as opposed to the current limits on the Existing Approval of 7:00am - 7:00pm; and
 - 7.3. delete condition 11 to the Existing Approval requiring an updated noise assessment on the basis that an updated Environmental Noise Assessment demonstrates compliance with the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*.
8. The Development Application does not propose any changes or modifications to the land use contemplated by the Existing Approval.
 9. The Development Application was refused by Council at its meeting on 17 October 2022, despite the Shire of Serpentine-Jarrahdale's (Shire) Officer recommendation that recommended conditional approval, for the following reason:

"The development is considered to adversely impact upon the amenity of the locality."
 10. On 14 November 2022, my client commenced an application for review in the State Administrative Tribunal (SAT) in relation to the Council's refusal decision.
 11. The parties have so far attended three mediation sessions in the SAT.
 12. At the conclusion of the most recent mediation, the SAT made orders:
 - 12.1. inviting my client to revise its development plans; and
 - 12.2. inviting the Shire, pursuant to section 31 of the *State Administrative Tribunal Act 2004 (WA)*, to reconsider the amendment application, based upon the revised development plans.
- Amended development plans
13. The revised documentation provided with the Development Application comprises:
 - 13.1. a copy of the Stormwater Management Plan (SMP) approved by Council in respect of the Land as part of the Council's consideration of a proposed warehouse addition to the Existing Approval, approved by the Council at its meeting on 15 November 2021;
 - 13.2. a site plan, elevation plan and arial image;
 - 13.3. an Environmental Noise Assessment prepared by Lloyd George Acoustics Pty Ltd (ENP); and
 - 13.4. a Noise Management Plan prepared by the applicant, Wormal Civil Pty Ltd (NMP).
 14. The updated ENP identifies an alternative truck parking area to that previously considered by my client. The new parking area increases the distance from the majority of sensitive receptors to the west and reduces the distance and time it would take trucks to exit onto Cardup Siding Road.



15. The updated NMP details all the noise activities prior to 7:00am and setting out measures to manage these, including:
 - 15.1. the placement of three 2.6m high sea containers around the new parking location to attenuate noise to sensitive receptors;
 - 15.2. trucks primarily used to transport goods and equipment will now park up in the area on the north east side of the land and will leave the yard empty;
 - 15.3. trucks will not be loaded or emptied between 6 - 7am or 7 - 8pm;
 - 15.4. all doors to workshops and sheds will be closed from 7pm to 7am the following day;
 - 15.5. all plant will have broadband reversing alarms or self-adjusting smart reversing alarms to reduce the use of reversing squawkers;
 - 15.6. activity in the workshop will be limited to light servicing repairs and machines will be operated at low speed or power and will be switched off when not being used rather than left idling for prolonged periods;
 - 15.7. all employees, contractors and subcontractors will be site inducted where they will be informed on all relevant project specific and standard noise practices;
 - 15.8. designated employee parking areas and designated loading/unloading areas, which will be located as far as practicable from the noise sensitive areas;
 - 15.9. no music will be played which can be heard outside between the hours of 7pm and 7am; and
 - 15.10. roto moulding will only be undertaken within the hours of 7pm - 6am with the factory doors closed.
16. The alternative truck parking area and placement of the three sea containers are illustrated on the site plan, elevation plan and arial image.
17. These documents, specially the ENP and NMP, have been carefully prepared in consultation with the acoustic consultants engaged by the Shire and my client (respectively). Importantly, they demonstrate that the noise levels contemplated by the Development Application comply with the *Environmental Protection (Noise) Regulations 1997* and that noise can be appropriately managed.
18. Further, as noted in the planning report, the documents demonstrate that the noise levels will not result in adverse amenity impacts, when assessed against relevant planning considerations.
19. Consistent with Council's decision dated 15 November 2021, the Shire has confirmed that the updated SMP provides an adequate stormwater solution for the whole site detailing management of stormwater from all buildings and hard surfaces and ultimately, renders condition 1 of the Existing Approval unnecessary.

Officer recommendation

20. The Shire, in its planning report has recommended to the Council that development approval be granted.
21. This support from the Shire reflects both the amount of work that has gone into this Development Application and the various underlying matters that have changed during the almost 12 months since the Council last considered this proposal.



22. In my opinion, it is clear that Council has the legal ability to consider and approve the Development Application. As demonstrated by the Shire in its planning report, the Development Application has been technically assessed by experienced, independent consultants and appropriately considered with due regard to the relevant planning framework, including the mandatory relevant considerations contained in clause 67(2) of the Deemed Provisions.

23. In that regard, in the absence of any issues identified by the Shire's Planning Officers against the considerations in clause 67(2) of the Deemed Provisions (specifically in relation to clause 67(2)(m) and (n)), approval of the Development Application is justified.

24. In the absence of any reason identified by the Shire to refuse the Development Application, I would invite the Council to adopt the recommendation in the officer report and to grant development approval to my client.

Summary

25. For the above reasons, there is no legal issue that would prevent the Council from granting development approval.

26. As outlined above, I will be attending the Council meeting on 19 June 2023 and respectfully request to deliver a brief oral submission in relation to the Development Application and address any questions that may arise from this written submission.

Mr Jordan Williams of LWP Property Group regarding item 10.1.10 - The Glades, Byford Local Structure Plan Amendment No. 11 - Cardup Brook Precinct (PA22/502)

Thank you, Ms Shire President and Councillors, my name is Jordan Williams, and I am a Senior Development Manager with LWP Property Group. This deputation is provided in respect of The Glades Estate, Byford as applicant of the proposed amendment to The Glades Estate LSP for the Cardup Brook Precinct. This deputation is provided in support of the Officer's Recommendation and addresses key matters to inform Council's decision on the proposed amendment.

The Glades Estate and Byford more broadly continues to be sought after for its amenity, lifestyle, and relative affordability. With works progressing on the Byford Metronet Station and the Tonkin Hwy Extension, the demand for land in Byford is only anticipated to continue. With the development of The Glades north of Orton Road likely to be fully constructed within the next 18 months, a key focus over the last three years has been on getting the land south of Orton Road ready for development.

The key reasons for pursuing this amendment can be summarised as follows:

- Rationalisation of the subdivision layout. This has led to an overall increase in the average lot size and a reduction in total yield from the current approved LSP.
- Introduction of residential design code ranges to allow for flexibility at the subdivision detailed design phase. This is of particular importance considering the changes to the Residential Medium Density Design Codes that the development industry is still working their way through.
- Consolidation of active and unrestricted open space into a 4-hectare district open space; and,
- Consolidation of mixed-use land and the introduction of a service commercial sub-precinct adjacent the future Tonkin Highway Extension.



I would like to take this opportunity to thank and commend the Shire and its technical officers for their collaborative manner and genuine effort to work towards a mutually beneficial outcome. We have worked closely to resolve various matters raised through the government agency referral and public submission phases to advance this proposal. In particular, the support from the Officers for the inclusion of the service commercial sub-precinct and the proposed roundabout at Orton Road and Tourmaline Boulevard, is greatly appreciated.

I'd like to briefly touch on a few key matters that have been raised in the Officers report.

Roundabout at Orton Road and Tourmaline Boulevard

As noted in the Officer's report, MRWA raised concerns regarding road connections surrounding the Tonkin Highway and Orton Road interchange, specifically the intersection of Tourmaline Boulevard and Orton Road as being full movement. MRWA concerns were largely on safety grounds.

To demonstrate satisfactory traffic operations, a subsequent Traffic Report was prepared that confirmed that the proposed roundabout at Orton Road / Tourmaline Boulevard ensures a safe and more efficient movement network. The report also demonstrated that if no roundabout was to be provided, the resulting redistribution of traffic onto surrounding roads including Kokoda Boulevard, would severely impact the free flow of traffic and raise additional safety concerns.

We support the Officer's report and suggested modification to modify the intersection of Orton Road and Tourmaline Boulevard to be a four-way roundabout controlled intersection. We will continue to work with MRWA as part of the Department of Planning, Lands & Heritage's assessment.

Extension of Doley Road

The LSP amendment supports the extension of existing Doley Road, south of Orton Road towards the Cardup Brook.

The Officer's report states that the amendment proposes the extension of Doley Road through the amendment area, connecting Orton Road to Cardup Siding Road. Whilst this road connection is supported by LWP, the need for this crossing has been generated by the proposed development south of Cardup Siding Road.

I'd like to clarify that our LSP only relates to LWP's landholding north of the Cardup Brook and that LWP are not responsible for any works relating to the crossing of the Cardup Brook. As outlined further in the agenda this evening, LWP are assisting with land tenure changes which will facilitate the crossing of the Cardup Brook by MRWA and the extension of Doley Road to Cardup Siding Road on its ultimate alignment.

District Open Space and Drainage

LWP has been working with the Shire for several years to incorporate a DOS facility south of Orton Road. The work involved in the accommodation of the DOS facility included a comprehensive review of POS provision for the Cardup Brook precinct which resulted in most of the previously planned active and unrestricted areas of POS being consolidated into this central facility.

As a result, the POS areas remaining are primarily located along the brook to accommodate the Precinct's drainage requirements. Notwithstanding support from DWER and the Shire in 2016 for the location of drainage within the brook buffer, lengthy



negotiations have occurred with the Shire's technical officers and DWER. This has resulted in a revised drainage design that proposes no 1:1YR drainage infrastructure within the brook buffer and only a portion of the 1:5 YR flood storage component being contained with the buffer and ensures storage depths that are in keeping with 'industry standard'.

The lodged and current UWMP simply represents an update to the previously supported UWMP and is consistent with this proposal. The only infrastructure occurring within the buffer area will be a landscaped bund and one small outflow pipe, both of which are unlikely to have any impact on the condition of the Cardup Brook and its surroundings.

We believe there is ample opportunity for LWP and the Shire's Officers to collectively work through the any points of concern at the subdivision and engineering design stages.

In response to DWER's concerns about availability of groundwater, I can advise that we are currently reviewing groundwater allocations within the Glades Estate as part of a partial licence transfer to the Shire. This review also covers the irrigation requirements for the Cardup Brook Precinct and the DOS.

Service Commercial sub-precinct

The amendment seeks to rationalise the existing mixed use and neighbourhood node sites dispersed along Orton Road into a Service Commercial sub-precinct of approximately 6.5ha at the western end of Orton Road. It is envisaged the sub-precinct will accommodate large format retail development capable of supporting large format/showroom/bulky goods that fall outside the traditional convenience-based retail planned within the Byford Town Centre.

As acknowledged by the Officer's report and demonstrated through a retail needs assessment in support of the LSP amendment, strong demand for large format retail activity in the North-West and South-East Regions has been established. The Service Commercial sub-precinct within The Glades Estate is considered a logical commercial and planning opportunity for the timely and sustainable provision of large format retail activity to serve the Byford and Shire of Serpentine-Jarrahdale residents. These types of activities will contribute to the Shire's employment self-sufficiency targets and provide greater opportunity for local residents to have local jobs.

To Conclude

The Cardup Brook Precinct represents the final precinct of The Glades Estate, and with the completion of stages north of Orton Road in 2024, it is crucial that the LSP amendment be finalised at the earliest opportunity to enable the continuation of development in a logical manner.

To this end, the Officer's report recommendation to endorse are supported and we welcome Council's favourable consideration of the proposed amendment this evening. LWP looks forward to continuing our good working relationship with the Shire during the development of the Cardup Brook precinct. Thank you for your time this evening.

Mr Stephen Carter from CLE Town Planning + Design regarding item 10.1.11 - Consideration of Proposed Structure Plan - Lot 33 Hopkinson Road, Cardup (PA22/957)

Presented a deputation opposing the Officer's Recommendation for item 10.1.11.



5. President's Report:

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

The past month has been a busy one in Serpentine Jarrahdale, with several local projects hitting important milestones.

Firstly, the Shire was thrilled to see the future of the Byford Health Hub secured following the WA Government's commitment of \$36.3 million in the 2023/24 State Budget.

The Health Hub will provide an accessible and modern service to our Shire, meaning locals will no longer have to travel to receive specialist care.

This is a fantastic announcement for our community and we thank the State Government for their commitment to SJ residents.

Progress has also continued at the site of the Keirnan Park Recreation and Sporting Precinct, with the detailed design of Stage 1A and Stage 1B now close to completion.

It was great to meet with Member for Darling Range Hugh Jones to discuss these key projects for SJ last month. The meeting was also a chance to discuss election funding updates, the Shire's Hypergrowth Roads Program and the future Tonkin Highway extension.

Another key project I am pleased to provide an update on is the development of the Byford Skate Park – Stage 2 upgrades.

It was fantastic to see our community, particularly our local young people, having their say on the Concept Plans for the upgrades over the past month.

I was pleased to see a strong turnout of SJ youth attend our consultation workshop at the skate park, with more than 50 surveys being completed on the day.

The public comment period for the upgrades closed last week, with Shire officers and Skate Park designers now reviewing the feedback we received. Stay tuned to the Shire's website and social media channels for further information on this project.

Recent weeks have also seen upgrades to the Darling Downs Equestrian Park officially completed. These works included upgrading 14 kilometres of trails throughout the park, which is a huge boost for our local horse riders.

The Shire thanks the Darling Downs Residents Association for their hard work in helping deliver this project.

Moving on, it's been great to see our community engaging at our local events.

It was wonderful to see such a positive turnout at the Shire's National Families Week celebration, recognising the important role young families play in shaping Serpentine Jarrahdale.

No doubt young families will be out in droves again this weekend as the Muddy Buddies adventure day returns to Jarrahdale on Sunday.

This event is a wonderful chance for kids to get outside and enjoy a day out in our Shire's natural scenery.

Finally, I'd like to close tonight by reminding all SJ residents to prepare for more wild weather as we move further into the winter months.



Ordinary Council Meeting Minutes Monday, 19 June 2023

We've received plenty of rain and windy conditions over the start of June, and I encourage all of our locals to ensure their properties are protected in the event of a storm.

Our SES unit does a wonderful job responding to calls across SJ during the storm season, but we can all do our part to make their jobs easier by preparing our properties.

More information on the Serpentine Jarrahdale SES can be found on the Shire website.

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

15 May 2023	Ordinary Council Meeting	Civic Chambers
16 May 2023	Australia Citizenship Ceremony	Civic Chambers
18 May 2023	National Family Day Event	Byford
22 May 2023	Audit Risk and Governance Committee Meeting	Civic Chambers
	Policy Concept Forum	Civic Chambers
23 May 2023	Byford Skate Park Workshop	Byford
25 May 2023	Councillor Budget Workshop	Shire Offices
29 May 2023	Meeting with Hugh Jones	Shire Offices
	Policy Concept Forum	Civic Chambers
30 May 2023	District Emergency Management Committee - Sunrise Seminar	Lathlain
31 May 2023	Weekly Meeting with CEO	Shire Offices
	WALGA Joint Policy Meeting	Perth
	Mining Meeting	Mundijong
1 June 2023	Metro Outer Joint Development Assessment Panel	Online
	Councillor Budget Workshop	Shire Offices
2 June 2023	Meeting with Matthew Swinbourn and Hugh Jones	Maddington
7 June 2023	Scam Prevention Event	Byford
	Weekly Meeting with CEO	Shire Offices
	State Council Information Forum	Online
	Councillor Budget Workshop	Shire Offices
8 June 2023	Peel Trails Committee Meeting	Online
	Equine Advisory Group Meeting	Shire Offices
9 June 2023	Landcare SJ Board Meeting	Mundijong
12 June 2023	Photo Op - Darling Downs Equestrian Park	Darling Downs
	Q&A Agenda Briefing	Civic Chambers
13 June 2023	Local Emergency Management Committee	Shire Offices
14 June 2023	Peel Regional Leaders Forum	Waroona
	WALGA Peel Zone	Waroona
	General Meeting of Electors	Civic Chambers
15 June 2023	Councillor Budget Workshop	Shire Offices

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

Councillor Lauren Strange declared a Financial Interest in item 9.1 - Notice of Motion – Council approval to meet remaining costs for Councillor Strange to complete the WALGA provided Diploma of Local Government for Elected Members (SJ4084). The nature of the interest is financial. The extent of the interest is the value of the remaining course costs, being \$3,745. Councillor Strange will leave the meeting while this item is discussed.

Councillor Michael Dagostino declared a Financial Interest in item 9.1 - Notice of Motion – Council approval to meet remaining costs for Councillor Strange to complete the WALGA provided Diploma of Local Government for Elected Members (SJ4084). The nature of the interest is gifting of horse. The extent of the interest is estimated \$1,000. Councillor Dagostino will leave the meeting while this item is discussed.

Shire President, Councillor Michelle Rich declared an Impartiality Interest in item 9.2 - Notice of Motion – Review of the Shire's Debt Collection Policy (SJ4084). The nature of the interest I have been named in the report by Cr Mack. The extent of the interest is I have been named in the report by Cr Mack.

Councillor Robert Coales declared an Impartiality Interest in item 10.1.1 - Proposed 'Place of Worship' including incidental 'Reception Centre' and 'Community Facility' - Lot 128, South Western Highway, Byford (PA23/73). The nature of the interest is I have a friendship with Pastor Joe Rossi. The extent of the interest is impartiality interest.

Councillor David Atwell declared a Financial Interest in item 10.1.3 – Proposed Road Naming Application - Lot 14 Scott Road, Mundijong (PA23/382). The nature of the interest is Financial. The extent of the interest is part owner of property adjacent. Councillor Atwell will leave the meeting while this item is discussed.

Councillor Robert Coales declared an Impartiality Interest in item 10.1.6 - Section 31 Reconsideration of Decision - Amendment to Conditions of Approved Transport Depot and Light Industry (Workshop) - Lot 41, 17 Cardup Siding Road, Cardup (SJ4050). The nature of the interest is a friend is a director of a company involved in short term water management plan. The extent of the interest is impartiality interest.

Shire President, Councillor Michelle Rich declared an Impartiality Interest in item 10.5.1 - Advocacy Priorities 2025 State and Federal Government Elections (SJ4117). The nature of the interest is I am a long term supporter of the Keirnan Park project. The extent of the interest is I am a long term supporter of the Keirnan Park project.

7. Confirmation of minutes of previous Council meeting(s):**7.1 Ordinary Council Meeting – 15 May 2023**

The Unconfirmed Minutes of the Ordinary Council Meeting held on 15 May 2023 were published in accordance with Regulation 13 of the *Local Government (Administration) Regulations 1996* on Friday, 19 May 2023.

On 19 May 2023, following publication of the Unconfirmed Minutes, Officers identified that the Councillor Attendance Register included in the Unconfirmed Minutes inadvertently omitted the meeting attendance record for the Ordinary Council Meeting held on 17 April 2023.

The error in the Unconfirmed Minutes only extends to the meeting attendance record for the Ordinary Council Meeting held on 17 April 2023 being inadvertently omitted



from the Councillor Attendance Register, and does not affect any resolutions made by Council at the Meeting and they are all legally valid and correct.

The error in the Unconfirmed Minutes can be corrected through Council's confirming of the minutes.

Officers recommend that in confirming the minutes of the meeting, Council requests that the minutes be corrected to contain the meeting attendance record for the Ordinary Council Meeting held on 17 April 2023 in the Councillor Attendance Register.

If Council agree, the corrected minutes will be published as the Confirmed Minutes of the meeting.

OCM122/06/23

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Strange

That the minutes of the Ordinary Council Meeting held on 15 May 2023 be CONFIRMED (E23/6409), subject to the correction to the Councillor Attendance Register to include the meeting attendance record for the Ordinary Council Meeting held on 17 April 2023.

CARRIED UNANIMOUSLY 9/0

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

8.1 Audit, Risk and Governance Committee Meeting – 22 May 2023

Attachments (available under separate cover)

- **attachment 1 – Audit, Risk and Governance Committee Meeting Minutes – 22 May 2023 (E23/6767)**

Voting Requirements: Simple Majority

OCM123/06/23

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Strange

That Council:

- 1. RECEIVES the Unconfirmed Minutes of the Audit, Risk and Governance Committee Meeting held on 22 May 2023 (E23/6767).**
- 2. ADOPTS Audit, Risk and Governance Committee Resolution ARG008/05/23 and:**
 - 1. NOTES the audit of payroll and leave management audit report contained in attachment 1.**



2. **NOTES** the Officer response contained in this report and the agreed actions to be completed by July 2023:
 - Prepare a Payroll Business Operating Procedure; and
 - Prepare a Timesheet Business Operating Procedure.
3. **REQUESTS** that the CEO provide a progress report on completion of agreed actions at the August 2023 Audit, Risk and Governance Committee meeting.
3. **ADOPTS** Audit, Risk and Governance Committee Resolution ARG009/05/23 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.
 3. **NOTES** the Strategic Risk Register will be further reviewed in the context of the Operations Centre Structure Review (including Waste Transfer Station) at the next quarterly review.

CARRIED UNANIMOUSLY 9/0



9. Motions of which notice has been given:

Councillor Strange declared a Financial Interest in item 9.1 and left the Meeting at 9:20pm prior to this item being discussed.

Councillor Dagostino declared a Financial Interest in item 9.1 and left the Meeting at 9:20pm prior to this item being discussed.

9.1 - Notice of Motion – Council approval to meet remaining costs for Councillor Strange to complete the WALGA provided Diploma of Local Government for Elected Members (SJ4084)	
Councillor:	Councillor Strange
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 Strange via email on Wednesday, 7 June 2023.

The Notice of Motion is “That Council APPROVES an allocation of \$3,745 within the 2023-2024 annual budget to meet the remaining costs for Councillor Strange to complete the WALGA provided Diploma of Local Government for Elected Members, for the following reasons:

1. professional training tailored to enhance the skillset of local government councillors is beneficial to the community by ensuring they are able to perform their role to a high standard and in keeping with applicable requirements set out in WA’s legislative framework for local government and by co-funding this training the Council demonstrates its commitment to continuous learning and improvement, fostering greater trust and confidence from our community;
2. the training will further enhance Councillor Strange’s competency in the areas of financial management, strategic decision making and emotional intelligence, along with other key aspects of local government-related learning , ultimately contributing to improved functioning and increased efficacy of our local government;
3. Councillor Strange through her own endeavours was successful in securing a scholarship from WALGA for \$5,085 (50% of the total course cost), reducing the total financial requirement;
4. Councillor Strange has successfully completed half of the Diploma units since units began earlier this year and expects to finish by September 2023.”

Relevant Background Information

Course Fee Summary

Application Fee:	\$0.00
Resource Fee:	\$0.00
Course Fee:	\$10,170.00 – <i>Credit for completed Council Member Essentials Training already applied</i>
Scholarship Credit:	\$5,085.00
Recognition of Prior Learning Credit:	\$500



Balance to pay: \$4,585.00 - \$840 from 2022-2023 training budget
= \$3,745 remaining

LGA50220 - Diploma of Local Government - Elected Member

- *This qualification will give individuals the opportunity to expand their skills and knowledge through developing a deeper understanding of legislative and regulatory requirements and how they apply to the roles and responsibilities of an Elected Member.*

The Diploma course explores a wide range of topics such as financial reports and budgets, dealing with conflict, community leadership and advocacy, strategic decision making, asset management and understanding land use and local planning schemes.

The Diploma of Local Government – Elected Member is nationally recognised within the Australian Qualification Framework (AQF) and consists of 10 Units of Competency (UoC).

Councillor Strange has stated that she expects to have completed seven of the ten Units of Competency, with evidence of her performance to date for the first three units in **attachments 1, 2 and 3**.

Officer Comment

In October 2022, Cr Strange was awarded the Jacqui Dodd Scholarship to complete WALGA's Diploma of Local Government – Elected Member.

The Scholarship applies a credit of \$5,085 to the course fee of \$10,170.

In November 2022, the Shire made a partial contribution of \$840 from Cr Strange's allocated 2022-23 training budget.

Cr Strange is seeking Council's approval that the Shire pays for the remaining \$3,745.

Council Policy 3.3.4 – Councillor Training and Continuing Professional Development states that:

“The Shire is committed to supporting Continuing Professional Development of Councillors to the benefit of Council, the Shire and the community. Continuing professional development can include training and attendance at conferences in accordance with this policy. Training that exceeds the allocated budget amount may be approved by resolution of Council.”

In respect to training where a Councillor's term of office is expiring, the policy states that unless otherwise resolved by Council, Councillors are not permitted to nominate for attendance at a training course or conference paid for by the Shire three months prior to their term of office expiring (July 2023).

In accordance with section 5.127 of the *Local Government Act 1995* and Council Policy - Councillor Training and Continuing Professional Development, the Shire publishes a report detailing the training completed by Councillors for the financial year.

Cr Strange's request is consistent with the policy and legislation.

As of 7 June 2023, there was \$28,645 available in the relevant cost centre being 5200-17101-6906.



Attachments (available under separate cover)

- **9.1 – attachment 1** – Cr Strange Competency - LGAMEM001 - Meet elected member responsibilities (IN23/11807)
- **9.1 – attachment 2** – Cr Strange Competency - LGACOR011 - Analyse financial reports and budgets (IN23/11808)
- **9.1 – attachment 3** – Cr Strange Competency - PSPGEN075 – Build and maintain community relationships (IN23/11809)

Voting Requirements: Simple Majority

Councillor Recommendation

That Council APPROVES an allocation of \$3,745 within the 2023-2024 annual budget to meet the remaining costs for Councillor Strange to complete the WALGA provided Diploma of Local Government for Elected Members, for the following reasons:

1. professional training tailored to enhance the skillset of local government councillors is beneficial to the community by ensuring they are able to perform their role to a high standard and in keeping with applicable requirements set out in WA's legislative framework for local government and by co-funding this training the Council demonstrates its commitment to continuous learning and improvement, fostering greater trust and confidence from our community;
2. the training will further enhance Councillor Strange's competency in the areas of financial management, strategic decision making and emotional intelligence, along with other key aspects of local government-related learning , ultimately contributing to improved functioning and increased efficacy of our local government;
3. Councillor Strange through her own endeavours was successful in securing a scholarship from WALGA for \$5,085 (50% of the total course cost), reducing the total financial requirement;
4. Councillor Strange has successfully completed half of the Diploma units since units began earlier this year and expects to finish by September 2023.



OCM124/06/23

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Byas

That Council:

- 1. NOTES the underspend in Councillor training Budget in the 2022- 2023 financial year.**
- 2. APPROVES an allocation of \$3,745 within the 2022-23 annual budget to meet the remaining costs for Councillor Strange to complete the WALGA provided Diploma of Local Government for Elected Members, for the following reasons:**
 - a. professional training tailored to enhance the skillset of local government councillors is beneficial to the community by ensuring they are able to perform their role to a high standard and in keeping with applicable requirements set out in WA's legislative framework for local government and by co-funding this training the Council demonstrates its commitment to continuous learning and improvement, fostering greater trust and confidence from our community;**
 - b. the training will further enhance Councillor Strange's competency in the areas of financial management, strategic decision making and emotional intelligence, along with other key aspects of local government-related learning, ultimately contributing to improved functioning and increased efficacy of our local government;**
 - c. Councillor Strange through her own endeavours was successful in securing a scholarship from WALGA for \$5,085 (50% of the total course cost), reducing the total financial requirement;**
 - d. Councillor Strange has successfully completed half of the Diploma units since units began earlier this year and expects to finish by September 2023.**

CARRIED 6/1

Reason for difference to Officer Recommendation

To use Councillors training unallocated funds in the 2022/23 financial year.

Councillor Strange returned to the Chambers at 9:27pm.

Councillor Dagostino returned to the Chambers at 9:27pm.

Presiding Member, Councillor Rich advised Councillor Strange and Councillor Dagostino of the Council Resolution for item 9.1.



Shire President, Councillor Rich declared an Impartiality Interest in item 9.2.

9.2 - Notice of Motion – Review of the Shire’s Debt Collection Policy (SJ4084)	
Councillor:	Councillor Mack
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 Mack via email on Monday, 12 June 2023.

The Notice of Motion is “That Council RESOLVES that the Chief Executive Officer conduct a full review of the Shire’s Debt Collection Policy and present it to Council at the earliest reasonable time.”

Officer Comment

Council Policy 3.2.9 – Rates Collection and General Debtors states that the scope of the policy is to set: *“The parameters within which the Council expects the Chief Executive Officer to ensure staff are controlling the rates and general debtor collection function.”*

The policy was last reviewed at the 27 July 2020 Special Council Meeting to ensure that it aligned with the State Government’s COVID-19 directions. The last review prior to that occurred in 2017.

In respect to policy review, in June 2022 Council noted a proposed forward calendar of routine policy review. The timetable noted by Council had Council Policy 3.2.9 - Rates Collection and General Debtors within the second stage of the policy review commencing in January 2025. This was because the policy had been reviewed in 2020 (albeit within the lens of ensuring compliance with the COVID-19 directions).

If Council wished to bring forward a review of Council Policy 3.2.9 - Rates Collection and General Debtors it could resolve to do so but Officers would recommend that Council resolve to defer consideration of a policy within the schedule where substantial work is yet to commence. The two policies that meet these criteria are:

- the keeping of three to six dogs; and
- trails.

With the Dog Local Law process underway, Officers consider that there is greater merit in advancing the policy review associated with the keeping of three to six dogs.

Such an approach would accommodate the organisation’s activities in this regard which include embedding the Shire’s project management framework, planning and delivery of the 2023-24 audit program, preparing the draft 2023-24 Corporate Business Plan, progressing the policy review schedule, and making preparations for the 2023 ordinary local government election.

A policy review of this type would involve consideration at a Policy Concept Forum and advertising of the policy in accordance with the Shire’s Community Engagement Strategy which provides that the Shire will engage with the community on policies that have a direct impact on the community and their quality of life.



With the busiest period in the functional area responsible approaching a review of this kind with a public engagement period could reasonably expected to be completed by December 2023.

When submitting the Notice of Motion, under section 3.2 and 3.3 of the Shire's *Standing Orders Local Law 2002 (as Amended)* Councillor Mack requested that Councillors be provided all papers relating to the debt recovery process for the outstanding rates of the Shire President through the tabling of papers at the meeting. Officers are obtaining legal advice regarding this matter.

Attachments (available under separate cover)

Nil.

Voting Requirements: Simple Majority

Councillor Recommendation

That Council **RESOLVES** that the Chief Executive Officer conduct a full review of the Shire's Debt Collection Policy and present it to Council at the earliest reasonable time.

Alternative Officer Recommendation

That Council:

1. **REQUESTS** that the Chief Executive Officer conducts a review of Council Policy 3.2.9 – Rates Collection and General Debtors and presents the outcomes of the review initially to a Policy Concept Forum prior to advertising for public comment
2. **NOTES** that a draft with any proposed revisions to the Policy following public consultation would be presented to Council by December 2023
3. **RESOLVES** that Council Policy 2.1.1 – Trails is deferred to the February to March 2024 timeframe within the policy review forward program to facilitate point 1.

OCM125/06/23

COUNCIL RESOLUTION

Moved Cr Mack, seconded Cr Duggin

That the matter be DEFERRED to a future Council Meeting following presentation at a Policy Concept Forum.

CARRIED 5/4

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

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

**9.3 - Notice of Motion – Westport Landside and Logistics Study (SJ4084)**

Councillor:	Councillor Mack
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 Mack via email on Monday, 12 June 2023.

The Notice of Motion is “That Council:

1. REQUESTS the Chief Executive Officer invite the CEO of Westport to engage with Council, Shire staff and the local community on the options being considered within the Shire regarding the Westport Landside and Logistics Study, and how an innovative design approach could be taken to address other community infrastructure needs of the Shire.
2. REQUESTS the invitation set out the current groundwater challenges being experienced within the Shire, and the need for community infrastructure in the form of sporting ovals to be delivered to keep pace with rates of residential development.”

Officer Comment

With regard to any large industrial infrastructure project, such as a landside freight handling facility, there could be the opportunity to promote the inclusion of supporting community infrastructure as part of such. This could, for example:

- Provide greater physical separation of a facility with external impacts from any nearby sensitive areas (residential or rural residential dwellings);
- Provide a community or recreation space for workers to utilise;
- Provide further community infrastructure for Shire residents to utilise.

Based on the proposed freight handling options that have been identified in the Westport Study, these are located on the west side of Kargotich Road, either within West Mundijong (which is a preferred location) or on the south side of Thomas Road. These locations include areas which are potentially mapped as having available groundwater, subject to investigation.

Engaging with Westport specific to community infrastructure and groundwater opportunities, may assist with raising further options for their consideration.

Attachments (available under separate cover)

Nil.



Voting Requirements: Simple Majority

Councillor Recommendation

That Council:

1. REQUESTS the Chief Executive Officer invite the CEO of Westport to engage with Council, Shire staff and the local community on the options being considered within the Shire regarding the Westport Landside and Logistics Study, and how an innovative design approach could be taken to address other community infrastructure needs of the Shire.
2. REQUESTS the invitation set out the current groundwater challenges being experienced within the Shire, and the need for community infrastructure in the form of sporting ovals to be delivered to keep pace with rates of residential development.

OCM126/06/23

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Duggin

That the matter be DEFERRED.

CARRIED UNANIMOUSLY 9/0

OCM127/06/23

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Dagostino

That in accordance with clause 3.4 of the *Standing Orders Local Law 2002 (as Amended)*, item 10.1.11 be the next item of business.

CARRIED UNANIMOUSLY 9/0



10.1.11 - Consideration of Proposed Structure Plan - Lot 33 Hopkinson Road, Cardup (PA22/957)

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

Authority / Discretion

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

Proponent:	CLE Town Planning + Design Richard Noble
Owner:	Cardup Investments PTY LTD
Date of Receipt:	17 October 2022
Lot Area:	118.4 hectares
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 the submissions received during the advertising of the Proposed Structure Plan received for Lot 33 Hopkinson Road, Cardup. The report also provides for Council to make a recommendation to the Western Australian Planning Commission (WAPC) on whether the Proposed Structure Plan should be supported for approval, and what modifications should be recommended as part of this.

As set out in the report, the Proposed Structure Plan is recommended for refusal, given that key issues remain unresolved, and the level of changes required to address such issues are considered substantial. These changes are not considered to be incidental to the design, and thus the recommendation to the WAPC is for refusal of the Proposed Structure Plan. Should the WAPC be in a position to recommend approval, the following changes would be considered necessary:

- The requirement to provide two, properly constructed points of access in order to address bushfire risk which take account of the loss of access associated with the future Tonkin Highway;
- Subdivision not taking place until Doley Road is connected through to the subject land from the northeast, and Hopkinson Road through to the subject land from the southwest;



- Removal of the commercial node, noting that the adopted Byford District Structure Plan focuses the future neighbourhood centre at the intersection of Orton Road and Doley Road, rather than further south;
- Adjustment to the current integrator road arrangement on the eastern side of the subject land, to be replaced by a more logical road link that connects between Hopkinson Road (deviation), future school precinct, district open space and Doley Road;
- Improving the transition to rural residential properties to the south, and special residential properties to the north, through lowering densities and deepening lot depths to provide greater separation;
- Defining the future public open space network in clearer terms, especially those associated with the proposed district open space and smaller open spaces;
- Removing the designation of urban development along the Water Corporation utility corridor, and clearly determining how this corridor will be managed and what setbacks and interfaces are required to be provided;
- Addressing the appropriateness of placement of schools and residential development proximate to the future Tonkin Highway extension and whether noise impacts can be managed as a result;
- Lack of certainty as to how servicing of the site is to be undertaken noting the reliance on a future Doley Road extension which currently does not exist;
- Provision of an equestrian pathway running along the full length of the southern boundary of the site, to further assist with interface to the south.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background

The Proposed Structure Plan relates to 118.4 hectares of land located at Lot 33 Hopkinson Road, Cardup. The Minister for Planning approved the rezoning of the subject land as Urban under the Metropolitan Region Scheme and Urban Development under the Shire's Town Planning Scheme No. 2 on 7 May 2020. Following the rezoning of the subject site, the Proposed Structure Plan has been prepared to guide future subdivision and development of the land.

The Structure Plan proposes to develop an estimated 1,100 - 1,300 residential dwellings, with the majority of the site identified as Residential R25-R40, with a row of Residential R10 designated land at the northern and southern interfaces. A 0.9ha area of land has been designated as a commercial site and 9.6ha of land has been designated as Public Open Space. A primary school site and secondary school site has been identified within the Structure Plan area, with the primary school proposed to be co-located with a district open space intended to operate on the basis of a shared user agreement. This is similar to the arrangement for Kalimna Oval, adjoining West Byford Primary School, in Byford.



Figure 1: Subject Site

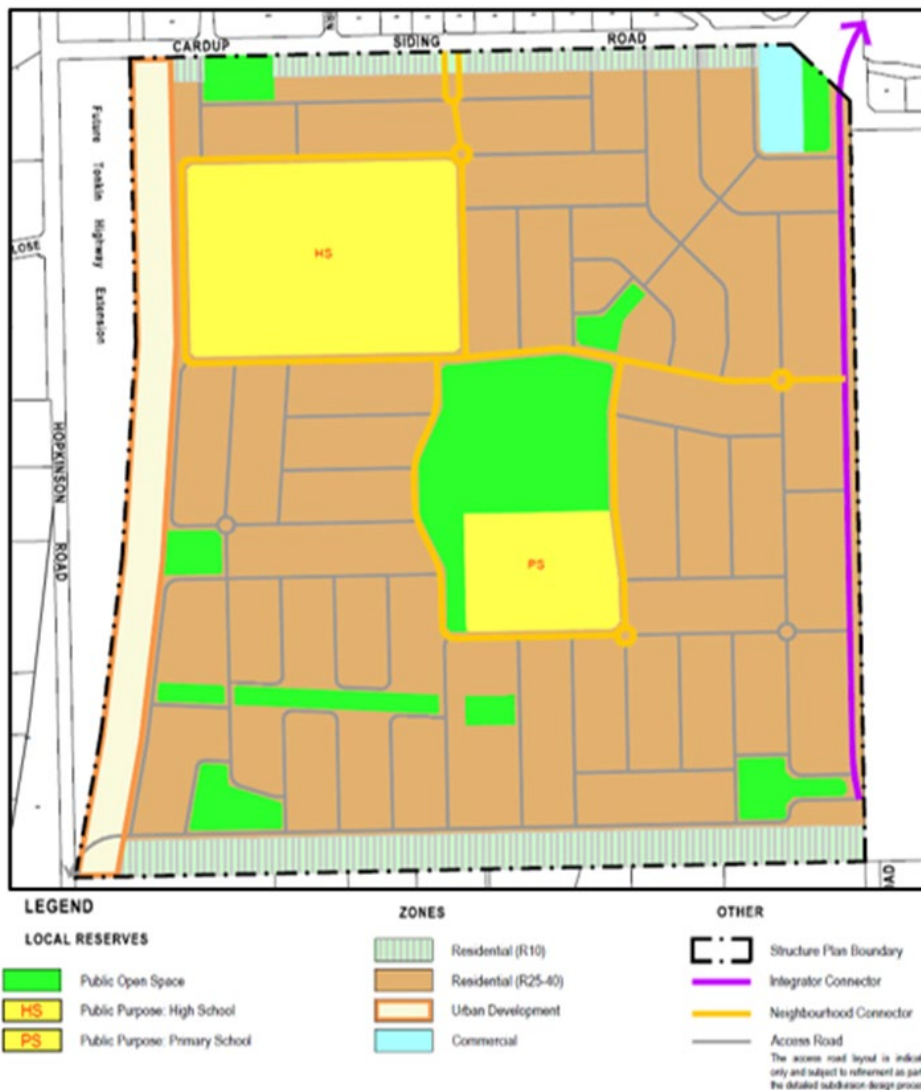


Figure 2: Proposed Structure Plan as Advertised



Community / Stakeholder Consultation

Public Advertising

The Proposed Structure Plan, as contained within **attachment 1**, was publicly advertised from 1 December 2022 to 26 January 2023 for a period of 56 days. The Shire received 59 submissions, comprised of 12 from Government agencies and 47 from nearby landowners. The Summary of Submissions is contained within **attachment 2**. Clause 19 (1) of the Deemed Provisions outlines the local government requirements to consider submissions and allows the local government to request further information from the proponent of the Proposed Structure Plan.

The Shire received a number of submissions in objection to the Proposed Structure Plan from Government agencies and the local community. Main Roads provided a submission in objection to the proposal relating to issues with the Noise Management Plan, Transport Impact Assessment and Bushfire Management Plan. The Department of Water and Environmental Regulation (DWER) provided a submission in objection to the proposal raising concerns with water supply, the stormwater strategy, regional watercourses and fill and subsoil drainage information. The Department of Fire and Emergency Services (DFES) objected to the proposal due to issues with vegetation exclusions, vegetation classification and vehicular access. The Water Corporation objected to the proposal in relation to the designation of the Water Corporation infrastructure corridor. The Public Transport Authority raised concerns relating to the proposed road network being able to accommodate bus movements. The Department of Education raised concerns with the road frontages and access to the school sites, providing embayment parking and noise implications from Tonkin Highway.

The key concerns and reasons for objecting to the Proposed Structure Plan raised by surrounding landowners included the following:

- Interface with the surrounding rural living properties to the north and south;
- Lack of graduated lot sizes and an appropriate transition in density;
- Proposed R25-R40 residential densities considered too dense;
- Loss of rural, equestrian character and amenity;
- Location of the commercial area at the rural living interface;
- Concern regarding the proposed uses within the commercial area;
- Increased traffic movements and number of intersections on Cardup Siding Road;
- Lack of bridle trail connections;
- Bushfire safety concerns;
- Insufficient vehicular access in the event of an emergency;
- Loss of fauna habitat and vegetation removal;
- Need for green spaces and trees to maintain the rural aesthetic.

These matters will be discussed further under the planning assessment section of this report.

It should also be noted that Shire Officers made available a number of pre-lodgement opportunities, where a range of discussions and exchanges of information and insights occurred. Major stages of feedback are summarised in the following table:



Date	Details
15 October 2020	Officers raised issues regarding the absence of a development contribution area over the subject land.
16 November 2020	Officers advised that there was the opportunity for late inclusion of L33 into final consideration of amendments 207 and 208, to apply developer contributions. This however was declined, in favour of a future stand alone scheme amendment in order to achieve this.
9 March 2021	<p>Summary of meeting discussions:</p> <ul style="list-style-type: none">- The character of the site and being respectful of this;- Important to note that the wording of the decision of the Minister / WAPC regarding the rezoning was a starting point emphasising interface and graduation of land use intensity;- The educational hub was mentioned (Primary and High school), understanding the economic potential. As a major land use in the centre, Officers raised it is important to consider how to address the borders of this use so that it seams together the neighbourhoods that interface the school, rather than creating a border;- Bringing active components of the school to its edges, which interface and embrace general public activity, is a basic design approach;- Officers advised that Shire had achieved approval of its new community infrastructure DCP. This anticipated urban development of L33, and thus the Shire is keen to advance a Scheme amendment to include L33 now it has been rezoned;- It would be important to understand and define stakeholders;- Economic development will necessarily link to the Byford town centre and Metronet station;- Bringing so many new people into an existing community has its challenges – interface to existing specifically north and south, also linkages to these existing areas (walk, ride and cars), surrounding rural, rural living and environmental land uses;- High level of expectation for quality of spaces – also outdoor opportunities and linkages to the town centre;- Access will be a crucial component of the design as there are significant constraints in this regard.
14 April 2021	Site visit.
11 October 2021	Officers advised that “the design needs a relook.” Issues associated with interface raised.
12 October 2021	<p>Feedback given to discussion paper prepared by applicant. Feedback includes following:</p> <ul style="list-style-type: none">- Identify concerns regarding lack of infrastructure contribution and coordination- Efficient and effective public realm design- Education precinct needs to enable and connect precinct and be accessible- Need to reflect sense of place



Date	Details
	<ul style="list-style-type: none">- Need to ensure delivery of community infrastructure- Need to incorporate significant trees- Bushfire risk needs to be addressed- Need to fix interfaces- Road connectivity concerns- Incorrect interface to the north- MUC is not reflecting any natural feature
19 October 2021	<p>Written email advice to applicant: <i>"I just further note a concern that plan drawing has happened in a manner without shire involvement.</i> <i>Given that the Minister expressed expectation in respect of design and interface in an acceptable manner, I feel this is a genuine concern and a bit of a bad start.</i> <i>For example I can't see how any road connection to the south is possible, due to this area remaining Equine focussed. Thus I'm not sure how we will contemplate overcoming a single access area of this size, in the way initial thoughts have been drawn</i> <i>Fire access for example, to name just one concern."</i></p>
21 October 2021	Email advice about undertaking amendment to address DCP concerns
16 December 2021	<p>Further response noting concerns including:</p> <ul style="list-style-type: none">- Street block orientation;- Place schools further to the east;- Current design on the interface is a concern and Officers advise R10 is considered not acceptable;- Officers concerned with POS design and lack of useable POS;- Lack of integration of the development to Byford;- Impacts on equine community to south not currently dealt with;- Restating concerns about road design and layout.
17 May 2022	Officers raised opportunity regarding Hopkinson Road connection and need for this.
17 June 2022	Officers advised Shire does not manage Water Corporation utility corridors and would not consider doing this.
13 July 2022	Feedback again on concerns regarding current design. Road layout, bushfire risk, interface, POS design.
14 July 2022	<p>Minutes of meeting sent to applicant. Key issues included:</p> <ul style="list-style-type: none">- The Shire has assessed the proposed emergency access requirements, and advises that a Doley Rd link (southeast corner) AND Hopkinson Rd link (southwest corner) is central to 2 way access bushfire requires.- This reflects the nature of hazard and where fast moving bushfires may approach.



Date	Details
	<ul style="list-style-type: none"> - The Shire advised the district is under provided with senior sporting oval space. - The Shire required the central public open to accommodate a senior Australian Rules Football oval, pavilion and car parking based on a shared use agreement. The project should reference Kalimna Oval and West Byford Primary School as an early keynote example. - Space for PS and DOS need to be determined before further design refinement to ensure space is provided and shapes further design, not be constrained by design. - Agreement on the Amendment to secure infrastructure developer contributions needs to progress preferably in sync with the LSP. The Shire does not support LSP being advanced before infrastructure arrangements are determined. The Shire restated this view. - The Shire requires the developer contribution commitments and scheme amendment to be prepared as soon as practically possible. - The Shire does not support the need for a Doley Road extension south of Lot 33, given the objective for community activity is achieved through the previously mentioned points of Doley and Hopkinson LINKS. See sketched sent by Shire 13 July 2022 to Peter and to Steve. - The Shire advised that if the extension of Doley Road into the equine precinct were proposed as part of the LSP, it would appear to carry no planning purpose and would result in significant issues that fundamentally aren't clearly justified given it would also presuppose an outcome in respect of the PIA. - The Shire has advocated with Main Roads Western Australia (MRWA) to ensure the Tonkin Highway design accommodates the Hopkinson Road road reserve extending to the southwest corner of Lot 33. - The design of Tonkin Highway enable Hopkinson Road to connect to Lot 33 road network as mentioned in emails to Peter prior to the meeting of 13 July, and mentioned at the meeting. - The Shire confirmed that the vehicles per day for the integrated Hopkinson Road alignment is likely to be minor, but is critical to bushfire compliance for L33 and community connectivity. - The Shire does not want a maintenance impost for infrastructure provided to activate the Water Corporation service corridor (service corridor).
December 2022	Structure plan submitted.

In the opinion of Officers, key issues have been consistently expressed as being important to address in proposed design.

Statutory Environment

Legislation

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



State Government Policies

- Metropolitan Region Scheme
- State Planning Policy suite
- Liveable Neighbourhoods

Local Planning Framework

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

Planning Assessment

Planning Framework

The subject site is zoned Urban under the Metropolitan Region Scheme and Urban Development under Town Planning Scheme No.2. The Shire's Local Planning Strategy identifies the subject site as Urban Settlement. The Byford District Structure Plan identifies the subject site for residential purposes, with a Low (Suburban): R20-R35 density and a lower density sensitive interface with the adjoining rural living area. A centrally located primary school site and high school site is also identified within the Proposed Structure Plan area under the Byford District Structure Plan.

Residential Density and Interface

Nearby residents to the north and south of the Proposed Structure Plan area raised concern with the lack of transition in residential density and the possible impacts this would have on the character of the existing development. The Minister's decision on the Metropolitan Region Scheme Amendment to rezone the subject site to Urban specifically sought that the following conditions apply at the Structure Plan stage:

- '1. The proposed residential density of the site and associated lot mix/configuration is to have particular regard to the existing amenity of the locality, including the provision of appropriate community, education and public open space facilities.*
- '2. Appropriate transition arrangements to be considered to the abutting Urban zone to the north, Special-Rural area to the south and Bush Forever site 352 to the east (e.g. public open space, appropriate lot sizes, interface roads etc.)'*

The development to the north of the Proposed Structure Plan area is comprised of lots approximately 2,000m² - 3,000m² in size and the development to the south is comprised of lots that are 2ha in size. Ensuring an appropriate transition in density to protect the established character of the surrounding rural living areas is essential. Furthermore, the subject land has a strategic objective associated with reinforcing the intended rural urban edge and pattern through an appropriate density transition with larger lots to enhance the natural, rural and equestrian sense of place.

The current Proposed Structure Plan is not considered capable of support, due to the lack of an appropriate interface being provided. This is contrary to the Ministerial advice issued, and feedback Officers provided the applicant prior to submission of the Structure Plan. These issues are explained in detail following:



Northern Interface

The lots to the north of the Structure Plan area and south of the Cardup Brook are predominantly sized between 2,000m² - 3,000m². The Structure Plan proposes a row of Residential R10 lots at the northern boundary to manage this interface. Officers consider the R10 density, which would enable an average lot size of 1,000m², is inappropriate to respect a gradual transition from the existing 2000m² - 3,000m² lots.

Southern Interface

Officers consider a clear graduation of lot sizes and activity should be established between the 2ha rural living lots to the south of the Proposed Structure Plan to preserve amenity and manage potential land use conflicts, especially regarding the equestrian activities that occur in this area. The Structure Plan proposes a row of Residential R10 lots at the southern boundary to manage this interface. Surrounding landowners raised concerns that the proposed R10 density would result in a number of properties interfacing with the 2ha lots to the south and causing a range of amenity and potential land use conflict issues.

Officers consider that the Residential R10 density does not provide a sensitive, gradual transition in density as required by the Minister's decision on the Metropolitan Region Scheme Amendment to rezone the land. A 1ha lot size designation, that then transitions to a 0.5ha designation, would instead provide the expected step in gradual density change, as expected by the Proposed Structure Plan.

The 1ha lot interface would allow for larger, deeper and wider lots, providing the best level of protection to existing residents adjoining the subject land to the south.

Locational Criteria

A number of submissions also raised concerns regarding densities of the Proposed Structure Plan. The Proposed Structure Plan shows a broad R25 to R40 coding band across the whole area, which creates a range of uncertainties insofar that this band includes lot sizes from 350sqm to as small as 220sqm. Locational criteria are lacking in the Proposed Structure Plan, which could pave the way for unsatisfactory development outcomes to occur (for example smaller lots clustered in lower amenity areas).

While a band of density is a common approach taken, locational criteria are needed to help inform where the graduation of lot sizes (and thus housing choice) will occur, based upon the differing levels of amenity available in a structure plan area.

Without having sufficient locational criteria, Officers are concerned of unintended lower amenity outcomes being created. Locational criteria should be enacted for all of the following situations:

- the 1ha and 0.5ha interfaces;
- the R5, R10 and R20 graduations from there;
- the allocation of R25 densities as an expected majority (base) density; and
- only carefully selected pockets of R40 in high amenity areas.

In terms of the locational criteria for the R40 density coding, this was listed to include lot within a 400m walkable catchment of public open space, a local centre or school. Officers consider this to be too far, with the localised amenity of public open space or a school (for example) limited to the immediate opposite development and not development as far as 400m away.



Activity Centres

Retail Floor Space Allocation

The Proposed Structure Plan identifies a 0.9ha site at the north-eastern corner as a commercial site. This commercial site is proposed to contain approximately 3,500m² of retail floor space and has been designated as a Neighbourhood Centre within the Retail Needs Assessment provided with the Proposed Structure Plan. The Retail Needs Assessment further states that the future Neighbourhood Centre could be anchored by a medium-sized supermarket of about 2,000m², with an additional shop/retail specialties component of 1,000m² and other retail floorspace or commercial tenancies of up to 500m².

The Shire's Local Planning Strategy identifies three Neighbourhood Centres within the Byford area located at Thomas Road, The Glades Village Centre and Orton Road. The Byford District Structure Plan similarly identifies three Neighbourhood Centres in these locations. A Neighbourhood Centre has not been identified within the Proposed Structure Plan area under the Shire's strategic planning framework.

This designation by the Proposed Structure Plan is at odds with the prevailing planning that has occurred at the strategic level, and could impact the viability of the centre framework as a result.

While small, local nodes of non residential activity are supported as a centrepiece of mixed use neighbourhoods in Western Australia, these are limited in size and scale to about one third of that currently depicted. These are also placed at the centre of neighbourhoods, rather than the edge. The placement of the commercial centre on the far northeast edge of the site results in it providing limited supporting function for access by local residents to available conveniences.

A key community concern about this also raised the intended land uses within the proposed commercial area and incompatibility with the special residential estate opposite. Officers agree with this interface concern, and consider such to represent a further element of incompatible design of the structure plan.

Road Network

Doley Road Connection

Doley Road is planned to be extended south from The Glades Estate located to the north, crossing over the Cardup Brook to connect to the Proposed Structure Plan area. This will provide an important transport connection for the Structure Plan area to the north and the Byford Town Centre. It is essential that the Doley Road extension be constructed prior to any subdivision and development to ensure a north-eastern vehicular access route is provided for connectivity and bushfire management purposes.

Currently there is a lack of certainty as to the delivery of this road. In the absence of being certain when the road link will be provided, there is the risk that the Structure Plan could lead to subdivision that isolates a community in a bushfire prone landscape.

Main Roads have advised that the Doley Road south link was agreed to be provided for bushfire emergency egress to the east and to provide access to the proposed development south of Cardup Siding Road. Main Roads has advised that it will construct the Doley Road south connection to a desirable minimum road cross section consistent with the developer's ultimate proposal. Widening including the installation of utility services requirements will be the responsibility of the developer.

Main Roads however are unable to confirm the exact timing to deliver the link, which creates the concerns regarding access and bushfire risk management.



In terms of Doley Road running along the eastern side boundary of the site, and appearing to extend southwards, this reflects a planning direction that has since been removed by the Minister. This was through the Minister removing the planning investigation area to the south of the subject land, meaning that road connectivity between a residential neighbourhood and equestrian area is no longer supported.

Hopkinson Road Connection

Hopkinson Road is planned to continue south from the Structure Plan area to provide an important north-south road connection to the south-west. The Hopkinson Road connection is essential for providing a vehicular access route in the south-western portion of the Structure Plan for bushfire management purposes to ensure that two vehicular access routes are provided in accordance with the State Planning Policy 3.7 Planning in Bushfire Prone Areas Guidelines. The Hopkinson Road connection to the south-west would provide a vehicular access route in an alternative direction to the vehicular access route provided at Doley Road and Cardup Siding Road at the north-east of the Structure Plan area.

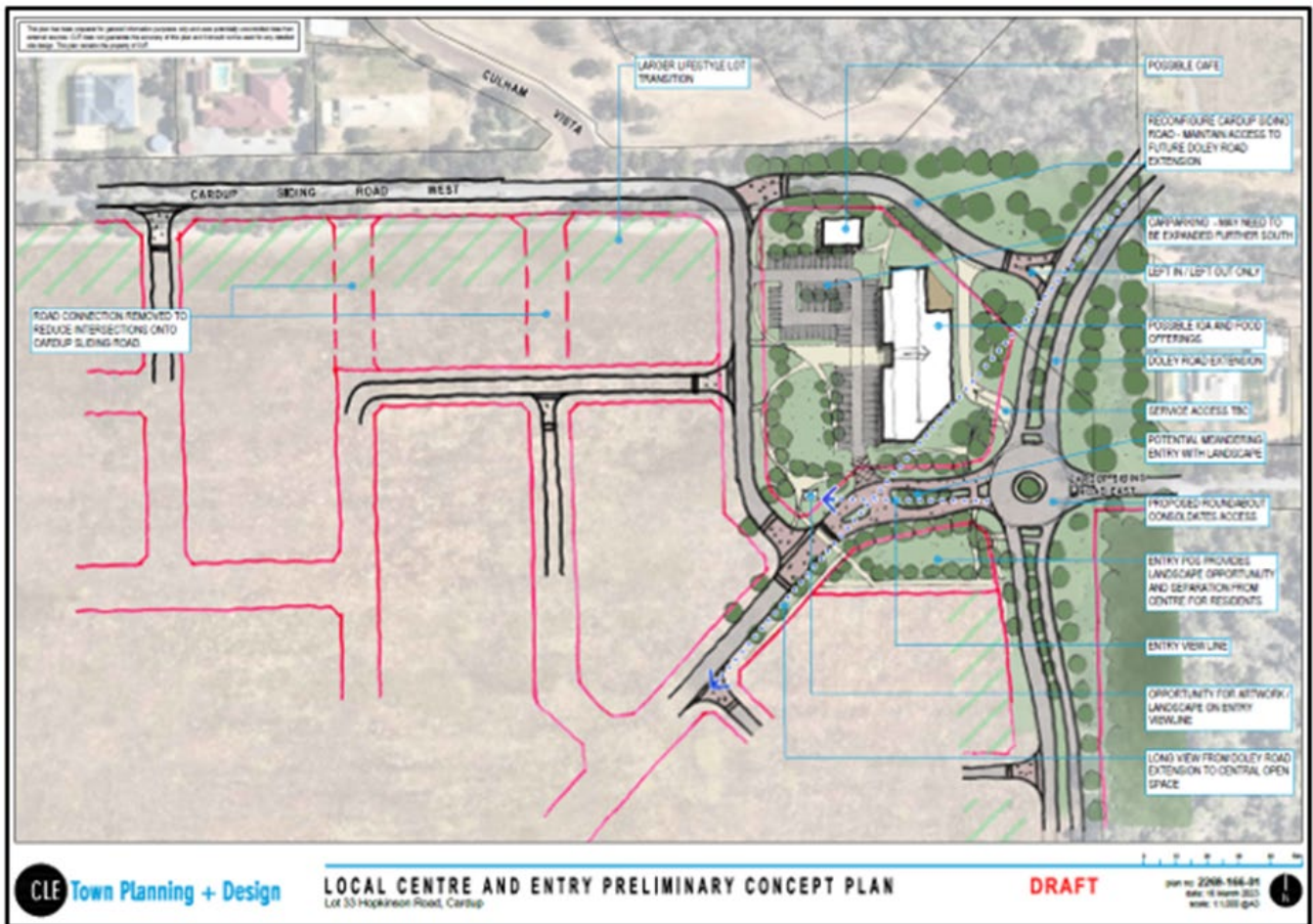
Similar to the concerns with Doley Road, there is no certainty provided in the structure plan which secures delivery of the Hopkinson Rd link. It also lacks a degree of priority as it connects through the site, raising further concerns of its utility in the event of emergency escape.

Cardup Siding Road Intersections

A key community concern raised in the submissions was the increase in traffic movements on Cardup Siding Road and the impact of the Proposed Structure Plan on the existing amenity. The number of intersections proposed on Cardup Siding Road was of particular concern. The interface of the proposed commercial development with the existing rural lifestyle properties to the north was also a key concern, with residents concerned that the proposal would adversely affect amenity and result in a loss of privacy and seclusion.

Officers agree with such concerns, noting the earlier points regarding the lack of certainty of key road connections, and the provision of a commercial node in an area not supported by the higher levels of strategic planning for Byford and broader activity centres of the Shire.

The applicant has provided a concept plan to address some of these issues, which proposes a revised road layout and indicative siting and orientation of the commercial development and public open space. Despite this, the inclusion of unsupported commercial land use and unclear timing to deliver road links, means the Proposed Structure Plan cannot be supported. The road geometry through this area of interface is not reflective of acceptable road geometries, given particular the land use designation and conflicts also identified.



Legibility of Road Network

It is noted that the Public Transport Authority have raised concern with the unprotected right turns at the south-east intersections of the high school site with the district open space. The applicant has stated that the alignment of the north-south roads in this location have been located to protect the windrow trees, which are a defining character element of the site. It is recognised that the retention of the windrow trees promotes tree canopy coverage and provides a sense of place. However, it is also acknowledged that the proposed intersections at this location and unprotected right turns creates a traffic safety issue, which will be exacerbated by the intensity of activity associated with the high school interfacing the district open space.

Officers also consider the proposed loop roads adjacent to the multiple use corridor in the south-western portion of the Structure Plan limit the connectivity and legibility of the local road network, which undermines a more legible southwest to northeast orientation. Road connectivity in this area is important to improve connectivity and accessibility, and to provide a direct connection to Hopkinson Road which is proposed to extend south as a key transport linkage connecting communities. Additionally, a road interface to the public open space is preferred to encourage the use and accessibility of the public open space.

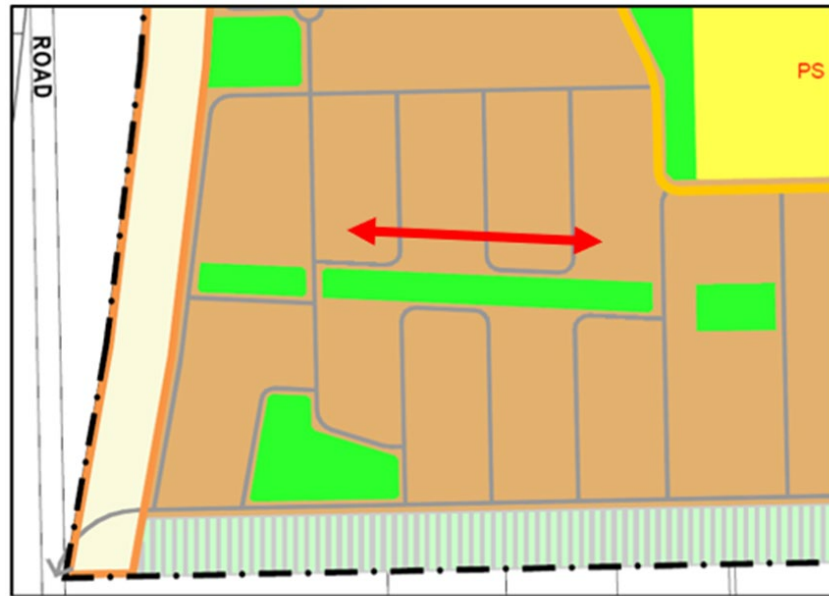


Figure 4: Recommended Road Connection Along the Multiple Use Corridor

Road Classifications

Bus Movements

The Public Transport Authority have advised of the long-term plan for a future bus route through the Structure Plan area, which would travel from the future Byford Train Station, approaching the Structure Plan site from the north and then passing through to the south of the site. Establishing public transport connections with the future Byford Train Station is an important consideration to encourage the use of public transport.

It is noted that the Public Transport Authority has concerns that the proposed road network would not allow bus services to travel through and pass out at the southern end of the development exclusively using Neighbourhood Connector roads. The Public Transport Authority have recommended that the road to the south of the primary school site that links to the Integrator Arterial at the eastern boundary of the Structure Plan area be identified as a Neighbourhood Connector to accommodate buses. This further builds upon Officer concerns regarding the lack of road hierarchy that circulates and connects through the site.

Officers note that the Proposed Structure Plan map shows Neighbourhood Connector roads surrounding the primary school site and the public open space, however the Transport Impact Assessment and Section 3.5.2 of Part 2 of the Structure Plan shows the eastern, western and southern roads surrounding the primary school site and public open space to instead all be classified as an Access Street B.

To accommodate bus movements in accordance with Liveable Neighbourhoods, roads to the west and south of the primary school site and district open space would need to be identified as Neighbourhood Connector roads.

Road Frontages to School Sites

The Department of Education submission raised concern with the road frontages to the primary school site. Operational Policy 2.4 - Planning for School Sites and Liveable Neighbourhoods requires all new school sites to have three road frontages, with at least one being a Neighbourhood Connector and one being an Access Street B. The proposed primary school site has two road frontages, with a third road to the west separated by public open space, which accommodates the windrow trees.



Officers further note that the absence of an adjoining Neighbourhood Connector (refer earlier point), means the current design does not align with Operational Policy 2.4 - Planning for School Sites and Liveable Neighbourhoods.

The Department of Education submission stated that the Proposed Structure Plan does not comply with the requirement of Operational Policy 2.4 - Planning for School Sites for secondary schools, which specifies one frontage shall be an Integrator Arterial Road and one frontage shall be a lesser order road (minimum Access Street B). The high school site within the Proposed Structure Plan is bound by a Neighbourhood Connector to the south and Access Street C roads to the east, west and north. This further builds upon concerns regarding the Structure Plan design.

Transport Impact Assessment

The applicant has provided a Transport Impact Assessment (TIA) to address the transport and traffic impacts generated by the Proposed Structure Plan.

It is noted that Main Roads have requested clarification and further information on some matters within the TIA.

Officers also note that the range of issues and concerns pertaining to the road structure design, would warrant a different TIA needing to be formulated once the design changes.

Noise Management

The Proposed Structure Plan is located directly to the east of the Tonkin Highway extension, which will generate noise impacts to areas within proximity of this major transport corridor. The applicant has provided a Noise Management Plan to address the noise impacts from the Tonkin Highway. The Noise Management Plan should be consistent with State Planning Policy 5.4 Road and Rail Noise and the requirements at the subdivision and development stage should be clearly outlined within the Structure Plan. It is important for noise management to be appropriately addressed at the Structure Plan stage to protect the amenity for future residents.

Concerns have been raised in regard to the NMP, and given the importance of the future Tonkin Highway and ensuring that development appropriately interfaces and setbacks from such, the Proposed Structure Plan in its current form is unable to be supported.

Main Roads have raised some concerns with the Noise Management Plan in regard to the chip seal used as an input to the modelling, the noise treatments for the proposed high school and ensuring that a noise wall, quiet house design and title notifications are applied. Main Roads have also requested that any affected lots must provide at least one outdoor living area that is shielded from road traffic noise. The Department of Education has also stated that the Noise Management Plan should be updated to include noise treatments for the proposed high school development to achieve the targets of State Planning Policy 5.4 Road and Rail Noise.

Bushfire Management

Several concerns were raised in regard to the bushfire safety risk within the Proposed Structure Plan area from the Department of Fire and Emergency Services (DFES) and the local community. The submission from DFES in objection to the Proposed Structure Plan raised concerns with vegetation exclusions and vegetation classifications within the Bushfire Management Plan. As such, DFES have stated that the indicative Bushfire Attack Level (BAL) ratings cannot be validated.

Officers support these concerns, and also further major concerns raised by DFES regarding the vehicular access provided within the Proposed Structure Plan area, particularly with regard to the staging of the development and ensuring a compliant outcome with the vehicular access



requirements specified within the State Planning Policy 3.7 Planning in Bushfire Prone Areas Guidelines.

The level of risk associated with the threat of bushfire in the landscape causes Officers to recommend the Structure Plan be refused. Redesign will be required in a substantial way to address the objections raised by DFES, and concerns held by Officers.

Local Water Management Strategy

The Department of Water and Environmental Regulation (DWER) raised some concerns with the Local Water Management Strategy. These concerns include demonstrating access to a water supply and the non potable requirements for the Structure Plan inclusive of public open space, the stormwater strategy with cross-sectional landscape and drainage conceptual designs being required, regional watercourses and fill and subsoil drainage information being required. DWER have advised that further discussions have taken place with the applicant since this submission was received and have confirmed that provided modifications are undertaken to the Local Water Management Strategy to address these concerns, DWER is in principle satisfied with the approach.

Servicing

Water Corporation Infrastructure Corridor

The Water Corporation provided a submission in objection to the Proposed Structure Plan relating to the identification of the Water Corporation Infrastructure Corridor. It is understood that an approximately 60m wide trunk main corridor generally along the eastern side of the Tonkin Highway reservation will be required by the Water Corporation. The Proposed Structure Plan identifies a 60m wide corridor along the western boundary of the subject site as 'Urban Development'. The Water Corporation have advised that further discussions have taken place with the applicant since this submission was received and have confirmed that the discussions indicated that the Water Corporation will seek to acquire the land for the corridor once Main Roads has acquired the land for the Tonkin Highway.

Wastewater Management

The Proposed Structure Plan and Engineering Servicing Report states that wastewater will be managed in the long-term by a planned Wastewater Pump Station (WWPS) situated to the south, however, notes this infrastructure is not expected to be delivered before 2040. Consequently, a temporary Type 40 WWPS is proposed to be constructed within the Structure Plan area, along with a temporary main (both at the cost of the developer) that will cross the Cardup Brook via the Doley Road extension. The Engineering Servicing Report identifies this temporary Type 40 WWPS within Public Open Space 5. The WWPS is likely to require at least 2,000m² of land and this land should be removed from the public open space area and instead be identified for public purposes for wastewater management.

The ability for temporary infrastructure to be provided, noting its reliance on Doley Road that is unclear as to its timing, is a further concern Officers hold regarding the Structure Plan.

Public Open Space

The Proposed Structure Plan identifies a public open space allocation of 11% of the gross subdivisible area. The public open space identified within the Structure Plan area is comprised of a central district open space to accommodate a playing field, linear parks to function as multiple use corridors, pocket parks and an entry park. The landscape plans do not identify how much of the proposed public open space areas will be impacted by drainage features, such as the extent



of inundation and how much is actual useable open space above the one-in-five year drainage event.

The central district open space is proposed to accommodate a senior AFL oval, two rectangle pitches and a cricket pitch, as well as a play space, retaining the windrow trees and providing a drainage function. The landscape plans provided with the Structure Plan are insufficient to demonstrate that a senior oval can fit within the designated district open space site, while accommodating drainage, existing trees, and a playground.

Proposed Public Open Space 4 includes an Aboriginal Heritage Site (Place ID 396). Officers recommend the outcomes of the engagement with Indigenous elders and the Noongar Standard Heritage Agreement should be confirmed within the Structure Plan, considering that the public open space contains bioretention, flood storage and unrestricted areas. Any future management constraints if applicable on the land should be confirmed.

The unanswered issues outlined above result in the POS network being unable to be supported by Officers.

Bridle Trails

The Shire's Equine Trails Master Plan adopted by Council in July 2022 identifies a potential bridle trail at the southern boundary of the Structure Plan site. The identified bridle trail provides a linkage between the Cardup Nature Reserve to a future underpass at the Tonkin Highway to connect to the bridle trail network to the west. Providing for equestrian activities to support the surrounding rural living areas was a key concern raised by landowner submissions on the Proposed Structure Plan. The Proposed Structure Plan does not reflect a six metre wide bridle trail along the southern boundary of the Structure Plan area in accordance with the Shire's Equine Trails Master Plan July 2022. The bridle trail would contribute to providing an appropriate separation and sensitive interface between the 2ha rural living lots to the south and the Structure Plan area.

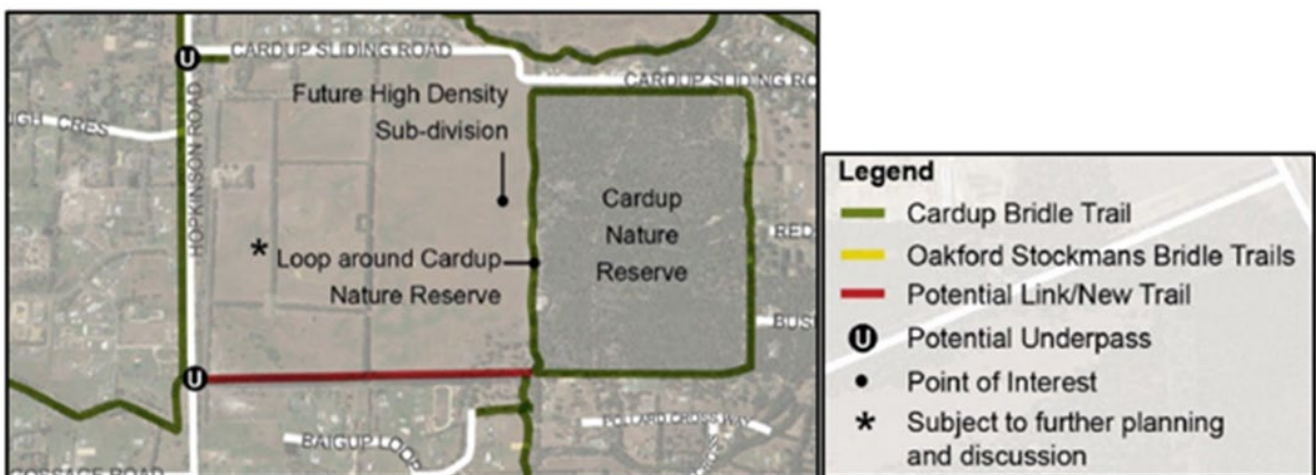


Figure 5: Equine Trails Master Plan July 2022

Environmental Considerations

Located directly east of the subject site is the Cardup Nature Reserve, a registered Bush Forever site and Parks and Recreation Reserve under the Metropolitan Region Scheme. A portion of the Cardup Nature Reserve is classified as a Conservation Category Wetland and an Environmentally Sensitive Area, a portion of which extends into the eastern area of the subject site. Threatened ecological communities also are present with the Cardup Nature Reserve. A regional ecological linkage extends over the north-eastern portion of the subject site, connecting between the Cardup



Nature Reserve and the Cardup Brook. Tree lines and remnant lone standing trees provide important foraging and nesting habitat for endangered fauna, such as the Black Cockatoo, as well as refuges to support ground-based fauna movement from the Bush Forever site to the west.

Landowner submissions were received raising concerns with the protection of vegetation, fauna and ecological linkages between the Cardup Brook and the Cardup Nature Reserve.

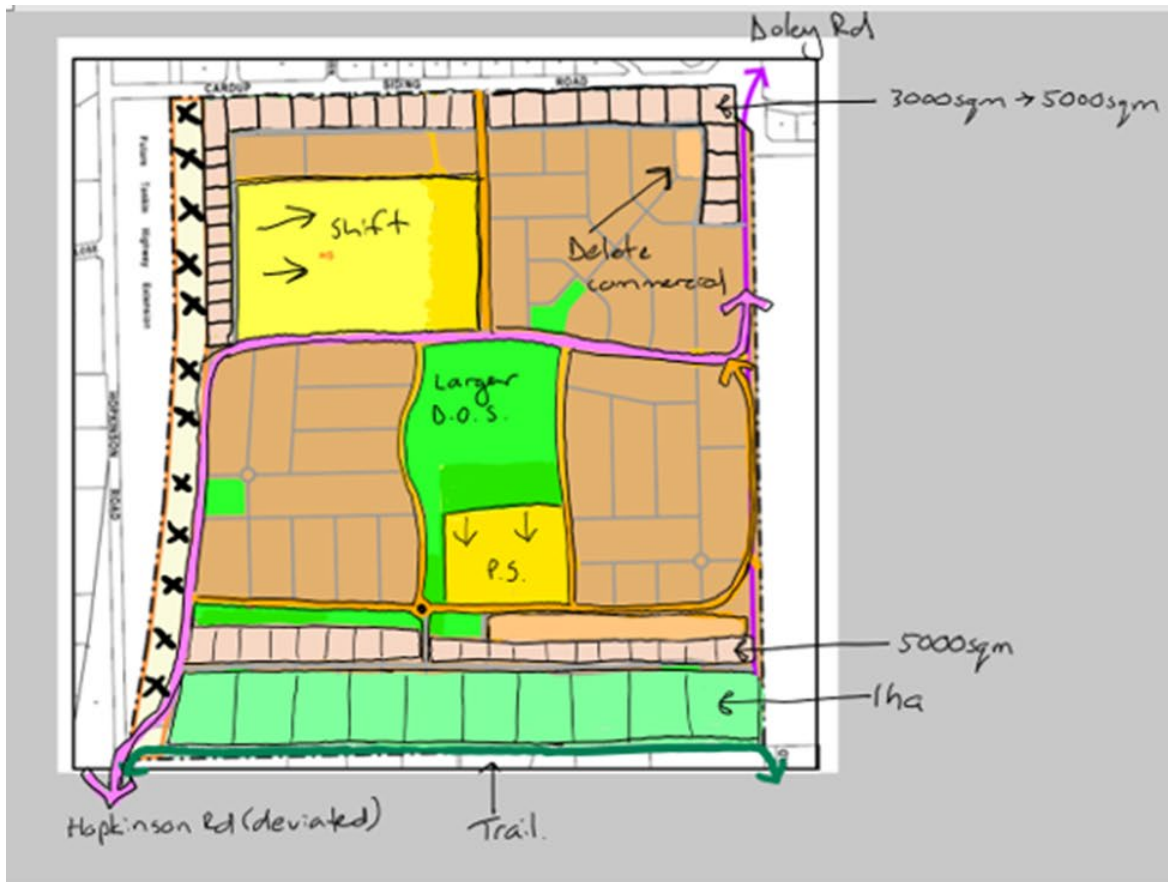
Concluding Issues

Due to the range of objections received, from both referral authorities and community members, a number of significant design issues exist with the current Proposed Structure Plan. These issues expand beyond incidental matters that could otherwise be conditionally supported subject to modifications - rather, they are substantial issues likely to cause redesign of the proposal. For this reason, the Structure Plan is recommended for refusal by the WAPC.

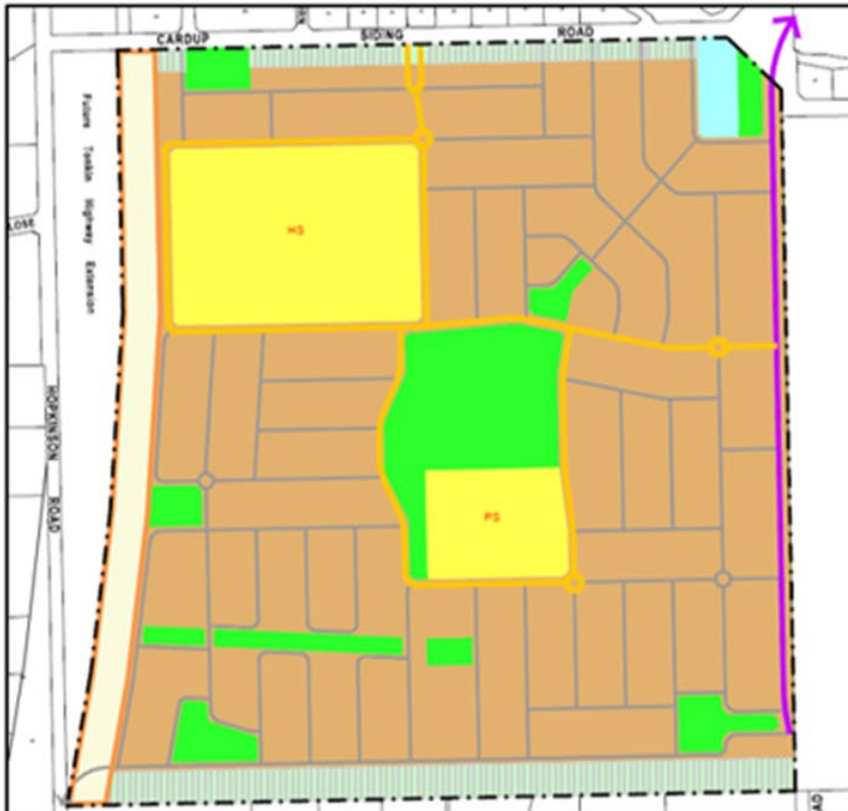
Should the WAPC be of a view to consider supporting the Structure Plan, it is recommended a number of redesign issues first be undertaken and addressed, including:

- The requirement to provide two, properly constructed points of access in order to address bushfire risk which take account of the loss of access associated with the future Tonkin Highway;
- Subdivision not taking place until Doley Road is connected through to the subject land from the northeast, and Hopkinson Road through to the subject land from the southwest;
- Removal of the commercial node, noting that the adopted Byford District Structure Plan focuses the future neighbourhood centre at the intersection of Orton Road and Doley Road, rather than further south;
- Adjustment to the current integrator road arrangement on the eastern side of the subject land, to be replaced by a more logical road link that connects between Hopkinson Road (deviation), future school precinct, district open space and Doley Road, with integrator and neighbourhood connector road arrangements;
- Improving the transition to rural residential properties to the south, and special residential properties to the north, through lowering densities and deepening lot depths to provide greater separation;
- Defining the future public open space network in clearer terms, especially those associated with the proposed district open space and smaller open spaces;
- Removing the designation of urban development along the Water Corporation utility corridor, and clearly determining how this corridor will be managed and what setbacks and interfaces are required to be provided;
- Addressing the appropriateness of placement of schools and residential development proximate to the future Tonkin Highway extension and whether noise impacts can be managed as a result;
- Lack of certainty as to how servicing of the site is to be undertaken noting the reliance on a future Doley Road extension which currently does not exist;
- Provision of an equestrian pathway running along the full length of the southern boundary of the site, to further assist with interface to the south.

To demonstrate why Officers, however, recommend refusal, the following sketch depicts the large amount of redesign that would be required. This represents a new proposal that would not be considered as similar to what was proposed by the applicant.



Comparison to show large range of differences





Options and Implications

Option 1

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within **attachment 2**.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission REFUSE the Lot 33 Hopkinson Road, Cardup Structure Plan for the following reasons:
 - a. The proposed design is considered to lead to an unacceptable bushfire risk, due to the lack of clarity in respect of emergency access, infrastructure timing and delivery responsibilities;
 - b. The proposed design is reliant on a future Doley Road connection from the north, however the timing and delivery of this is at this stage unknown;
 - c. The proposed design includes a commercial node that is equivalent in size to a Neighbourhood Centre. This is contrary to the updated Byford District Structure Plan and the Shire's Activity Centres Strategy;
 - d. The proposed road design provides insufficient connectivity between the northeast and southwest corners, and insufficient road capacity to service the high school and primary school precinct;
 - e. The proposed design includes an inadequate interface and transition of density to the northern and southern interfacing areas, which is a requirement of Ministerial approval;
 - f. The proposed design does not demonstrate that the future shared use district open space can accommodate the full oval use and dimensions necessary;
 - g. The proposed design does not depict adequate suitability of land use placement and setback to the future Tonkin Highway infrastructure;
 - h. The proposed design does not reflect equestrian pathway provision along the southern boundary as per the adopted Trails Masterplan.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES the following documents to the Western Australian Planning Commission:
 - a. a list of the submissions considered by the local government;
 - b. any comments by the local government in respect of those submissions;
 - c. a schedule of the proposed modifications that are required should, despite the recommendation for refusal, the WAPC be supportive of the Proposed Structure Plan;
 - d. the local government's assessment of the proposal based on appropriate planning principles; and
 - e. the recommendation by the local government to refuse the Proposed Structure Plan.



Option 2

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within **attachment 2**.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVE the Lot 33 Hopkinson Road, Cardup Structure Plan subject to modifications.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES the following documents to the Western Australian Planning Commission:
 - a. a list of the submissions considered by the local government;
 - b. any comments by the local government in respect of those submissions;
 - c. a schedule of the proposed modifications that are required;
 - d. the local government's assessment of the proposal based on appropriate planning principles; and
 - e. the recommendation by the local government to approve the Proposed Structure Plan.

Option 1 is recommended.

Conclusion

The Structure Plan proposes an estimated 1,100 - 1,300 residential dwellings, a 0.9ha area for a commercial site, 9.6ha of land as public open space and a primary school and secondary school site. Submissions received on the proposal raise serious concerns in regard to residential density and interface, the commercial area, the road network, noise management, bushfire management, water management, servicing, public open space, bridle trails and the environment. The Officer assessment concurs with the many of the concerns and objections raised, and recommends refusal of the Structure Plan by the WAPC.

Attachments (available under separate cover)

- **10.1.11 - attachment 1** - Proposed Lot 33 Hopkinson Road, Cardup Structure Plan documentation (IN22/24510)
- **10.1.11 - attachment 2** - Summary of Submissions (E22/15280)
- **10.1.11 - attachment 3** - Schedule of Modifications (E23/6604)



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 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
Strategy 1.2.2	Encourage and support public art in public areas
Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.3	Enhance community safety
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
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
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 to address the particular risks associated with bushfire and emergency management, and the risks associated with the current inadequate design response for the land.						
2	That Council RECOMMENDS the Proposed Structure Plan be APPROVED.	Appropriate planning reasons to recommended approval	Social Community Outcomes /	Possible	Major	SIGNIFICANT	Accept Officer recommendation



Voting Requirements: Simple Majority

OCM128/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Strange

That Council:

- 1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within attachment 2.**
- 2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission REFUSE the Lot 33 Hopkinson Road, Cardup Structure Plan for the following reasons:**
 - a. The proposed design is considered to lead to an unacceptable bushfire risk, due to the lack of clarity in respect of emergency access, infrastructure timing and delivery responsibilities;**
 - b. The proposed design is reliant on a future Doley Road connection from the north, however the timing and delivery of this is at this stage unknown;**
 - c. The proposed design includes a commercial node that is equivalent in size to a Neighbourhood Centre. This is contrary to the updated Byford District Structure Plan and the Shire's Activity Centres Strategy;**
 - d. The proposed road design provides insufficient connectivity between the northeast and southwest corners, and insufficient road capacity to service the high school and primary school precinct;**
 - e. The proposed design includes an inadequate interface and transition of density to the northern and southern interfacing areas, which is a requirement of Ministerial approval;**
 - f. The proposed design does not demonstrate that the future shared use district open space can accommodate the full oval use and dimensions necessary;**
 - g. The proposed design does not depict adequate suitability of land use placement and setback to the future Tonkin Highway infrastructure;**
 - h. The proposed design does not reflect equestrian pathway provision along the southern boundary as per the adopted Trails Masterplan.**
- 3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES the following documents to the Western Australian Planning Commission:**
 - a. a list of the submissions considered by the local government;**
 - b. any comments by the local government in respect of those submissions;**
 - c. a schedule of the proposed modifications that are required should, despite the recommendation for refusal, the WAPC be supportive of the Proposed Structure Plan;**



- d. the local government's assessment of the proposal based on appropriate planning principles; and
- e. the recommendation by the local government to refuse the Proposed Structure Plan.

CARRIED UNANIMOUSLY 9/0

OCM129/06/23

COUNCIL RESOLUTION

Moved Cr Rich, seconder Cr Atwell

That Council ADJOURN this meeting until 6pm on Wednesday, 21 June 2023.

CARRIED 6/3

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

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

At 10:08pm Officers assisting the Meeting stopped the recording of the Meeting.



On Wednesday, 21 June 2023, the Presiding Member, Councillor Rich reconvened the Meeting at 6:02pm.

Attendees:

Councillors: M Rich.....Presiding Member
D Atwell
R Coales
M Dagostino
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: 11



10. Chief Executive Officer reports:

10.1 Development Services reports:

Councillor Coales declared an Impartiality Interest in item 10.1.1.

10.1.1 - Proposed 'Place of Worship' including incidental 'Reception Centre' and 'Community Facility' - Lot 128, South Western Highway, Byford (PA23/73)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Proponent:	Harley Dykstra
Owner:	Byford Project 2018 Pty Ltd
Date of Receipt:	30 January 2023
Lot Area:	1.97ha (Planning Parcel: 3,466m ²)
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 development application for a 'Place of Worship' including incidental 'Reception Centre' and 'Community Facility' at Lot 128 South Western Highway, Byford. The development includes the construction of a building with a 300 seat auditorium, associated landscaping and car parking. The auditorium and multipurpose rooms will also be made available for associated community purpose activities, however these will be incidental to the predominant church fellowship activities.

Four objections were received during the advertising process, raising concerns regarding noise from events, provision of car parking bays and anti-social behaviour from events (consumption of alcohol, theft and vandalism). The application is presented to Council as Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or through the imposition of planning conditions accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

For the reasons discussed in the report, it is considered that the proposal is consistent with the planning framework and the concerns raised in the objections can be appropriately managed



through conditions to regulate the components of the development. It is recommended that the application is approved subject to conditions.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background

Existing Development:

The subject site (proposed Lot 4) is currently vacant, has an area of 3,466m² and is zoned 'Urban Development' under Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2). It also has a designation of 'Mixed Business' under the 'Lots 1, 3 and 128 South Western Highway, Byford Local Structure Plan' (LSP).

The site is bound by Robertson Road and the rail corridor to the west, South Western Highway to the east, vacant land (part of Lot 128) to south and a 'Warehouse', 'Light Industry' and 'Showroom' development currently under construction on land to the north. Figure 1 below shows the location of the development in the context of its surroundings.



Figure 1: Location Plan

The land has been granted subdivision approval by the Western Australia Planning Commission (WAPC) to create three lots as shown on the figure following. The subject development would be located within the next stage of Lot 128 and is proposed to be Lot 4.



Figure 2: Subject Land

Lot 1 contains the existing warehouse (self storage) development which is now in operation and works associated with the intersection of Robertson Road and South Western Highway have been completed.

Lots 2 and 3 were subject to a previous approval granted by Council for four buildings (3,070m²) across the two lots comprising of:

- One Automotive Repairs (897m²);
- Six Warehouses (between 114m² and 452m² each);
- Five Light Industries (between 88m² and 97m² each);
- Two Showrooms (286m² and 298m²);
- 78 car parking bays;
- 792m² of soft landscaping;
- Construction of Robertson Road along the full length of the eastern boundary of the development area; and
- Two crossovers onto the Robertson Road Reserve.



Subsequently, the development on Lot 2 was amended from the approved automotive vehicle repair shop and one warehouse unit to an automotive repair shop and three light industrial/warehouse units. This was approved by Council on 15 August 2022.

The development on the lot is depicted below:



Figure 3: Approved Developments for Lot 128

Proposed Development

The subject application seeks approval for the construction of a building associated with the 'Place of Public Worship' land use. Amended plans were received on 5 May 2023 with the key changes being an increase in car parking spaces from 50 to 65, and a corresponding reduction in the front landscaping area. The development also revised down maximum attendance numbers to no more than 244. Development details are as follows:

- Auditorium with an area of 540m²;
- Three multipurpose rooms (120m², 64m², and 36m²);

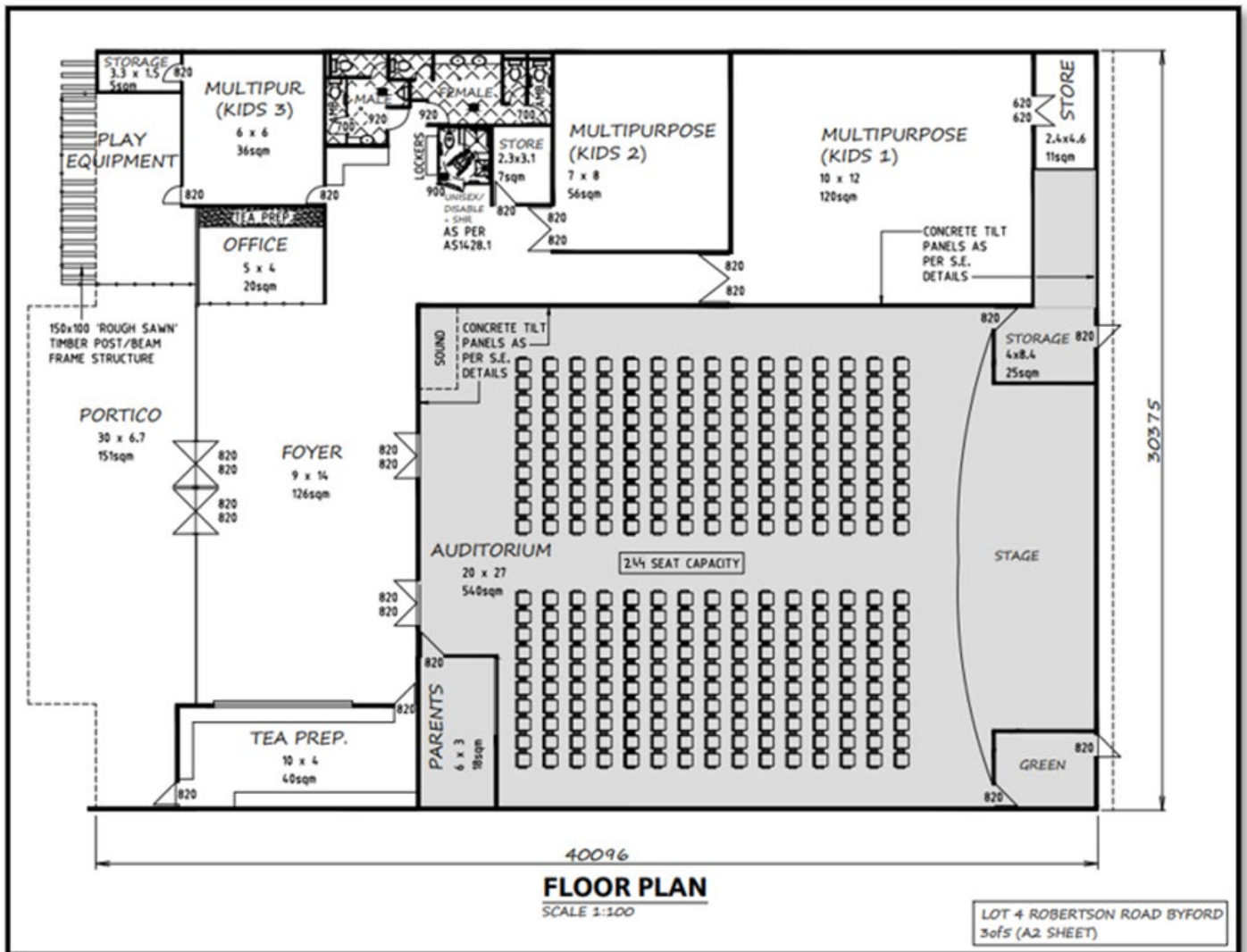


Figure 5: Floor Plan

Community / Stakeholder Consultation

The application was advertised to landowners within a 500m radius of the site for a period of 28 days, in accordance with Local Planning Policy 1.4 - Consultation on Planning Matters (LPP1.4). During the advertising period a total of five submissions were received, one supporting the proposed development and four objecting.

The objections to the proposal are for the following reasons:

- Noise - "Noise levels likely to be generated by music events/dances etc will impact those residents in Byford on the Scarp. The sound travels a long way and the venues can be open until midnight. Since the Council removed many of the 'screening' trees along SW Highway, the impact will be significant".
- Car Parking - "While we have no issues at all with the building as such, and the Centrepont Hub meeting there, we do have questions about the seating capacity of the building, and the number of parking lots. The proposal shows a seating capacity of 300, and 50 parking bays. If you do the maths, this means that if 300 people are in the building, 6 people would be coming in each vehicle!! It's very unlikely that every vehicle would transport that many people, so



where would all the extra vehicles park? I feel that a lot more parking bays should be incorporated to accommodate the amount of vehicles that would likely need to park there. We don't want to end up with cars parking along the sides of roads in the area, as that's not safe, and it will cause traffic disruptions".

- Anti-Social Behaviour - *"If large numbers attend these events, as is anticipated, there could be large numbers of partygoers, possibly under the influence of alcohol, wandering around the Scarp damaging residents' property. This is already a problem in the area and we certainly don't want to exacerbate it by bringing in large groups of revellers.*

Also, the place of worship plans 'youth programs'. I would like to know what these programs entail and if the youths involved are "troubled youths".

- Theft and Vandalism - *"Theft and vandalism are already major problems in the area and bringing in large numbers of people will only make a bad situation worse".*

Officer Comment

The noise, amenity (i.e. anti-social behaviour including theft and vandalism) and car parking concerns are discussed under the relevant headings of the report. A full copy of the submissions with the applicant's response and Officer comment is contained within **attachment 3**.

Department of Fire and Emergency Services (DFES)

DFES has provided a submission requiring modifications to the submitted Bushfire Management Plan (BMP) as follows:

- Evidence to support Plot 1 is managed grassland (south of the site);
- Evidence to support how Plot 2 was determined as Class G Woodland;
- The remainder of the balance lot has been excluded however as this land is to be subject to further subdivision it would result in management by a separate landowner;
- Separation distances specified are not depicted spatially;
- Robertson Road is currently a no through road;
- The private driveway does not meet the Acceptable Solutions; and
- No Emergency Evacuation Plan has been submitted.

Officer Comment

An assessment against the bushfire risk has been undertaken under the relevant heading of the report. It is however considered that the modifications to the BMP can be undertaken without materially impacting upon the development proposed. As such, it is recommended that a condition be imposed should Council resolve to approve the application to require the BMP to be updated and an Evacuation Plan provided prior to the issuing of a Building Permit.

The development is not habitable, and is not considered to be vulnerable; rather, it is development normally expected to be found in a mixed business zone. An Evacuation Plan is considered a relevant requirement to ensure preparedness is maintained.

Main Roads Western Australia (MRWA)

MRWA did not object to the proposal, however recommended conditions that have formed part of the Officer recommendation. MRWAs full comments can be seen within **attachment 3** of the report.



Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- State Planning Policy 5.4 - Rail and Road Noise
- State Planning Policy 7.0 - Design of the Built Environment

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- 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 on Planning Matters Policy
- Local Planning Policy 1.6 - Public Art for Major Developments
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.11 - Advertising Policy
- Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP4.15)
- Local Planning Policy 4.16 - Tree Retention and Planting

Planning Assessment

A comprehensive assessment has been undertaken in accordance with clause 67 of the Deemed Provisions. The assessment can be viewed as part of **attachment 4**. For the purpose of this report, the objections resulting in the proposal being presented to Council are discussed as well as where Council is asked to consider exercising discretion.

Land Use

The proposed development falls within the use class of 'Place of Public Worship', as the development is associated with a range of activities carried out by a Church. The development will also be available for associated community purpose activities, providing a building that can be used by community groups, clubs and for various events which include weddings. This is considered an incidental aspect of the proposed development.

The subject site is zoned 'Urban Development' under TPS 2 and designated as 'Mixed Business' within the Lots 1, 3 and 128 South Western Highway Local Structure Plan (LSP). The land use of is an 'AA' use in the 'Mixed Business' zone in accordance with TPS2 meaning there is discretion to permit the use.



Draft Local Planning Scheme No. 3 (LPS3)

Under LPS3, the activities proposed fit within the land use of 'Place of Worship', and also retaining the incidental community purpose elements.

The subject site is proposed to be zoned 'Service Commercial' under LPS3. The objectives of this zone are as follows:

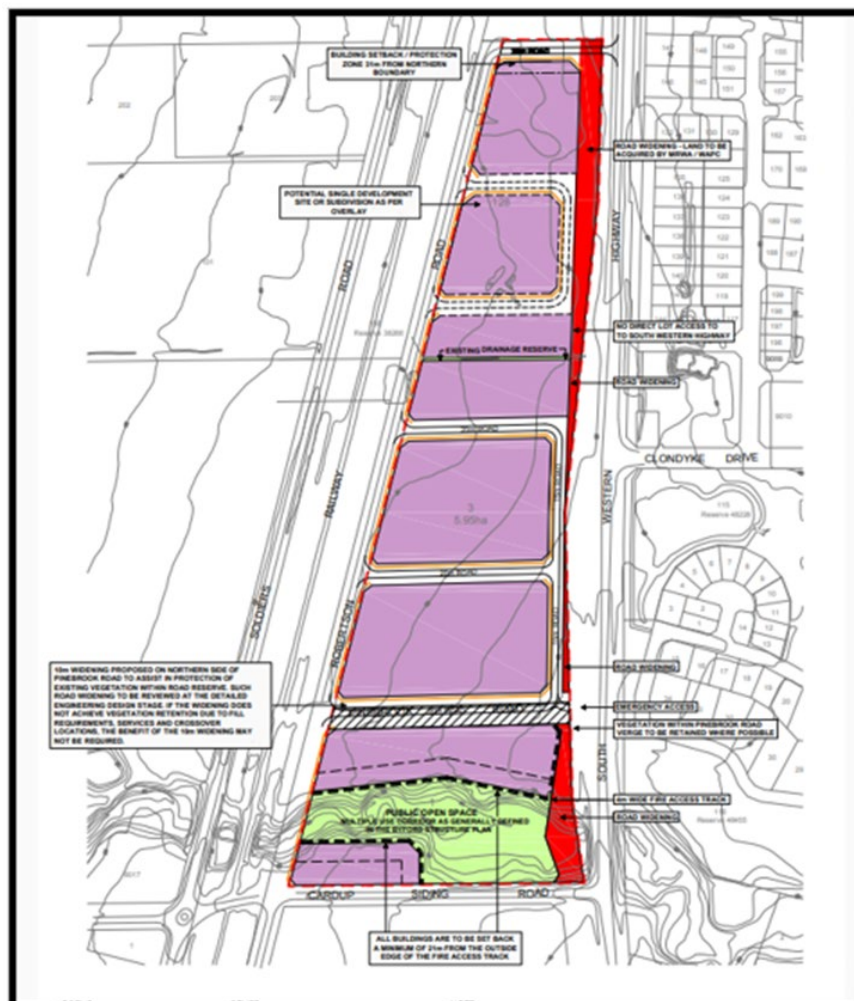
"To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.

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."

A 'Place of Worship' land use is an 'A' use and the 'Community Purpose' land use is a 'P' use. This means that Council have discretion to approve the 'development.

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

The subject lot falls within the Lots 1, 3 and 123 South Western Highway Local Structure Plan (LSP). The Structure Plan designates the site as 'Mixed Business' and provides requirements for the development of the area. The LSP is featured below:



Local Structure Plan Area



As aforementioned the north most part of the LSP area has been developed in association with a range of uses permissible within the 'Mixed Business' zone. Due to the larger developments that have taken place, and the associated larger allotments, the northern 'loop' road was not required. Therefore, the frontage of lots span between South Western Highway to the east and Robertson Rd to the west.

Robertson Road has already been partially constructed to service the existing approved developments. Upgrades to South Western Highway/Robertson Road intersection has already been undertaken as anticipated by the LSP. Officers consider the development is generally compliant with the LSP.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

The subject site is located within a Bushfire Prone Area and subject to assessment under SPP3.7 the intent of which is to *"implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure"*. SPP3.7 requires for the submission of a Bushfire Management Plan (BMP) to incorporate an assessment against the criteria within the Guidelines for Planning in Bushfire Prone Areas. An assessment against this criteria follows:

Location, Siting and Design

The BMP identifies that the site would achieve a BAL rating of BAL-12.5, consistent with SPP3.7. It is acknowledged however that DFES has requested modifications to the BMP to clarify how this rating would be achieved particularly in relation to the land to the south being required to be managed grassland. DFES has commented that this land is to be subject to a further subdivision and therefore would be outside of the applicant's control to ensure it is managed in perpetuity. Officers consider that as there is currently no approved subdivision, this area can currently be maintained.

Once subdivided the land will be developed for purposes consistent with the Structure Plan which would result in it being managed.

DFES has also queried the vegetation classification of Plot 2 and the impact this could have on the BAL rating, and whether it would be a higher BAL than 12.5. This issue has been conditioned as part of the Officer recommendation.

Vehicular Access

The Guidelines require for development to have two-way access from a site in the case of a bushfire or where this is not achieved a no through road should have a length of no more than 200m and comply with relevant construction requirements as set out in the Guidelines. The subject development does not currently comply with the Acceptable Solutions as Robertson Road is only connected to South Western Highway. Once the full extent of Robertson Road has been constructed, the development would achieve compliance and have a two way access, consistent with SPP3.7. It is worth noting that the driveway is approximately 295m from the intersection with South Western Highway.

The development is not habitable, and is not considered to be vulnerable; rather, it is development normally expected to be found in a mixed business zone. An Evacuation Plan is considered a relevant requirement to ensure preparedness is maintained. Officers also note that the infrastructure corridors of the highway and railway, and development to the north side, mean that the risk of a fire (if it occurred) would likely emanate from a southern direction. With adequate warning and based on the importance of leaving early an escape path to the north would be available via the constructed Robertson Road.



Water

The BMP identifies that the site will be serviced with mains water and hydrants will be placed in accordance with the relevant requirements.

It is considered that whilst the development does not currently meet the Acceptable Solutions of the Guidelines the bushfire risk is not so excessive as to warrant refusal of the application subject to the submission of a modified BMP, as requested for by DFES.

Form of Development

A key aspect of the development assessment of this proposal is the design outcome, and the external presentation of development to its local setting. Both the State and Local Planning Frameworks seek to elevate specific focus on achieving good design outcomes.

In respect of the State Planning Framework, State Planning Policy 7.0 (SPP7.0) has been prepared as a State wide planning policy, that exists to elevate the importance of design quality across the whole built environment. Forms of mixed-use development, given their location as either integral parts to, or on the edge of, town centres particularly contribute to setting a design keynote that is an important determinant of place. SPP7.0 contains provisions that relate specifically to achieving effective design as follows:

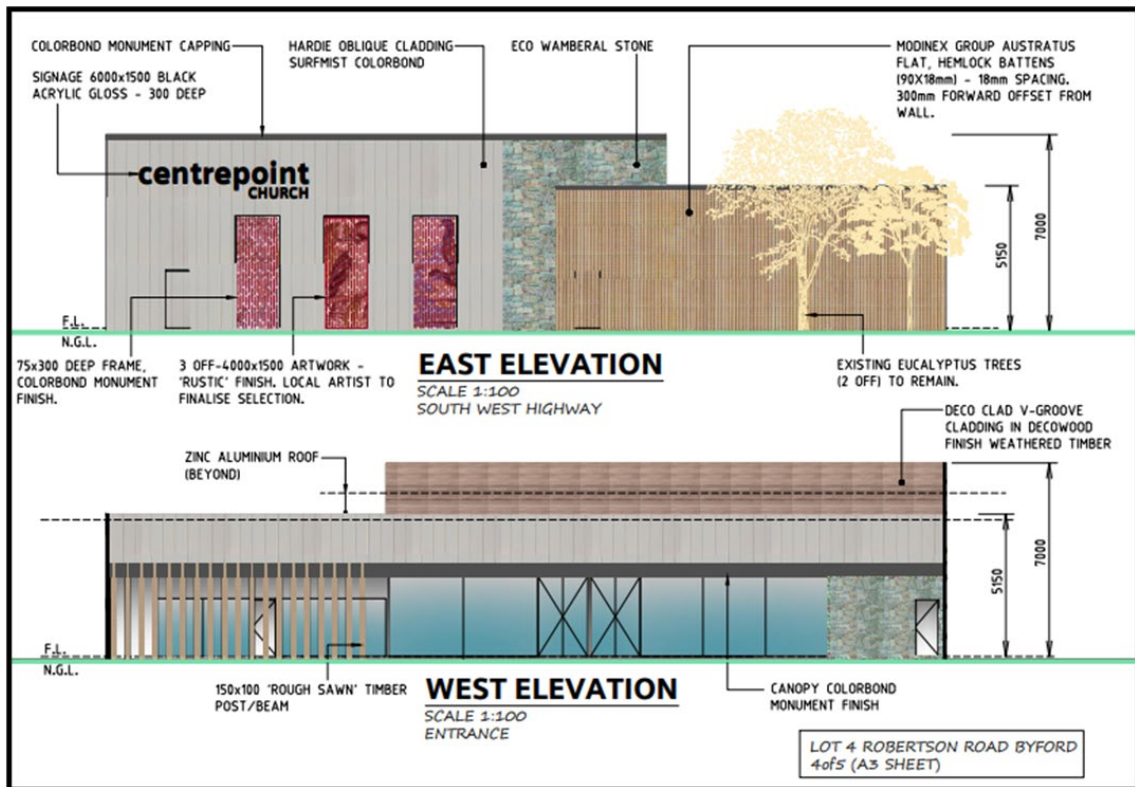
- *New development should integrate into its landscape/townscape setting, reinforcing local distinctiveness and responding sympathetically to local building forms and patterns of development. Building materials, construction techniques and details should, where appropriate, enhance local distinctiveness.*
- *The orientation, proportion, composition, and articulation of built form elements should deliver an outcome that is suited to the purpose, defines the public domain, contributes to the character of adjacent streetscapes and parks, and provides good amenity for people at ground level.*
- *A well-conceived design addresses all scales, from the articulation of building form through to the selection and detailing of materials and building elements, enabling sophisticated, integrated responses to the character of the place.*
- *In assessing design quality, consideration of aesthetics should not be limited to style and appearance; the coherence of the design concept and the cultural relevance of the proposal should also be taken into account.*

These are in turn supported in the Local Planning Framework, where under Clause 67 of the Deemed Provisions of the Scheme, the development assessment is required to have due regard to the following matters:

- *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- *the amenity of the locality including the following:*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development.*



The proposed built form comprises of modular single and double storey elements that achieve a maximum building height of 7m, which is consistent with other recently approved and constructed developments with the LSP area. The building is proposed to be constructed using a variety of materials and finishes including cladding (Colorbond Surfmist'), stone and weathered timber. The front façade incorporates an awning, clear window panelling for visual permeation, and timber beams. The elevation facing Southwestern Highway features three panels of artwork and signage to add visual interest, as depicted below:



Overall, the visual appearance of the building is considered to positively contribute to the mixed business character of the local area.

Car Parking, Traffic and Access

The parking requirements under Table V - Parking Requirements of TPS2 for a 'Place of Public Worship' requires one space per four persons accommodated. The proposal seeks to accommodate a maximum of 244 persons at any one time, which would equate to a requirement of 61 parking bays. The proposed development will provide a total of 62 on site car parking bays, resulting in a surplus of one bay. Under LPS3, the parking provisions for 'Place of Worship' is the same as TPS2. It is also important to note that Robertson Road has a width of 9m and therefore can easily accommodate on-street car parking on one side of the road, should additional car spaces be required at peak times. On this basis, parking is both compliant and demonstrates acceptable management.

The application was also accompanied with a Traffic Impact Statement (TIS) to analyse whether the road network has capacity to accommodate the traffic generated from the development. The TIS identifies peak times as the Friday night youth group and the Sunday service from 9:00am until 2:00pm. It also identifies the most significant traffic attractor would be events mostly held at the weekend such as weddings and services which would result in approximately four persons per vehicle given families generally travel to such events together. On weekdays it is expected that the number of people per vehicle would reduce to on average 1.5.



The TIS states that the proposal would generate 60 vehicles per day (vpd) with 20 vpd during the peak hour on weekdays and 150 vpd, 75 during the peak hour during weekends. This is considered as a moderate impact on the surrounding network in accordance with the WAPC Guidelines. Given the classification of the surrounding road network, the TIS concludes that the road network can successfully absorb the additional traffic generated. Southwestern Highway is classified as a Primary Distributor under the MRWA hierarchy carrying high traffic volumes currently between 6,500 and 11,000 vpd. Robertson Road is planned to accommodate traffic volumes from the Structure Plan area.

Amenity

The applicant has provided an Acoustic Assessment to demonstrate compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997* for the various activities proposed. The assessment also considers noise received within the development from vehicles travelling along Southwestern Highway to determine any required noise attenuation measures, in accordance with *State Planning Policy 5.4 - Road and Rail Noise*.

The Acoustic Assessment however has only modelled noise from the proposed 'Place of Public Worship' and not the facility being used for community purpose activities. Officers consider that given the location of the development, noise can be appropriately managed and as such a condition is recommended that an updated Acoustic Assessment be undertaken to account for all activities prior to commencement of works. Any recommendations from the assessment be included within a Noise Management Plan submitted to the Shire.

With regard to the noise emitting activities, these are considered to include singing/music, plant such as air conditioning and car movements on site. The closest sensitive receptor is located at 138 Howitzer Turn, as depicted following:





The table below summarises the applicable Assigned Noise Levels and assessable noise level emissions for each identified case that needs to be considered.

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned L _{A10} Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
R1	15	Sunday / Public Holiday After 09:00	44	Complies
R2	20			Complies
R3	20			Complies
R4	20			Complies
R5	20			Complies
R6	19			Complies
R7	41		41	Complies
R8	40			Complies
Neighbouring Commercial	33		60	Complies

The table shows that the proposal complies with the assigned levels and therefore it is considered that the 'Place of Public Worship' would not have an adverse impact on amenity by way of noise.

In terms of noise ingress, the acoustic assessment concludes that the internal noise level would be between 33-34 dB(A). When comparing to the criteria in SPP 5.4, compliance is achieved with the 40 dB(A) LAeq (day). Therefore, no further noise amelioration is considered to be required.

With regard to antisocial behaviour, the Deemed Provisions requires consideration to be given to social impacts of a development. The applicant has confirmed that a hiring policy would be imposed including restrictions to those wishing to hire the facility. These restrictions include but are not limited to prohibition of liquor and no unsupervised events. A condition is recommended to require the submission of a 'Hire Operational Management Plan' including details relating to hiring policy, hosting events, bookings, security, prohibition of liquor consumption, and general supervision of crowd behaviour. Once submitted and approved by the Shire, all events would be required to comply with this management plan.

Local Planning Policy 4.11 - Advertising Policy

The proposed development features branding signage that addresses Southwestern Highway. This type of signage is subject to assessment under LPP4.11. Consideration has been given as part of this assessment for the Structure Plan designation as 'Mixed Business'. The application has provided some indicative details on the intended location and dimension of signage, but the details of the signage to be installed have not been provided for the front of the premises facing Robertson Road. Officers have recommended a condition of approval requiring a signage strategy for the development to ensure the full details of signage can be provided and assessed in a coordinated manner. This will allow a consistent approach to signage for the development.

Landscaping

The development proposes landscaping of up to 19% of the site, the majority of which would be within the front setback, as indicated on the site plan. Officers recommend a condition requiring a Landscaping Plan to be submitted and approved prior to issue of a Building Permit. This would ensure that the location, species and density of landscaping is consistent with the expectations of the structure plan area and retain canopy cover across the Shire.



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 'Community Centre/Civic Buildings' land uses but excludes 'Place of Public Worship' and 'Community Purpose Facility' land uses.

The proposal designates an area for the provision of bicycle racks near the front foyer entry, which is considered acceptable.

Local Planning Policy 2.4 - Water Sensitive Design

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

A Stormwater Management Plan will be required, demonstrating how the stormwater incident to the site is to be managed, having regard for the principles of water sensitive design under LPP2.4. This has been recommended to be provided before lodgement of a building permit, as a condition of approval.

Options and Implications

Option 1

That Council APPROVES the development application for a 'Public Worship-Place Of' and associated community purpose activities at Lot 128, Southwestern Highway, Byford as contained in **attachment 2**, subject to the following conditions:

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

Plans and Specifications	Plans P1 to P5 received at the Shire's offices on 5 May 2023 Traffic Impact Statement prepared by KCTT, dated December 2022 Rev C Environmental and Traffic Acoustic Assessment Noise Management Plan prepared by Herring Storer Acoustics, dated December 2022 Bushfire Management Plan prepared by Smith Bushfire Consultants Pty Ltd, dated 22 December 2022 Site and Soil Evaluation Report for Onsite Wastewater Management, dated 1 April 2023
--------------------------	--

- b. The operating hours of the development are limited to Monday to Sunday, 7:00am - 10:00pm.
- c. 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.

- d. Prior to issue of a Building Permit, a Landscaping Plan shall be submitted to and approved by the Shire. The Landscaping Plan shall include the following details to the satisfaction of the Shire:
- (i) The location, number and type of proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established;
 - (iii) Those areas to be reticulated or irrigated;
 - (iv) Verge treatments including the planting of mature trees of at least 2m in height and 5m spacing, along the South Western Highway frontage;

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.

- e. 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.
- f. Prior to issuing of a Building Permit, an updated Acoustic Assessment for the development must be submitted to the Shire for approval, considering the advice of Main Roads Western Australia, which demonstrates:
- (i) Noise modelling of the community purpose activities to be undertaken within the development and compliance with the *Environmental Protection (Noise) Regulations 1997*; and
 - (ii) Compliance with State Planning Policy 5.4 – Road and Rail Noise.

Recommendations within the updated Acoustic Assessment must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a Building Permit.

- g. Prior to issue of a Building Permit, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Noise Management Plan shall be implemented and adhered to at all times to the satisfaction of the Shire of Serpentine Jarrahdale.
- h. Prior to occupation, a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate of title of the proposed lot. The notification is to state as follows:
- ‘The lots are situated in the vicinity of a transport corridor and are currently affected, or may in future be affected by transport noise.’*
- i. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Signage Strategy shall demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the Signage Strategy.
- j. Prior to issue of a Building Permit, a Colours and Materials Schedule must be submitted to the Shire of Serpentine Jarrahdale for approval. The Colours and Materials Schedule should reflect the natural tones of the Shire.



- k. The carpark must be constructed, sealed, kerbed, drained, line marked, and have lighting installed prior to the occupation of the development, to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved development shall be in accordance with the approved Stormwater Management Plan.
- m. Prior to issuing of a Building Permit, an Operational Management Plan including details relating to hiring policy, hosting events, bookings, security, prohibition of liquor consumption, and general supervision of crowd behaviour is to be submitted to and accepted by the Shire of Serpentine Jarrahdale and is to be thereafter adhered to at all times.
- n. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development shall be in accordance with the approved Waste Management Plan.
- o. Prior to issue of a Building Permit, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Serpentine Jarrahdale (Health Services), in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- p. Prior to issue of a Building Permit, the associated cost contributions under the Byford Development Contribution Plan are to be made to the satisfaction of the Shire.
- q. Prior to the issue of a Building Permit, an updated Bushfire Management Plan correcting the vegetation classification of Plot 2 is to be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development shall be in accordance with the approved Bushfire Management Plan.
- r. All access shall be via Robertson Road. No access is permitted via South Western Highway.
- s. No development and/or improvements shall be permitted on the land required for future road purposes as shown on the Main Roads Land Protection Plan 201232-0008 and 201232-0009.
- t. No earthworks shall encroach onto the South Western Highway Road reserve.
- u. No stormwater drainage is to be discharged onto the South Western Highway road reserve.
- v. The landowner/applicant shall make good any damage to the existing verge within the South Western Highway road reserve.

Option 2

Council resolves to REFUSE the application for a 'Public Worship-Place Of' and associated community activities at Lot 128, South Western Highway, Byford as contained in **attachment 1** and **attachment 2** due to the following reasons:

- a. There is the concern of adverse amenity impacts associated with noise impacts from the development.

Option 1 is recommended.



Conclusion

The application seeks approval for a 'Place of Public Worship' and associated community purpose activities. It is considered that the proposal is generally consistent with the planning framework and the matters raised in the objections can be appropriately mitigated through management plans. The application is therefore recommended for approval.

Attachments (available under separate cover)

- 10.1.1 - attachment 1 - Development Plans - Original Submission (E23/3925)
- 10.1.1 - attachment 2 - Development Plans - Amended Submission (E23/6149)
- 10.1.1 - attachment 3 - Summary of Submissions (E23/2467)
- 10.1.1 - attachment 4 - Technical Assessment (E23/2471)

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 business 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	There are no risks associated with Option 1.						
2	That Council refuses the application, and an appeal is lodged with the State Administrative Tribunal which requires independent planning representation in order to defend the decision.	Reasons for refusal reflecting valid planning concerns or variations.	Financial	Possible	Minor	MODERATE	Ensure that reasons for refusal are based on valid planning reasons.



Voting Requirements: Simple Majority

Officer Recommendation

That Council APPROVES the development application for a 'Public Worship-Place Of' and associated community purpose activities at Lot 128, Southwestern Highway, Byford as contained in attachment 2, subject to the following conditions:

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

Plans and Specifications	Plans P1 to P5 received at the Shire's offices on 5 May 2023 Traffic Impact Statement prepared by KCTT, dated December 2022 Rev C Environmental and Traffic Acoustic Assessment Noise Management Plan prepared by Herring Storer Acoustics, dated December 2022 Bushfire Management Plan prepared by Smith Bushfire Consultants Pty Ltd, dated 22 December 2022 Site and Soil Evaluation Report for Onsite Wastewater Management, dated 1 April 2023
--------------------------	--

- b. The operating hours of the development are limited to Monday to Sunday, 7:00am - 10:00pm.
- c. 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.
- d. Prior to issue of a Building Permit, a Landscaping Plan shall be submitted to and approved by the Shire. The Landscaping Plan shall include the following details to the satisfaction of the Shire:
 - (i) The location, number and type of proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established;
 - (iii) Those areas to be reticulated or irrigated;
 - (iv) Verge treatments including the planting of mature trees of at least 2m in height and 5m spacing, along the South Western Highway frontage;

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.
- e. 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.



-
- f. Prior to issuing of a Building Permit, an updated Acoustic Assessment for the development must be submitted to the Shire for approval, considering the advice of Main Roads Western Australia, which demonstrates:
- (i) Noise modelling of the community purpose activities to be undertaken within the development and compliance with the *Environmental Protection (Noise) Regulations 1997*; and
 - (ii) Compliance with State Planning Policy 5.4 – Road and Rail Noise.
- Recommendations within the updated Acoustic Assessment must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a Building Permit.
- g. Prior to issue of a Building Permit, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Noise Management Plan shall be implemented and adhered to at all times to the satisfaction of the Shire of Serpentine Jarrahdale.
- h. Prior to occupation, a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate of title of the proposed lot. The notification is to state as follows:
- ‘The lots are situated in the vicinity of a transport corridor and are currently affected, or may in future be affected by transport noise.’*
- i. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Signage Strategy shall demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the Signage Strategy.
- j. Prior to issue of a Building Permit, a Colours and Materials Schedule must be submitted to the Shire of Serpentine Jarrahdale for approval. The Colours and Materials Schedule should reflect the natural tones of the Shire.
- k. The carpark must be constructed, sealed, kerbed, drained, line marked, and have lighting installed prior to the occupation of the development, to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved development shall be in accordance with the approved Stormwater Management Plan.
- m. Prior to issuing of a Building Permit, an Operational Management Plan including details relating to hiring policy, hosting events, bookings, security, prohibition of liquor consumption, and general supervision of crowd behaviour is to be submitted to and accepted by the Shire of Serpentine Jarrahdale and is to be thereafter adhered to at all times.
- n. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development shall be in accordance with the approved Waste Management Plan.
- o. Prior to issue of a Building Permit, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Serpentine Jarrahdale (Health Services), in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.



- p. Prior to issue of a Building Permit, the associated cost contributions under the Byford Development Contribution Plan are to be made to the satisfaction of the Shire.
- q. Prior to the issue of a Building Permit, an updated Bushfire Management Plan correcting the vegetation classification of Plot 2 is to be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development shall be in accordance with the approved Bushfire Management Plan.
- r. All access shall be via Robertson Road. No access is permitted via South Western Highway.
- s. No development and/or improvements shall be permitted on the land required for future road purposes as shown on the Main Roads Land Protection Plan 201232-0008 and 201232-0009.
- t. No earthworks shall encroach onto the South Western Highway Road reserve.
- u. No stormwater drainage is to be discharged onto the South Western Highway road reserve.
- v. The landowner/applicant shall make good any damage to the existing verge within the South Western Highway road reserve.

OCM130/06/23

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Dagostino

That Council APPROVES the development application for a ‘Public Worship-Place Of’ and associated community purpose activities at Lot 128, Southwestern Highway, Byford as contained in attachment 2, subject to the following conditions:

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

Plans and Specifications	<p>Plans P1 to P5 received at the Shire’s offices on 5 May 2023</p> <p>Traffic Impact Statement prepared by KCTT, dated December 2022 Rev C</p> <p>Environmental and Traffic Acoustic Assessment Noise Management Plan prepared by Herring Storer Acoustics, dated December 2022</p> <p>Bushfire Management Plan prepared by Smith Bushfire Consultants Pty Ltd, dated 22 December 2022</p> <p>Site and Soil Evaluation Report for Onsite Wastewater Management, dated 1 April 2023</p>
---------------------------------	--

- b. **The operating hours of the development are limited to Monday – Sunday, 7:00am – 10:00pm, except for incidental staff meetings and any duties associated with internal cleaning, maintenance, or facility management. This incidental use will have a maximum capacity of thirty persons at any time, post-10:00pm, and will be restricted to the operating hours of Sunday – Saturday 7:00am – 12:00am.**
- c. **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.

- d. Prior to issue of a Building Permit, a Landscaping Plan shall be submitted to and approved by the Shire. The Landscaping Plan shall include the following details to the satisfaction of the Shire:
- (i) The location, number and type of proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established;
 - (iii) Those areas to be reticulated or irrigated;
 - (iv) Verge treatments including the planting of mature trees of at least 2m in height and 5m spacing, along the South Western Highway frontage;

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.

- e. 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.
- f. Prior to issuing of a Building Permit, an updated Acoustic Assessment for the development must be submitted to the Shire for approval, considering the advice of Main Roads Western Australia, which demonstrates:
- (i) Noise modelling of the community purpose activities to be undertaken within the development and compliance with the *Environmental Protection (Noise) Regulations 1997*; and
 - (ii) Compliance with State Planning Policy 5.4 – Road and Rail Noise.

Recommendations within the updated Acoustic Assessment must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a Building Permit.

- g. Prior to issue of a Building Permit, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Noise Management Plan shall be implemented and adhered to at all times to the satisfaction of the Shire of Serpentine Jarrahdale.
- h. Prior to occupation, a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate of title of the proposed lot. The notification is to state as follows:
- ‘The lots are situated in the vicinity of a transport corridor and are currently affected, or may in future be affected by transport noise.’*
- i. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Signage Strategy shall demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the Signage Strategy.



- j. Prior to issue of a Building Permit, a Colours and Materials Schedule must be submitted to the Shire of Serpentine Jarrahdale for approval. The Colours and Materials Schedule should reflect the natural tones of the Shire.**
- k. The carpark must be constructed, sealed, kerbed, drained, line marked, and have lighting installed prior to the occupation of the development, to the satisfaction of the Shire of Serpentine Jarrahdale.**
- l. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved development shall be in accordance with the approved Stormwater Management Plan.**
- m. Prior to issuing of a Building Permit, an Operational Management Plan including details relating to hiring policy, hosting events, bookings, security, prohibition of liquor consumption, and general supervision of crowd behaviour is to be submitted to and accepted by the Shire of Serpentine Jarrahdale and is to be thereafter adhered to at all times.**
- n. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development shall be in accordance with the approved Waste Management Plan.**
- o. Prior to issue of a Building Permit, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Serpentine Jarrahdale (Health Services), in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.**
- p. Prior to issue of a Building Permit, the associated cost contributions under the Byford Development Contribution Plan are to be made to the satisfaction of the Shire.**
- q. Prior to the issue of a Building Permit, an updated Bushfire Management Plan correcting the vegetation classification of Plot 2 is to be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development shall be in accordance with the approved Bushfire Management Plan.**
- r. All access shall be via Robertson Road. No access is permitted via South Western Highway.**
- s. No development and/or improvements shall be permitted on the land required for future road purposes as shown on the Main Roads Land Protection Plan 201232-0008 and 201232-0009.**
- t. No earthworks shall encroach onto the South Western Highway Road reserve.**
- u. No stormwater drainage is to be discharged onto the South Western Highway road reserve.**
- v. The landowner/applicant shall make good any damage to the existing verge within the South Western Highway road reserve.**
- w. The development shall not exceed more than 244 persons at any one time.**

CARRIED UNANIMOUSLY 7/0

Reason for difference to Officer Recommendation

To assist with clarity of the conditions.



10.1.2 - Development Application for Outbuilding - Lot 601, 142 Bruns Drive, Darling Downs (PA23/94)

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

Authority / Discretion

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

Proponent: Simon Busby
 Owners: Graham and Sandra Gilchrist
 Date of Receipt: 6 February 2023
 Lot Area: 5816m²
 Town Planning Scheme No 2 Zoning: 'Rural Living A'
 Metropolitan Region Scheme Zoning: 'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for an outbuilding at Lot 601, 142 Bruns Drive, Darling Downs.

The application was initially presented to Council at its Ordinary Council Meeting of 17 April 2023 where Council resolved to defer the application until Officers had responded to a Freedom of Information (FOI) request by an objector of the proposal. The FOI request was completed and responded to on 8 May 2023, and therefore the application is presented back to Council for determination.

While the FOI request has been made by an objector to this application, it does not specifically relate to this application or the property in question. Rather, the objector seeks information pertaining to their development application for a proposed outbuilding, which was submitted for development approval in 2010. Council are advised that this was approved by Officers under delegation on 11 April 2011.

The application is required to be determined by Council as an objection was received during the advertising period. The objection relates to the location of the outbuilding in proximity to the northern lot boundary and development being located outside the building envelope.

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



Notwithstanding the objection received, Officers consider that the proposal is consistent with the planning framework and character of the locality. The application is therefore recommended for approval subject to conditions.

Relevant Previous Decisions of Council

*Ordinary Council Meeting - 17 April 2023 - OCM068/04/23 – COUNCIL RESOLUTION
That Council DEFER the matter to a future Ordinary Council Meeting once the Shire has responded to the FOI application.*

Background

Existing Development

The subject site is 5,816m² in size, adjoins Southwestern Highway to the east and is located within a rural residential area of Darling Downs. The site contains an existing dwelling with an associated outbuilding and water tank. There is mature vegetation present towards the rear of the property. There is a sealed car parking area towards the front of the site and a driveway which extends along the northern lot boundary providing vehicular access to the existing outbuilding. There is also a large tree adjoining the vehicle access way on the south side of the driveway area, and the main cleared area being where the application is proposed.



Figure 1: Locality Plan



The application was initially presented to the 17 April 2023 Ordinary Council Meeting where Council resolved to defer consideration of the application until Officers had responded to a FOI application submitted by the objector of the proposal. The FOI request was completed by Officers on 8 May 2023.

Proposed Development

The application seeks development approval for an outbuilding located towards the rear portion of the lot. A portion of the structure being open framed towards the north boundary. The applicant has provided information that the outbuilding is to be used solely for the storage of personal items (i.e. cars and motorbikes).

The outbuilding has dimensions of 8.06m by 16.04m (floor area of 129.28m²). The development is proposed to be set back 79.78m from the Bruns Drive frontage and 45.18m from the eastern boundary (rear). In terms of the northern boundary (side), the open frame portion of the development is proposed to be set back 4m, with the wall of the outbuilding set back 8m from the boundary.

The outbuilding has a wall height of 4.2m and a ridge height of 5.28m. The outbuilding is to be constructed of 'Colorbond' finished in the colour of 'Surfmist' (off white).

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

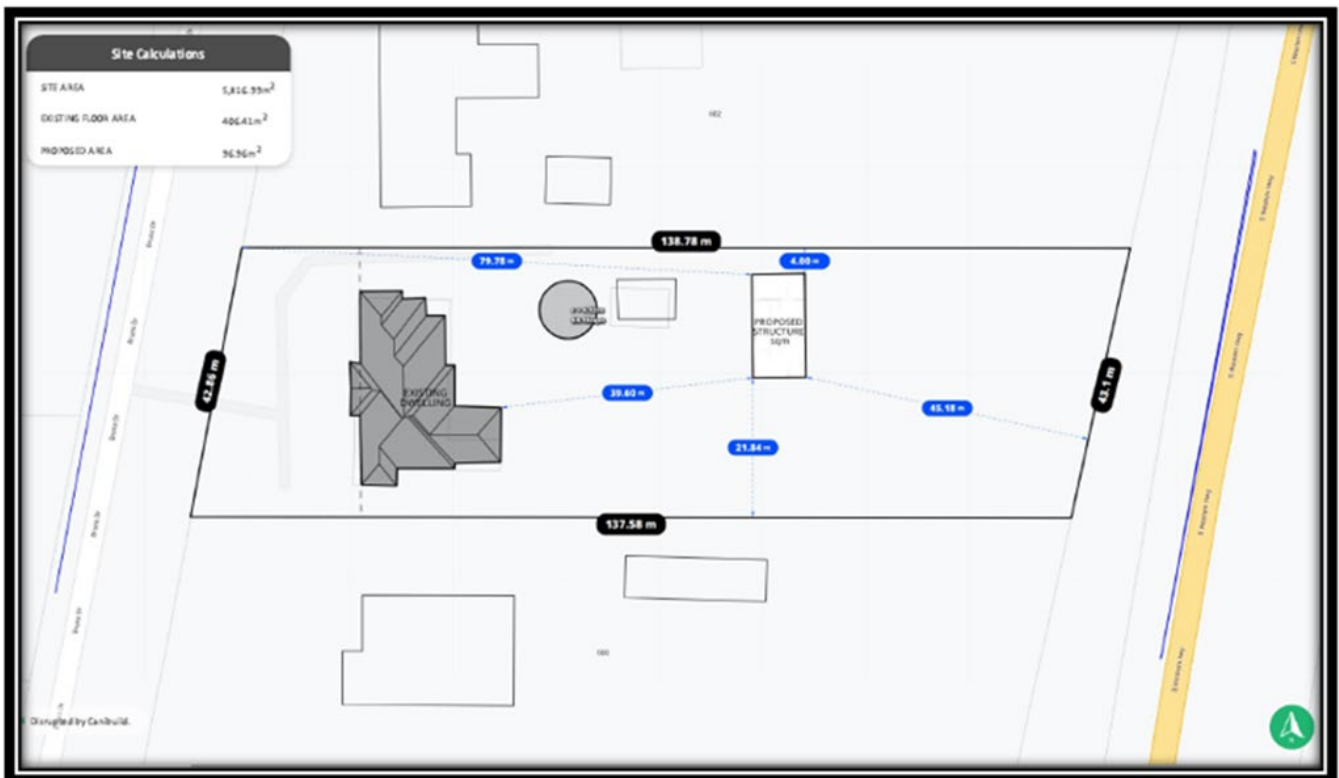


Figure 2: Site Plan

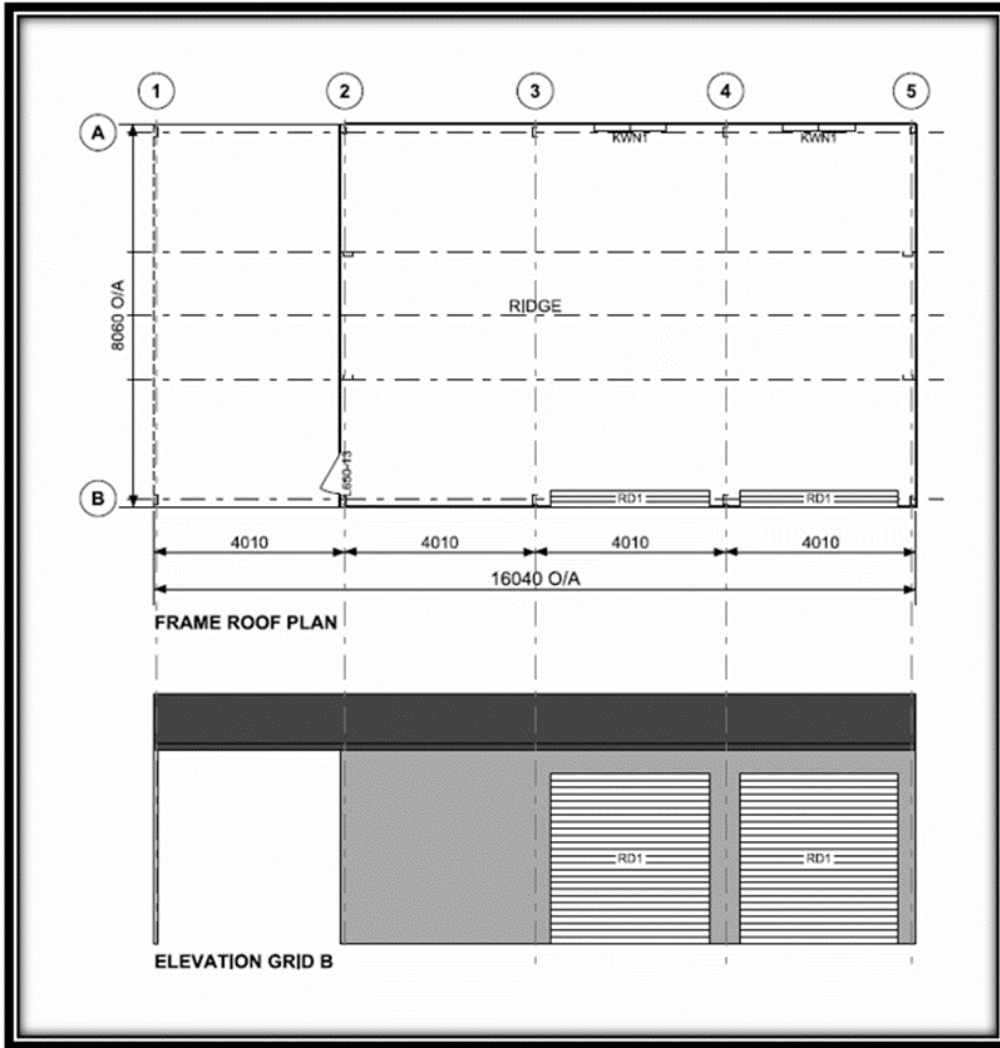


Figure 3: Floor Plan and West Elevation

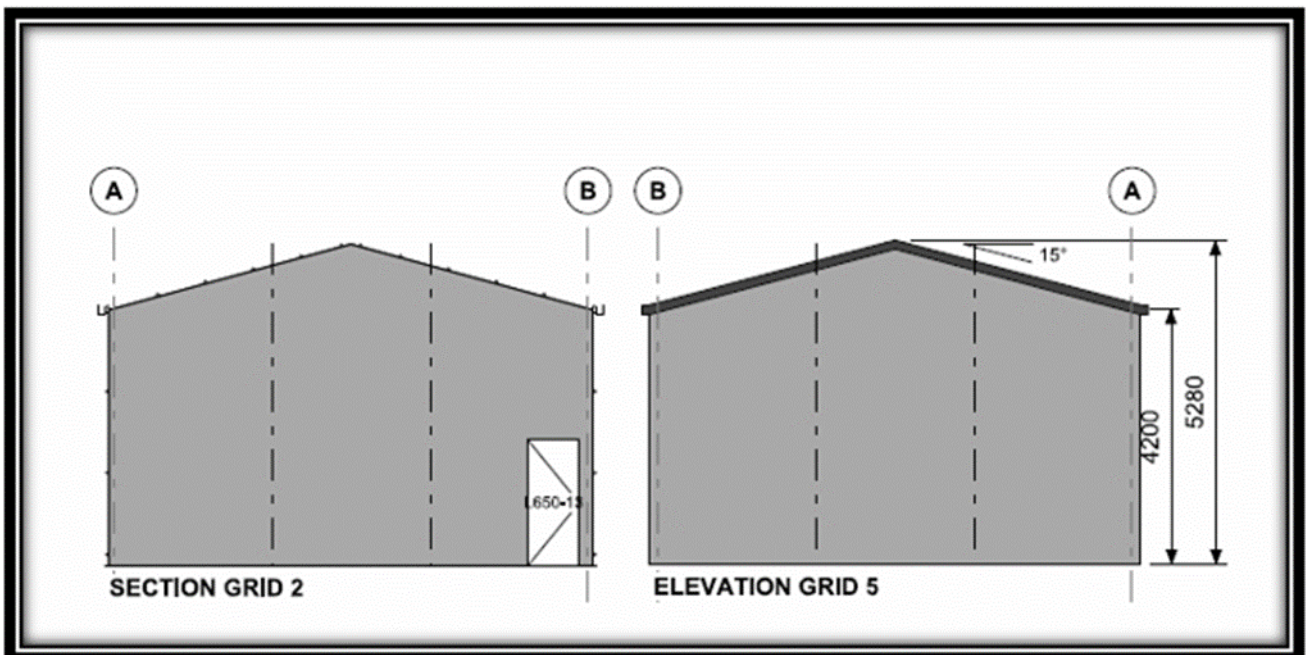


Figure 4: North and South Elevation

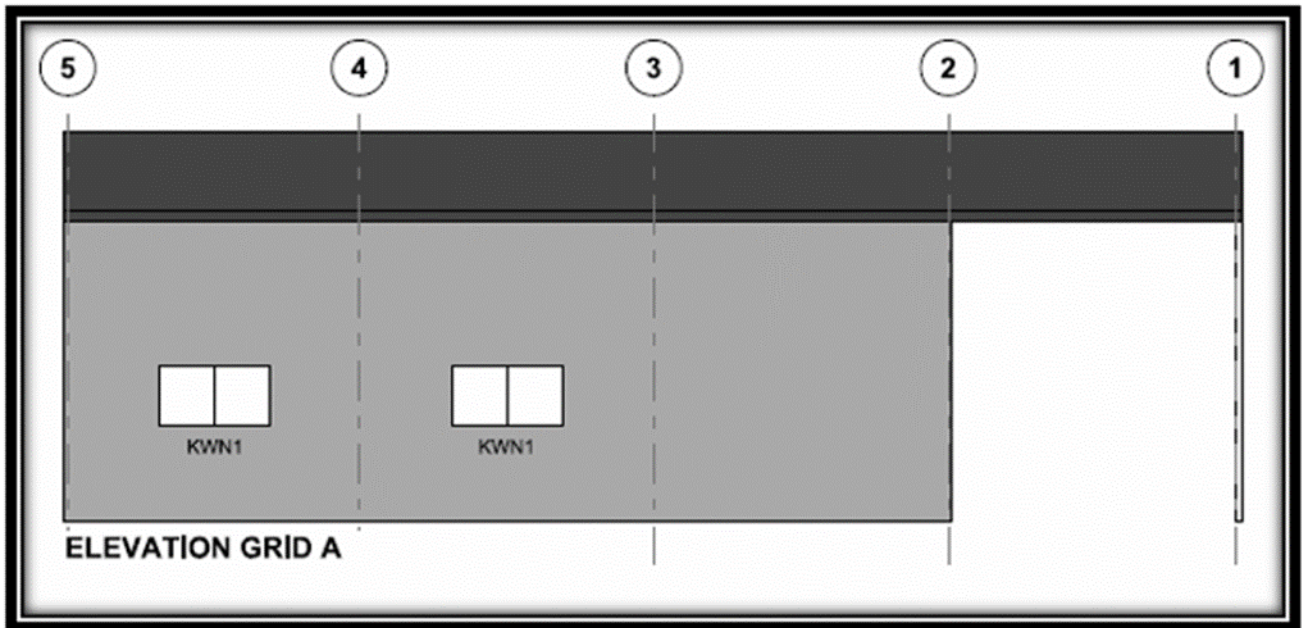


Figure 5: East Elevation

Community / Stakeholder Consultation

The application was advertised to the adjoining landowner for a period of 14 days from 13 February 2023 to 27 February 2023, in accordance with Local Planning Policy 1.4 - Consultation for Planning Matters. One submission was received objecting to the proposal for the following reasons:

- Location and Visual Amenity- *“I do not approve the placement of and application of this building on my adjoining boundary/fence-line”*.
- Building Envelope - *“As per our own dealing with building placements, I believe this application is outside the building envelope and should not be approved for placement there”*.

Officer Comment:

The location / visual amenity and building envelope concerns are discussed in the planning assessment section of this report.

A full copy of the submission and the applicant’s response is contained within **attachment 2**.

Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- State Planning Policy 7.3 - Residential Design Codes Volume 1

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No. 3
- Local Planning Policy 4.19 - Outbuildings, Sheds, Garden Sheds and Sea Containers



Planning Assessment

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

Land Use

The subject site is zoned 'Rural Living A' under TPS2. The proposal is for an outbuilding to be used in association with the existing 'Residential - Single House' land use which is a permitted use in the 'Rural Living Zone' zone. The use is therefore considered consistent with the planning framework.

LPP4.19 - Outbuildings, sheds, Garden Sheds and Sea Containers (LPP 4.19)

LPP 4.19 varies the 'Deemed to Comply' outbuilding provisions of the R-Codes acknowledging the expectation of the size of outbuildings vary in different zones of the Shire due to lot sizes. The policy provides for relevant considerations for outbuildings within the Shire and provides guiding principles that should be considered where exceedances are sought to the acceptable standards.

An assessment of the proposal against LPP4.19 requirements are provided in the table below:

Large and multiple Outbuildings			
	LPP4.19	Proposal	Variation
Floor Area	150 m ²	The proposed outbuilding has a floor area of 129.28m ² while the existing outbuilding has a floor area of 71m ² . Therefore the accumulative floor area is 200.28m ²	50.28m²
Lot boundary setback	10m	North - 4m	6m variation
Wall height	4.2m	4.2m	Compliant
Ridge height	5m	5.28m	0.28m variation

Part 2 of LPP4.19 also sets out considerations for outbuildings where a variation is sought. The relevant considerations in relation to the location of the outbuilding relates to the visibility of the proposed structure from the neighbouring property and whether sufficient screening exists. The relevant objective of LPP 4.19 is to *“Ensure that outbuildings/sheds do not have a detrimental visual impact which adversely affects the amenity of the surrounding area or that of adjoining landowners*. Furthermore, the relevant 'Design Principle' of the R-Codes required to be given consideration as part of a variation to the outbuilding requirements of LPP 4.19 is *“outbuildings to not detract from the streetscape or visual amenity of residents or neighbouring properties”*.

An assessment of the development against the aforementioned objective and 'Design Principle' are discussed below. The streetscape impacts are not considered relevant in this application due to the setback proposed to Bruns Drive (79m) and as the development will generally be located behind the existing dwelling, outbuilding and water tank, providing for a high degree of screening of the development from the street.



Visual Amenity

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



Figure 6: View from the south-west of vegetation along the north side boundary adjacent proposed outbuilding

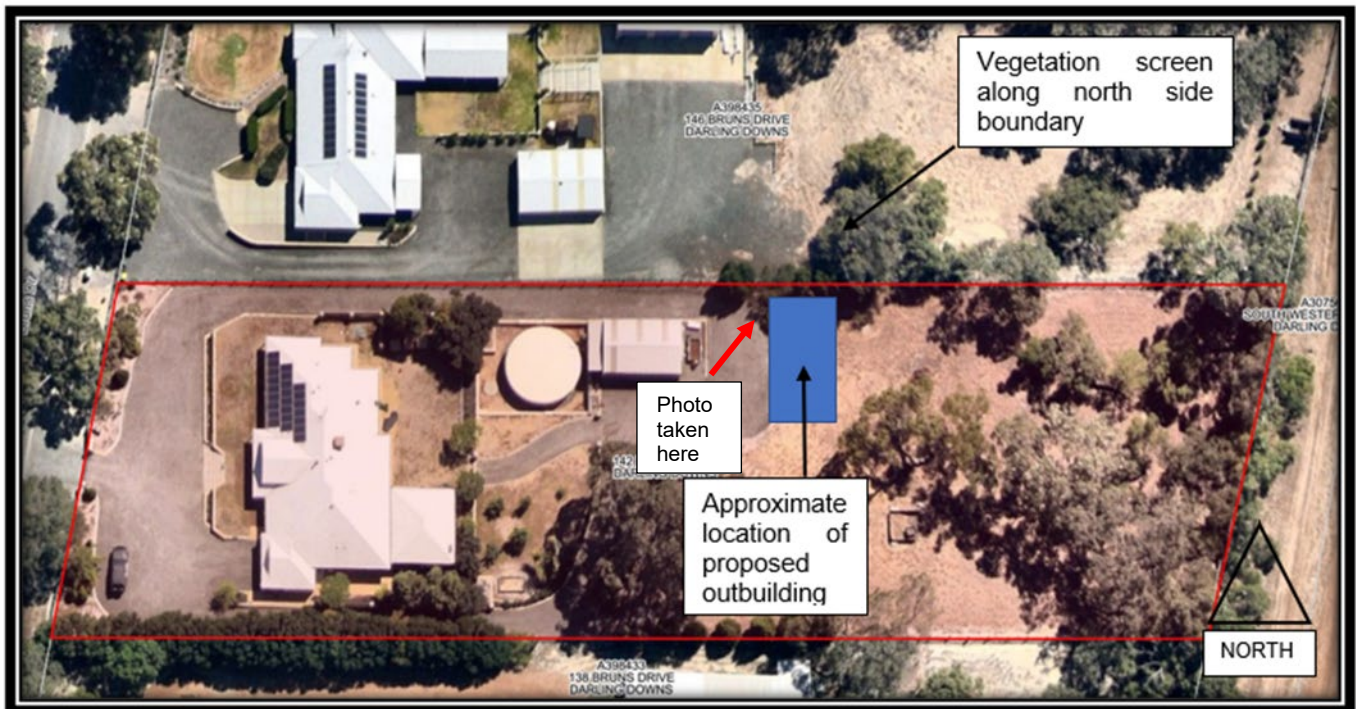


Figure 7: Aerial image showing vegetation along the north side boundary near proposed outbuilding



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

The single dwelling on the adjoining property is configured with a garage and outbuilding on the south side of the property, which separates sensitive private amenity areas from the proposed location of the outbuilding as sought by this application. Specifically, the development is located approximately 50m in a south-east direction from key habitable areas of the dwelling on the adjoining property. The outbuilding as a result will not form part of the neighbouring vistas of the habitable areas of that dwelling. The neighbouring property currently has vistas directly east which comprise of their outbuilding, vegetation and views of the Scarp which will be maintained. The minor ridge height variation of 0.28m is not considered to detract from these existing vistas.



Figure 8: Aerial image showing direction of vista from primary outdoor living area for property at 146 Bruns Drive

In terms of floor area variation, the site cumulatively exceeds the 150m² exemption provision under LPP4.19 for lots located within the 'Rural Living A' zone. The floor area provision under the policy seeks to ensure that outbuildings do not dominate the appearance of a site when viewed from adjoining properties and the street. Ensuring outbuildings are appropriately scaled to align with the expected form of rural residential development within the zone.

In this regard, the development poses an increase of 50.28m² to the 150m² acceptable standard of LPP4.19. The departure is not considered to significantly increase the presence of outbuildings across the site nor detract from the rural residential appearance of the property when viewed from neighbouring properties. The site retains its sense of openness and its landscape features such as vegetation, and importantly vistas of the Scarp which are characteristics of the rural residential properties within the immediate locality. Furthermore, the development complies with the open space calculations under the R2 density requirements of the R-Codes ensuring the site does not appear as overdeveloped, again consistent with rural residential character of the locality.



Overall, it is considered that the outbuilding is a modest sized structure that combined with an open sided northern section of the building (resulting in an 8m setback of the wall of the outbuilding from the boundary) and vegetation screening would not visually impact upon the amenity currently afforded to the neighbouring property. As such, Officers consider that the proposal is consistent with the Design Principles of the R-Codes and objective of LPP4.19 in that the development will not visually impact upon the amenity of the neighbouring property.

Building Envelope

The concerns raised by the objector include the location of the outbuilding outside the approved building envelope.

The building envelope has dimensions of 30m by 40m and is set back 12m from the primary street boundary and 5m from the north and south lot boundaries as seen within Figure 9 below. The proposed outbuilding is sited entirely outside the building envelope.

The purpose of the building envelope is to provide an area within a lot where development is generally to be located. The placement of building envelopes is used as part of the subdivision process to protect environmental assets and landscape features. They are also used to maintain a pattern of development establishing the character of a locality.

Clause 5.12.9(d) of TPS2 states that *'no building shall be constructed on a lot other than within the approved building envelope without the written approval of the Council*'. This allows for discretion to be exercised to approve development outside a building envelope where it is considered it would not adversely impact the character of the locality or be to the detriment of any environmental assets.

In this case, siting the proposed outbuilding outside the building envelope is considered to be acceptable given the outbuilding is behind the existing main residence / outbuilding / water tank, relatively modest in size and scale, and is screened by boundary vegetation. Importantly, the outbuilding has been sited within a cleared area and does not require the removal of the any canopy trees scattered across the site. Neither does the development impact upon the neighbouring vistas of the Scarp.

Furthermore, Officers advise that the location of the outbuilding outside of the building envelope is consistent with the existing pattern of development within the locality. Generally, outbuildings have been sited outside building envelopes as illustrated in the following image. Residential dwellings are predominantly the form of development located within the designated building envelopes of a site. As such, the development is considered to align with the established character of the locality and is supported.



Figure 9: Existing development pattern with building envelopes (blue) and the proposed location of the outbuilding (red)



Options and Implications

Option 1

That Council APPROVES the development application for the outbuilding at Lot 601, 142 Bruns Drive, Darling Downs as contained in **attachment 1**, subject to the following conditions:

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

Plans and Specifications	Plans P1 to P4 received at the Shire’s offices on 6 February 2023 and 2 March 2023
--------------------------	--

- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale.

Option 2

That Council REFUSES the retrospective development application for sea container at Lot 601, 142 Bruns Drive, Darling Downs as contained within **attachment 1** for the following reason:

- a. The location of the development of the outbuilding with a reduced setback to the boundary is considered to visually impact upon the amenity currently afforded to the adjoining landowner

Option 1 is recommended.

Conclusion

The application seeks approval for an outbuilding which varies the requirements of the R-Codes and LPP4.19 by way of cumulative floor area, lot boundary setbacks and ridge height. Officers consider that the proposed outbuilding is consistent with the Design Principles of the R-Codes and objectives of LPP4.19 and as a result would not visually impact upon the amenity of the neighbouring property and broader locality.

Attachments (available under separate cover)

- 10.1.2 - attachment 1 - Development Plans (E23/3532)
- 10.1.2 - attachment 2 - Summary of Submissions (E23/2625)
- 10.1.2 - attachment 3 - Technical Assessment (E23/2427)

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

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

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

Voting Requirements: Simple Majority

OCM131/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Duggin

That Council **APPROVES** the development application for the outbuilding at Lot 601, 142 Bruns Drive, Darling Downs as contained in attachment 1, subject to the following conditions:

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

Plans and Specifications	Plans P1 to P4 received at the Shire's offices on 6 February 2023 and 2 March 2023
--------------------------	--

- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale.

CARRIED UNANIMOUSLY 7/0



Councillor Atwell declared a Financial Interest in item 10.1.3 and left the Meeting at 6:11pm prior to this item being discussed.

10.1.3 - Proposed Road Naming Application - Lot 14 Scott Road, Mundijong (PA23/382)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Proponent:	Harley Dykstra
Owner:	Remfire Pty Ltd and CTJ (WA) Pty Ltd
Date of Receipt:	19 May 2023
Lot Area:	24.8ha
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Industrial'

Report Purpose

The purpose of this report is for Council to consider a proposal for a further new road name associated with a subdivision at Lot 14 Scott Road, Mundijong. One alternative name is also presented to Council for endorsement in the instance Landgate do not support the preferred name.

Council would recall considering road names for the first stage of subdivision at the April 2023 meeting. Due to the applicant proceeding to the second stage, a further new road will be created, and its naming is the topic of this report.

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

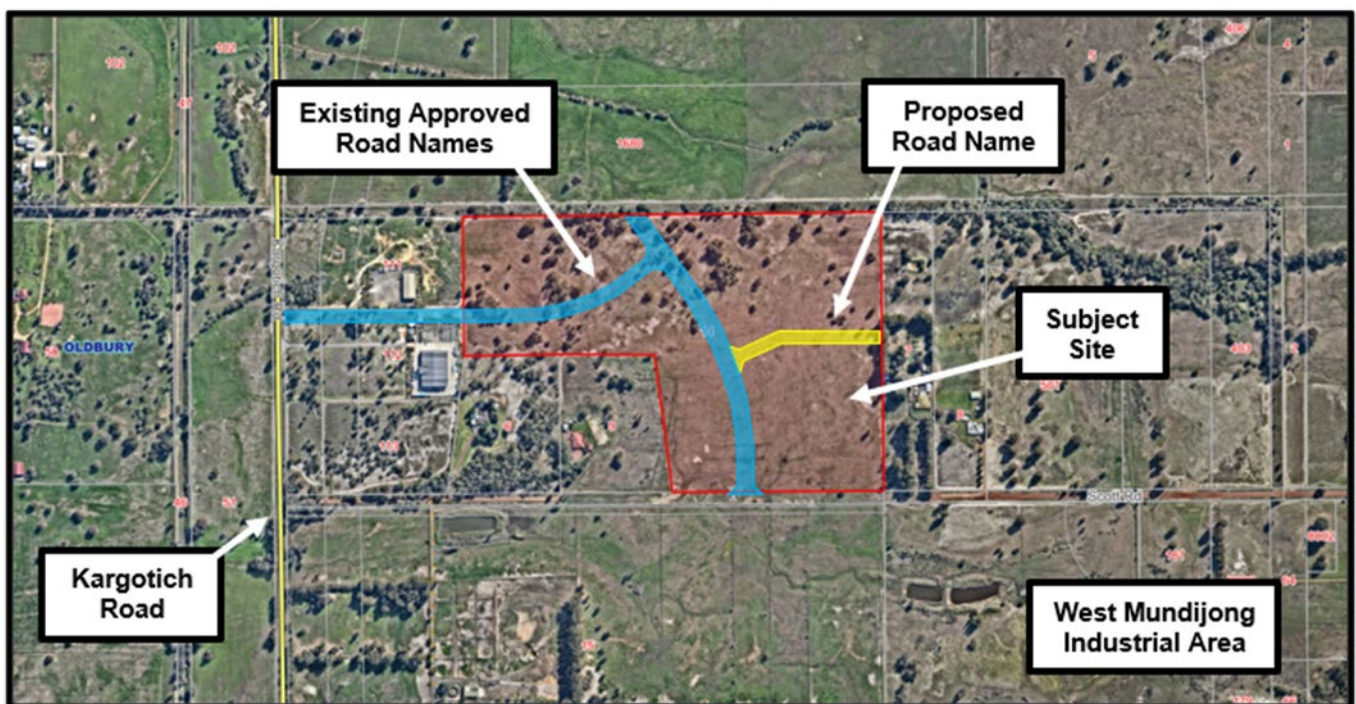
Ordinary Council Meeting - 17 April 2023 - OCM069/04/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ENDORSES the following road names in accordance with section 26A(3) of the Land Administration Act 1997; and forwards the proposed road names as contained within attachment 1 to Landgate for final approval:*
 - a. *Thompson Road*
 - b. *Samson Drive*
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 name is not deemed acceptable by Landgate:*
 - a. *Steamer Drive*
 - b. *Locomotive Way*
3. *ENDORSES a general naming theme for the West Mundijong Industrial Area based upon the industrial timber milling history of the Shire.*

Background

The proposal relates to the subdivision of the subject site, which will result in the creation of three new roads. Two of the created roads have received road naming approval by Landgate, as endorsed by Council at the Ordinary Council Meeting of 17 April 2023. This proposal now seeks to name the road shown in yellow in the following image, as part of delivering the second stage of subdivision to the east of the central main road of the West Mundijong area. An aerial view of the subject land is provided following.



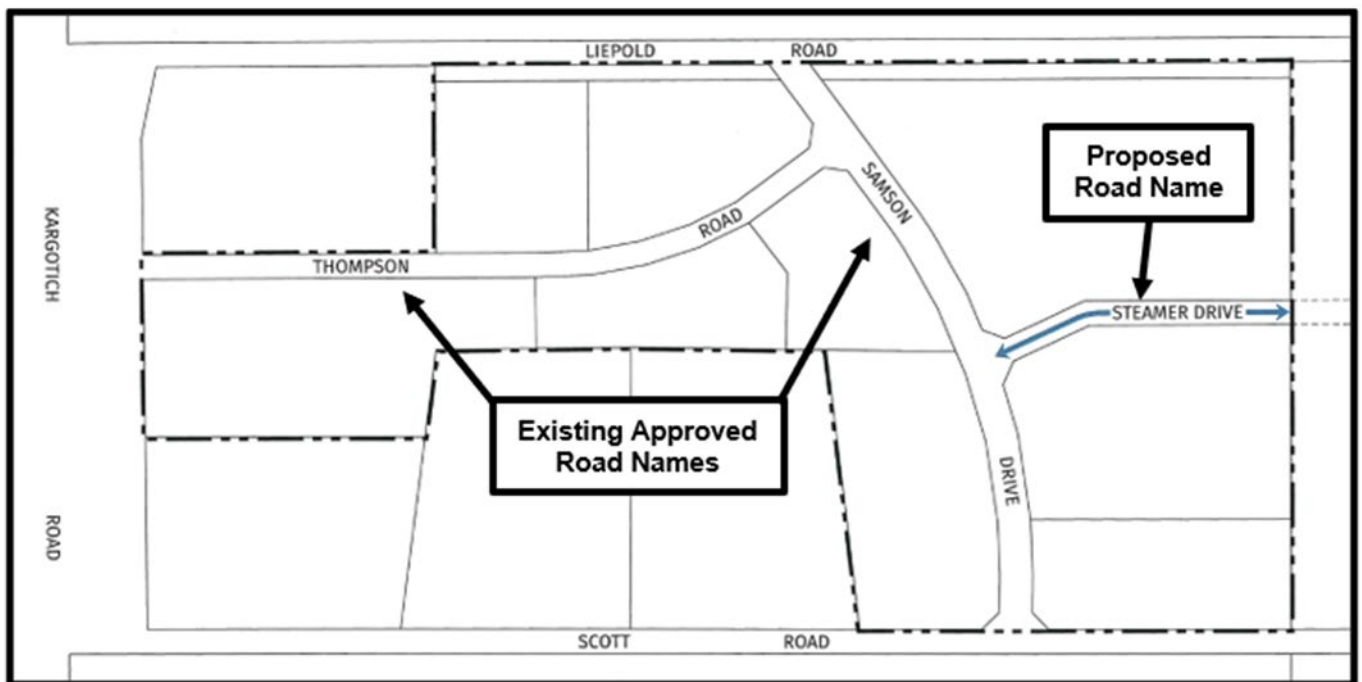
Aerial imagery of the subject site



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

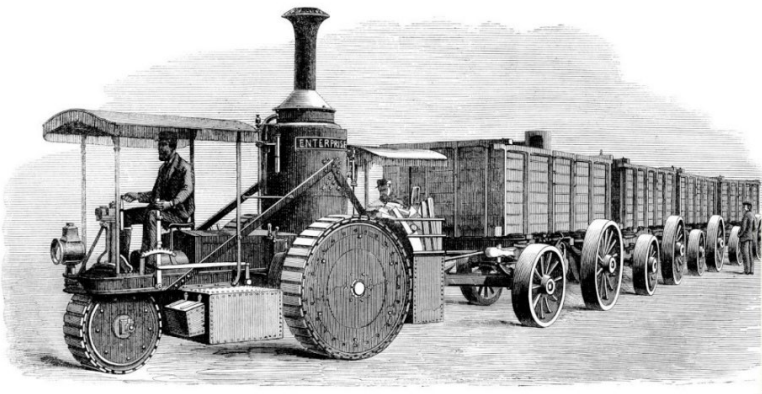

The application proposes the naming of one new road to be created as part of an approved subdivision within Mundijong. The applicant has also submitted one name to be endorsed as second preference name in the instance there are issues with the preferred name. The road and proposed name are shown in the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



Subdivision Road Layout Plan



'Steamer' and 'Locomotive' are descriptive names both relating to the vehicles utilised in the Jarrahdale timber milling enterprise. The proposed and backup names along with their backgrounds have been provided in the following table.

Road Name Table	
Proposed Preferred Names	Background
<p>Road 1: Steamer Drive</p> 	<p>The Jarrahdale timber milling enterprise was established during the 1860/70s. A railway was established during 1872, in order to transport timber product between Jarrahdale and Rockingham. The Thompson Road 'Steamer' was the first mechanical device used to haul timber milling equipment into the Jarrahdale and Mundijong area.</p>
Reserve Names	Background
<p>Locomotive Way</p>  <p><small>Beyer, Peacock 2-4-0T locomotive SAMSON at Jarrahdale Mill, WA circa 1884-89. Photo: John Ray Collection, courtesy of Bill Weedon</small></p>	<p>Shortly after the establishment of the Jarrahdale timber milling enterprise, several 'Locomotives' were purchased to assist with the hauling of the timber product. These 'Locomotives' would travel the 38km distance between Jarrahdale and the Rockingham Port. Two of these 'Locomotives' were called Samson No.1 and Samson No.2.</p>

A road layout plan providing the location of the road names and the background list of the names is found within **attachment 1**.

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

LPP1.7 states that where more than five road names are proposed, then an overall theme should be proposed by the applicant. Council approved a road name theme for the locality based on the industrial timber milling history of the Shire at the Ordinary Council Meeting of 17 April 2023. The proposal is consistent with this.

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 have been identified either.
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 in length.



Policy Assessment	
Policy Requirement	Officer Comment
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. Drive (Dr) - Wide thoroughfare allowing a steady flow of traffic without many cross-streets. Way (Way) - Roadway affording passage from one place to another. Usually not as straight as an avenue or street. The proposed suffixes are considered suitable as they generally are reflective of the proposed carriageway.
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	As shown on the road name plan earlier in this report, the road names are commensurate with the length of the road and are considered 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 name 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. Steamer Drive
2. ENDORSES the following second preference road name in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that the first preference name is not deemed acceptable by Landgate:
 - a. Locomotive Way

Option 2

That Council:

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

Option 1 is recommended.

Conclusion

Council endorsement is sought for one proposed road name to be used as part of the second stage of subdivision at the subject site. The proposed road name has been based upon a heritage theme that is supported by Officers. The proposed names are consistent with the requirements of LPP1.7 and Landgate's road naming policy. Officers therefore support the proposal and recommend that Council endorse the proposed names.



Attachments (available under separate cover)

- **10.1.3 - attachment 1 - Road Layout Plan (E23/6538)**

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	<p>Policies and Standards for Geographical naming in Western Australia</p> <p>Local Planning Policy 1.7 - Road Naming</p>	Social / Community Outcomes	Possible	Moderate	MODERATE	Give reasons for decision



Voting Requirements: Simple Majority

OCM132/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

That Council:

- 1. ENDORSES the following road name 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. Steamer Drive****
- 2. ENDORSES the following second preference road name in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that the first preference name is not deemed acceptable by Landgate:
 - a. Locomotive Way****

CARRIED UNANIMOUSLY 6/0

Councillor Atwell returned to the Chambers at 6:12pm.

Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.1.3.



10.1.4 - Proposed List of War Service Personnel Names for Roads/Streets (SJ500-4)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider a list of 32 names for new road names in Serpentine Jarrahdale. This list is based on War Service Personnel, who have a connection to the Shire of Serpentine Jarrahdale, and who served in The Great War and World War 2. The intent is to make these names available for applicants to consider utilising when new roads are proposed by way of subdivision in the Shire.

Having a list based upon the information contained in Birtwistle Wiki, which has been researched from reliable resources such as the Australian Archives, enables names being chosen that can help communicate an important part of the Shire's history about those local residents who gave the ultimate sacrifice in their participation in The Great War and World War 2.

Officers recommend that Council endorse the names to be added to the existing list (as first adopted by Council at the April 2023 Meeting), and that the updated list be made available for use by applicants for new road names.

Relevant Previous Decisions of Council

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

That Council:

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



Background

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.

LPP 1.7 identifies that in accordance with the Geographic Names Committee (GNC) Guidelines suitable sources of road names include:

- a. Aboriginal languages currently or formerly identified with the general area;
- b. Pioneers of the State or area;
- c. Citizens who have made a significant community contribution;
- d. War casualty lists and thematic names (e.g. nautical, sporting etc.);
- e. Ethnic and gender diversity is encouraged;
- f. Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplication. All name proposals must clearly identify the origin of the name and provide relevant references to allow for the verification of the name.

At the April 2023 meeting, Council adopted its inaugural list, which contained names derived from the adopted Local Heritage Survey. This included names pertaining to a range of elements from the Shire's thematic history.

This report proposes further proposed names be added to the list, and are contained within **attachment 1**. These proposed names consist of War Service Personnel from the local area that lost their lives in the line of duty while protecting Australia and its peoples during The Great War and World War 2.

Community / Stakeholder Consultation

The Returning Service League Sub-Branch of Serpentine Jarrahdale have been informed through their President that this report will be presented to Council. Officers explained that, if adopted, the names would be made available for applicants to consider utilising when new road names are proposed by way of subdivision of land which creates such new roads.

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 (LPP 1.7)

**Planning Assessment**

Formulating a proposed list of additional names for roads is proposed by this report. The proposed additions are based on serving war personnel casualties from the local area. While it is not proposed to limit an applicant's choice to choose names, there are potential savings for any applicant on the basis that Officers have formulated a list, and kept adding to that list, which is researched and ready for use. This saves, for example, an applicant needing to undertake their own research to locate a suitable name.

Analysis of the proposed name additions to the existing list has been undertaken against the Shire's LPP 1.7 in the following table:

Policy Assessment	
Policy Requirement	Officer Comment
Consideration of current and future street names	<p>The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire. No duplicates in surrounding Local Government areas have been identified either.</p> <p>Some of the names proposed are in use in other local government areas within the Perth metropolitan area. However, they maintain suitable separation distances as per the Landgate Policy. These distances are 10km to any duplicates in the metropolitan area and 50km in rural areas.</p>
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	<p>This aspect will be addressed when the proposed road names are formally brought to Council with subdivision applications.</p>
The origin of each name shall be clearly stated and subsequently recorded	<p>The origin and background of the proposed road names have been documented in the road name table. This has been done as part of recent research, which was undertaken utilizing the reliable resource of Birtwhistle Wiki which in turn has used the Australian Archive database.</p>
Names shall not be offensive or likely to give offence, incongruous or commercial in nature	<p>The proposed names are not considered to be offensive, incongruous, or commercial in nature.</p>
Names shall be easy to read, spell and pronounce to assist emergency services, service providers and the travelling public	<p>The proposed names have been selected to align with roads with a theme relating to those War Service Personnel casualties that died during active duty protecting Australia and its peoples in The Great War and World War 2.</p> <p>The majority of names are short, simple to read or pronounce, and so would not cause complexities for emergency services, service providers or the travelling public.</p>



Policy Assessment	
Policy Requirement	Officer Comment
Unduly long names and names that comprise of two or more words should generally be avoided	Eight of the names are longer than eight letters but none more than nine. None of the proposals have two words that cannot be split at the risks of losing their meaning.
Proposals for road names shall include an appropriate road type suffix	The list does not propose any suffixes, and this will be left up to the subdivider to decide when submitting the road names on the subdivision.
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	The list does not link names to plans. This will be left up to the subdivider to decide when submitting the road names on the subdivision.

Based on the above, the recommended names are considered appropriate. If endorsed by Council, the additional names will be added to the inaugural list that was adopted at the April 2023 meeting, and which is based on the thematic history of the Local Heritage Survey. The updated list will also be forwarded to Landgate (Geographic Names Committee) for their endorsement.

Furthermore, after an application is received for the naming of roads in terms of the Act, Officers will still submit a report to Council and following on from endorsement by Council make a recommendation to the Geographic Naming Committee for their consideration.

The road names list is intended to be routinely updated, given the strong rates of development in the Shire and the need to have names available for use. Officers are currently researching further additions of Aboriginal languages currently or formerly identified with the general area, to be added to the list. This will be the subject of a future report to Council, once such research has been completed.

Options and Implications

Option 1

That Council:

1. ENDORSES the additional names contained in **attachment 1** to be added to the Shire's existing list of road name options.
2. REFERS the additional names to the Geographic Names Committee for their endorsement.
3. Following endorsement under Part (2), NOTES the updated list will be made available for applicants to consider as part of proposing road names for future subdivisions, in accordance with clause 26A(3) of the *Land Administration Act 1997*.

Option 2

That Council DOES NOT ENDORSE the list.

Option 1 is recommended.



Conclusion

Council endorsement is sought for an additional 32 war service personnel names to be added to the adopted naming list for potential use for new roads in the Shire. The proposed names are consistent with the requirements of LPP1.7 and Landgate's road naming policy. They are an important addition to the inaugural list approved by Council on 17 April 2023 which improves options for any road naming applications they propose.

Officers recommend that Council endorse the proposed names.

Attachments (available under separate cover)

- **10.1.4 - attachment 1 - Road Naming - War Service Personnel (E23/6264)**

Alignment with our Strategic Community Plan

Strategy 1.2.1	Recognise local heritage
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 as the list will provide a list of War Service Personnel casualties, and applications for formal naming will still be required to be provided to Council for consideration.						
2	Officers may soon run out of road names for new subdivisions resulting in ad hoc names being used.	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

OCM133/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Atwell, seconded Cr Duggin

That Council:

- 1. ENDORSES** the additional names contained in attachment 1 to be added to the Shire's existing list of road name options.
- 2. REFERS** the additional names to the Geographic Names Committee for their endorsement.
- 3. Following endorsement under Part (2), NOTES** the updated list will be made available for applicants to consider as part of proposing road names for future subdivisions, in accordance with clause 26A(3) of the *Land Administration Act 1997*.

CARRIED UNANIMOUSLY 7/0



10.1.5 - Proposed Child Minding Centre - Lot 57 Briggs Road, Byford (PA23/172)

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

Authority / Discretion

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

Proponent:	Apex Planning
Owner:	DRB Development Pty Ltd
Date of Receipt:	10 March 2023
Lot Area:	2.0124ha (Planning Parcel 2,392m ²)
Town Planning Scheme No Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider endorsing the Responsible Authority Report (RAR) prepared for the development application for a 'Child Minding Centre' on Lot 57 Briggs Road, Byford. The development proposes the construction of a new Child Minding Centre for 104 children, associated outdoor play areas, landscaping, signage and car parking.

The development has an estimated construction value of \$2.05 million and the applicant has opted in for the Metro Outer Joint Development Assessment Panel (MODAP), to determine the application. The MODAP will replace Council as the decision-making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The report is presented to Council to consider the RAR that will be presented to the MODAP, consistent with established delegations.

The RAR, as contained in **attachment 1** recommends that the application be approved subject to conditions. The proposal is considered generally consistent with the objectives of the 'Urban Development' zone, Structure Plan and Policy framework. The report has addressed relevant matters including residential amenity, built form, traffic movements and noise management. For the reasons outlined in the report, it is recommended that Council endorse the RAR which recommends approval of the application by the MODAP, subject to conditions.

Relevant Previous Decisions of Council

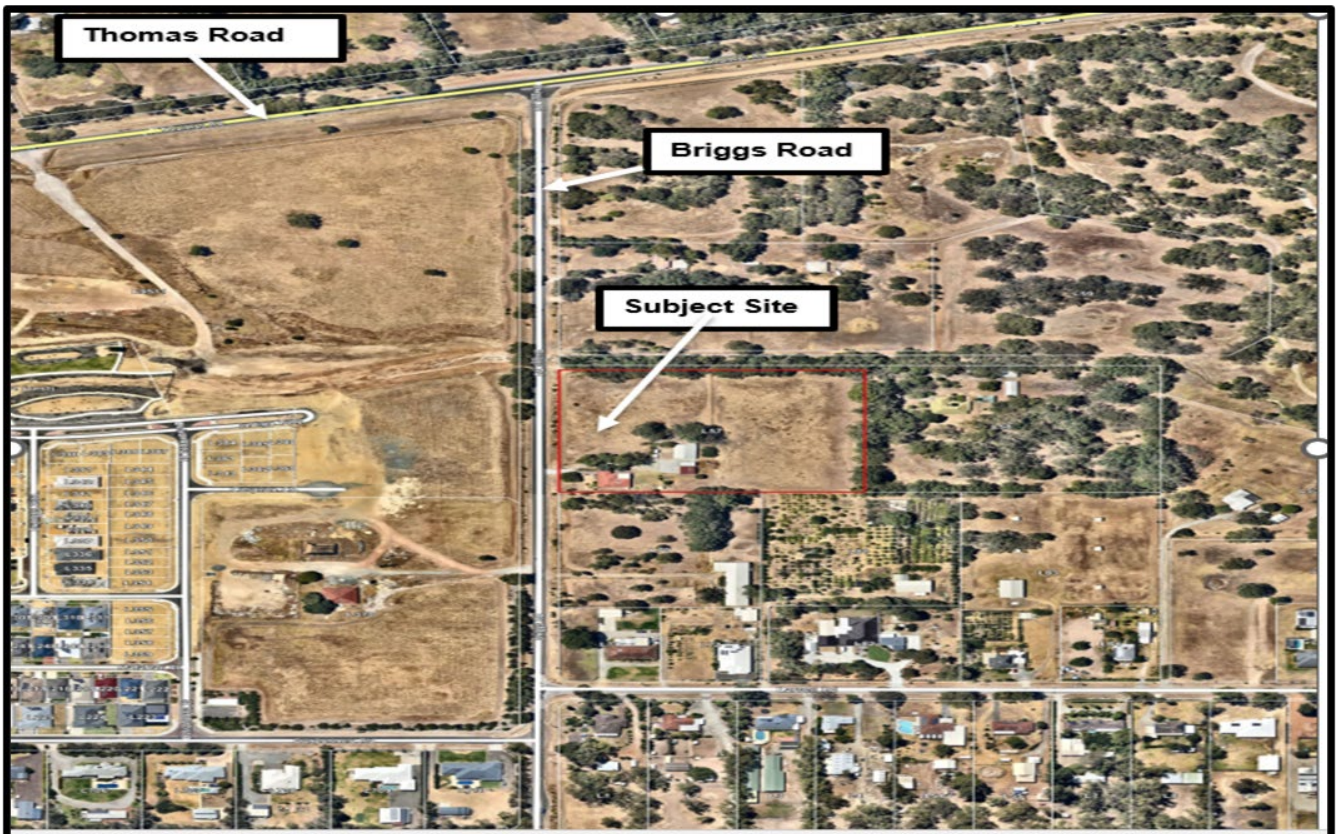
There is no previous Council decision relating to this matter.



Background

Existing Development

The subject site forms part of Lot 57 Briggs Road which has a total area of 2.0124ha. The site is currently designated as 'Residential' within the 'Area D Briggs Larsen Precinct Local Structure Plan' (LSP). It is bound by Briggs Road to the east and the road reserve for the future Indigo Parkway to the north. The Oaklands Main Drain runs parallel to the northern boundary.



The subject site is developed with a single-storey semi-rural dwelling with associated outbuildings, located to the south-western portion of the lot. The remainder of the land consists of large open grassed paddocks with mature vegetation along boundaries to the north and east. Land to the west is undergoing progressive urbanisation with ongoing subdivisions to facilitate low-medium density housing and road infrastructure being constructed.

The site is also subject to an indicative subdivision plan which was prepared as part of the LSP which provides an indicative layout of how the site would ultimately be subdivided. This can be seen following:



Subdivision Guide Plan

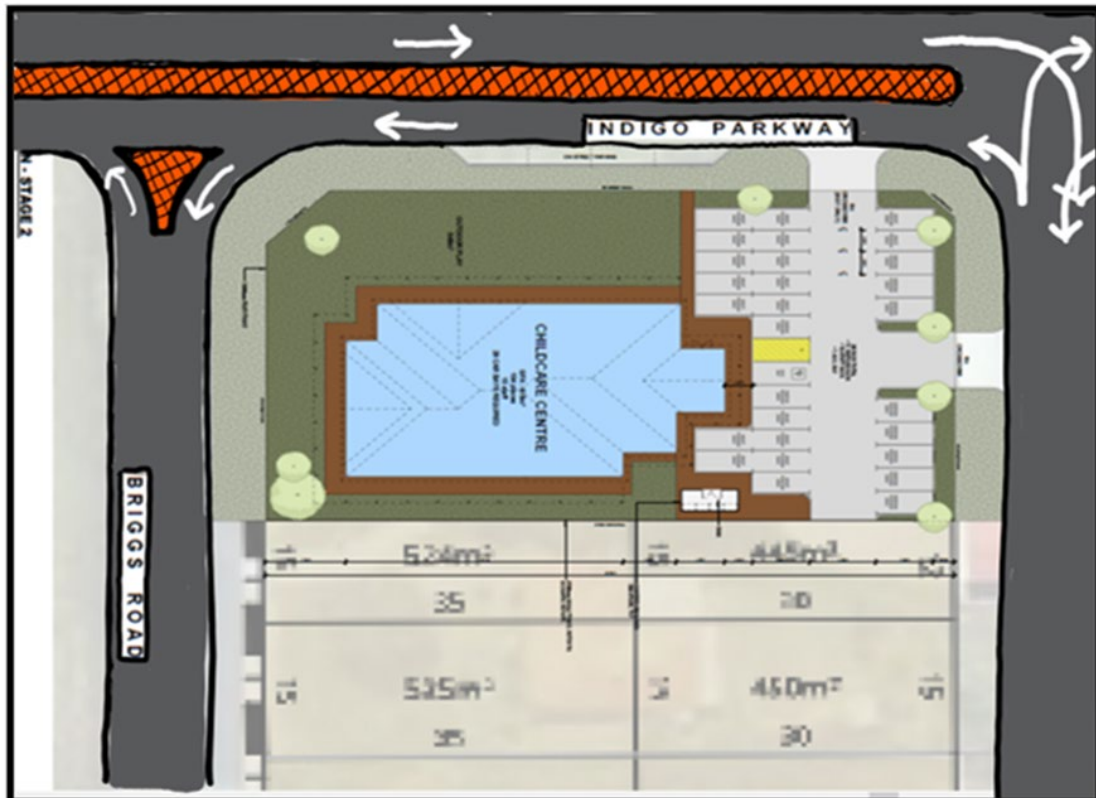
Proposed Development

The proposal seeks approval for the construction of a single storey purpose built 'Child Minding Centre'. The proposed development would occupy 2,392m² of the current overall land parcel of 2.024ha, which is identified as 'Residential' within the LSP for the site. The development is proposed to accommodate 104 children and 18 staff.

Vehicle access to the subject site is proposed to be in two stages. Stage 1 which is based on the current road network involves the construction of an interim driveway to Briggs Road. Stage 2 includes the ultimate development scenario as per the LSP, including the construction of Indigo Parkway (north of site) and an access road (to the east). This would result in a minor reconfiguration to access/egress arrangements of the site whereby Indigo Parkway will be an exit only (left out) and the access road to the east resulting in full movement. The two scenarios are shown following:



Stage 1



Stage 2

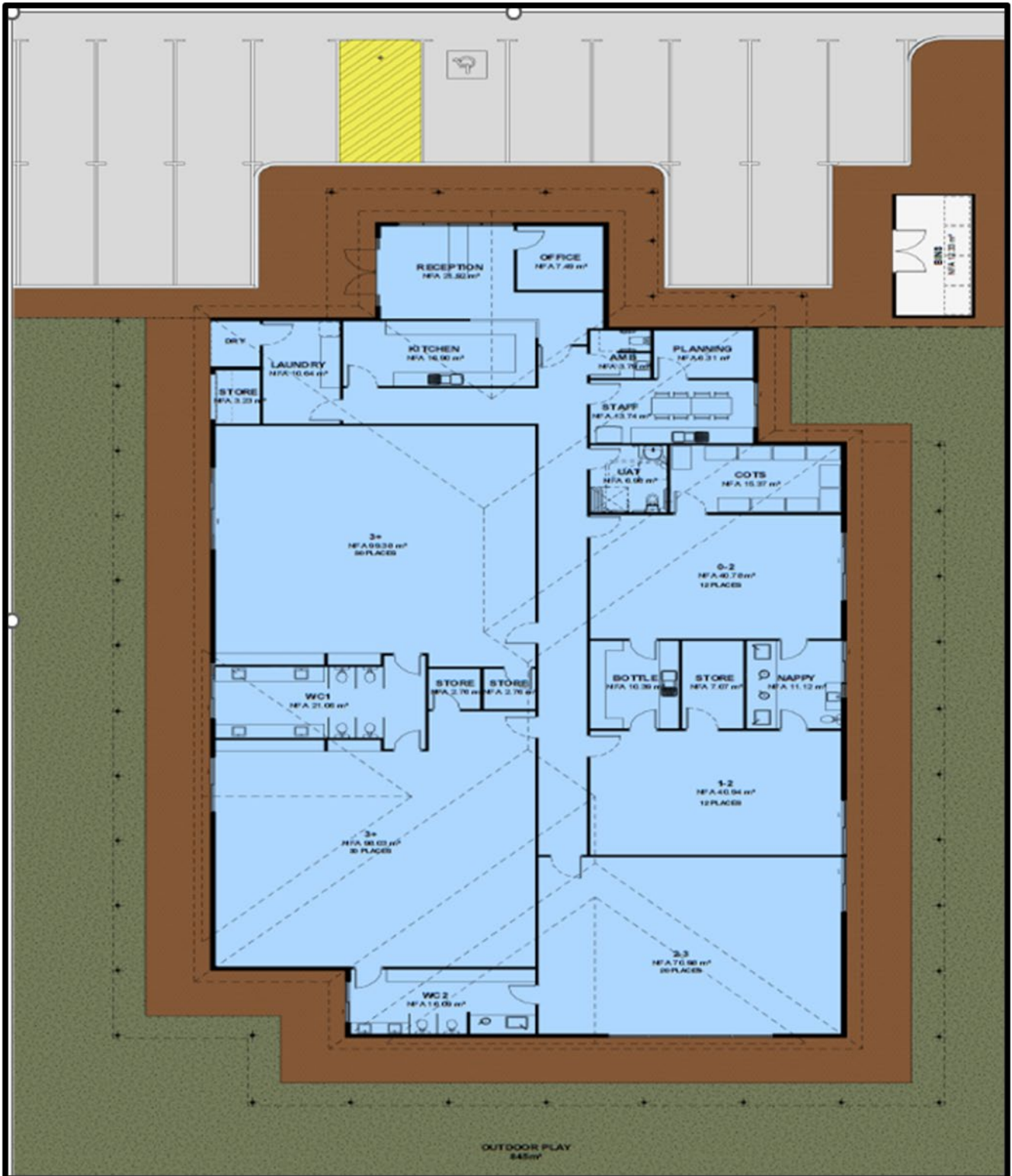


The Child Minding Centre is proposed to operate between the hours of 6:30am - 6:30pm Monday to Friday. The Child Minding Centre is expected to employ up to a maximum of 18 staff across the operations in varying shift times. The applicant provided information that the centre will accommodate children within the following age groups:

- 0-2 years: 24 places;
- 2-3 years: 20 places;
- 3+ years: 60 places.

Specifically, the proposal includes:

- Building comprising of a reception area, office, planning room, staff amenities, staffroom, kitchen, children's toilets with storage areas, dining area, cots room, nap change/toilets, enclosure bin store, toilets, laundry and storage areas;
- Construction of Stage 1 car park with 31 car parking bays comprising of 12 spaces (visitors) for pick-up and drop-off, 18 staff car parking spaces including one universal access bay;
- Construction of a new six metre crossover on Briggs to provide direct full movement access to the stage 1 car parking area via an internal driveway;
- Construction of outdoor play areas with a total area of 845m² provided to the eastern, western and southern aspects of the building;
- Construction of 1.8m garrison style fencing long Briggs Road frontage and future Indigo Parkway along the northern boundary;
- Construction of 2.1 m high acoustic solid fence/wall of minimum (8kg/m²) surface mass along the outdoor play area's southern boundary abutting future dwellings;
- Perimeter landscaping (2m) along the northern and western car park boundary;
- A fully enclosed bin store along the western boundary.



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



Community / Stakeholder Consultation

The application was advertised for a period of 28 days from 20 March 2023 to 17 April 2023 to surrounding landowners within a 500m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period.

At the conclusion of the consultation, 12 submissions consisting of six objections, three letters of concern and three letters of support were received. The objections and concerns relate to the following summarised issues, which are discussed in the relevant headings of the report and form part of the Officer assessment:

- Safety concerns due to potential localised traffic congestion from the proposal and from the future school and child care centre to the east;
- Traffic movements on the existing road network and potential unsafe traffic and pedestrian environment;
- An upgrade to the Briggs Road and Thomas Road intersection considered to be narrow and in poor condition to support additional traffic;
- Upgrade or widening of Briggs Road to be able to cater for additional traffic movements and potential congestion concerns;
- Inappropriate development is a semi-rural locality earmarked for R60 future residential dwellings thereby reducing the dwelling yield forecast in Byford;
- Lack of footpaths and street lighting along Briggs Road to support the development;
- Increased number of Child Minding Centres within the locality;
- Premature development is not in line with proper and orderly planning due to lack of the appropriate road infrastructure and reticulated sewerage to support the premises;
- Inconsistency of the proposed access way with the ultimate road network presented within the subdivision concept plan that does not provide direct lot access to Indigo Parkway;
- Potential for the intersection of Briggs Road and Indigo Parkway becoming an uncontrolled intersection for cars and pedestrians trying to cross Briggs Road;
- Proposal is not consistent with the Department of Planning, Lands, and Heritage (DPLH) Draft position statement: child care premises with regards to co-location;

These matters are discussed in the relevant section of the report below.

Consultation with other Agencies or Consultants

Department of Health (DoH)

The application was referred to the Department of Health who provided no in principle objections to the proposed Child Care Premises subject to ensuring the following are provided during the planning approval process.

Water Supply and Wastewater Disposal

In relation to the management of wastewater, the proposal is to install an onsite wastewater treatment system and disposal area. Unfortunately, the proposed location does not meet the Government Sewerage Policy 2019 objectives, that require a 100-metre setback from winter creeks or the seasonal brook. In addition, the site and soil evaluation (SSE) was not undertaken



during the wettest time of the year, but rather the warmest time of the year, being mid-January. This could significantly influence the minimum design criteria of the effluent disposal area.

DoH appreciates the lot is currently of significant size and should be able to manage wastewater onsite. Therefore, the department supports the proposal subject to ensuring the following are provided during the planning approval process.

As deep sewerage is surrounding the proposal, the DoH recommends connection to deep sewerage as the preferred option and seek costings and schedules for this option vs onsite wastewater treatment options and schedules; If it is not financially viable to connect to deep sewerage.

- Another specific site and soil evaluation (SSE) report is required for the above proposal that should be undertaken by a qualified consultant that is conducted during the wettest seasonal time of the year only (Mid-July/August) as per AS/NZS 1547:2012 requirements.
- As the proposed lot is within an environmentally sensitive area, the secondary treatment system (STS) should be engineer Certified detailing the requirements as specified on the DoH website certification for installation of wastewater treatment systems.

To ensure the stormwater catchment and diversion/disposal does not influence or interfere with the efficacy of the effluent disposal area.

- A plan detailing the proposed building envelopes, all trafficable areas, parking bays and land application area/s with setbacks, exclusion zones and measurements shown for the proposal.
- Each onsite wastewater treatment system and disposal area requires a formal application to be submitted to the respective local government for assessment and that will be forward onto the DoH for approval.

Public Health Impacts

- The site was a former farmhouse and out-buildings and portion of cleared bushland used for grazing. The submission provides no information on the age and construction of the existing buildings, the presence or absence of hazardous materials (including asbestos, fuel tanks, agricultural chemicals etc) or the measures to prevent the release of hazardous materials during any proposed demolition prior to development, causing land contamination.
- The site is not registered on the Department of Water and Environmental Regulation contaminated sites database. However, the proponent is advised to obtain a Basic Summary of Records to complete their enquiries
- Consideration should be given to the setback of the facility from the main road. There are currently no guidelines for setbacks of child-care premises from busy roads but there is consistent evidence of adverse short and long-term health outcomes in children exposed to traffic-related air pollution (TRAP). The DoH recommends a setback of at least 50m for the main buildings and play areas. The DoH also recommends vegetation barriers between the road and the site.

Food Act Requirements

- All food related areas (kitchen, preparation areas, etc.) to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines.



Department of Water and Environmental Regulation (DWER)

The application was referred to the Department of Water and Environmental Regulation who provided no in principle objections to the proposed Child Care Premises, subject to the following key matters being given due consideration.

Government Sewerage Policy

Lot 57 Briggs Road is within a sewage sensitive area, as it is located with the Peel-Harvey coastal plain catchment. The requirements of the Government Sewerage Policy (GSP) (DPLH, 2019) apply including site requirements for on-site sewerage disposal.

It is acknowledged that a Site and Soil Evaluation (SSE) was included within the application and comments pertaining to the SSE. The SSE lacks detail to demonstrate Lot 57 can manage on-site wastewater treatment and disposal prior to the availability of reticulated sewerage associated with urbanisation of the surrounding area. It is recommended that the SSE is provided to the Department of Health for assessment.

Stormwater Management

DWER recommended for the car park stormwater drainage system to be designed, constructed and managed in accordance with the Stormwater Management Manual for Western Australia (DWER, 2022). Stormwater management within the site should be in accordance with Lots 57, 58 and 70 Briggs Road and Lots 53, 81, 83, 100 and 105 Larsen Road, Byford Local Water Management Strategy (360 environmental, October 2020).

The Department recommends that the first 15mm of stormwater runoff passes through a water quality treatment process, such as rain gardens or tree pits, before infiltration. Flush kerbing between the carpark and surrounding garden beds will assist in capturing stormwater.

Water Supply

Lot 57 is not currently connected to a reticulated potable water supply. An alternative water supply may be required for development on this lot if the proposed water main extension on Briggs Road/future Indigo Parkway (Byford Meadows Estate) has not been completed.

The proposed development area is located within the Serpentine Groundwater Area (Byford 3 sub area) which is proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction would be subject to licencing by the Department.

Noise Assessment Report

To be discussed in the noise assessment section of the report

Water Corporation

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

- *The proposed development does not appear to affect Water Corporation assets. If our assets are affected, the developer may be required to fund new works, or the upgrading of existing works and protection of all works associated with the Water Corporation. Water Servicing is available to the site, Wastewater servicing is not however. The proponent has stated in their planning report that will utilise onsite effluent disposal which is suitable for a lot of this size under the State Sewerage Policy.*



- *This proposal will require approval by our Building Services section prior to the commencement of works. Infrastructure Contributions and fees may be required to be paid prior to approval being issued.*

Department of Fire and Emergency Services (DFES)

DFES provided a submission requiring further clarification within the Bushfire Management Plan in relation to the following matters:

- Classification of vegetation within Plot 2 and Plot 3 and detail specifically how the Class G Grassland classification was derived.
- Correct reflection of the BAL ratings subject to correct vegetation classification
- Inconsistency of the APZ distance throughout the BMP

In response to concerns raised the applicant provided a revised BMP addressing concerns. Offices consider that the revised BMP complies with the policy measure outlined within the *State Planning Policy 3.7: Planning in Bushfire Prone Areas*.

Main Roads Western Australia (MRWA)

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

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

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Byford Area D Briggs Larsen Precinct Local Structure Plan

Local Planning Policies

- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)



- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP 4.15)
- Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)
- Local Planning Policy 4.24 - Child Minding Centres (LPP4.24)

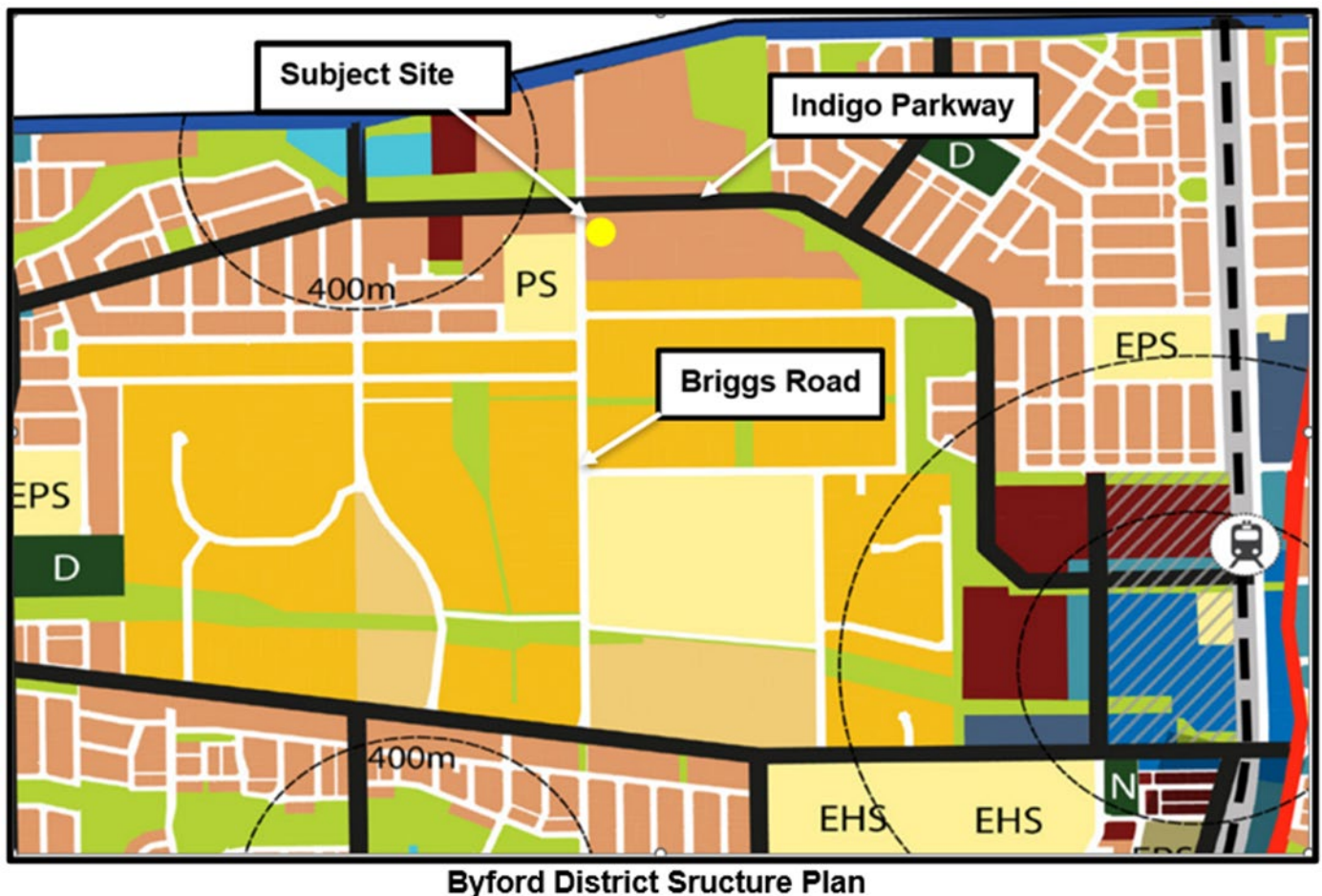
Planning Assessment

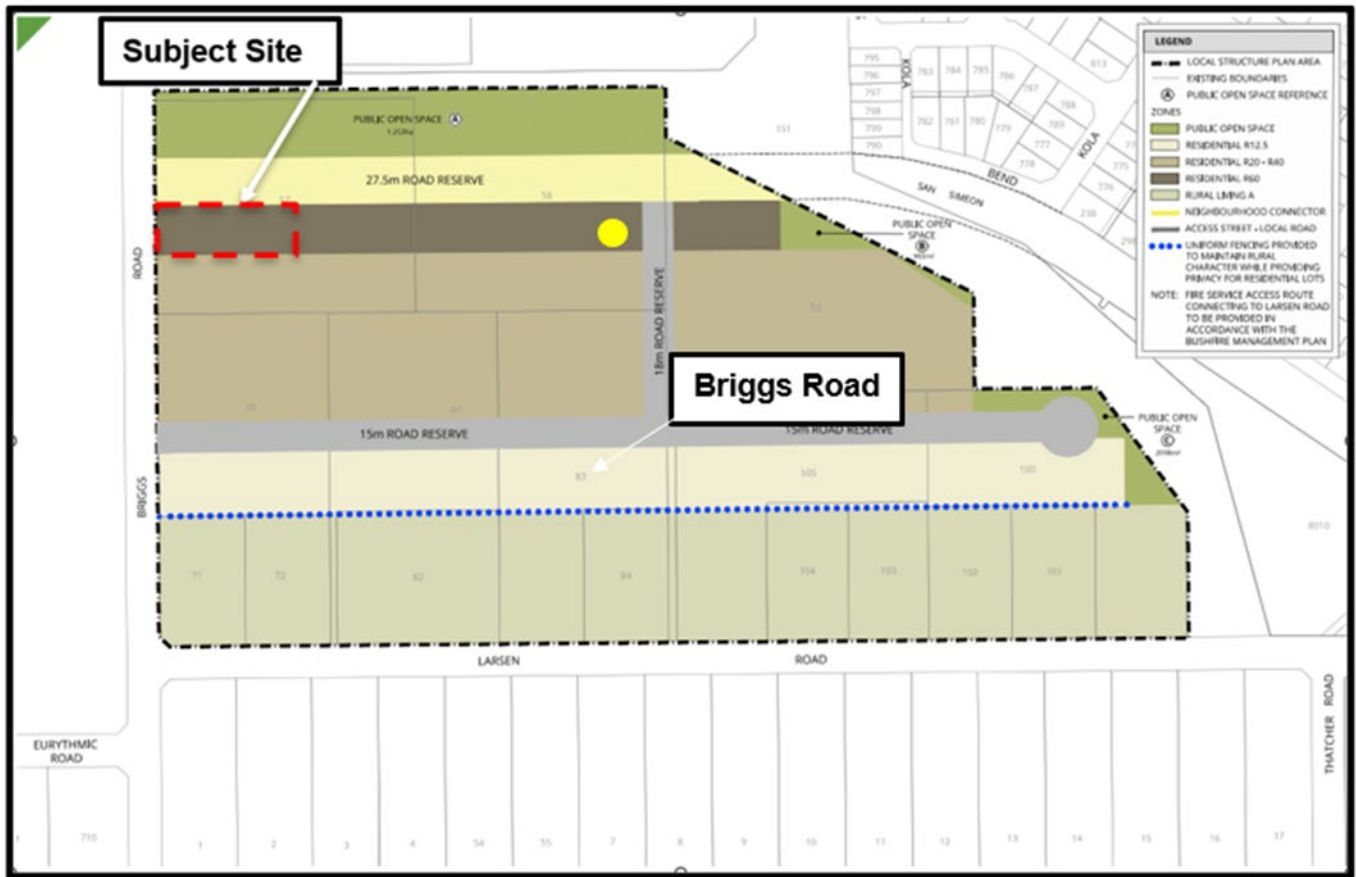
Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 4**.

Town Planning Scheme No. 2 (TPS2)

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

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





Byford Area D Briggs Larsen Precinct Local Structure Plan

Land Use

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

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

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

Officers consider that the development, by way of scale, height, orientation intensity and form of development is consistent with the current and intended future amenity of the area. In addition to the future primary school and child minding centre to the west, the locality will be characterised by land uses that attract a higher level of activity compared to other locations within the structure plan area thereby forming an edge to the neighbourhood. Placement of these higher activity generating land uses on the edge of the neighbourhood allows effective management of current and future amenity for the area.

Officers further consider that the design of the development is sympathetic to the existing and the future residential development as it seeks to incorporate design elements such as verandahs, soft tones, pitched roofs and gable features to the building which, when viewed from the street,



would appear residential in form. This will provide a high degree of compatibility with adjoining and nearby medium residential density developments located within the broader locality of the Byford Meadows and Redgum Brook estates.

During the consultation period, concerns were raised regarding the land use permissibility of a child minding premises within the 'Urban Development' zone. In that regard, Officers consider that the proposed land use is consistent with the stated purpose and intent of the 'Urban Development' zone, as guided by the relevant structure plans.

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

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

"means premises where -

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

The use is a discretionary use, subject to advertising within the 'Residential' zone of the structure plans as discussed above.

The land use is consistent with the stated purpose and intent of the 'Urban Development' zone, as guided by the relevant Structure Plans. The 'Residential' zone objective under LPS3 supports a range of non-residential uses, which are compatible with and complementary to residential development, encouraging high quality design, built form and streetscapes throughout residential areas which is appropriate to the climate. The design is considered to reflect such objectives.

Planning Bulletin 72/2009 - Child Care Centres

Location:

During the consultation process, concerns were raised in relation to the compatibility of the child minding centre in this locality. One of the objectives of Planning Bulletin 72/2009 - Child Care Centres is to "*locate child care centres appropriately in relation to their surrounding service area*".

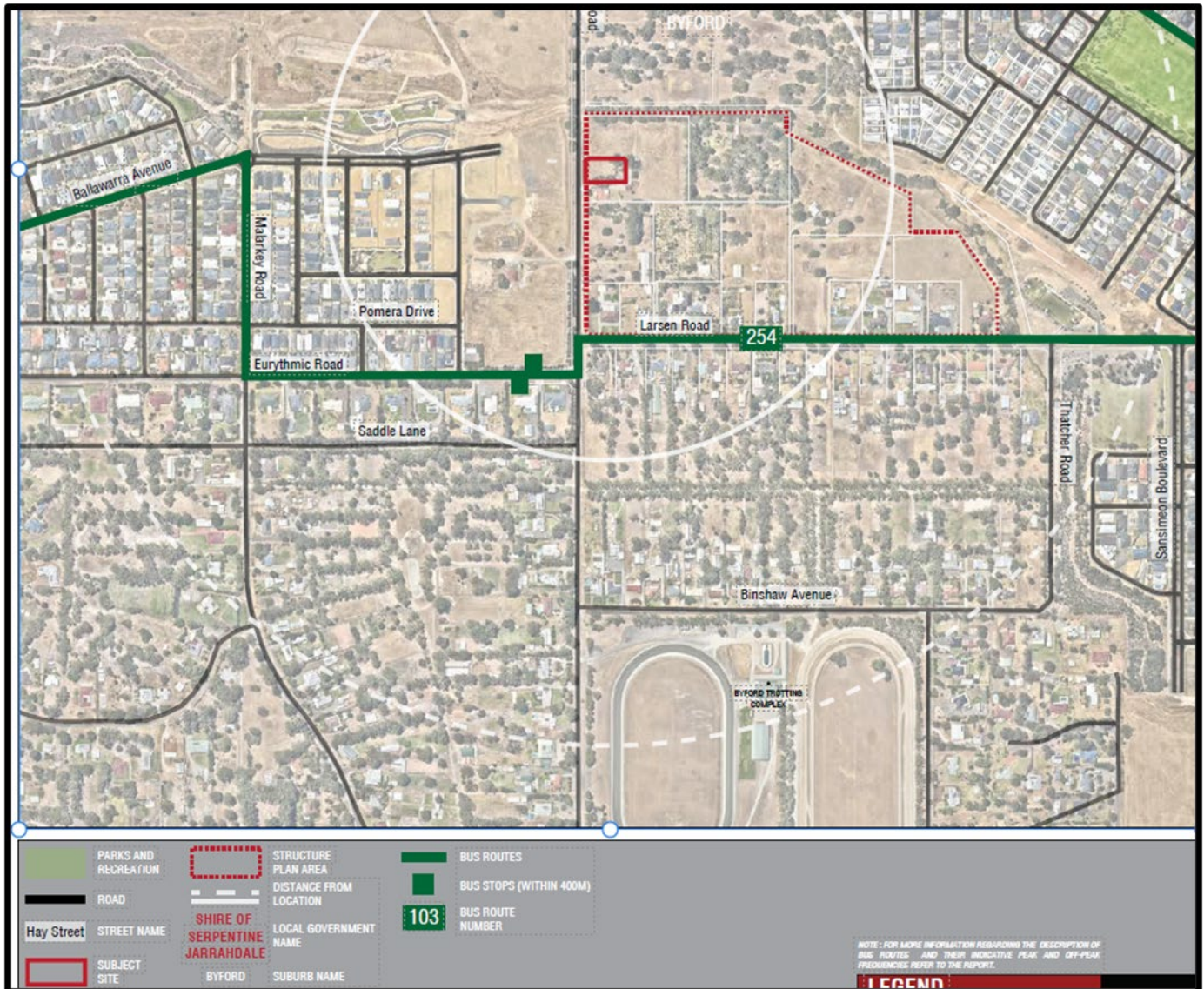
The bulletin provides guidance of planning considerations in relation to the location and development of child care centres. It states that broadly, child care centre activities are located in residential areas and that the ever-increasing demand for child care centres and the strong focus on their appropriate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

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

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



The proposal is in close proximity to land identified for a future school site to the west and is located approximately 400m from the Byford Meadows Neighbourhood Centre Precinct within a medium density housing environment. It is serviced by Transperth bus routes on Eurythmic Boulevard west of Briggs Road which is within walking distance from the site as below.



In this regard, Officers are satisfied that that the proposal is compatible with the adjoining land uses. However, as the site is located with the emerging area of Byford which is still undergoing urbanisation in accordance with the approved LSP, there are no pedestrian footpaths that enable residents from the nearby catchment areas to walk to the subject site. A footpath on Briggs Road would be extended from Eurythmic Road to Indigo Parkway consistent with this objective of the Bulletin. Officers consider that this needs to be addressed as part of a recommendation to the MODAP, in order to provide safe pedestrian access as noted to be a key consideration under the planning bulletin. A condition is therefore recommended to ensure a new footpath being extended on the eastern side verge of Briggs Road to link the development to the existing footpath on Larsen Road.

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



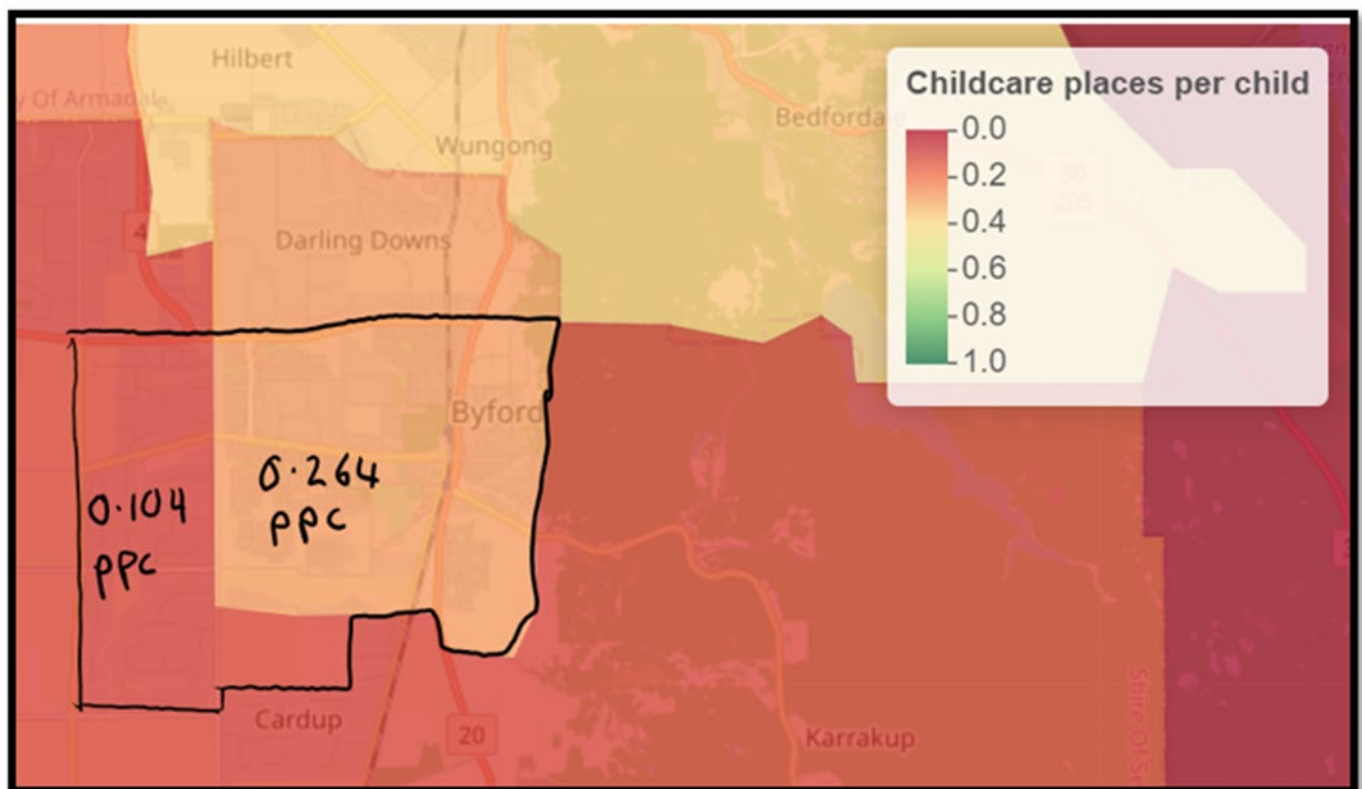
the adjoining future properties are reduced, by minimising the extent of playscape along the southern boundary and locating the youngest age groups in this area. The proposal demonstrates a configuration of development to moderate and manage as best possible noise impacts associated with the development. Noise is also later discussed in the report

During the consultation period, concerns were raised regarding the increasing number of child minding centres in the locality having an excess of four within 1km of the proposed. The planning framework does not specifically limit the number of business types to an area, recognising competitive neutrality as an important component of a market led economy.

Notwithstanding this, it is important for Council to consider the current situation pertaining to a lack of available childcare places, measured as a portion of theoretical places available per child. A recent study undertaken by Victoria University mapped the whole of Australia to determine supply gaps in the provision of childcare. It found that:

1. About 9 million Australians, 35% of the population, live in neighbourhoods classified as *childcare deserts* – populated areas where there are more than three children per childcare place.
2. The map below shows the accessibility of childcare across Australia. Areas in orange and red indicate suburbs more likely to have childcare deserts.

This reveals in respect of Byford:



Map showing childcare places per child

About two thirds of the suburb has only 0.26 childcare places available per child, with the remaining one third about 0.1 places per child. This is a significant issue, given the Shire is the fastest growing local government in Western Australia, and Byford the third fastest growing suburb in total numbers recently reported. Byford experienced the fourth largest number of new born children in WA in 2022 (394), as also recently reported in the regional growth statistics of



the ABS. Lack of access to childcare correlates with primary carers having a lack of employment opportunities (particularly mothers). This has an adverse economic impact on both household and local income generation potential.

Overall, the proposal is considered consistent with Planning Bulletin 72/2009.

Car Parking

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

Table V of TPS2 sets out the parking requirements for different land uses. The minimum number of car parking bays for a 'Child Minding Centre' is one space per five children accommodated. Accordingly, as the proposal seeks to accommodate up to 104 children, a minimum of 21 parking bays would need to be provided. The plans provided indicate that the proposal is compliant with the minimum TPS2 parking requirements, as it incorporates a total of 31 on-site parking bays including one disabled access bay for Stage 1 and a total of 29 on-site parking bays including one disabled access bay for Stage 2. Two bays will be removed for Stage 2 to allow for addition of a crossover for the future access road.

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

Land Use	Parking Requirement	No of Children/Staff	Parking Required	Proposed Bays
Child Minding Centre	1:10 children, plus 1:1 employee	104	10.4 (11) bays	13
		18	18 bays	18
Total			31	31

The proposal complies with the parking requirements under LPS3 for both the Stage 1 and Stage 2 scenarios. Officers have also considered that public transport is conveniently located nearby the subject land, leading to this mode of transport being available for use by families and staff alike. The bus stops would be accessible via a footpath along Briggs Road, which forms a recommended condition of approval.

Development Requirements

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

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

Child Minding Centre	Required	Provided	Complies
<u>Setbacks</u>			
Front (Briggs Road)	7.5m	7.5m to building 4.5 to verandah	Yes
Side (Future Indigo Parkway)	3.0m	9.8m to verandah	Yes



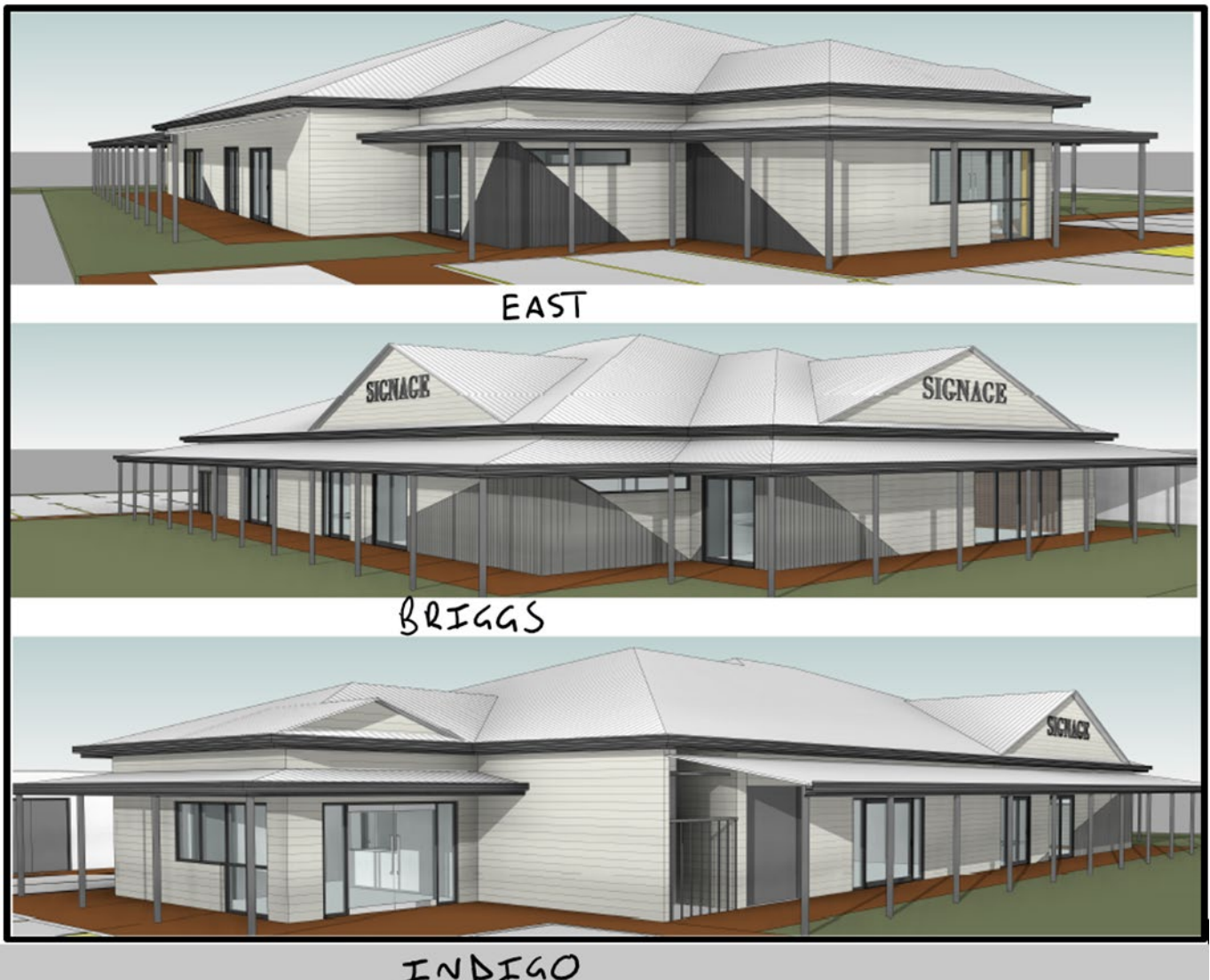
Child Minding Centre	Required	Provided	Complies
		12.75m to building	
Rear (Future access road)	7.5m	20m	Yes
Plot Ratio (ratio of the gross total of the areas of all internal floors of a building to the area of site)	0.5	0.26	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.38	No

The development slightly exceeds the prescribed site coverage requirements of TPS2. Officers have considered that the slight exceedance on the site coverage would not adversely impact on the available open space or appear as if the site is overdeveloped. The development features three outdoor playscapes fronting Briggs Road, future Indigo Parkway and future access (east) street frontages that will ameliorate the bulkiness of the building. The minor variation is not considered to present the development as bulky or overbearing when viewed from the street frontage due to the design of the building particularly the open verandahs which reduces the building bulk. The proposed permeable fencing along Briggs Road and Indigo Parkway boundaries will maintain a sense of openness between the street and the development, removing the presence of bulk.

Form of Development

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

Below are the set of elevations, as viewed from the north (Indigo Parkway) east (Briggs Road) west future access road and from the south abutting future residential properties.



In terms of the visual impacts of the development, the proposed building which covers an area of 615m² incorporates design elements intended to reflect residential development within the immediate locality, noting the site is designated as under the LSP. The design elements include the use of timber looking decking boards, coloured feature walls, composite cladding, linear textured sheets, brickwork features and Colourbond roof sheets.

The contemporary style building is architecturally designed in response to its corner location. The verandahs, soft colour tones, and gable features will add visual interest to street frontages. The built form and playscapes are oriented toward key street frontages. The scale, height, orientation and appearance of the development is sensitive to the existing and future characteristics of the locality.

The site is designated as R60 under the LSP. During the consultation period concerns were raised with regard development to the compatibility of the proposal within a semi-rural locality which earmarked for R60 future residential dwellings and its potential to reduce the dwelling yield forecast in Byford. Although the development is not residential in nature and is not required to comply with the density designation, it has been designed to be sympathetic to the R60 density requirements, especially in terms of setbacks and open space to further ensure the development is sympathetic to the existing and future residential development within the locality. The proposal



has been designed to address all street frontages to ensure surveillance of the street and to ensure an enhanced streetscape.

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

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

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

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

Acceptable Development	Performance Based	Officer Comment
Location		
<p>Child minding centres located within easy walking distance of activity centre or recreational nodes.</p> <p>Located within a walkable catchment for the local neighbourhood.</p> <p>Larger child minding centres being encouraged to locate near or within activity centres.</p>	<p>The chosen location is appropriate to the proposed scale of the child minding centre, and such location benefits from integration with the surrounding natural and built environment.</p>	<p>Acceptable - Proposal located within 400m of a Neighbourhood Centre.</p> <p>It is located within a walkable distance from existing and future residential development.</p>
<p>The location is close to or adjoins public open space.</p>	<p>Located within a walkable distance to a public open space/recreational area with good quality pathways.</p>	<p>Acceptable - Proposal abuts the Public Open Space to the north of Indigo Parkway as identified on the LSP.</p>
<p>Child minding centres are adequately separated from any incompatible nearby uses, with this supported by a suitably qualified risk assessment forming part of an application. Such risk assessment is to consider elements such as dangerous goods, hazardous materials and public health considerations.</p>	<p>Where child mining centres are located within 200m of any incompatible use, such proposal demonstrates that the potential for adverse health impacts is removed. Such demonstration to be in the form of a suitably qualified consultant study.</p>	<p>Acceptable - No incompatible land uses within 200m of the subject site.</p>



Acceptable Development	Performance Based	Officer Comment
<p>Potentially incompatible uses (taking into account design and layout) may include, for example, outlets selling petroleum, fast-food, and alcohol or tobacco products.</p>		
Parking		
<p>Parking meets the requirements of the Local Planning Scheme, and demonstrates how this meets the operational aspects of the development.</p> <p>Internal driveways having two-way movement.</p> <p>Landscaped parking areas in accordance with the Local Planning Scheme.</p> <p>Parking areas located so as to provide a separation between surrounding dwellings and outdoor play spaces.</p>	<p>Suitably demonstrates that there is sufficient parking onsite in the form of a traffic and parking assessment.</p> <p>Design and layout demonstrates safe movement of vehicles and pedestrians internally.</p> <p>Parking areas incorporate layers of landscaping and Water Sensitive Urban Design.</p>	<p>Acceptable - Proposal is compliant with TPS2 and draft LPS3 car parking requirements. Refer to parking section of the report.</p>
Traffic		
<p>Traffic generation poses an increase of no more than 10% of the current recorded daily volumes on the roads which the development adjoins. This is confirmed by a traffic impact statement.</p> <p>Development facilitates full movement access to and egress from the site.</p>	<p>Demonstrates that traffic impacts can be managed through the submission of a Traffic Management Plan. This demonstrates how traffic will be managed to not represent an adverse safety or amenity impact on the adjoining road environment.</p> <p>Demonstrate that access and egress to the site will not result in unsafe manoeuvring due to the lack of full movement access.</p>	<p>Acceptable - refer to the traffic section of the report.</p>
Infrastructure Requirements		
<p>Designated pedestrian footpaths from the street to the centre and the car park to the centre.</p>	<p>Demonstrate that pedestrians can safely navigate to and around the site, with dedicated pathways.</p>	<p>Acceptable - A condition will be imposed to ensure footpath will be constructed to link the with the existing network.</p>



Acceptable Development	Performance Based	Officer Comment
Car parking visible from the street to discourage verge parking.	Signage or other means to discourage verge or unsafe parking.	Acceptable - refer to the car parking section of the report.
Amenity		
<p>Outdoor play areas located in a safe place within the site, providing adequate shade, and separated from noise sensitive premises.</p> <p>Waste service areas appropriately screened from public areas.</p> <p>Setbacks to side and rear boundaries and the orientation of openings to indoor play areas located to minimise noise impacts.</p> <p>Acoustic impact assessment submitted demonstrates how noise will be managed, particularly from:</p> <ul style="list-style-type: none"> - Indoor and outdoor play areas; - Car parking areas and the impulsive noise that comes from car access (especially staff arriving before opening and departing after closure), opening and closing of car doors, arrangement of car parking bays (staff versus visitor). 	<p>Outdoor play areas are arranged so as to demonstrate such will not adversely impact sensitive receptors. This is confirmed by an acoustic impact assessment and subsequent noise management plan.</p> <p>Noise levels are demonstrated to be consistent with the level of amenity currently afforded to an area.</p>	<p>Acceptable - The outdoor play areas are located such that noise impacts to the adjoining future properties is reduced by minimising the extent of playscape along the southern boundary and locating the youngest age groups in this area.</p>
Hours of operation 7:00am to 7:00pm Monday to Friday.	Demonstrate that operation hours outside of these times would not impact amenity of the area through an acoustic impact assessment and subsequent noise management plan.	Performance - the proposed hours of 6:30am - 6:30am operation comply. While staff and children arriving prior to 7:00am, the use of the outdoor play areas will not occur until after 7:00am to comply with the acoustic report.
Child minding centres are not subject to unacceptable noise that could impact the health and wellbeing of children.	An acoustic impact assessment and subsequent noise management plan demonstrate that noise external to the site would not adversely impact on the wellbeing of children.	Acceptable - refer to the amenity section of the report.



Acceptable Development	Performance Based	Officer Comment
Sites in residential areas greater than 1,000m ² in areas. A maximum site coverage of 60%, in order to mimic typical residential form and to provide future ability to recede back to a residential development should that occur.	Demonstrate that sites in residential areas will be able to accommodate all activities (including parking and play areas) required on the site.	Acceptable - the site is greater than 1,000m ²
Landscaping		
On site landscaping and landscape of all adjoining verge areas, in accordance with the Scheme, to provide an attractive setting and contribute to the streetscape.	A reduction in the on-site landscaping requirement is associated with additional verge landscaping.	Acceptable - Proposed landscaping is consistent with the policy. Refer to the built form section of the report.
Design		
Development has the appearance of natural materials i.e. recycled clay face brick, vertical and horizontal patterns of timber cladding, rammed earth construction, earth block features, natural stone elements for columns, sheltering gable roof. Measures should be taken to ensure that play areas are large enough and of such dimensions to be useful as play areas and positive outdoor space. Side setback and leftover building areas are not included for such purpose.	Demonstrate that the development includes natural features to elevate the rural and natural character of the Shire. Demonstrate that the proposal is in keeping with the surrounding built and natural environment. Development in residential areas mimics residential urban patterns (front yard, central placed building, driveway to one size and rear backyard).	Acceptable - refer to Built Form section of report.

Amenity

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

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

The Regulations set out the maximum allowable noise level that may be received at nearby sensitive receptors. In this case, computer modelling using the noise modelling program



SoundPlan 8.2 was used to predict noise emissions from the development at all noise receivers (sensitive receptors identified as shown below and demonstrated within the ENA).

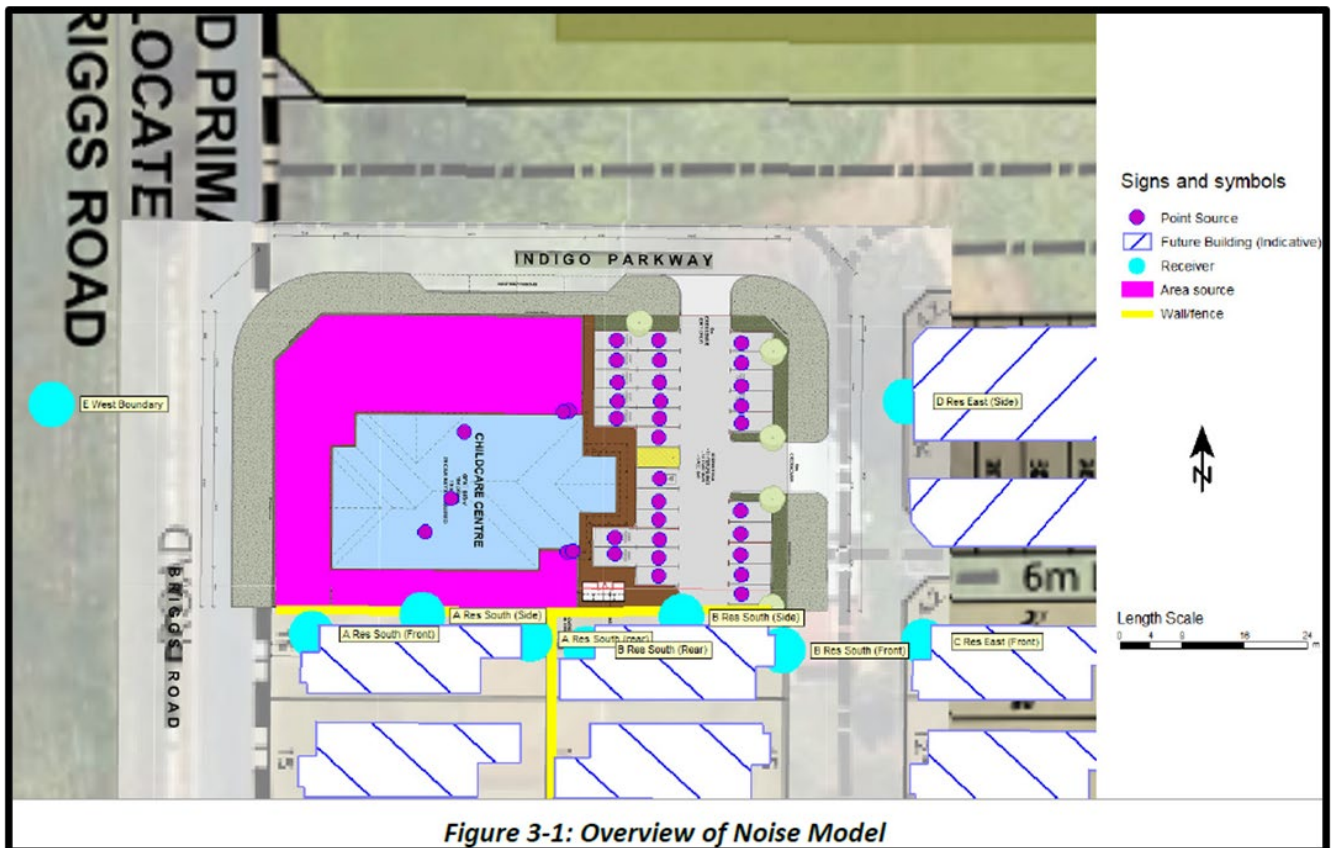
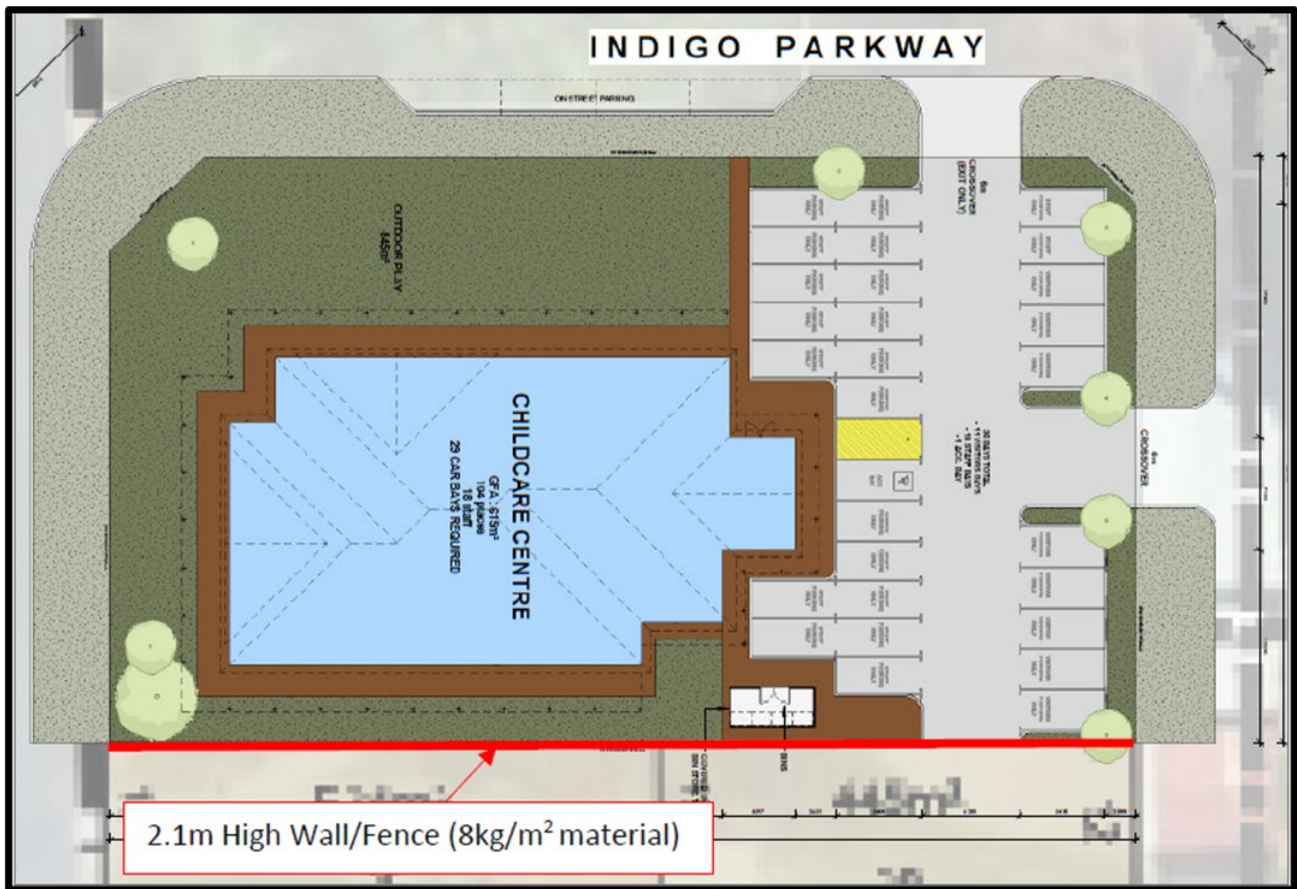


Figure 3-1: Overview of Noise Model

The predicted noise levels received at the future residential properties (sensitive receptors) within the ENA for the major noise sources, have been tabulated in Tables 4.1 to 4.3 of the ENA. The location of these sensitive receptors and noise receivers at this location have been captured in the above diagram.

In terms of the outdoor child play assessment, the ENA assessment demonstrates that all noise receivers will comply with the assigned levels under the regulations with zero exceedance. The acoustic modelling of outdoor play noise was based on the worst-case scenario of all children of any age group of children playing simultaneously within the outdoor play areas shown in the site plan. The noise modelling has been based on construction of a 2.1m solid wall along the southern boundary enclosing the southern outdoor play area and carpark as shown in the site plan following.



The applicant has provided information that whilst the proposed facility would open at 6.30am which is before 7:00am (i.e. during the night period as set in the Regulations) for drop offs, the outdoor play area would only be used after 7:00am thereby restricting outdoor play times. In addition, the applicant has provided information that play time would generally be staggered and therefore not all children would be playing outside at once for extended periods of time. As such, Officers are satisfied that outdoor play area noise received at the neighbouring future residences to the south from the outdoor play area would comply with the assigned and maximum noise levels. The proposal has been designed in such a way that the large footprint of the outdoor play area is located to the north which abuts the future Indigo Parkway and public open space. As such, Officers are satisfied that outdoor play area noise received at the neighbouring future residences to the south and east from the outdoor play area would comply with the assigned and maximum noise levels.

The assessment of noise emitted from the mechanical plant was based on the assumptions relating to the number, location, size and type of mechanical plant. In that regard, the ENA demonstrates that all existing noise receivers predominantly sensitive receptors, comply with the assigned levels under the Regulation. Officers note that adjusted predicted noise levels at future sensitive receptors located to the south meet the threshold limit of the assigned levels which arguably presents a risk of exceedance. To ensure full compliance, the applicant has provided information that mechanical plant noise (specific AC unit types) is to be reviewed by a qualified acoustic consultant during detailed design, to ensure that noise attenuation is applied to achieve compliance with the future sensitive receptors to the south. This will include measures such as acoustic shielding of the units on all sides by a suitable barrier. This has been conditioned accordingly and required to be met prior to the issue of a building permit.



In respect to car doors opening and closing, ENA demonstrates that all noise receivers will comply with the assigned levels under the regulations based on the construction of a 2.1m high solid wall to the south.

In terms of the indoor child play assessment, the ENA demonstrates that all noise receivers will comply with the assigned levels under the regulations based on the following:

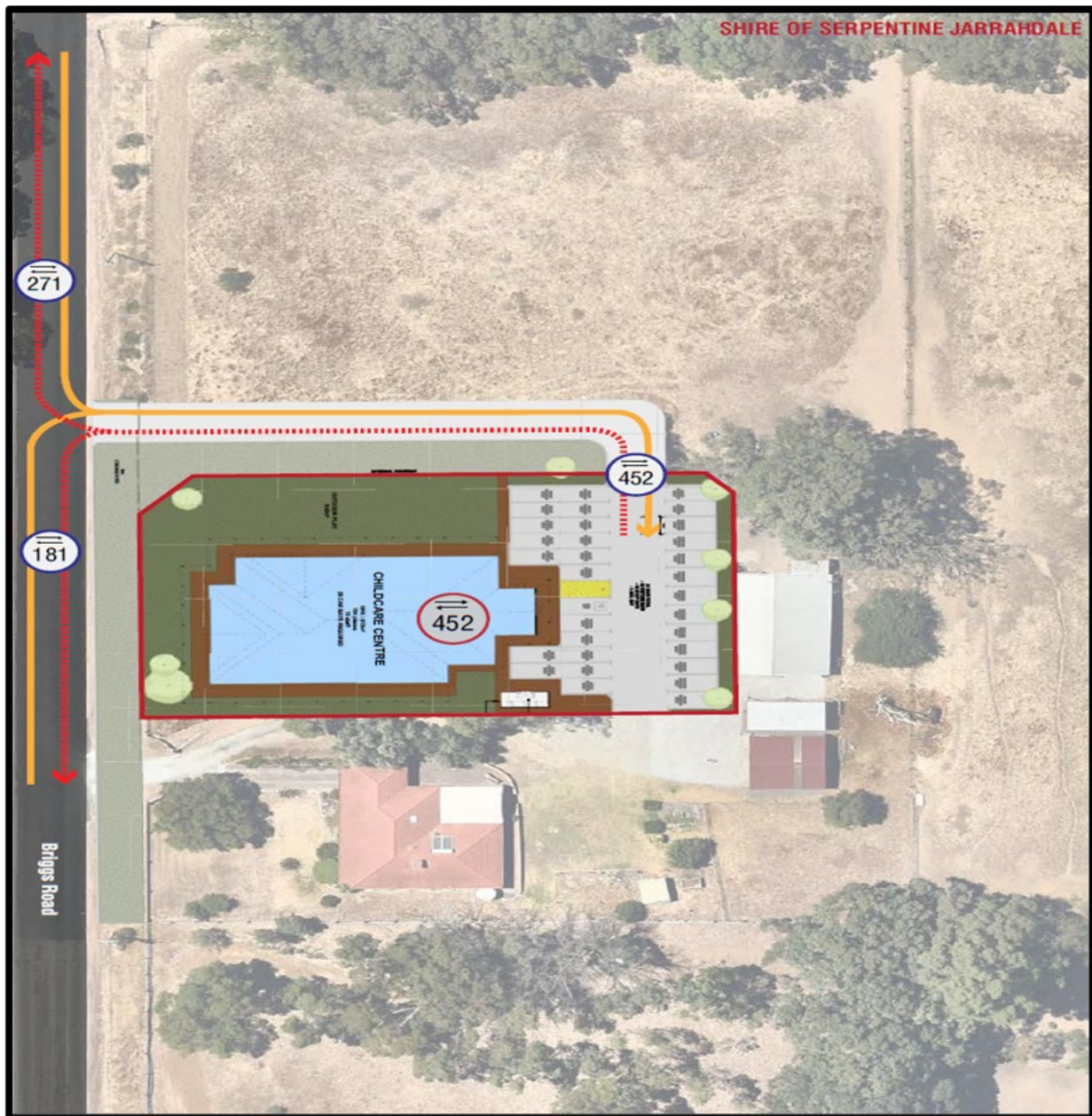
- Internal noise levels within activity rooms would not exceed those from outdoor play for each age group, regardless of windows being open or closed; and
- Any music played within the internal activity areas would be 'light' music with no significant bass content and played at a relatively low level.

Overall, the ENA demonstrates that all noise receivers will comply with the assigned levels under the Regulations. Officers will be recommending a Noise Management Plan be submitted to address all activities associated with outdoor play and indoor child play to further reduce noise emissions from the development and to include the recommendations within ENA. Officers are satisfied that the development can be undertaken without adversely impacting upon the amenity of the locality. Officers are satisfied that the implementation of recommendations within the ENA would result in the development not adversely detracting from the existing amenity of the area currently afforded to occupiers of the area.

Traffic and Access

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

As discussed above, vehicle access to the subject site is proposed in two stages based on the current road network and the future road network which includes the delivery of roads through the gradual subdivision of land within the LSP area. Vehicle access for Stage 1 of this development is proposed via a single full movement crossover on Briggs Road via an internal driveway to the carpark area as shown below.



The proposed six metre wide crossover on Briggs Road will provide access to the main car park consisting of 31 bays (inclusive of one ACROD bay) as shown in the previous image.

To assess the increased traffic movements on the road network and potential safety issues, a Transport Impact Statement (TIS) was provided with the application, which can be viewed in **attachment 6** to this report. The TIS assessed traffic generated by the proposed development and its potential impact on the overall performance of the existing and future surrounding local road network. This includes the current state of Briggs Road and the future Indigo Parkway. Briggs Road is an Access Road and Indigo Parkway a Local Distributor Road. Based on the approved LSP covering the site, Indigo Parkway will thus be upgraded to a Local Distributor Road, with a cross section comprising a single lane of traffic in either direction and central median for boulevard tree planting and drainage management.

Consistent with the planning for Byford and protection of the Byford Trotting Complex, Briggs Road is not intended to function as a Local Access Road, for access into and out of the Byford Trotting Complex.



Existing Network

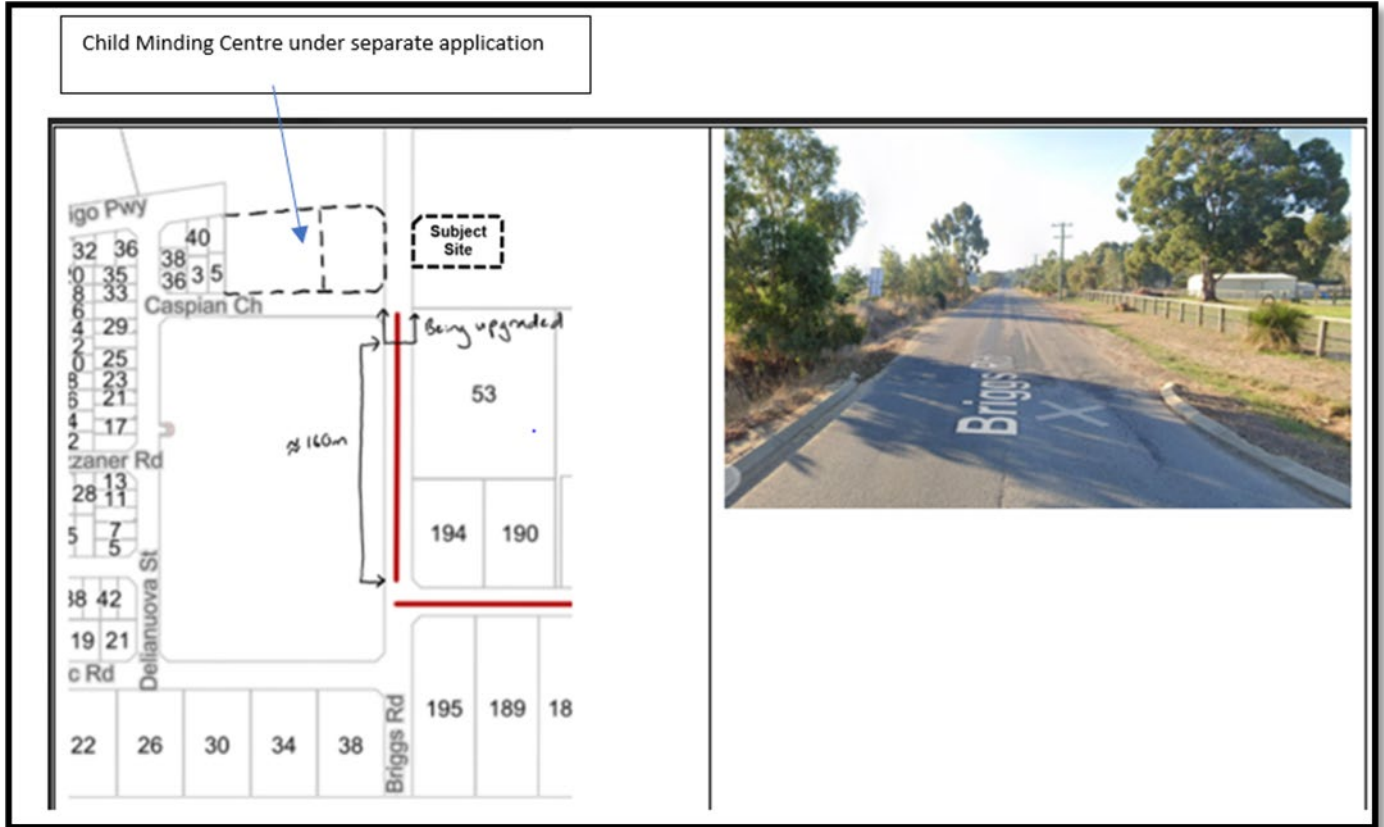
The findings on the volume of traffic likely to be generated by the proposal to the site, based on the existing network was estimated using available trip generation rates from the Institute of Transportation Engineers (ITE). The TIS identifies that the development will generate 452 vehicle trips per day within the local catchment. The AM peak period generating 83 vehicle trips to the site and a PM peak flow of 73 trips generated. The focused distribution of traffic flows associated with the development is expected to be as follows:

- 60% to/from the north via Briggs Road
- 40% to/from the south via Briggs Road





The predicted AM/PM trip generation peak periods fall under the 'moderate impact' category according to WAPC Transport Impact Assessment Guidelines. This moderate impact, however, will in the opinion of Officers, exacerbate the section of Briggs Road which is not being upgraded through the ongoing subdivisions to accommodate the planned increase in traffic. There is a section of Briggs Road, that is designated as 'Very Poor' according to the 2023 asset data capture. The section of concern is shown following:



Without a suitable upgrade, the very poor section of Briggs Road will, in the opinion of Officers, be a risk exacerbated by the intensification of traffic proposed by the development. Officers are of the opinion that the road upgrade at least needs to comprise resurfacing, similar to the recent resurfacing of Briggs Road completed by the Shire south of Larsen Road. Accordingly, a condition is recommended to require a financial contribution to resurfacing of the road, based upon the following formula:

- A. Cost to resurface 160m section: \$120,000
 - B. Number of child care centres proposed: Two
 - C. Portion of traffic emanating south: 40%
- Formula to calculate financial contribution: (A/B) x C
- Upgrade contribution: \$24,000**

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

“As a general guide, an increase in traffic of less than 10 per cent of capacity would not normally be likely to have a material impact on any particular section of road but increases over 10 per cent may. All sections of road with an increase greater than 10 per cent of capacity



should therefore be included in the analysis. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 per cent of capacity. Therefore, any section of road where development traffic would increase flows by more than 100 vehicles per hour for any lane, should be included in the analysis.”

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

Upgrade of Footpath

As shown in the following image, the site will be isolated from a safe pedestrian path, and Officers consider that this needs to be addressed as part of approval of the development, by including a footpath on the eastern verge of Briggs Road that connects south to the existing network along Larsen Road.



As such, a condition has been included to secure the required footpath infrastructure that adjoins the frontages of this lot, which also extends to link to the footpath network (existing) on Larsen Road. This is important in order to facilitate safe pedestrian access to the proposed development. Consistent with the planning framework to ensure that all modes of transport are catered for.

Future network

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

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

- Thomas Road / Briggs Road intersection will be modified to only allow left turns.



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

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





Based on the long-term changes to the road network depicted in the previous diagram, a median is expected to be constructed on Indigo Parkway, allowing only LILLO movements from/to Briggs Road. It is considered that that in the longer term traffic would be evenly distributed through the creation of roads from the gradual subdivision process of the LSP area as depicted within the subdivision concept plan. Furthermore, as a result of the construction of Indigo Parkway in an eastbound direction towards the town centre.



Subdivision Guide Plan

Based on the future scenario it is unlikely that the development will increase traffic on any particular section of road by more than 100 vehicles per hour. Provided the previously mentioned condition of a contribution to upgrading the 160m section of Briggs Road occurs, the development is unlikely to have an adverse impact on the road network in the future.

In terms of the Stage 2 access/egress arrangements, the development would be accessed via a full movement crossover to the future eastern access road and an exit only crossover to Indigo Parkway. A condition of approval ensuring the works associated with the modified access/egress arrangements are undertaken at the completion of both Indigo Parkway and the access road.

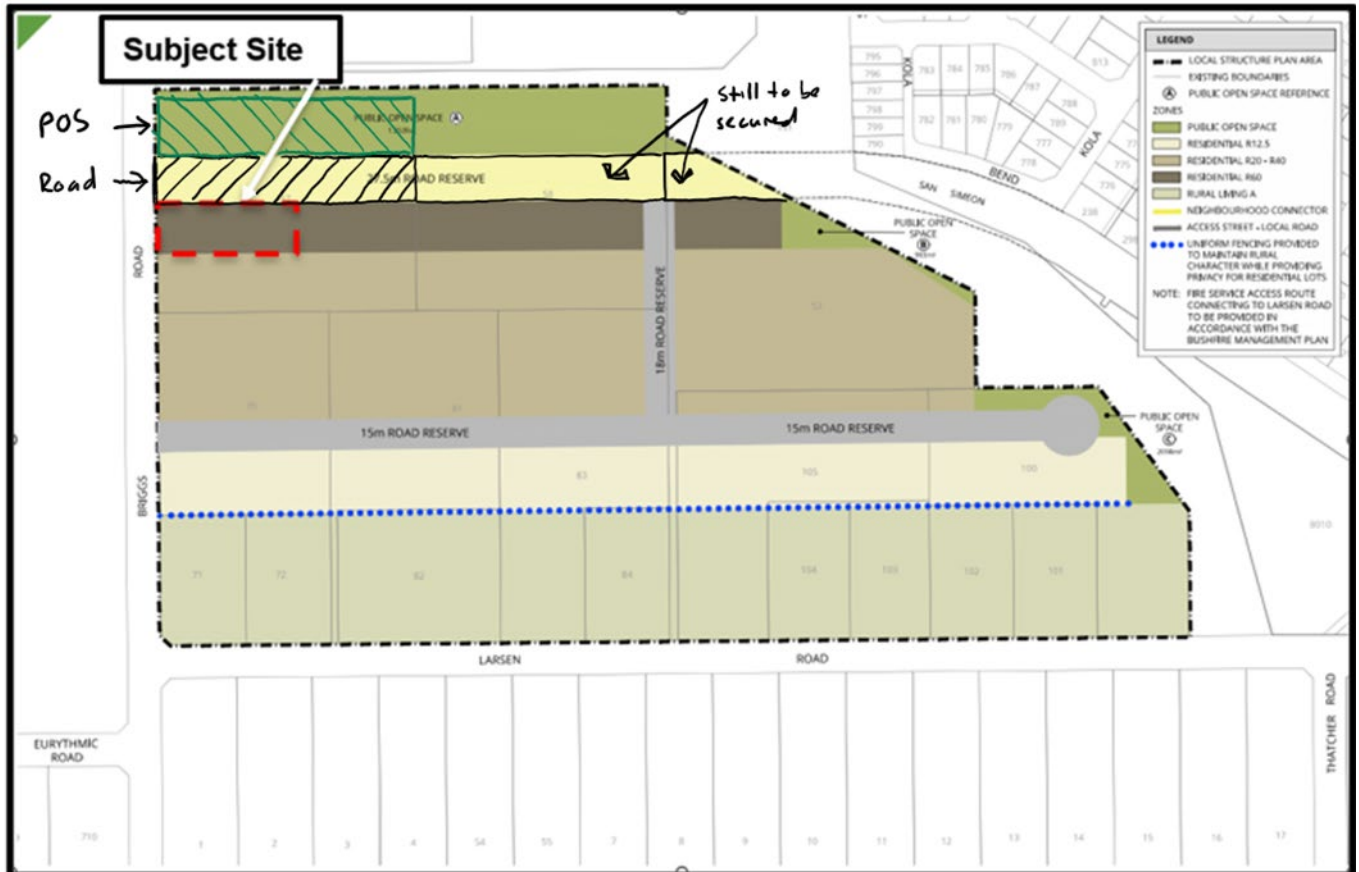
Ceding of land for Indigo Parkway and Public Open Space (POS)

The role of the structure plan is to attempt to coordinate landowners in subdividing their land, such that land parcels may be subdivided jointly in a coordinated process to layout in a logical manner where roads, POS and development will occur.

It is expected that the road reservation required for the extension of Indigo Parkway and POS Reservation as shown within the LSP is secured through the process of subdivision or a development application, which ever precedes the other. Officers consider that as development of the site has occurred first, ceding of the land for the purposes of a road reservation and the POS corridor is required to occur as part of this process. The POS portion of the land will include provision for drainage, and the portion of road reserve will likely be required for coordinated construction of the Indigo Parkway link around the 2025/2026 financial year. This is conditioned accordingly and shown in the following image.



It is conditioned to construct the POS, whereas it is not conditioned to construct Indigo Parkway given all land required for the link is yet to be secured. The remaining land portion to be secured are also shown following:



Local Structure Plan

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

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

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

Local Planning Policy 4.11 (LPP4.11) - Advertising

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

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



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

LPP4.15 provides guidance to developers on the design and requirements of bicycle parking and end of trip facilities for each specific land use. In accordance with the policy, bicycle facilities are to be provided in accordance with Schedule 1 of the policy. Officers note that the applicant has not provided any details or provisions for a bicycle rack. If the application were to be approved, the applicant would be required to comply with the requirements of the policy.

Local Planning Policy 2.4 - Water Sensitive Design

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

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

Local Planning Policy 24 (LPP24) - Designing Out Crime

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

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

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

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

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

As a Child-Minding Centre is a vulnerable land use, the application has been referred to DFES for assessment. DFES has recommended modifications to be undertaken to the submitted Bushfire Management Plan. These modifications primarily relate to the justification on the classification of vegetation plots and will be conditioned accordingly.

Government Sewerage Policy (2019)

This policy set out the guidelines relating to the provision of sewerage services through the planning and development of land. The policy generally requires connection of new subdivision and development to reticulated sewerage to protect public health and amenity.

The site is not proposed to be connected to deep sewerage surrounding the subject site which can be readily connected. The applicant has proposed an interim alternative effluent disposal system until such a time when the site is fully developed due to costs associated with the deep



connection. During the consultation period concerns were raised regarding the lack of reticulated sewerage to support the development and the potential health impacts of the proposed alternative effluent disposal system.

The application and the accompanying Site Soil Evaluation (SSE) report was referred to the DoH. The DoH have recommended connection to deep sewer as their preference, however, are satisfied that the site can manage wastewaters onsite. The DoH have requested an updated SSE to be submitted which is undertaken during the wettest seasonal time of the year (mid-July-August) as per Australian/New Zealand Standard 1547:2012 requirements as part of a condition of approval. Furthermore, more specific details of the development to wastewater management areas (irrigation areas) of the site and confirmation that stormwater and wastewater management will not interact.

To address DoH comments, a condition has been recommended requiring an updated SSE to be submitted to reflect DoH comments. The SSE to be submitted to the Shire for approval on advice by the DoH. It should be noted that subject to a separate approvals process, the wastewater system will have to be approved by the DoH in conjunction with the Shire. This provides a second assessment process to ensure the system is compatible with the land and broader area.

In terms of future sewer connection, once land within the LSP area begins to be subdivided and sewer moves closer to the LSP area, the wastewater treatment system will be decommissioned, and the development will be connected to sewer. Currently the closest connection is 330m away from the development. A condition requiring the irrigation area of the development to be remediated to the satisfaction of the Shire once the development has been connected to sewer.

Development Contributions (DCA1)

This development falls within the development contribution area DCA1 (Area A) and as such is required to contribute towards the cost of common infrastructure under the Byford Traditional Development Contribution Plan. The development contribution area was introduced by way of Amendment 108 to TPS2, and recently updated under Amendment 208.

Under a development application (as opposed to a subdivision), contributions are calculated on the current lot area on which the development is situated, giving a lot “yield” for the site. The liability to pay the contribution is triggered at the building permit stage, and thus the DCP payment will be applied as a development condition needing to be met prior to the issue of a Building Permit. The condition of approval for the applicant to contribute towards the costs of providing common infrastructure is expected to address concerns that were raised during the consultation period.

Options and Implications

Option1

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Joint Assessment Panel APPROVES the development application for the construction of a ‘Child Minding Centre’ at Lot 57 Briggs Road, Byford subject to the following conditions:
 - a. The development is to be carried out in compliance with the plans and documentation listed below, except where amended by other conditions of this consent.

Plans and Specifications	Development Plans dated November 2022 Updated Transport Impact Statement dated April 2023
--------------------------	--



	Environmental Acoustic Assessment dated 20 February 2023 Updated Bushfire Management Plan dated 9 May 2023 Soil Site Evaluation Report dated 16 February 2023
--	---

- b. The maximum number of children on the premises shall not exceed 104.
- c. The operating hours shall be between 6:30am and 6.30pm, Monday to Friday.
- d. Prior to the issue of a Building Permit for the development, the land required for the future construction of Indigo Parkway and the public open space (multiuse corridor) where it exists on the subject land, is to be precipitated as a road reserve and reserve for recreation and drainage respectively by subdivision of the subject land, as depicted within the 'Area D Briggs Larsen Precinct Local Structure Plan', to the satisfaction of the Shire of Serpentine Jarrahdale.
- e. Prior to the issue of a Building Permit or approval of earthworks / civil plans (whichever comes first), updated development plans shall be submitted to and approved by the Shire of Serpentine Jarrahdale which depict the following being undertaken as part of the development:
- (i) A new footpath being extended on the eastern side verge of Briggs Road to link the development to the existing footpath on Larsen Road;
 - (ii) The verge abutting the development site on the subject land being upgraded to an urban standard, to match the verge standard approved as part of the adjoining resident subdivision on the western side of the Briggs Road;
 - (iii) The landscaping and drainage design of the multiuse corridor, in order to reflect the continuation of the design elements located west of the subject land, namely central living stream, offline vegetated swales, lighting and pathways;
- Once approved, the applicant must undertake and complete all infrastructure upgrade works prior to the commencement of the development's operations.
- f. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained and line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. A minimum of one car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
- h. Prior to issue of a Building Permit, the applicant shall submit a Noise Management Plan to the specifications and satisfaction of the Shire of Serpentine Jarrahdale. The Noise Management Plan shall be prepared to ensure appropriate measures are designed and implemented for the development to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*, with particular regard to the following points:
- (i) The design of the wall on the south side of the building;
 - (ii) The management of outdoor play areas;
 - (iii) The management of indoor activities;
 - (iv) The design and shielding of mechanical plant;



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

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

- i. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Waste Management Plan shall be implemented in its entirety to the satisfaction of the Shire.
- j. Prior to issue of a Building Permit, an updated Soil Site Evaluation report is to be submitted to and approved by the Shire of Serpentine Jarrahdale on advice by the Department of Health. The updated report is required to be:
 - (i) Modelled during the wettest season times of the year (mid-July-August);
 - (ii) Demonstrate that stormwater management does not interfere with the efficacy of the effluent disposal area;
 - (iii) A plan detailing the proposed building area, trafficable areas, parking bays setback to land application areas and exclusion areas.
- k. Prior to the issue of a Building Permit, a Landscape and Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is required to include the full extent of verge adjoining the development site, and the multiuse corridor. Once approved, the Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter by the operator, to the Shire's satisfaction.
- l. Prior to the issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. All stormwater shall be directed so stormwater is disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted. Stormwater may be managed through either soak wells, raingardens or a combination of the two.
- m. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the Strategy.
- n. Prior to occupation of the development, the provision of percent for art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
- o. Prior to issue of a Building Permit, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
- p. Prior to issue of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
 - (i) Management of car parking, delivery vehicles and traffic associated with the construction of the development;
 - (ii) Management of dust and noise.



- q. Within three months of the completion of the construction of Indigo Parkway and the eastern access road as depicted within the Subdivision Guide Plan of the 'Area D Briggs Larsen Precinct Local Structure Plan', the access arrangement onto Indigo Parkway will be required to be modified to exit only (left out) and a new full movement access/egress arrangement constructed to the access road to the east to the satisfaction of the Shire of Serpentine Jarrahdale.
- r. Once the development is connected to sewer, the wastewater system is to be decommissioned to the satisfaction of the Shire of Serpentine Jarrahdale. The wastewater irrigation area is to be remediated prior to being used for any other purpose to the satisfaction of the Shire.
- s. Prior to the issue of a Building Permit, a financial contribution of \$24,000 being made to the Shire, reflective of the costs to resurface the 160m section of Briggs Road relied upon for access by the development, with the contribution based upon the pro-rata generation of traffic emanating from the development.

Option 2

That Council RESOLVES the following alternative Responsible Authority Recommendation:

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

Option 1 is recommended.

Conclusion

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

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

**Attachments (available under separate cover)**

- **10.1.5 - attachment 1** - Responsible Authority (E23/6358)
- **10.1.5 - attachment 2** - Development Plans (E23/6359)
- **10.1.5 - attachment 3** - Summary of Submissions (E23/6210)
- **10.1.5 - attachment 4** - Deemed Provisions Regulations Clause 67 (E23/6347)
- **10.1.5 - attachment 5** - Updated Traffic Impact Assessment (E23/6207)
- **10.1.5 - attachment 6** - Environmental Acoustic Assessment (E23/6360)
- **10.1.5 - attachment 7** - Updated Bushfire Management Plan (E23/6211)

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	That Council RESOLVES the Responsible Authority Recommendation for the MOJDAP to approve the application, and MODAP propose approval without the full extent of conditions necessary.	A clearly explained report that addresses the validity of each condition.	Social / Community Outcomes	Possible	Moderate	MODERATE	If MODAP were seeking to approve, the provision of the RAR contains justification to the conditions.
2	That Council RESOLVES the Responsible Authority Recommendation for the MOJDAP to refuse the application, and MODAP propose approval without the full extent of conditions necessary.	Panning Framework	Organisational Performance	Possible	Moderate	MODERATE	If MODAP were seeking to approve, the provision of the RAR would include reference to Option 1 so would be a basis to ensure conditions were made aware to MODAP.



Voting Requirements: Simple Majority

OCM134/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Coales

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Joint Assessment Panel APPROVES the development application for the construction of a 'Child Minding Centre' at Lot 57 Briggs Road, Byford subject to the following conditions:

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

Plans and Specifications	Development Plans dated November 2022 Updated Transport Impact Statement dated April 2023 Environmental Acoustic Assessment dated 20 February 2023 Updated Bushfire Management Plan dated 9 May 2023 Soil Site Evaluation Report dated 16 February 2023
---------------------------------	--

b. The maximum number of children on the premises shall not exceed 104.

c. The operating hours shall be between 6:30am and 6.30pm, Monday to Friday.

d. Prior to the issue of a Building Permit for the development, the land required for the future construction of Indigo Parkway and the public open space (multiuse corridor) where it exists on the subject land, is to be precipitated as a road reserve and reserve for recreation and drainage respectively by subdivision of the subject land, as depicted within the 'Area D Briggs Larsen Precinct Local Structure Plan', to the satisfaction of the Shire of Serpentine Jarrahdale.

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

- (i) A new footpath being extended on the eastern side verge of Briggs Road to link the development to the existing footpath on Larsen Road;**
- (ii) The verge abutting the development site on the subject land being upgraded to an urban standard, to match the verge standard approved as part of the adjoining resident subdivision on the western side of the Briggs Road;**
- (iii) The landscaping and drainage design of the multiuse corridor, in order to reflect the continuation of the design elements located west of the subject land, namely central living stream, offline vegetated swales, lighting and pathways;**

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

f. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained and line marked in



accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.

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

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

- i. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Waste Management Plan shall be implemented in its entirety to the satisfaction of the Shire.**
- j. Prior to issue of a Building Permit, an updated Soil Site Evaluation report is to be submitted to and approved by the Shire of Serpentine Jarrahdale on advice by the Department of Health. The updated report is required to be:**
 - (i) Modelled during the wettest season times of the year (mid-July-August);**
 - (ii) Demonstrate that stormwater management does not interfere with the efficacy of the effluent disposal area;**
 - (iii) A plan detailing the proposed building area, trafficable areas, parking bays setback to land application areas and exclusion areas.**
- k. Prior to the issue of a Building Permit, a Landscape and Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is required to include the full extent of verge adjoining the development site, and the multiuse corridor. Once approved, the Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter by the operator, to the Shire's satisfaction.**
- l. Prior to the issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. All stormwater shall be directed so stormwater is disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is**



- not permitted. Stormwater may be managed through either soak wells, raingardens or a combination of the two.
- m. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the Strategy.
 - n. Prior to occupation of the development, the provision of percent for art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
 - o. Prior to issue of a Building Permit, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
 - p. Prior to issue of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
 - (i) Management of car parking, delivery vehicles and traffic associated with the construction of the development;
 - (ii) Management of dust and noise.
 - q. Within three months of the completion of the construction of Indigo Parkway and the eastern access road as depicted within the Subdivision Guide Plan of the 'Area D Briggs Larsen Precinct Local Structure Plan', the access arrangement onto Indigo Parkway will be required to be modified to exit only (left out) and a new full movement access/egress arrangement constructed to the access road to the east to the satisfaction of the Shire of Serpentine Jarrahdale.
 - r. Once the development is connected to sewer, the wastewater system is to be decommissioned to the satisfaction of the Shire of Serpentine Jarrahdale. The wastewater irrigation area is to be remediated prior to being used for any other purpose to the satisfaction of the Shire.
 - s. Prior to the issue of a Building Permit, a financial contribution of \$24,000 being made to the Shire, reflective of the costs to resurface the 160m section of Briggs Road relied upon for access by the development, with the contribution based upon the pro-rata generation of traffic emanating from the development.

CARRIED UNANIMOUSLY 7/0



Councillor Coales declared an Impartiality Interest in item 10.1.6.

10.1.6 - Section 31 Reconsideration of Decision - Amendment to Conditions of Approved Transport Depot and Light Industry (Workshop) - Lot 41, 17 Cardup Siding Road, Cardup (SJ4050)	
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

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

Proponent:	S. Wormald
Owner:	As Proponent
Date of Receipt:	15 November 2021
Lot Area:	4.71ha
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Industrial'

Report Purpose

The purpose of this report is for Council to consider a s31 request for reconsideration received from the State Administrative Tribunal (SAT). The reconsideration relates to the recent development application to amend conditions for an approved 'Transport Depot' and 'Workshop' at Lot 41, 17 Cardup Siding Road, Cardup. The amendment application was refused by Council at its Ordinary Council Meeting (OCM) of 17 October 2022 for the following reason:

The development is considered to adversely impact upon the amenity of the locality.

This differed from the Officer recommendation that recommended conditional approval of the application.

The applicant lodged an application for review of the decision with the SAT. Following notification of the review, and in accordance with Council Policy (Proceedings before the State Administrative Tribunal), the Shire engaged third party legal advocate services (McLeods Barristers and Solicitors) to represent Council's position, as Council's decision differed to that of the Officer recommendation.

In particularly considering the amenity concerns pertaining to noise, an acoustic consultant was also engaged by the Shire to assist the legal advocate in the processes of mediation.



Subsequent to several mediations taking place, the applicant submitted additional information in the form of an amended site plan, an updated Environmental Noise Assessment (ENA) and an amended Noise Management Plan (NMP). The ENA and NMP have been carefully assessed by the Shire's acoustic consultant under the auspices of mediation. The additional information can be viewed within **attachment 1**.

Following a review of the additional information, Officers recommend that Council reconsider its decision and approve the application. This is primarily on the basis that the information demonstrates that noise levels comply with the *Environmental Protection (Noise) Regulations 1997* (Regulations) and that noise can be appropriately managed. The acoustic experts (applicant and the Shire's) both agree that noise will not result in adverse amenity impacts. The Shire's legal advocate has provided important advice on this issue which is provided as **CONFIDENTIAL attachment 4**.

It is recommended that Council reconsider its original decision to now approve the application subject to conditions.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 17 October 2022 - OCM247/10/22 - COUNCIL RESOLUTION That Council REFUSES the amendment to the existing approval for the 'Transport Depot and Workshop' at Lot 41, 17 Cardup Siding Road, Cardup, for the following reason:

a. The development is considered to adversely impact upon the amenity of the locality.

Background

Existing Development

The subject site is 4.72ha in area and has its frontage to Cardup Siding Road. The site is located within the Cardup Business Park, which is located south of Byford. The site is within close proximity to rural residential development to the west and residential development to the north-east. It has been developed since 2014 and comprises of the uses depicted on the plan following:



Figure 1: Location Plan



Refused Development

Council, at its 17 October 2022 OCM resolved to refuse the development application that sought approval to amend conditions for the 'Light Industry/Transport Depot that was initially approved by Council at its 9 February 2015 OCM. That application sought approval for the following:

- Extend the hours of operation;
- Amend the condition relating to stormwater management, to refer to the most recently approved Stormwater Management Plan for the overall site; and
- Delete the Condition requiring an updated Noise Assessment, given this has been addressed through the updated Noise Assessment forming part of that subject application.

Upon refusal of the application by Council, the applicant sought review by the SAT.

Reconsideration

On 15 November 2022, the Shire was notified that the applicant lodged an application for review of Council's decision with the SAT. The Shire, subsequent to being notified of the review, engaged a third party legal advocate (McLeods Barristers and Solicitors) in accordance with the Council Policy (Proceedings before the State Administrative Tribunal). On advice of the legal advocate, Reverberate (acoustic consultants) were engaged by the Shire to represent Council's amenity concerns arising from the development at the SAT. This was particularly important to critically assess new acoustic information presented through the mediation process.

The applicant sought review of the decision by Council relating to the following conditions:

DELETE Condition 1 which currently states *"All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes. A drainage plan shall be submitted for approval by the Shire."*

AMEND Condition 8 which currently states *"Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Friday and 7:00am to 1:00pm Saturday with no operations to occur on Sunday and public holidays."*

DELETE Condition 11 which states *"An updated Noise Assessment must be provided within three months of the occupation of the development. In the event of any non-compliance, the Shire will require modifications to the operation of the development."*

Subsequent to mediation, the applicant has now formally submitted additional information for Council's reconsideration of its decision. The additional information was prepared on the advice of the acoustic consultant engaged by the Shire and includes:

- An updated ENA that identifies an alternative truck parking area to that previously considered. The new parking area increases the distance from the majority of sensitive receptors to the west and reduces the distance and time it would take trucks to exit onto Cardup Siding Road;
- An updated NMP detailing all the noise activities prior to 7:00am and setting out measures to manage these; and
- The placement of three 2.6m high sea containers around the new parking location to attenuate noise to sensitive receptors.



In response to that information, Council has now been invited under section 31(1) of the *State Administrative Tribunal Act 2004*, to reconsider its original decision.

The Shire's legal advocate has also provided confidential legal advice, that sets out risks if Council does not choose to reconsider its decision.

Community / Stakeholder Consultation

The additional information was advertised for a period of 14 days from 26 April 2023 to 10 May 2023 to surrounding landowners within a 200m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The additional information was also advertised on the Shire's website for the same period.

At the conclusion of the consultation, four submissions were received, three objecting to the proposal raising concerns in relation to amenity impacts including noise and odour. These objections are addressed under the relevant headings of the report. It is also noted that some of the concerns relate to the plastic production warehouse as follows:

Odour

Concerns were raised in relation to odour associated with the plastics production warehouse development on the subject land. This was granted approval under a separate development application, which Council resolved on 23 April 2018 to approve. Accordingly, the concerns associated with odour and the plastics production facility are not associated with this application to review conditions. These concerns are being investigated separately, consistent with Council's Compliance and Enforcement Policy.

Noise

Concerns were raised regarding the impact of noise with the proposed extended hours of operation. This are discussed in detail in the report.

A full copy of the summary of submissions is contained within **attachment 2**.

Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- State Administrative Tribunal Act 2004

State Government Policies

- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No. 3
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Cardup Business Park Local Structure Plan



- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)

Planning Assessment

SAT Proceedings

A reconsideration under Section 31(1) of the Act allows Council to either:

- Affirm its original decision;
- Vary that original decision; or
- Set aside the original decision and substitute it with a new decision.

The conditions under reconsideration are discussed following:

Condition (1) - Management of Stormwater and preparation of Drainage Management Plan

Condition 1 currently states that *“All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes. A drainage plan shall be submitted for approval by the Shire.”*

The applicant sought approval to delete the Condition given that an updated stormwater management plan was prepared, assessed and approved for the whole site, as part of Council’s subsequent approval of a new warehouse for the site on 15 November 2021.

Officer assessment to remove Condition 1

Officers are satisfied that the approved updated Stormwater Management Plan (SMP) provides the stormwater solution for the whole site. This can be viewed within **attachment 3**.

The updated plan details management of stormwater from all buildings and hard surfaces for the eastern and the western side of the property. For the western side there is a system of stormwater management which channels drainage to appropriately sized bio-retention swales, directed towards onsite drainage retention areas. In terms of the eastern section of the property, stormwater from buildings and hard surfaces are channelled through subsurface infrastructure pipes, towards an underground storage unit appropriately sized to cater for larger rain events.

Based on this approved Stormwater Management Plan, Officers are satisfied that Condition 1 no longer performs a proper planning purpose in its current form, and should be amended to reference the new Stormwater Management Plan, as follows:

“Stormwater is to be managed in accordance with the Stormwater Management Plan prepared by JDSi Consulting Engineers and approved by the Shire on 15 November 2021, at all times, to the satisfaction of the Shire.”

Condition 8 - Operation Hours

Condition 8 currently states that *“Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Friday and 7:00am to 1:00pm Saturday with no operations to occur on Sunday and public holidays”*.

The applicant sought approval to extend the operation hours of the development to between 6:00am - 8:00pm Monday to Friday, as opposed to the current limits on the existing approval of 7:00am - 7:00pm. The rationale to amend the Condition was on the basis that operations prior to



7:00am would be limited to the movement of light vehicles and trucks only and that noise could be managed.

Officer assessment to amend Condition 8

The updated ENA measures noise generated by all the activities on site to address the impacts of the extended hours of operation. The measurements are based on four scenarios, the results of which are detailed following:

1. Workshop Noise - includes both workshop and Smartstream technology roto-moulding noise, both workshops with closed roller doors.

The ENA results show that noise from scenario 1 complies at all sensitive receptors as depicted in the table following:

Table 5-1 Assessment of Workshop Noise Levels, dB LA10

Receiver	Total Workshop Noise, LA10	Night Assigned Noise Level	Exceedence
Residences A*	30	37*	Complies
Residence B	29	37	Complies
Residence B (Boundary)	34	60	Complies
Residences C	25	36	Complies
Residence D	29	39	Complies
Residence D (Boundary)	35	60	Complies

*Highest predicted level is at #230 Soldiers Road, with an IF of +2 dB.

2. Truck Noise - includes noise from eight engine starts, truck doors and a five-minute period of trucks idling (pre-start) then moving off one at a time to exit the site at 20 km/h. It is conservatively assumed that one large truck will idle simultaneously with an idling smaller truck (once per day). This is to account for the infrequent scenario where some trucks may idle simultaneously.

The ENA shows that noise generated from scenario 2 achieves compliance at all sensitive receptors as depicted following:

Table 5-2 Assessment of Truck Departure Noise Levels, dB LA10

Receiver	Trucks Moving Noise, LA10	Night Assigned Noise Level	Exceedence
Residences A*	37	38*	Complies
Residence B	33	37	Complies
Residence B (Boundary)	42	60	Complies
Residences C	30	36	Complies
Residence D	34	39	Complies
Residence D (Boundary)	33	60	Complies

*Highest predicted level is at #234 Soldiers Road, with an IF of +3 dB.



Noise measurements were based on worst case scenario and included eight truck movements prior to 7:00am, noting the operations would generally have no more than five. The assessment also assumes 30 minutes of total truck idling time and in reality, this may be much shorter. As such, the results are conservative, and the operations are considered to comply with the Regulations.

The Regulations consider a noise measurement to be significant where a value is 5dB below the assigned level. This occurs in the results for both Residence A and B and the ENA recommends a further 4dB noise reduction. The ENA shows that by relocating the truck parking area further east or providing further shielding by buildings or screens, such reduction is achieved. These recommendations are considered to be required to ensure that the amenity of surrounding landowners is not adversely impacted upon. These recommendations are proposed to be implemented by way of the amended condition.

3. Car park noise - maximum noise event from each car park space.

The results for scenario 3 demonstrate compliance before 7:00am by at least 15dB as depicted following:

Receiver	Adjusted Car Door Noise ¹ , L_{Amax}	Night Assigned Noise Level	Exceedence
Residences A ²	42	57 ²	<i>Complies</i>
Residence B	42	57	<i>Complies</i>
Residence B (Boundary)	51	80	<i>Complies</i>
Residences C	33	56	<i>Complies</i>
Residence D	35	59	<i>Complies</i>
Residence D (Boundary)	42	80	<i>Complies</i>

1. Levels are adjusted by +10 dB for impulsiveness.
2. Highest predicted level is at #228 Soldiers Road, with an IF of +2 dB.

4. Truck noise - A single truck returning to site after 7:00pm (evening time period). This includes a period of idling and reversing beeper noise, and noise from the park brake air release.

Scenario 4 demonstrates compliance with the Regulations by at least 7 dB at all sensitive receptors as depicted following:

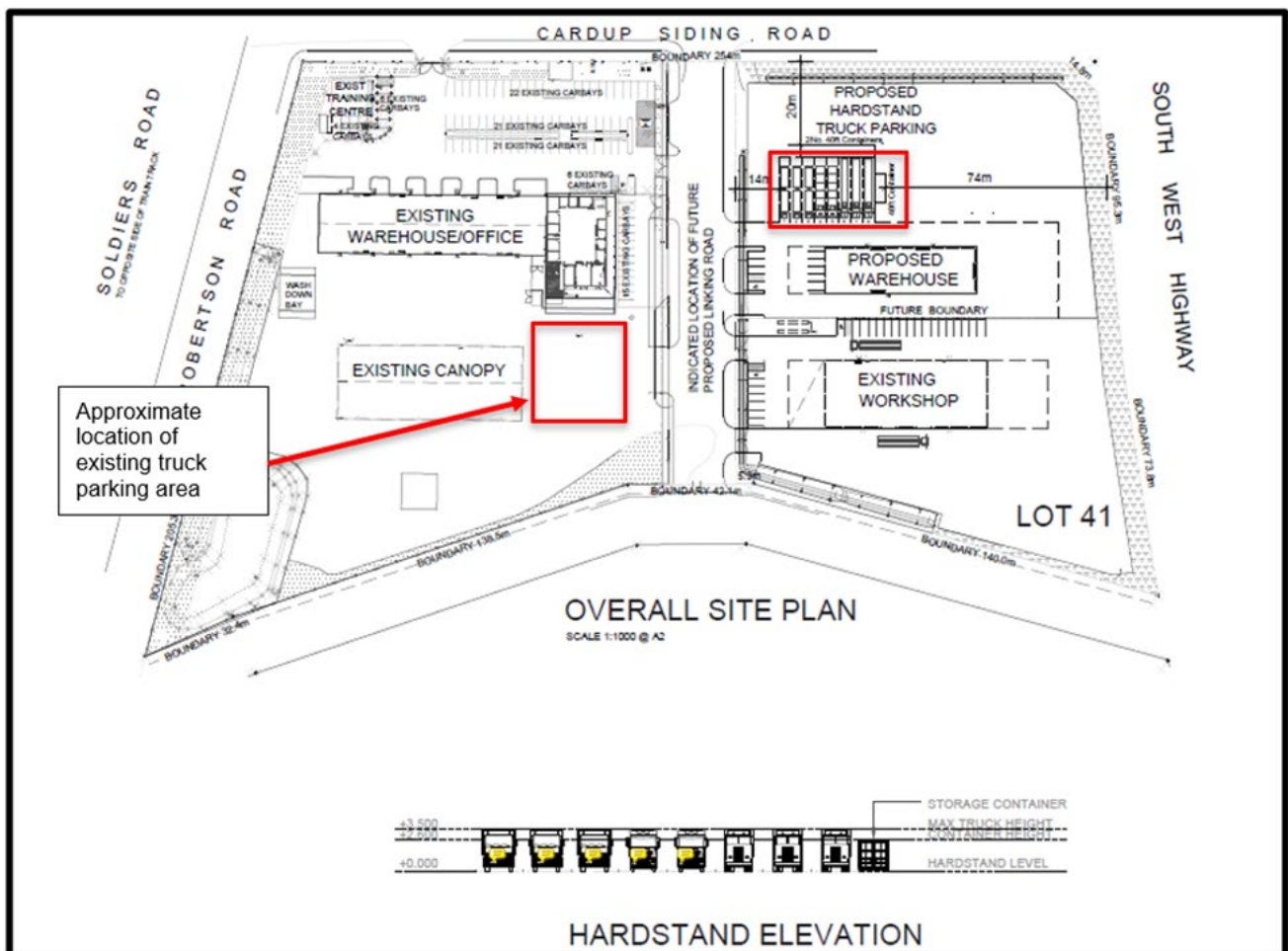


Table 5-4 Assessment of Truck Arrival Noise Levels, dB LA1

Receiver	Truck Moving Noise, LA1	Evening Assigned Noise Level	Exceedence
Residences A*	41	48*	Complies
Residence B	41	47	Complies
Residence B (Boundary)	51	75	Complies
Residences C	35	46	Complies
Residence D	38	49	Complies
Residence D (Boundary)	41	60	Complies

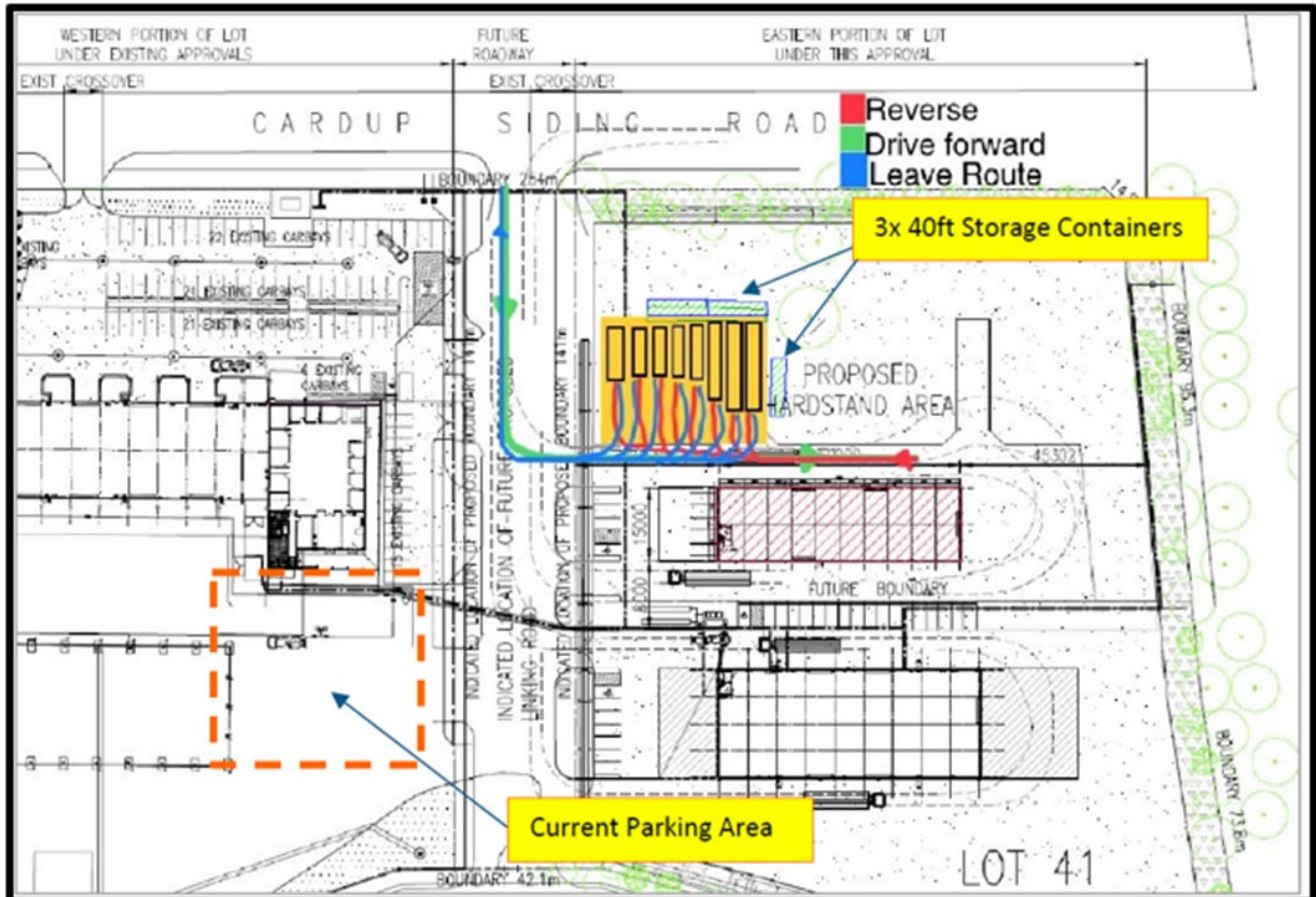
*Highest predicted level is at #234 Soldiers Road, with an IF of +3 dB.

As previously stated, to support the amendment to Condition 8, as recommended in the ENA, the application includes an updated site plan relocating the truck parking area to the north-eastern portion of the site as depicted following:





The parking area relocation results in trucks being closer to Cardup Siding Road, and further from the sensitive receptors to the west. This also reduces the time it takes trucks to leave the site thus reducing noise impacts on surrounding landowners, specifically prior to 7:00am. The application also proposes to place three 40ft storage containers around the hardstand as noise attenuation barriers as shown on the site plan following:



Proposed Alternate Truck Parking Area

It is considered, as recommended in the ENA, that these measures will achieve the 4dB reduction in noise received at sensitive receptors and in turn maintain an appropriate level of amenity for surrounding landowners. It is therefore recommended that Condition 8 is revised as follows:

“Access of service vehicles or operation of forklifts must be restricted to the hours of 6:00am to 8:00pm Monday to Friday and 7:00am to 1:00pm Saturday, with no operations to occur on Sunday or public holidays. Operations prior to 7:00am are subject to the measures detailed in the approved Noise Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale.

Condition 11 - Noise Management Plan

Condition 11 currently states that *“An updated Noise Assessment must be provided within three months of the occupation of the development. In the event of any non-compliance, the Shire will require modifications to the operation of the development.*

The applicant proposes to delete this Condition and has provided a NMP as part of the additional information to support this. This can be viewed within **attachment 1**. The NMP sets out measures to manage noise from operations across the site, as documented in the ENA. Essentially the NMP gives ongoing affect to the analysis undertaken as part of the ENA. The measures include the following:



- Relocation of the truck parking area;
- The placement of three sea containers to provide noise shielding;
- Trucks will leave the yard empty and subsequently be loaded and emptied during the day and parked up before 8:00pm;
- The only activities occurring in the workshop prior to 7:00am include the use of hand tools only, light vehicle hoisting and starting and running of light vehicle engines during servicing;
- The only activity carried out in the concrete shed prior to 7:00am is cleaning and oiling of steel moulds;
- All doors to workshops, sheds etc will be closed between 7:00pm and 7:00am;
- Forklifts to only operate outside within the hours of 7:00am to 8:00pm;
- Broadband or smart reversing alarms;
- Machines operated at low speeds and switched off instead of leaving to idle;
- Procedure and reporting actions for complaints.

Based on the measures listed in the NMP subsequent to the recommendations of the ENA, Officers are satisfied that Condition 11 can be amended to reference the new NMP as follows:

“Development shall be in accordance with the Noise Management Plan dated 18 April 2023 to the satisfaction of the Shire of Serpentine Jarrahdale.”

Options and Implications

Option1

That Council, in response to the Section 31 request for reconsideration for the ‘Transport Depot and Light Industry (Workshop)’ at Lot 41, 17 Cardup Siding Road, Cardup, SETS ASIDE its original decision to REFUSE the application, and SUBSTITUTES that decision with this decision to APPROVE the application 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	Updated development application received at the Shire Offices on 20 April 2023 Updated Environmental and Noise Assessment received at the Shire Offices on 20 April 2023 Updated Noise Management Plan dated 18 April 2023
--------------------------	--

- b. Stormwater is to be managed in accordance with the Stormwater Management Plan prepared by JDSi Consulting Engineers and approved by the Shire on 15 November 2021, at all times, to the satisfaction of the Shire.
- c. Access of service vehicles or operation of forklifts must be restricted to the hours of 6:00am to 8:00pm Monday to Friday and 7:00am to 1:00pm Saturday, with no operations to occur on Sunday or public holidays. Operations prior to 7:00am are subject to the measures detailed in the approved Noise Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale.



d. Development shall be in accordance with the Noise Management Plan dated 18 April 2023 to the satisfaction of the Shire of Serpentine Jarrahdale.

Option 2

That Council:

1. DEFERS its consideration of the section 31 Request for Reconsideration, in order to receive a briefing from the Shire’s Legal Advocate handling this State Administrative Tribunal matter.
2. REQUESTS from the applicant, their consent to allowing further time for Council to receive the briefing under Part 1, and present a report back to the July 2023 Ordinary Council Meeting.

Option 3

That Council, in response to the section 31 Request for Reconsideration, REAFFIRMS its original decision of 17 October 2022 to REFUSE the application.

Option 1 is recommended.

Conclusion

Council has been invited to reconsider its decision relating to various conditions associated with the approved ‘Transport Depot’ and ‘Light Industry (Workshop)’ in relation to stormwater and noise. To support the proposal, additional information has been provided in relation to relocating the parking area and providing noise shielding to satisfy the initial concerns of Council in relation to noise.

It is considered that the additional information demonstrates that the proposed amendments would not adversely impact the amenity of surrounding landowners by way of noise, and that such proposal is consistent with the planning framework based upon expert assessment by the Shire’s acoustic consultant who was engaged as part of the mediation process. It is therefore recommended that Council varies its original decision and approves the application.

Attachments (available under separate cover)

- **10.1.6 - attachment 1** - Additional Information (E23/6442)
- **10.1.6 - attachment 2** - Summary of Submissions (E23/6191)
- **10.1.6 - attachment 3** - Stormwater Management Plan (E23/6437)
- **10.1.6 - CONFIDENTIAL - attachment 4** - legal advice (IN23/10665)

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

Financial Implications

Confidential legal advice is contained in **CONFIDENTIAL attachment 4** in respect of the risk associated with financial implications and potential risk of facing costs, as part of this matter. In terms of current costs to date, these have been invoiced at \$26,233.21. The likely future costs if the matter was to proceed to a full hearing, would be expected to be in the vicinity of a further \$20,000 to \$30,000.



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 risks associated with Option 1 have been addressed through the provision of additional information and independent expert assessment of noise.						
2	That Council defers its consideration of the section 31 Request for Reconsideration in order to receive a briefing from the Shire's Legal Advocate handling this State Administrative Tribunal matter. At the same time, requests further time from the applicant and SAT to respond to the s31 request. If further time is not agreed by the applicant and SAT, the Council could face a costs order for not complying with the s31 timeframe which is currently specified to be completed by 29 June 2023.	Planning Framework	Financial	Possible	Moderate	MODERATE	Seek consent for additional time, and if such is not agreed undertake a Special Council Meeting in order to consider the matter following a briefing being delivered. Both of which occur by 29 June 2023.
3	That Council reaffirms the original decisions, which may result in a full hearing on the matters. Legal advice is contained within CONFIDENTIAL attachment 4 for Council's consideration in this regard given the risks the Council could face in terms of a costs order against it.	Planning Framework	Financial	Likely	Major	SIGNIFICANT	Nil.



Voting Requirements: Simple Majority

OCM135/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

That Council, in response to the Section 31 request for reconsideration for the 'Transport Depot and Light Industry (Workshop)' at Lot 41, 17 Cardup Siding Road, Cardup, SETS ASIDE its original decision to REFUSE the application, and SUBSTITUTES that decision with this decision to APPROVE the application 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	Updated development application received at the Shire Offices on 20 April 2023 Updated Environmental and Noise Assessment received at the Shire Offices on 20 April 2023 Updated Noise Management Plan dated 18 April 2023
---------------------------------	---

- b. Stormwater is to be managed in accordance with the Stormwater Management Plan prepared by JDSi Consulting Engineers and approved by the Shire on 15 November 2021, at all times, to the satisfaction of the Shire.
- c. Access of service vehicles or operation of forklifts must be restricted to the hours of 6:00am to 8:00pm Monday to Friday and 7:00am to 1:00pm Saturday, with no operations to occur on Sunday or public holidays. Operations prior to 7:00am are subject to the measures detailed in the approved Noise Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale.
- d. Development shall be in accordance with the Noise Management Plan dated 18 April 2023 to the satisfaction of the Shire of Serpentine Jarrahdale.

CARRIED UNANIMOUSLY 7/0

**10.1.7 - Clem Kentish Reserve Master Plan - Interim Report (SJ3982)**

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

Authority / Discretion

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

Report Purpose

The purpose of this interim report is to inform Council regarding progress on the Clem Kentish Reserve Master Plan, which includes the formulation of two Master Plan options that have been developed. The report discusses the processes that have been undertaken to arrive at this current point, based on community and stakeholder input.

The report recommends a next stage of work for Council to consider, consistent with the Project Management Framework of the Shire, being to undertake an analysis of the Master Plan options to determine three key questions:

1. The capital and operational costs of both options;
2. The detailed feasibility of solving playability problems with the oval;
3. The feasibility of introducing a development contribution area over Serpentine in order to fund delivery of a Master Plan option.

Undertaking this second stage of work will enable a degree of completeness to the overall Master Plan options, to assist Council in its future decision to endorse the options for community consultation.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 June 2022 - OCM126/06/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *REQUEST the Chief Executive Officer prepare a Master Plan for the area bound by Karnup Road, Lefroy Street and Wellard Street Serpentine, known as Clem Kentish Reserve.*
2. *REQUESTS the Chief Executive Officer include in the draft 2022/23 budget the following resourcing to prepare the Master Plan;*
 - a. *\$30,000 for staff salary to manage the project;*
 - b. *\$50,000 for external consultants to develop the Master Plan, including engaging the community.*
3. *NOTES that unless the resources in point 2 are allocated the project will not progress at this time.*



Clem Kentish Reserve is bound by Karnup Road and Wellard Street, Serpentine. The reserve has developed over incremental stages, and has a range of uses and components, of varying condition and utility. These include:

- A community hall used for club and community activities;
- Multipurpose hardcourts (two) and tennis courts (two) and facility, with lighting infrastructure;
- Sporting oval, which has had ongoing limitations associated with year-round utilisation (especially during winter months) due to ground conditions and drainage problems;
- Tractor Museum, which is leased to and run by the community group and is undergoing expansion in the short term;
- A recent skate park, which is set within an informal gravelled area that is used for car parking at times;
- Cricket nets, which have more recently been used for informal activities like scooter riding;
- Areas of remnant vegetation, which keynote the eastern gateway into the Serpentine townsite;
- Water tanks and informal access ways;
- Informal BMX track;
- Playground infrastructure.

The Shire's 2017 Community Infrastructure Implementation Plan (CIIP) has identified the potential for further growth and improvement of this reserve, identifying the site as a key hub for the growing local community. This document addresses Clem Kentish Reserve as follows:

"The Clem Kentish Reserve has activation potential through various means. The tennis courts at the Clem Kentish Reserve can achieve higher utilisation through improved accessibility and with the potential to become multiuse courts."

"The reactivation of the tennis courts in Serpentine is required. The facility should be accessible, when available, by all members of the Shire. Feasibility of multi marking two of the courts is to be investigated prior to funding within operating budgets. A concept plan will identify future use of the site."

The courts have been reactivated through means of multipurpose use, which was implemented in late 2019. In addressing the need for a concept plan as foreshadowed in the CIIP, Council at the June 2022 Ordinary Council Meeting endorsed the preparation of a Draft Master Plan for the reserve. This has been progressed to the current point of having two options to consider for the reserve, which are discussed in this interim reporting to Council.

Community / Stakeholder Consultation

Consistent with the community engagement plan prepared as part of the project, a range of consultation and engagement processes have been undertaken to assist in the formulation process. This included:

- online surveys, advertisement and group interviews;
- engagement with the local community, key user groups and stakeholders; and
- presentation to the 28 November 2022 Policy Concept Forum meeting attended by Elected Members.



Statutory Environment

Legislation

- *Local Government Act 1995*

Comment

The Master Plan for Clem Kentish Reserve seeks to set a clear direction for future capital improvements, facility renewal and opportunities for funding. The master planning process has considered key community and stakeholder inputs, to synthesise and formulate a response to shape and intended future amenity, recreational activity, and community purpose, that will meet future expectations. As foreshadowed earlier in the report, interim fundings have now been completed, which has revealed two Master Plan options that are potentially available for the future. These being:

- A multipurpose sporting and community recreation hub based on oval sports use;
- A multipurpose sporting and community recreation hub based on rectangular sports use.

How the Master Plan options were derived

Community and stakeholder consultation found that most Clem Kentish users are a part of the local community, within the 35-49 years age range, and utilise the Reserve for mostly passive recreation. This included passive activities like walking, and some recreational sporting use of the oval and hardcourts. An emerging young family and youth demographic also reflected the activities occurring in the southeast portion of the reserve, including skating, scooting and bike riding.

In synthesising the community and stakeholder consultation along with a high level facility assessment, the following key findings were revealed:

- The site is considered to be underutilised and not fulfilling its potential;
- The oval has fundamental issues in its construction, regarding drainage that makes its playability low and also reduces the ability to schedule sporting use;
- The Reserve needs to better announce itself as a key node for the Serpentine community;
- Lighting is not sufficient to support evening and night-time sporting use;
- The tennis courts require resurfacing, and the current tennis pavilion either replaced or removed;
- Public toilets require upgrading, and universal access and facilities are required, such as female changerooms;
- The Recreation Centre building require upgrading, including the kitchen, changerooms, toilets, introduction of air conditioning, provision for a full size basketball court;
- Areas of the car parks are unsealed and unattractive, with only informal gravel car parking servicing the Serpentine Tractor Museum;
- More children and youth facilities are required, such as a nature playground and an upgraded skate park;
- There is no pedestrian pathway network that enables walking and running loops to occur, and no exercise equipment nodes which are desired;



- The location of the cricket nets conflict with potential playground and skatepark expansions;
- An oval sport model or a rectangular sport model could reveal differing levels of utilisation of remaining space in either option.

The Master Plan Options

Two Master Plan options have been prepared and can be viewed in **attachment 1**. These propose either an oval sports model, or a rectangular sports model, with varying levels of residual building and facility changes based upon the utilisation of land outside the oval.

Principles underpinning both options include:

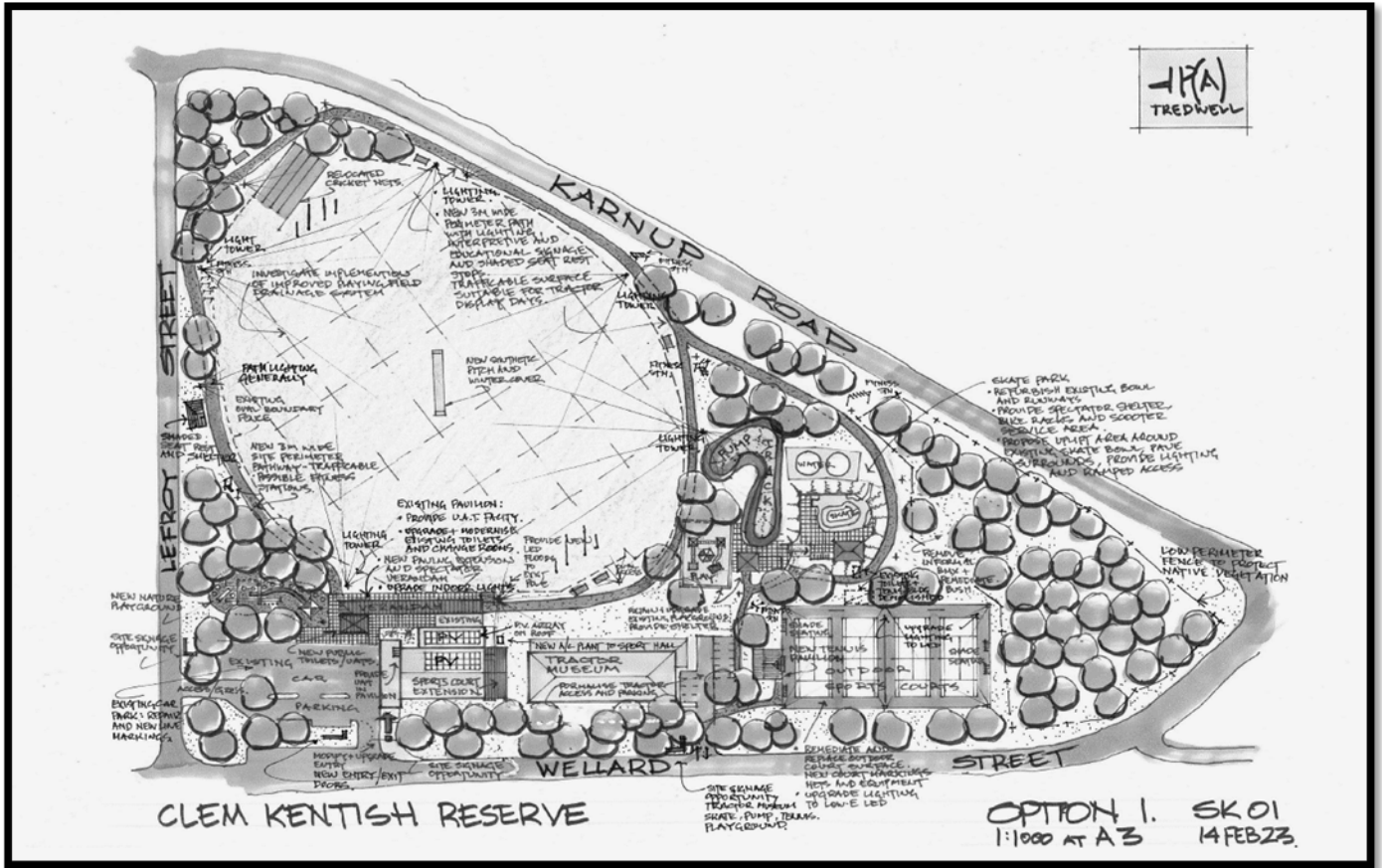
- Promoting a space that encourages a variety of user groups and visitors to the reserve through means of a range of shared inclusive facilities and accessibility;
- Improving the passive recreational activities available on site which support diverse community participation, and which can adapt as needed;
- Improving facilities, amenities and maintenance such as public toilets, shade, seating structures, access and parking;
- Enhancing natural features which reassure the rural village character of Serpentine townsite;
- Enhancing recreational activity including tennis and multi-use courts, skate park, relocated cricket nets and an improved, functional, redesigned bike pump track;
- Protecting threatened ecological communities of vegetation (TEC) within the reserve through the redesign of facilities such as the pump track;
- Fixing the oval and lighting it to become a proper active oval, attracting a Serpentine based sports club utilising either an oval or rectangular sports shape.
- Enhancing the existing recreation building, including upgrades to kitchen, change rooms and additional club room space.

The two options are shown following:

Master Plan Option 1 - Oval option

This comprises:

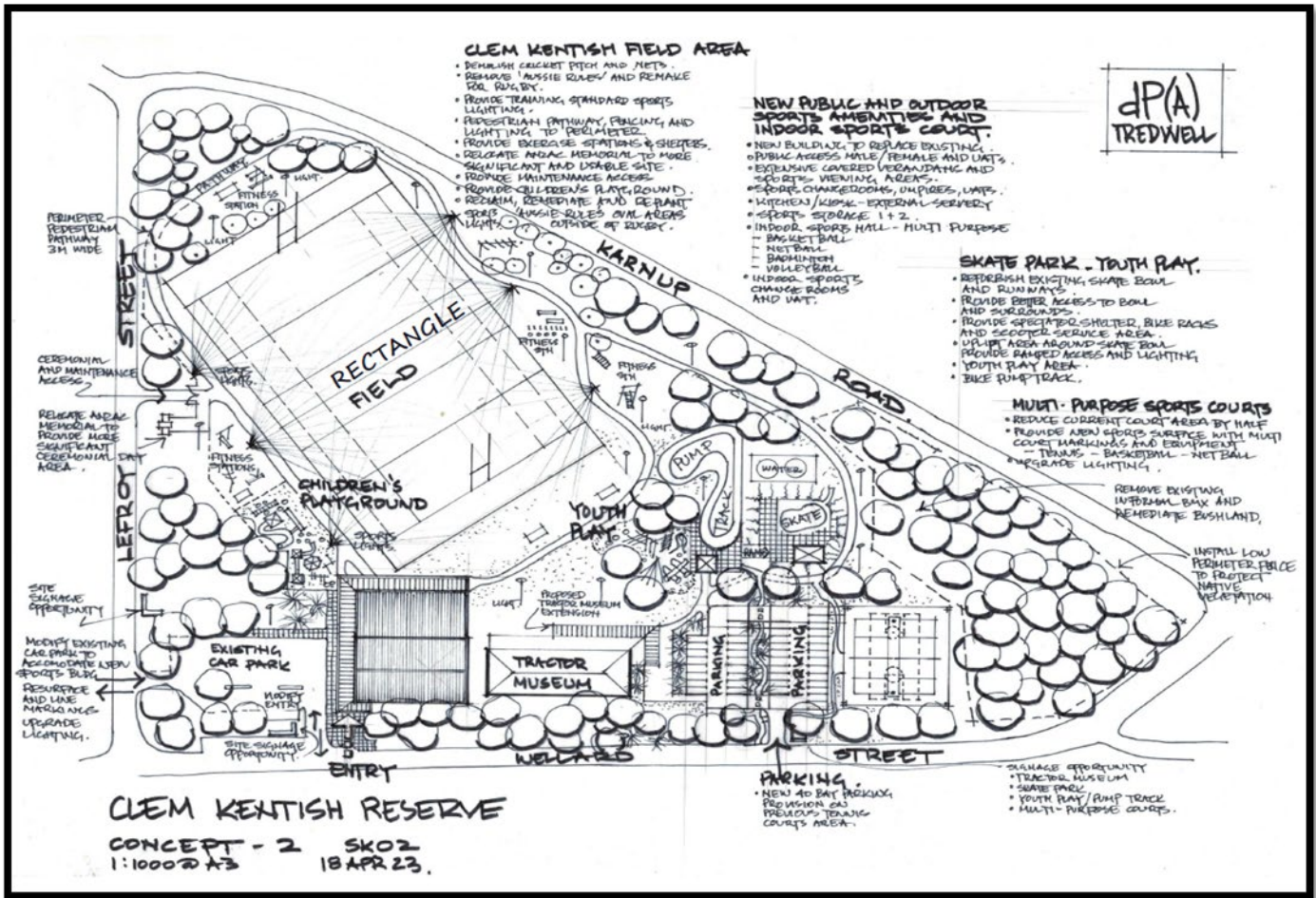
- upgrades to lighting, tennis courts, and the skate park, and the removal of the tennis pavilion and public toilets;
- the existing playground being replaced by a nature playground, with cricket nets being relocated to allow for this;
- an oval sports surface being pursued to accommodate winter (AFL) and summer (cricket) use;
- playing surface drainage issues being fully resolved;
- new seating and shade, bicycle infrastructure and fitness stations installed for passive recreation;
- connectivity and access is improved through upgrades to car parking, a pedestrian pathway network, and improved signage and wayfinding;
- the recreation centre's basketball court is upgraded to become full-sized, upgrading amenities such as the kitchen, toilets, changerooms, and installing air conditioning, solar panels and free Wi-Fi.



Master Plan Option 2 - Rectangular option

This comprises:

- a restructure in design to a fully lit rectangular field for winter (soccer and rugby) use, in lieu of the current oval shape;
- playing surface drainage issues being fully resolved;
- a larger upgrade of the Recreation Centre to become a multipurpose sports pavilion matching the future growth needs of the community;
- more space dedicated to facilities and amenities which aim to provide for flexible community use;
- an extended youth playground area;
- improved parking and access to the site with additional entrance points via Lefroy Street;
- improved passive and active recreational activities that sees additional seating and shade including new fitness equipment.



Issuing impacting both options

The two options both reveal an exciting opportunity for Council to consider, and for community engagement to take place on. However, prior to taking any further steps, Officers have identified a range of fundamental considerations that need to be better understood before seeking Council endorsement to advertising the options. These fundamental considerations relate to:

1. The capital and operational costs of each option, and how sustainable such are;
2. The detailed feasibility of actually solving playability problems with the oval, and what cost this involves;
3. The feasibility of introducing a development contribution area over Serpentine in order to fund capital delivery of a Master Plan preferred option.

A Master Plan implies more than just a vision document - it has some level of feasibility to be implemented, and the community thus has some reasonable level of expectation that it could take place. The above three questions need to be fully investigated and reported for both options, to enable Council to be informed as to what the master planning process potentially entails by way of future financial implications on the Shire and its ratepayers.

This will also actively reflect the expectations of learning from experience in recent projects, whereby having a clear understanding as to feasibility better shapes the decision making processes and quality of engagement that can occur with the community. This is the basis of the Officer recommendation.



Options and Implications

Option 1

That Council:

1. NOTES this interim report regarding the Clem Kentish Reserve Master Plan including the two options identified.
2. REQUESTS that prior to any further progress on the Master Plan, the Chief Executive Officer present a business case for budget consideration as part of the 2024/2025 budget, which documents undertaking a detailed feasibility assessment of the current draft options to address the following questions:
 - a. The capital and operational costs of each option, and how sustainable such are;
 - b. The detailed feasibility of actually solving playability problems with the oval, and what cost this involves;
 - c. The feasibility of introducing a development contribution area over Serpentine in order to fund capital delivery of a Master Plan preferred option.
3. NOTES the Corporate Business Plan action will be adjusted in timing dependent on the future budgetary consideration of the business case listed under Item 2 above.

Option 2

That Council:

1. NOTES this interim report regarding the Clem Kentish Reserve Master Plan including the two options identified.
2. REQUESTS that the Chief Executive Officer proceed to advertise both options for community feedback.
3. REQUESTS the findings of the community consultation process be reported back to Council.

Option 1 is recommended.

Conclusion

The draft Clem Kentish Reserve - Master Plan is to be used to guide future development of the facilities to allow for the existing and expected future uses of the site. This report informs Council about progress on the Clem Kentish Reserve Master Plan. It presents the two formulated options but recommends a new step of detailed feasibility be undertaken prior to further progressing the master planning project.

Attachments (available under separate cover)

- **10.1.7 - attachment 1** - Draft Master Plan Options (E23/2459)
- **10.1.7 - attachment 2** - Community survey's findings and Report (IN23/3860)



Financial Implications

Officers consider that a further \$30,000 budget allocation would be required to determine the feasibility of the options presented. Due to resourcing challenges over the next 12 months, it is recommended this be considered for funding in the 2024/2025 financial year, rather than the next coming 2023/2024 financial year. Although Council could reprioritise this project if it determines to do so.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is considered the lowest risk option.						
2	Approving the Master Plan for engagement without addressing feasibility poses the risk that such will not be able to be implemented.	Nil	Reputation	Possible	Moderate	MODERATE	Ensure community engagement process includes appropriate disclaimers about the feasibility to deliver either option.



Voting Requirements: Simple Majority

OCM136/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

That Council:

- 1. NOTES this interim report regarding the Clem Kentish Reserve Master Plan including the two options identified.**
- 2. REQUESTS that prior to any further progress on the Master Plan, the Chief Executive Officer present a business case for budget consideration as part of the 2024/2025 budget, which documents undertaking a detailed feasibility assessment of the current draft options to address the following questions:**
 - a. The capital and operational costs of each option, and how sustainable such are;**
 - b. The detailed feasibility of actually solving playability problems with the oval, and what cost this involves;**
 - c. The feasibility of introducing a development contribution area over Serpentine in order to fund capital delivery of a Master Plan preferred option.**
- 3. NOTES the Corporate Business Plan action will be adjusted in timing dependent on the future budgetary consideration of the business case listed under Item 2 above.**

CARRIED UNANIMOUSLY 7/0



10.1.8 - Appointment of Council Representative to Judging Panel for SJ Garden Competition (SJ3277)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to request Council to appoint a Councillor to the judging panel of the 2023 SJ Garden Competition.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 August 2021 – OCM221/08/21 - COUNCIL RESOLUTION That Council APPOINTS Councillor Denholm to be a part of the judging panel of the 2021 Serpentine Jarrahdale Garden Competition.

Ordinary Council Meeting – 17 August 2020 – OCM257/08/20 – COUNCIL RESOLUTION That Council APPOINTS Councillor Denholm to be a part of the judging panel of the 2020 Garden Competition.

Background

In 2020, the Shire held its first inaugural SJ Garden Competition, and the second in 2021. The SJ Garden Competition is returning for 2023, and aims to recognise the great gardens within the Shire, with residents able to enter in one of three categories.

The competition also enables local sponsorship of award categories from local businesses, as a further way to promote the collaborative relationship between the Shire, residents and local businesses. The process for seeking and assessing potential sponsorships, is undertaken in accordance with Council Policy 5.1.14 (Community Contributions).

The winner of each category will receive recognition with a \$500 award. The Judging Panel indicates the inclusion of a Councillor.

Council is therefore requested to appoint a Councillor to the judging panel of the 2023 SJ Garden Competition.

Community / Stakeholder Consultation

Nil.



Statutory Environment

Nil.

Comment

The 2023 SJ Garden Competition aims to recognise the great gardens in the Shire, including rural, suburban and native/waterwise, across three categories. The competition is for front gardens only (the area between the residence and the road, with an emphasis on inclusion of the verge in the overall design and integration with any street trees present).

Residents can enter in one of three categories. The first two categories are open to gardens in any area but are particularly suited to urban gardens, while the third is specifically for rural or semi-rural areas. The three categories are:

- Native/waterwise gardens (native or non-native plants, which require little or no water);
- Urban gardens (mostly typical “garden” plants or edible plants, open to commercial or school gardens as well as residential);
- Rural gardens (properties over 2,000m²).

The winner of each category receives a \$500 award.

Entries opened on 23 May 2023 and close on 8 September 2023.

Under the Guidelines for the competition (see **attachment 1**), judging will be carried out by a Selection Panel consisting of:

- An Elected Member
- The Executive Officer, SJ Landcare
- A Shire Staff member.

The Selection Panel will nominate winners based on eligibility and judging criteria, which include:

- Overall design
- Maintenance
- Plantings
- Originality and creativity
- Category specific criteria.

Judging will be carried out following the close of entries, with awards tentatively scheduled for October. Members of the Selection Panel will be required to have sufficient time available during business hours between 11 September and 29 September 2023 for the viewing and judging of potentially more than 20 gardens.

Options and Implications

Option 1

That Council APPOINTS Councillor _____ to be a part of the judging panel of the 2023 SJ Garden Competition.



Conclusion

The 2023 SJ Garden Competition aims to recognise the great gardens in the Shire and encourage others to head outdoors and beautify their own spaces. The presence of a Councillor on the judging panel gives a sense of gravitas to the event, and the role that private gardens play in maintaining an attractive environment of the Shire.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** - Garden Competition Guidelines 2023 (E23/7338)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community

Financial Implications

At the time of writing this report, local businesses are being approached to sponsor the competition and provide vouchers for the prizes. If there are insufficient sponsors, prizes will be awarded by the Shire, to the maximum value of \$1,500 (three x \$500).

Design of promotional materials is estimated to cost \$500.

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 strategic risks associated with this option.						

Voting Requirements: Simple Majority

That Council APPOINTS Councillor _____ to be a part of the judging panel of the 2023 SJ Garden Competition.



Continued

**Ordinary Council Meeting Minutes
Monday, 19 June 2023**

OCM137/06/23

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Atwell

That Council APPOINTS Councillor Duggin to be a part of the judging panel of the 2023 SJ Garden Competition.

CARRIED UNANIMOUSLY 7/0

**10.1.9 - Mundijong F1 Precinct Structure Plan - Project Progression (SJ307)**

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to update Council regarding the current Chief Executive Officer KPI for 2022/2023, pertaining to the Mundijong F1 Precinct Structure Plan.

As outlined in this report, three requests for quotation processes took place to invite suitably qualified consultants to quote on the project. These did not result in any submissions, with feedback that for such a large project, consultants did not have capacity to accommodate such work for at least the immediate short to medium term.

In reporting on the KPI, it is recommended that Council endorse a revised approach that will see Officers undertake the project using internal resources and capabilities, with the utilisation of external consultants for those elements where internal resources do not currently exist. Associated with this is reassessment of the project in terms of timeframes and budgetary resource allocations.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 21 November 2022 - OCM275/11/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council AMENDS the 2022/2023 Chief Executive Officer KPI Statement for KPI No. 4 to read as follows:

Successfully engage a consultant to undertake the Draft Area F1 Precinct Structure Plan by June 2023.



Ordinary Council Meeting - 20 June 2022 - OCM132/06/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *REQUESTS the Chief Executive Officer to commence the Mundijong Precinct F1 Local Structure Plan Project, consistent with the adopted Project Plan, with this to be completed over two years.*
2. *AMENDS the municipal budget as follows in order to fund the project:*

<i>Account Number</i>	<i>Type</i>	<i>Account Description</i>	<i>Debit \$</i>	<i>Credit \$</i>
<i>2000-NEW-6230-0000</i>	<i>Increase Expenditure</i>	<i>Mundijong Activity Centre Structure Plan Precinct F1 - Consultancy</i>	<i>180,000</i>	
<i>2200-12509-5042-0000</i>	<i>Increase Transfer From Reserve</i>	<i>West Mundijong DCP - Trf From Reserve</i>		<i>180,000</i>

Background

The Mundijong F1 Precinct Structure Plan is a project that was endorsed as a 2022/2023 Chief Executive Officer KPI, identified to be undertaken over two financial years. This is also reflected in the current Corporate Business Plan. The target for the first year was to prepare a draft Precinct Structure Plan, to be presented to Council by June 2023, for endorsement to advertise. In order to meet this KPI target, Officers prepared a detailed RFQ based on **attachment 1**, which was presented to the market. No quotations were received over the three requests made, due to the current economic situation and the lack of spare capacity to do the volume of work represented by the project.

Community / Stakeholder Consultation

Not applicable.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 4.2 - Activity Centres for Perth and Peel
- Planning and Development (Local Planning Schemes) Regulations 2015 Structure Plan Framework

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Local Planning Strategy
- Draft Local Planning Scheme No. 3
- 2020 Mundijong District Structure Plan



Comment

The Precinct Structure Plan for F1 of the Mundijong town site will allow the Shire to progress to the next step in the planning process for this important activity centre. Once formulated and approved, the Precinct Structure Plan will establish the detailed structural framework to guide subsequent subdivision and development, including detailed guidance pertaining to land use and built form. In June 2022, Council approved funding for the project (refer previous decisions by Council). The intention was to engage a suitably qualified consultant and associated subconsultants, to assist the Shire in the delivery of the project.

Various consultants were approached through a formal Request for Quote (RFQ) in September 2022 (RFQ 18/2022), with particular emphasis on consultancies that would be able to provide the required resources to undertake the project. Two consultants responded formally in writing, to advise that they were not a position to quote as they did not have enough resources to do the project due to current workloads. Other consultants that were approached did not provide a response. Two further RFQs were then presented to the market, first to additional consultants in February (RFQ 7/23), and in May 2023 (RFQ14/2023) targeted the Western Australian Local Government Association (WALGA) Panel of Planners. Neither attracted a positive response or proposal. In total, twelve consultants were invited to quote directly and the WALGA Panel comprises numerous planning consultants. The written responses, combined with the lack of other responses, indicates that the market currently does not have resources to undertake the project.

Trying to do the project in a market which appears currently at capacity may also erode value for money for the Shire, and may impact upon project quality. Further, given the importance that the project places on landowner engagement upfront in helping shape options, and the need for several informing studies, there is an important project objective to ensure an effective outcome.

Taking the above into consideration, in reporting on the current KPI, it is recommended that Council note that a consultant was not able to be engaged due to the situation in the current market which lacks spare capacity to deliver the project. Accordingly, it is recommended Council endorse a revised approach to undertake the project in house.

There will still be elements of subconsultants involved, however the planning effort is intended to be delivered by resources within the Development Directorate. Consistent with the Shire's Project Management Framework, should Council support the revised approach, the project will need reassessment and redefinition, particularly pertaining to timing and budgetary resources.

Options and ImplicationsOption1

That Council:

1. In response to the Area F1 Precinct Structure Plan KPI, NOTES that a consultant was not able to be engaged, despite three attempts, due to the situation in the current market which lacks spare capacity to deliver the project.
2. NOTES and ENDORSES a revised approach to undertake the project in house.
3. NOTES that consistent with the Shire's Project Management Framework, the pre-project phase of feasibility will be re-started based on the revised project approach, and this restart/review will inform updates to project timing; capacity of current project budget to deliver revised approach and; staff resource implications.



4. NOTES that a future report will be presented as part of the Corporate Business Plan, to update the project based on the outcomes of Part 3.

Option 2

That Council:

1. In response to the Area F1 Precinct Structure Plan KPI, NOTES that a consultant was not able to be engaged due to the situation in the current market which lacks spare capacity to deliver the project.
2. POSTPONES all further work on the project and REMOVES it as a Corporate Business Plan action accordingly.

Option 1 is recommended.

Conclusion

The Mundijong F1 Precinct Structure Plan is a project that is a Chief Executive Officer KPI for the 2022/2023 financial year and is included as a current project in the Corporate Business Plan over two years. Officers have been unable to acquire consultancy services for the project, to achieve its strategic outcomes in a manner which is effective and represents value for money. It is recommended Council note this in respect of the KPI, and endorses a revised approach as recommended.

Attachments (available under separate cover)

- **10.1.9 - attachment 1** - Request for Quote as distributed on three occasions (OC22/17298).

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

Subconsultants will be required for skills that the Shire does not currently have internally. These skills may have to be brought in individually which may increase the overall cost of the project. There may be a requirement for additional budget resources in the second stage of the project.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	The Shire is a large landowner within the area and may quite gain an advantage from progressing land use changes - there may be a perception of bias that a local government cannot be objective in this regard.	The Western Australian Planning Commission is the decision-making authority regarding structure plans.	Reputation	Possible	Moderate	MODERATE	The engagement process will include residents, organisations, agencies, businesses and developers
1	The requirements of the project may put an additional workload on Officers that are currently working at capacity. Some delays in the overall project delivery may be inevitable and this may have budget implications.	Project Management Framework	Organisational Performance	Possible	Moderate	MODERATE	Ensure that the project is restarted consistent with the Shire's PMF, including to determine pre-feasibility, timing and budgetary requirements.
2	Not progressing the project will result in further delays that may have further flow-on effects noting that significant infrastructure investment (Tonkin highway extension, West Mundijong) will happen soon.	Planning framework.	Reputation	Possible	Moderate	MODERATE	Nil.



Voting Requirements: Simple Majority

OCM138/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Duggin

That Council:

- 1. In response to the Area F1 Precinct Structure Plan KPI, NOTES that a consultant was not able to be engaged, despite three attempts, due to the situation in the current market which lacks spare capacity to deliver the project.**
- 2. NOTES and ENDORSES a revised approach to undertake the project in house.**
- 3. NOTES that consistent with the Shire's Project Management Framework, the pre-project phase of feasibility will be re-started based on the revised project approach, and this restart/review will inform updates to project timing; capacity of current project budget to deliver revised approach and; staff resource implications.**
- 4. NOTES that a future report will be presented as part of the Corporate Business Plan, to update the project based on the outcomes of Part 3.**

CARRIED UNANIMOUSLY 7/0



10.1.10 - The Glades, Byford Local Structure Plan Amendment No. 11 - Cardup Brook Precinct (PA22/502)

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

Authority / Discretion

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

Proponent: Taylor Burrell Barnett
 Owner: LWP Byford Syndicate Pty Ltd
 Date of Receipt: 24 May 2022
 Lot Area: 95.36ha approx.
 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 an amendment to The Glades Local Structure Plan (the Glades LSP). Clause 20(2) of Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, requires a recommendation by the Local Government on whether the proposed structure plan/amendment should be approved by the Commission, including a recommendation on any proposed modifications.

Based upon the planning assessment and consideration of submissions received, Officers recommend the structure plan amendment be approved, subject to modifications.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 23 May 2016 - OCM088/05/16 - COUNCIL RESOLUTION / Officer Recommendation

1. *Receives the memo from Shire Officers in response to questions raised as attachment OCM088.4/05/16*
2. *Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council endorse the amended schedule of submissions and comments contained within attachment OCM088.3/05/16 and attachment OCM088.4/05/16.*
3. *Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends to the Western Australian Planning Commission approval of the amended Byford Main Precinct (The Glades) Structure Plan for all proposed*

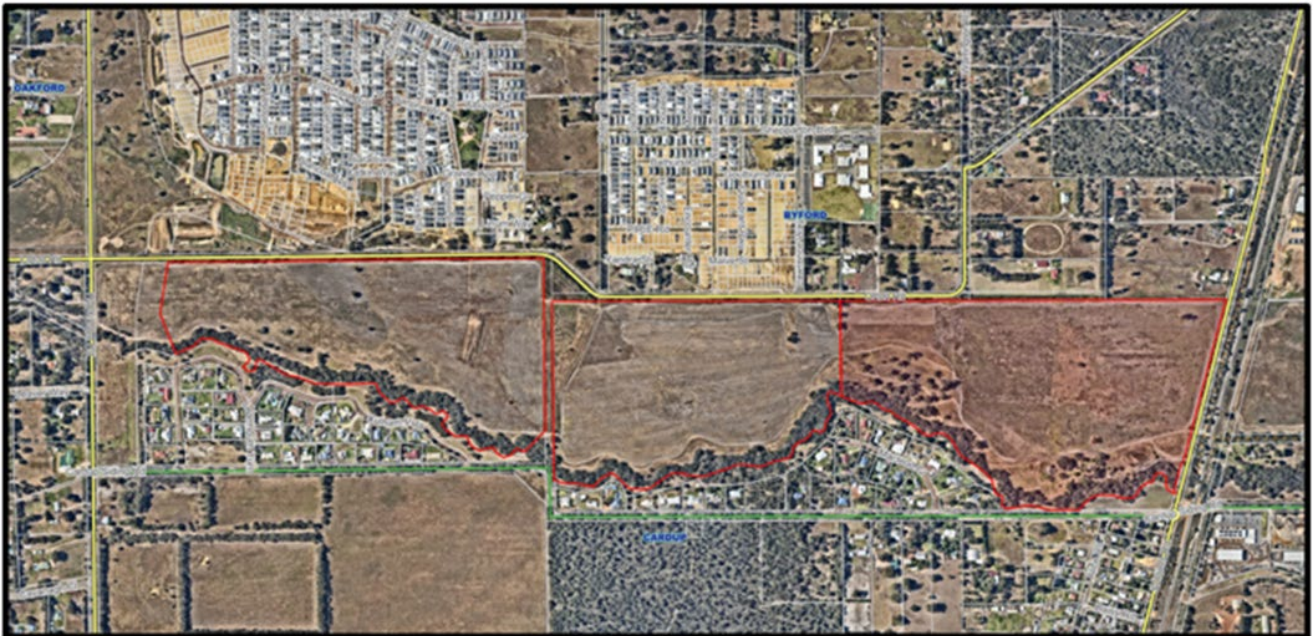


amendments north of Orton Road as outlined the Schedule of Modifications contained within attachment OCM088.2/05/16 and recommends to the Western Australian Planning Commission not to support the amendments proposed south of Orton Road for reasons as contained in attachment OCM088.4/05/16 and forward to the Western Australian Planning Commission the following:

- a. A list of the submissions considered by the local government;
- b. Any comments by the local government in respect of those submissions;
- c. A schedule of any proposed modifications to address issues raised in the submissions;
- d. This Council Report as the local government's assessment of the proposal based on appropriate planning principles; and
- e. Council's resolution recommending to the Western Australian Planning Commission to approve the amended local structure plan with modifications.
- f. The memo included within attachment OCM088.4/05/16

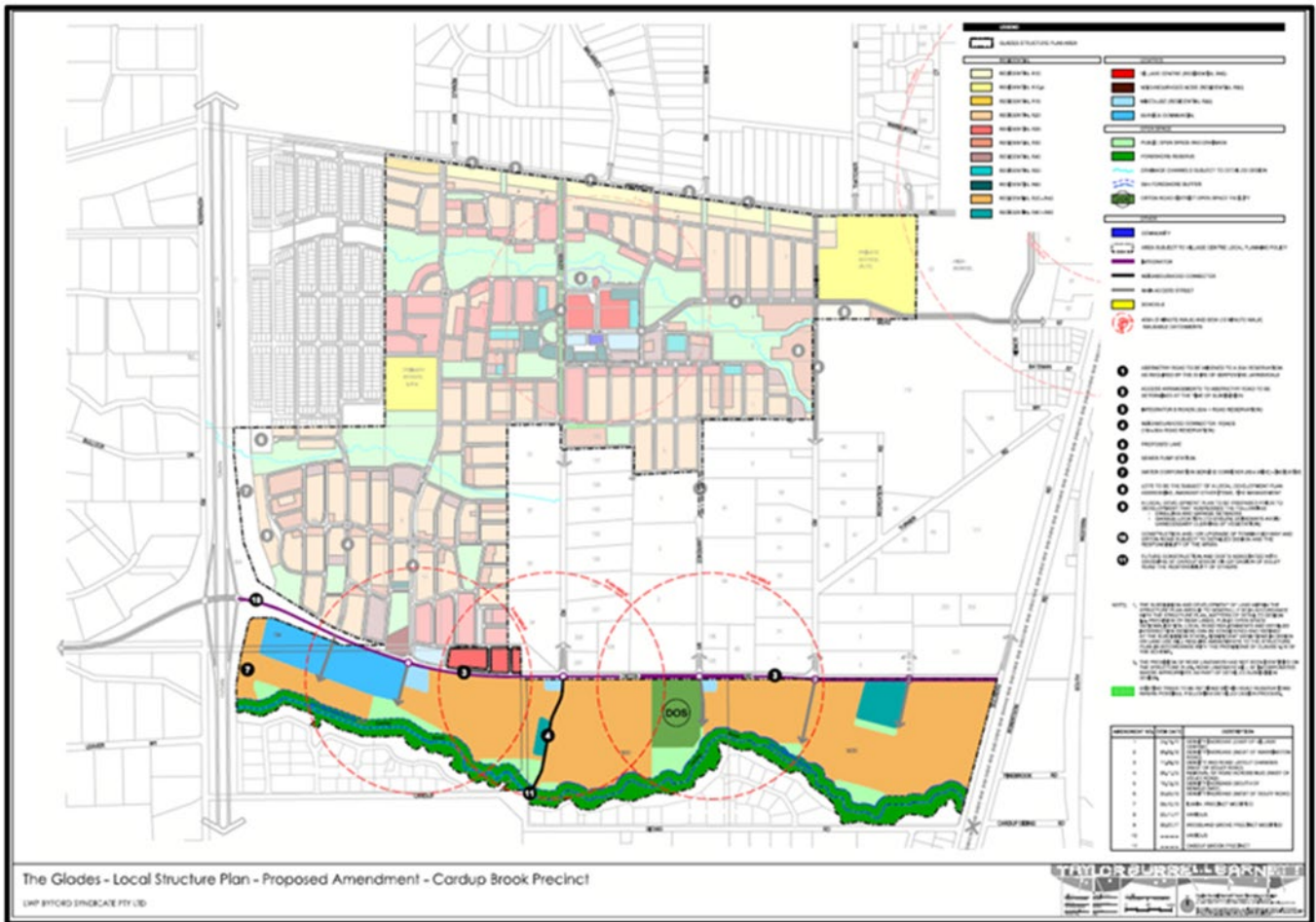
Background

The proposed structure plan amendment has been prepared for land zoned Urban Development under Town Planning Scheme No. 2 and Draft Local Planning Scheme No. 3. The amendment seeks to update the structure plan designation for the portion of The Glades Main Precinct area, south of Orton Road. This relates to approximately 980 lots within the Cardup Brook portion of the Main Precinct, with a land area of approximately 95.36 hectares. The Glades Local Structure Plan has been subject to a number of amendments to date, with this proposal being amendment No. 11. The portion of land affected by the amendment is shown following:



LSP Amendment No.11 - Cardup Brook Precinct - Land Area

The proposed amendment No. 11 seeks to make amendments to The Glades Local Structure Plan within Icaria Stages 13 and 14, with general amendments including a revised road layout, redistribution of residential densities and introduction of density code ranges, refinement of public open space distribution and location and incorporation of a District Open Space facility. It also includes the rationalisation of existing mixed use sites and identification of new mixed use and service commercial sites.



The Glades Local Structure Plan Amendment No.11 - Cardup Brook Precinct

Community / Stakeholder Consultation

Pursuant to Clause 18(2) of Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed Structure Plan amendment, as contained within **attachment 1**, was publicly advertised between 15 July 2022 and 25 August 2022 for a period of 42 days. The Shire received submissions from eight Government agencies and 21 nearby landowners. The Schedule of Submissions is contained within **attachment 2**. The LSP amendment No. 11 was referred to all landowners within 300 metres of the Amendment No. 11 area, and advertised on the Your Say SJ website and the Examiner Newspaper.

The submission received from the Department of Water and Environmental Regulation (DWER) raised two concerns with the proposed amendment. DWER have raised concern with the location of drainage basins and drainage infrastructure being located within the wetland buffers. The 1:1 and 1:5 year flood drainage basins have been shown to be within the wetland buffer, which is not considered acceptable. DWER have expressed their concern regarding the matter, however, have stated that if the Shire accepts the location of drainage infrastructure, then DWER will also as the Shire will have the responsibility of managing the drainage reserves. Furthermore, DWER have noted that there is no current ground water allocation available for the District Open Space (DOS), which cannot be supported until such time as an alternative water supply is provided to maintain the DOS. Main Roads Western Australia (MRWA) provided a submission that raised concerns with a number of intersections and road connections surrounding the Tonkin Highway and Orton Road intersection. The submission asked for reconsideration of some intersection layouts to allow for safe and permeable traffic flow.



Key concerns raised by surrounding landowners include the following:

- Concern with densities not sensitively transitioning or interfacing with the exiting development south of Cardup Brook;
- Overall density code ranges;
- Safety concerns with Doley Road being connected through to Lot 33 Hopkinson Road;
- Potential impact the development will have on existing native flora and fauna.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy suite
- Liveable Neighbourhoods

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Shire of Serpentine Local Planning Strategy
- Byford District Structure Plan
- Local Planning Policy Suite

Planning Assessment

Planning Framework

The proposed structure plan amendment has been prepared for land zoned Urban Development under Town Planning Scheme No. 2 (TPS2) and Draft Local Planning Scheme No. 3 (LPS3). The subject site, Lots 9000, 9001 and 9060 Orton Road, is identified as Low (Suburban): R20-R35, Medium - High: R40-100 and District Open Space under the Shire's Byford District Structure Plan. The proposed residential densities of the Structure Plan amendment generally align with the designation under the Byford District Structure Plan.

Public Open Space and Drainage

The amendment No. 11 proposes a large portion of drainage infrastructure being placed within the 30m wetland buffer. The Shire, together with Department of Water and Environmental Regulation (DWER), generally do not support drainage infrastructure being placed within the 30m wetland buffer as proposed in the Urban Water Management Plan provided with the amendment.

DWER have since provided an updated submission explaining that as the Shire will be the managing authority of the Resource Enhancement Wetland (REW) 30m buffer, if the Shire is accepting of infrastructure within the buffer area, then DWER will accept this outcome also. In this regard, Attachment H to the LSP Amendment - Preliminary Urban Water Management Plan dated 23 May 2022, places the combined 1:5 year and 1:100 year basins for catchments within the 30m wetland buffer. For this to be supported, such requires more detailed design information to satisfy

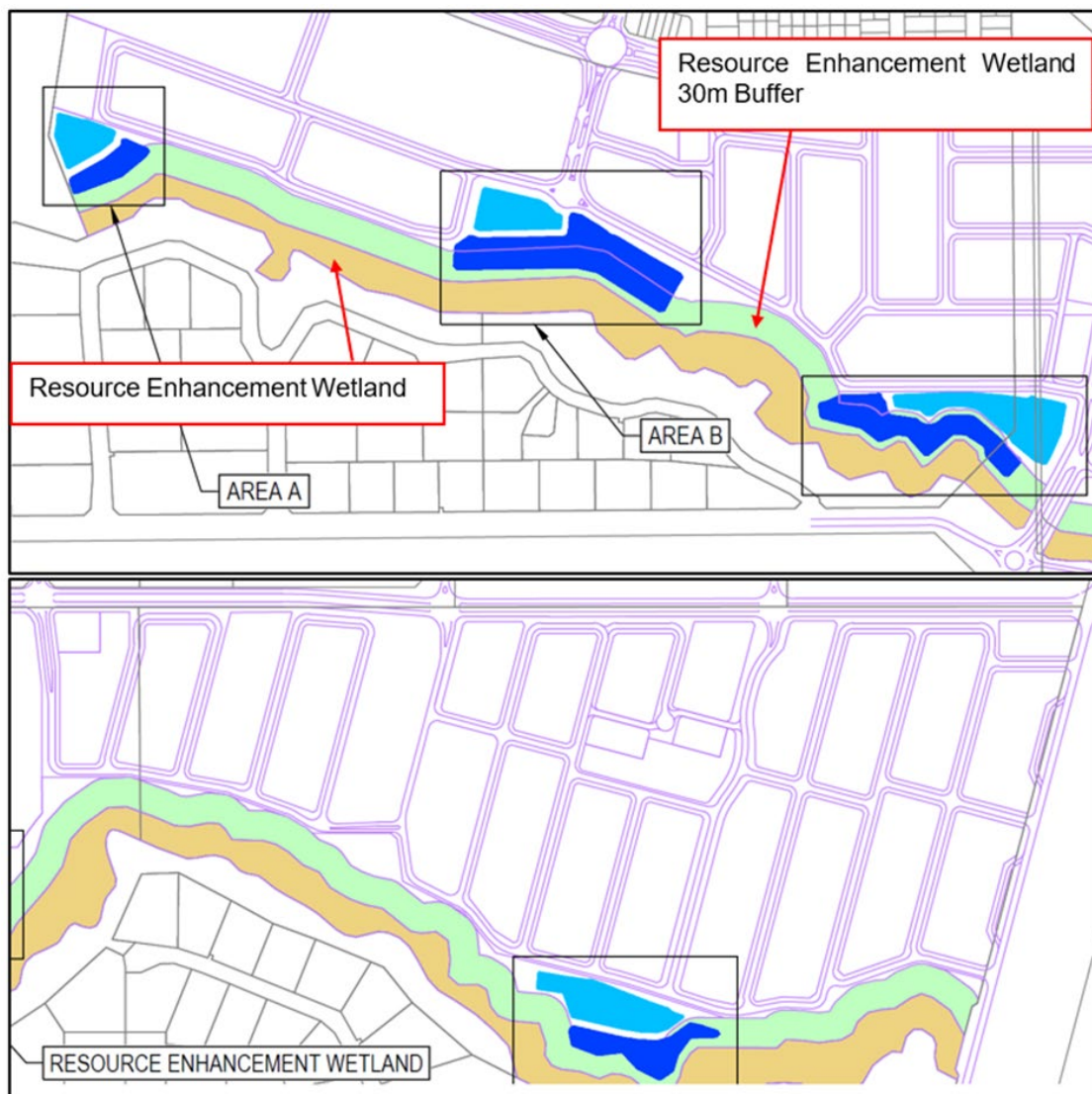


the Shire that the risk of water management within the 30m buffer, can be managed and will not pose an ongoing maintenance burden on the Shire, versus if such basins were located wholly outside of the buffer.

In addition, it is important to note that the current UWMP details proposed storage depths for a 1:1 and 1:5 Average Recurrence Interval (ARI) which exceed industry standard. These would require redesign to the satisfaction of the Shire also.

- Current 1:1-year storage events show depths of 780mm deep. Acceptable depth is 300mm.
- Current 1: 5-year storage event shows depths of up to 950mm. Acceptable depth is 500mm.

After various meetings with the applicant, a memorandum was provided to justify the locations of the 1:5 year drainage basins being located within the REW 30m buffer. The memorandum did address the concern of the 1:1 year storage basin depth by making the 1:1 basins larger and shallower. However, the memorandum still proposes drainage infrastructure (basins over one metre deep, with batters and earthworks) within the wetland buffer. This requires further discussion and modified approach, to provide a solution that (as mentioned previously) does not pose an additional maintenance or asset burden on the Shire versus if such were located wholly outside of the buffer. This forms a recommended modification.



Areas of 1:5 year flood storage basins located within the 30m REW Buffer



District Open Space

The LSP Amendment has provided a 4-hectare District Open Space (DOS) for the purpose of active recreation. The final design of the DOS has not been provided as part of this LSP Amendment with the DOS being subject to future detailed design work. Officers consider the provision of the DOS to be crucial in delivering a large space for active recreation for the Byford and Cardup community to utilise. It is supported on this basis.

Concern has been raised regarding a ground water allocation for the DOS irrigation. The Department of Water and Environmental Regulation (DWER) have expressed concern in their submission on the LSP Amendment outlining that they are not in a position to support the LSP Amendment until such time as a ground water allocation has been secured for the irrigation of the DOS. This needs to be addressed, and forms a recommended modification.

Movement Network and Traffic Report

The proposed amendment has removed the detailed road layout as shown previously within the Local Structure Plan, with the amendment now showing the major road connections extending off Orton Road, as well as showing Doley Road extending through the application area to Cardup Siding Road. The Shire has received a Main Roads WA (MRWA) submission on the proposal, which raised concerns regarding road connections surrounding the Tonkin Highway and Orton Road intersection. Main Roads do not support the intersection of Tourmaline Boulevard onto Orton Road (west of Kokoda Boulevard) due to concerns that the ultimate configuration of the intersection of Tonkin Highway and Orton Road may impact this intersection. Additionally, MRWA have requested that the intersection on the south side of Orton Road, which is in close proximity to the future grade separated intersection of Tonkin Highway and Orton Road, be a left in-left out only intersection, with a deceleration lane. Officers have met with the applicant, developer and MRWA to discuss the matter further and to gain clarification on MRWA's submission.

The outcome of the meeting resulted in a request for further information, with which the applicant (TBB), together with Transcore (Traffic Engineers) responded to by preparing a memorandum and technical briefing paper justifying a full movement intersection onto Orton Road at Tourmaline Boulevard, west of Kokoda Boulevard (see Figure 1). Officers support a four-way roundabout intersection and view it as crucial in ensuring a high level of community connectivity from the north of Orton Road through to the south and also to enable the Service Commercial precinct to have increased connectivity and accessibility by the community and service vehicles.

It is important that the Service Commercial area is integrated with a comprehensive transport network that does not impact the surrounding residential area. The proposed roundabout is the preferred solution as outlined by the applicant as it ensures that there is limited disruption to traffic flows along Orton Road and lower impact on turning movements on Orton Road. In addition, a controlled roundabout intersection creates less impact on lower order streets within the residential areas and maintains permeable traffic flows. It also results in traffic turning movements from Orton Road into the Cardup Brook Precinct to not be transferred down Orton Road to become congested at Kokoda Boulevard, rather, it allows for a more comprehensive distribution of traffic turning into the Cardup Brook Precinct to minimise traffic congestion.

Doley Road Extension

The amendment proposes the extension of Doley Road through the amendment area, connecting Doley Road north of Orton Road, through to Cardup Siding Road (see Figure 1). Doley Road, connecting through to Cardup Siding Road is considered to be an important strategic road linkage for those living south of Cardup Brook along Cardup Siding Road and the proposed residential development at Lot 33 Hopkinson Road, Cardup. Cardup Siding Road will be terminated and



made a dead end at the Tonkin Highway when the Tonkin Highway is constructed. This will result in a single road access for the properties along Cardup Siding Road and the proposed residential development at Lot 33 Hopkinson Road, Cardup. The State Planning Policy 3.7 Planning in Bushfire Prone Areas Guidelines requires two vehicular access routes to be provided to manage bushfire risk. It is therefore crucial that Doley Road is connected over the Cardup Brook to provide a north-eastern vehicular access route for residents south of Cardup Brook and within the proposed Lot 33 Hopkinson Road, Cardup development, to increase connectivity and permeability for the area and provide an additional access in case of emergency.

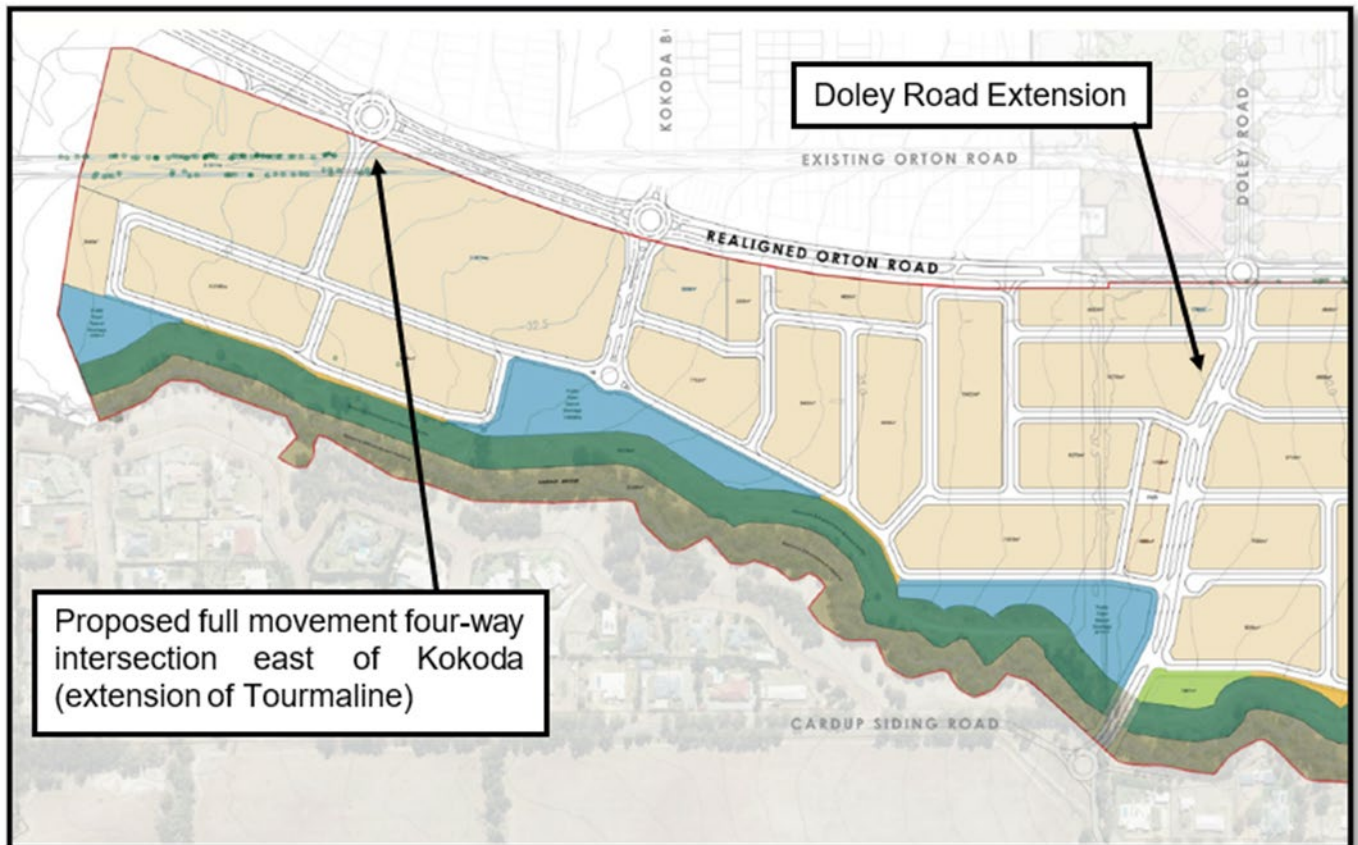


Figure 1: Proposed Four-way Roundabout East of Kokoda & Doley Road Extension

Main Roads have advised that the Doley Road south link was agreed to be provided for bushfire emergency egress to the east and to provide access to the proposed development south of Cardup Siding Road. Main Roads has advised that it will construct the Doley Road south connection to a desirable minimum road cross section consistent with the developer's ultimate proposal.

Road Reserve Widths

Some of the key elements of the movement network require modification in both the amendment as well as the Traffic Report. The road reserve widths require modification so that they are consistent with the existing road reserve widths, which have been constructed north of Orton Road. Additionally, a modification for on street parking adjacent to the DOS and POS is recommended to be made to the amendment and traffic report in order to provide accessible parking adjacent to the DOS and POS, facilitating a high degree of accessibility. Recommended modifications to the movement network are as follows:

- Lawrence Way and Warrington Road reserves to be shown as 20m.



- Kokoda Boulevard extension to be 22m, not 20m.
- All other roads (Access C/D streets) are to have a 15.4m road reserve instead of 15m.
- On street parking bays are to be installed adjacent to the proposed DOS site and POS.

Proposed Commercial Land Use and Mixed Use

A major component of the amendment is the rationalisation of various mixed-use precincts and the identification of new mixed use and service commercial sites along Orton Road.

Mixed Use

The rationalisation of mixed use sites has resulted in three mixed use precincts being removed from the north of Orton Road and redistributed into three strategic sites along Orton Road at the intersections of Kokoda Boulevard, Doley Road and Lawrence Way (Figure 2). The rationalisation results in three mixed use sites with a combined area of approximately 2 hectares. These sites are located in areas with a high degree of accessibility to service the needs of the surrounding community. It is important that the mixed use sites appropriately and sensitively interface with the surrounding residential development. It is noted that mixed use sites are areas of higher density and so it is to be expected that these areas differ somewhat in built form including building height, scale and bulk as the mixed use designation has a residential density code of R80.



Figure 2: Rationalisation of Mixed-Use Sites



Neighbourhood centres are important local community focal points that help to provide for the main daily to weekly household shopping and community needs. They are also a focus for medium density housing. The 2 hectares of mixed use sites results in approximately 2,700m² of Net Lettable Area (NLA). The Shire's Local Planning Strategy outlines the need for a Neighbourhood Centre at Orton Road to have an indicative maximum NLA of 5,000m². The mixed use sites do not provide this 5,000m² NLA, however there is an additional portion associated with the adjoining Beenyup Grove Structure Plan, that will be created from the southern portion of Lot 34 Doley Road. Officers consider this to be acceptable for a Neighbourhood Centre. Additionally, the proposed 'Service Commercial' site, identified within the amendment area provides for 26,100m² NLA, for larger format retail, showrooms and bulky goods showrooms. Furthermore, the distribution of the three mixed use sites ensures that they appropriately service the main daily to weekly needs of their surrounding community.

Service Commercial

The amendment has identified a large 6.5 hectare 'Service Commercial' site in the north-western area of the Cardup Brook Precinct, at the corner of Orton Road and Tonkin Highway with a Net Lettable Area of 26,100m². It has been noted that this service commercial sub-precinct will accommodate large format retail development comprising of bulky goods showrooms, showrooms, and large format retail. The site has been strategically located, abutting both Orton Road and Tonkin Highway to enable the service commercial site to have heightened exposure and a high degree of accessibility with the surrounding serviceable catchment. A key issue arising from the service commercial sub-precinct is its interface with the adjacent residential development. The cover letter provided with the LSP amendment has explained that the,

"integration of the sub-precinct with surrounding residential development and protection of amenity has been an important consideration in the concept planning underpinning the LSP Amendment".

However, the LSP Amendment has not provided any design provisions to ensure that the interface sensitively and appropriately integrates with the surrounding residential development to preserve the amenity. A modification to the LSP is proposed to include design provisions relating to the service commercial sub-precinct to address size, scale, bulk and landscaping to ensure that the interface of the service commercial area interfaces sensitively to preserve amenity to the surrounding residential areas.

Residential Density and Interface

The proposed amendment has allocated the majority of the LSP amendment area as 'Residential', complying with the use of the Urban Development zone as set out under TPS2 and Draft LPS3, the Local Planning Strategy and the Byford District Structure Plan. The amendment proposes density code ranges of R20-R40 and R40-R60, achieving an indicative yield of approximately 980 dwellings.

There has been a limited explanation as to the rationale of the allocation of residential densities throughout the amendment area. The locational criteria for the distribution of density ranges are broad, with R40-R60 density applying to areas of high amenity and adjacent to POS and abutting higher order streets and R20-R40 density applying to the remainder of the amendment area. Officers recommend the locational criteria be more site specific to ensure that the allocation and distribution of lot densities is more context based and allows for an appropriate and sensitive transition between densities to interface well between different forms of development. A number of submissions from the residents south of Cardup Brook raised concern with the interface



between the density north of Cardup Brook (amendment area) and the existing residential development south of the Cardup Brook (2,000m² plus lot sizes).

A modification has been recommended to designate the lots fronting the Cardup Brook Foreshore Reserve and POS as R15. This is to ensure the sensitive interface between the densities of the Cardup Brook North and Cardup Brook South is achieved to preserve the larger rural style lot amenity of the lots to the South of the Brook and to ensure that there is not a large intensification of urban development on the fringe of the REW 30m buffer, in an effort to reduce impact to the natural environment.

Locational Criteria

In order to achieve a sensitive interface between the residential development North of Cardup Brook and the existing residential lots to the south of the Brook, a modification to the structure plan map and to the locational criteria has been proposed. The modification enables appropriate allocation of residential developments in accordance with a specific locational criterion as follows:

- a) R40-R60 shall apply as shown on the Structure Plan map in areas of high amenity including areas abutting Public Open Space and higher order streets.
- b) The R40 density code may apply to 'Residential' zoned lots where a consistent R-Code is applied per street block or along streets, and where one or more of the following applies:
 - i. The lot is located within a 100m walkable catchment of an area of public open space, excluding the area identified as R15 abutting the Cardup Brook Foreshore Reserve.
 - ii. The lot is located within a 100m walkable catchment of a planned local centre; or
 - iii. The lot is located within a 100m walkable catchment of a planned Primary or High School.
- c) The R15 density code shall apply to lots as shown on the structure plan map where fronting the Cardup Brook foreshore reserve and associated Public Open Space.

A subsequent modification to the LSP amendment map has been recommended to ensure that the LSP aligns with the aforementioned locational criteria for the allocation of residential densities.

Noise Management

A Transportation Noise Assessment (TNA) for the LSP Amendment area has been prepared by Lloyd George Acoustics to address transport noise impacts from major transport corridors, namely the Tonkin Highway and Orton Road. However, there are some aspects of the TNA that require modification to ensure noise impacts in future planning stages are mitigated effectively.

The Amendment has changed the land use of the parcel of land adjacent to the Tonkin Highway and south of Orton Road from public open space to Residential (see Figure 3). This change would place more residences immediately adjacent to Tonkin Highway in an area significantly impacted by road traffic noise. The modelling has not reflected the change of the land use adjacent to the Tonkin Highway and no consideration given to residential buildings being located in a high exposure area.

Upon enquiring with the applicant, they have clarified that no dwellings are to be located in the outlined area. This area of land is to instead be modified in the structure plan to remove the residential designation and be identified as the Water Corporation Service Corridor.

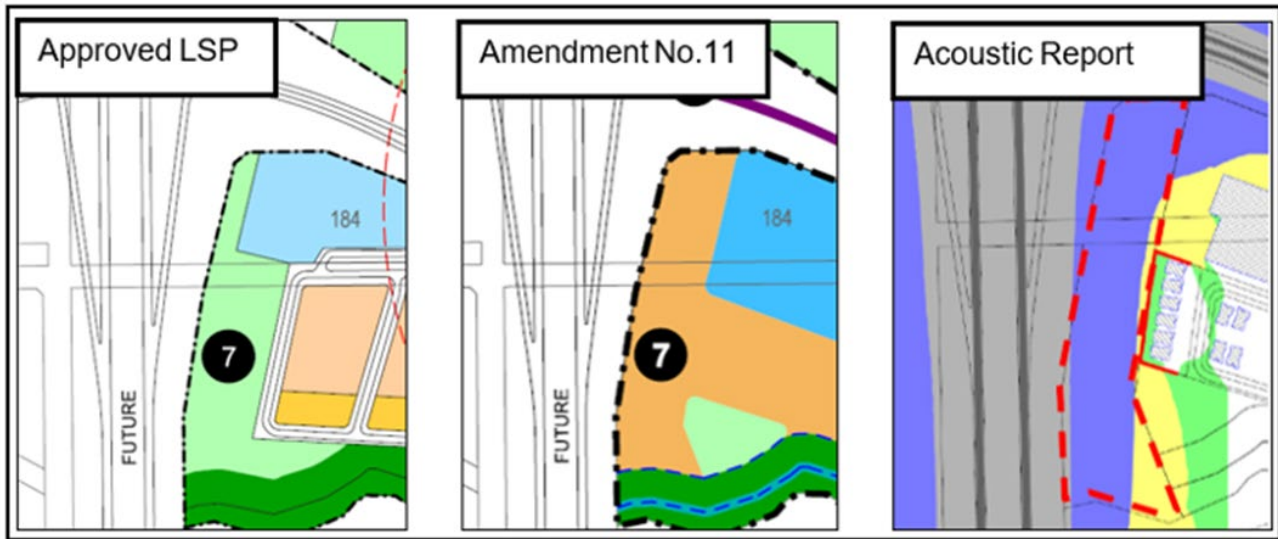


Figure 3: Land Adjacent to Tonkin Highway being shown to be Residential

Section 4-1 of the TNA presents the results of noise monitoring on Soldiers Road for the purpose of assessing noise from the rail corridor against the requirement of State Planning Policy 5.4 - Road and Rail Noise (SPP 5.4). The report notes that the measured noise levels were dominated by road traffic noise and Table 4-1 illustrates the measured levels significantly exceeded the SPP 5.4 target levels. The TNA suggests that Soldiers Road could have a significant noise impact on residential development at the eastern edge of the Cardup Brook Precinct. No noise contours have been shown along Soldiers Road, despite the modelling suggesting an exceedance of target noise levels. The TNA is recommended to be updated to demonstrate the noise impact from Soldiers Road on adjacent residential development and recommend the necessary noise mitigation measures as required.

Furthermore, noise contours maps for lots abutting Orton Road are expected to be in noise exposure category D without a noise wall (refer to Figure 4). Noise exposure category B has been determined for these lots on the basis of a 1.8-metre-high wall at the boundary with Orton Road. The report notes the Quiet House Design requirements for category B specify a 2.4-metre-high noise wall is required for outdoor living areas (OLA). However, no modelling with a 2.4m wall has been included. Without modelling with a 2.4m wall, it is unknown whether a 2.4m wall is likely to be sufficient to meet the outdoor noise target in the OLA as required by the SPP5.4 if the OLA is located between the road and the house. The TNA is required to be updated to include modelling to justify that a 2.4m wall will achieve outdoor living area noise targets.

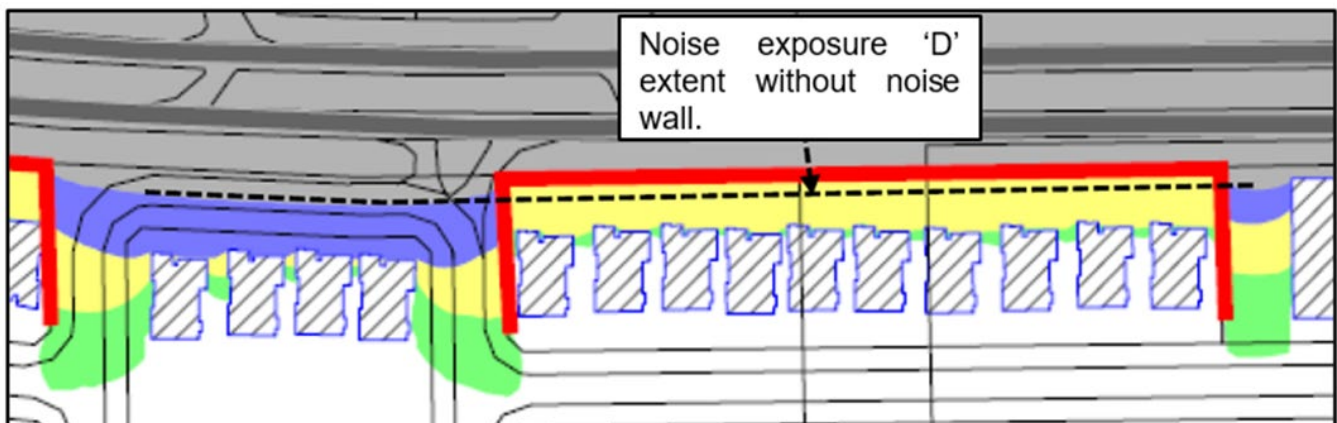


Figure 4: Noise Wall and Noise Contours abutting Orton Road



Officers recommend a modification to Part 1 of the Structure Plan to include a provision for a noise wall as required by the Transportation Noise Assessment to be constructed prior to subdivision and development. Officers recommend the location of the Noise Wall be located at the boundary of the development interface, with appropriate landscaping treatments applied. This approach is consistent with the location of noise walls along the Tonkin Highway corridor in the developments to the north in Byford.

Bushfire Management Plan

A Bushfire Management Plan (BMP) has been provided in support of the LSP Amendment. However, some clarification and modification to the BMP is required prior to approval of the LSP Amendment. The Amendment proposal was referred to the Department of Fire and Emergency Services (DFES) who are satisfied that the plan has adequately identified the bushfire risk and mitigation measures, however there are some concerns with the BMP that need to be rectified prior to subsequent planning stages. The BMP has excluded several drainage reserves and areas of land outside of the control of the amendment area landowner and assumed that they are managed to low threat under Australian Standard 3959 (AS3959). Additionally, the submitted Landscape Management Plan (LMP) describes the foreshore drainage public open space (POS) as being revegetated and irrigated, however, it is unclear in the BMP or the LMP if and how these areas will be managed to a low threat in perpetuity.

Furthermore, there is concern that the BMP in its post development vegetation classifications has not considered the necessary revegetation and required planting within the POS and 30 metre Resource Enhancement Wetland (REW) buffer. The BMP has shown the 30m REW buffer to the Cardup Brook to be classified as 'grassland', which will not enable the required and necessary revegetation of that area. The AS3959-2009 'Grassland' classification only supports an overstorey cover of less than 10% of the area. The BMP is required to be updated to reclassify the POS and REW buffer areas to 'Woodland' or similar to enable the revegetation of the POS areas and REW buffer without compromising the future brook vegetative habitat corridor and to provide essential ecosystem services.

It is recommended that the BMP be revised and updated to reflect the future condition of the drainage basins. This is important to ensure the appropriate Bushfire Attack Level (BAL) rating can be applied to the lots to ensure homes are built according to the necessary criteria and so that the drainage basins are able to carry out their necessary function without being subject to extensive maintenance measures.

Water Corporation Service Corridor

The LSP Amendment shows a Water Corporation Service Corridor (denoted through the Legend - Reference number 7) running between the western end of the LSP Amendment area and the future Tonkin Highway reserve. This is consistent with provision of the Water Corporation Service Corridor in the areas between the future Tonkin Highway reserve and The Glades north of Orton Road. The provision of the 60m wide service corridor is supported by Officers and is consistent with what has been provided in other stages of The Glades development. While Officers support the provision of the service corridor within the LSP Amendment, it is required to be modified.

Currently the LSP Amendment shows the service corridor as being allocated Residential R20-R40, with only the number 7 showing that it is to be a Water Corporation Service Corridor. A modification has been recommended for the service corridor to be identified consistent with the approach in other parts of The Glades LSP north of Orton Road (see Figure 5).

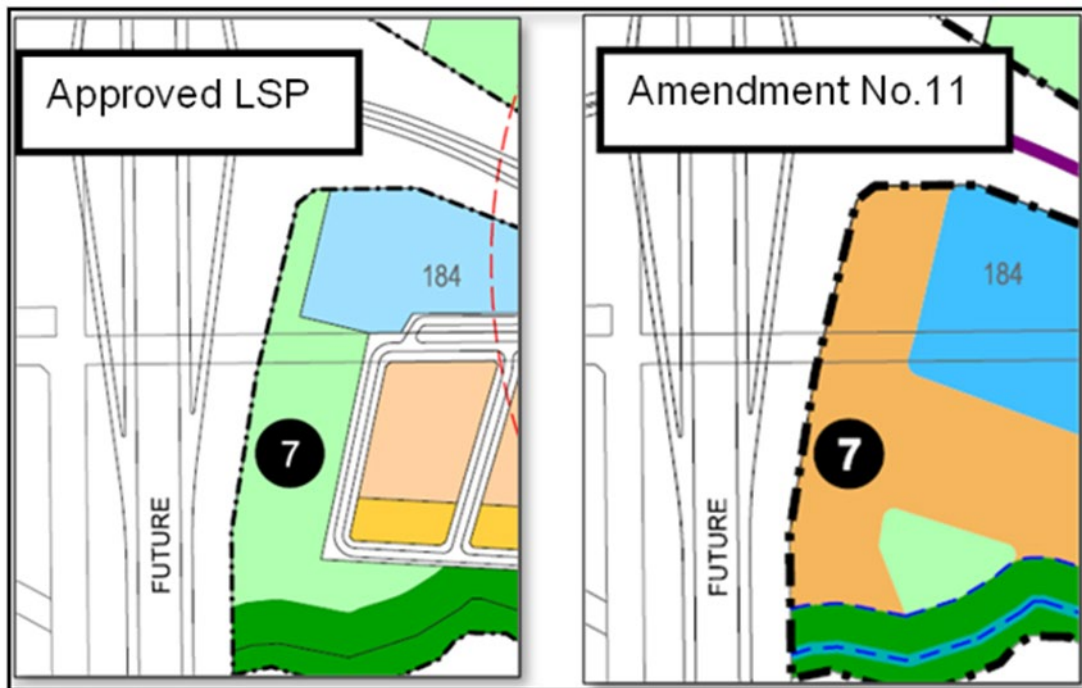


Figure 5: Residential R20-R40 being shown in location of Water Corporation Service Corridor

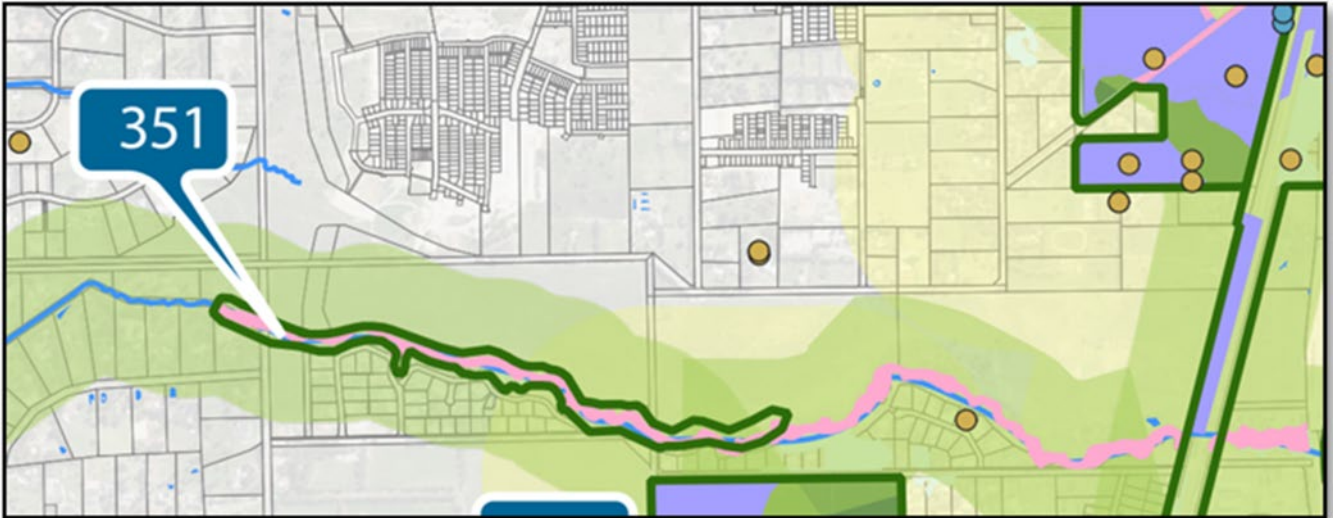
Education

The Shire referred the LSP Amendment to the Department of Education for comment. The Department of Education (DoE) provided an initial response requiring a future public primary school site to be provided for within the Amendment area to support the anticipated increase in public student enrolment demand within the Byford South area due to the increase yield from The Glades development. However, after consideration, the DoE have submitted a revised submission outlining that the original need for a primary school site is no longer required.

Environmental Considerations

Bush Forever Site 351

Bush Forever Site 351 is located within the south-western portion of the Cardup Brook Precinct running along the Cardup Brook (see below image). The Site contains plant communities representative of the eastern side of the Swan Coastal Plain and two Threatened Ecological Communities. The condition of the Bush Forever Site has been found to be 75% very good to good quality and 25% good to degraded, with areas being subject to localised disturbance. The Bush Forever Site also falls within parts of the Cardup Brook Foreshore Reserve and within the 30m Resource Enhancement Wetland buffer. It is important that the Bush Forever site is not disturbed to a greater degree, specifically the areas parallel to the Cardup Brook, which are located in close proximity to areas of POS. It is important that all POS, whether used for drainage or recreation, is located outside of the Bush Forever Site so that it is not further degraded.

**Bush Forever Site 351 - Located in the south-western portion of the Cardup Brook Precinct**Foreshore Management Plan

The Foreshore Management Plan developed in 2008 is required to be updated for the northern bank of the Cardup Brook. The plan is to be updated to coincide with the new Cardup Brook Precinct land use layout, and include the proposed drainage basins, bushfire access way and interface between the Brook and residential development. The Foreshore Management Plan is to be updated to ensure that only compatible drainage infrastructure is located within the foreshore buffer. This requires further detailed design work, to demonstrate how any basin does not represent a great maintenance burden on the Shire, and will not exacerbate or frustrate bushfire planning approaches. It is recommended that the Foreshore Management Plan be updated to the satisfaction of the Shire of Serpentine Jarrahdale.

Fauna Management Plan

A community concern highlighted in the public submissions relates to danger to fauna and the destruction of fauna habitat. The community has observed fauna locating within the Cardup Brook Precinct. A modification to the LSP has been recommended to ensure that prior to development and subdivision works occurring, a fauna management plan is to be prepared to ensure the safe relocation of fauna and the protection of the site's environmental assets.

Orton Road

Consistent with the approved Byford DSP, Orton Road should be shown with an arrow connecting through to South Western Highway. It should also reference the text gazetted as part of Amendment 208, which discusses the criteria for an at grade crossing of the rail corridor.

Recommended Modifications

Officers have recommended a number of modifications to the Proposed LSP Amendment to address the submissions received on the proposal and the matters discussed above. The recommended Schedule of Modifications is contained within **attachment 3**.



Options and Implications

Option 1

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within **attachment 2**.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVES The Glades Local Structure Plan Amendment No.11 - Cardup Brook Precinct subject to modifications as contained within **attachment 3**.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES the following documents to the Western Australian Planning Commission:
 - a) a list of the submissions considered by the local government;
 - b) any comments by the local government in respect of those submissions;
 - c) a schedule of any proposed modifications to address issues raised in the submissions;
 - d) the local government's assessment of the proposal based on appropriate planning principles; and
 - e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

Option 2

That Council recommend the Western Australian Planning Commission REFUSE the Proposed The Glades Local Structure Plan Amendment No.11 - Cardup Brook Precinct for reasons of further information being required pertaining to drainage management approaches in vicinity of the Cardup Brook.

Option 1 is recommended.

Conclusion

The proposed The Glades Local Structure Plan Amendment No.11 - Cardup Brook Precinct seeks to make modifications to The Glades Local Structure Plan within Icaria Stages 13 and 14, which relate to a change in rationalisation of the 'Mixed Use' site and amendments to the road layout, the inclusion of a service commercial site, revised distribution of residential density codes and the inclusion of a District Open Space facility. As highlighted in the report, there are minor issues associated with the amendment, and Officers recommend these issues can be addressed through modifications. Modifications generally include updates or amendments to the Plan, technical appendices and the Local Structure Plan Map.



Attachments (available under separate cover)

- **10.1.10 – attachment 1** – Proposed The Glades Local Structure Plan Amendment No.11 – Cardup Brook Precinct (IN22/12020)
- **10.1.10 – attachment 2** – Summary of Submissions (E22/8949)
- **10.1.10 – attachment 3** – Schedule of Modifications (E23/6841)

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 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
Strategy 1.2.2	Encourage and support public art in public areas
Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.3	Enhance community safety
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
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
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	That Council Recommend the Proposed Structure Plan Amendment be approved, subject to modifications.	There are no risks associated with this option.					
2	That Council Recommend the Proposed Structure Plan Amendment be refused.	Appropriate planning reasons to recommended refusal	Social Community Outcomes /	Possible	Moderate	MODERATE	Accept Officer recommendation.



Voting Requirements: Simple Majority

OCM139/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Dagostino

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within attachment 2.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVES The Glades Local Structure Plan Amendment No.11 - Cardup Brook Precinct subject to modifications as contained within attachment 3.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES the following documents to the Western Australian Planning Commission:
 - a) a list of the submissions considered by the local government;
 - b) any comments by the local government in respect of those submissions;
 - c) a schedule of any proposed modifications to address issues raised in the submissions;
 - d) the local government's assessment of the proposal based on appropriate planning principles; and
 - e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

CARRIED UNANIMOUSLY 7/0



10.1.11 - Consideration of Proposed Structure Plan - Lot 33 Hopkinson Road, Cardup (PA22/957)

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> .

This report was dealt with earlier in the Meeting.



10.2 Infrastructure Services reports:

10.2.1 – Tender Call for Soldiers Road - Cardup Siding Road Roundabout and Soldiers Road - Keirnan Street – Roundabout Upgrades (SJ3787)	
Responsible Officer:	Strategic Projects Lead
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider authorising the Chief Executive Officer to call the tender for the Soldiers Road - Cardup Siding Road roundabout and Soldiers Road - Keirnan Street roundabout upgrades project.

Relevant Previous Decisions of Council

Nil.

Background

Council delegate the calling of tenders to the CEO under Delegation 1.1.33 'Tenders for Goods and Services – Call Tenders' within the Shire's Register of Delegations and Authorisations. This delegation can only be exercised subject to the following condition:

Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:

- a) *Proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or*
- b) *Current supply contract expiry is imminent; and*
- c) *The value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and*
- d) *The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the council.*

The works under the 'Cardup Siding Road and Keirnan Street – Roundabout Upgrades', valued at \$900,000 are being undertaken as part of the 'Soldiers Road Upgrade' project which for the 2022-23 financial year has an approved budget of \$636,004.



Although the adopted Long Term Financial Plan has a total budget of \$1,758,000 for this project (\$200,000 2021-22, \$316,000 2022-23 and \$1,092,000 proposed as part of the 2023/24 Budget) which is sufficient for these works and the funds are confirmed via an executed funding agreement with the State Government, the Council condition set on delegation 1.1.33 does not permit the CEO from exercising his delegation to call the tender. The matter is therefore being presented to Council for consideration.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Statutory Environment

Section 3.57 of the *Local Government Act 1995* requires a local government to invite tenders before it enters into a contract of a prescribed kind. The contract of a prescribed kind is detailed within the *Local Government (Functions and General) Regulations 1996* under regulation 11 and includes contracts for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000.

Delegation 1.1.33 'Tenders for Goods and Services – Call Tenders' of the Shire's Register of Delegations and Authorisations delegates to the CEO the authorisation to call tenders in accordance with Regulations subject to the following condition:

Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:

- a) *Proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or*
- b) *Current supply contract expiry is imminent; and*
- c) *The value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and*
- d) *The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the council.*

Comment

The Shire has successfully obtained funding through the State Government election commitment funding program to upgrade three hypergrowth roads within the Shire, one of which is Soldiers Road. In order to satisfy the funding agreement conditions, the allocated funding is required to be spent before the next State Government election.

The detailed design for this project has been completed. The scope of works is limited to enhancements to the current roundabout layouts, renewal of traffic islands, street scaping, resurfacing and landscaping improvement. The construction for these projects is scheduled to commence in October 2023 with anticipation that works would be completed by the end of 2023. This will allow for a more even distribution of projects and workload over the 2023-24 Financial Year and also enable the works to be completed during dry months of the year which is optimal for asphalt resurfacing works. The procurement process including tendering and award of contract would take 3 to 4 months to complete. It is therefore beneficial to commence the



tendering works this financial year rather than wait until the 2023-24 budget is adopted to enable meeting the timeframes.

As the construction component of this project will be funded through the 2023-24 budget, it is not possible to call for tenders this financial year unless Council approves this step of the procurement process. This project is fully grant funded and an amount of \$1,092,000 is included in the draft 2023/24 budget in-line with the commencement of works, it is low risk for the Shire to commence the tender process with the intention of not engaging a contractor until after the 2023/24 budget has been adopted in July.

Options and Implications

Option 1

That Council:

1. In accordance with section 3.57 of the *Local Government Act 1995* INVITES tenders for Cardup Siding Road and Keirnan Street - Roundabout Upgrades project; and
2. REQUESTS that the Chief Executive Officer proceed with the calling of tenders in accordance with Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering.

Option 2

That Council DOES NOT INVITE tenders for the Cardup Siding Road and Keirnan Street - Roundabout Upgrades project at this time.

Option 1 is recommended.

Conclusion

The decision to whether to call tenders for this project is presented for Council's consideration on the basis that Officers do not have the power to call for the tender under delegation owing to the timing of the project relative to budget adoption. If tenders are called this Financial Year, this will help with timely and more efficient delivery of this project.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

There are no immediate financial implications associated with this decision.

The adopted Long Term Financial Plan has a total budget of \$4,100,000 for this project (\$636,004 2022-23 + \$3,584,000 2023-24) which is sufficient for these works and the funds are confirmed via an executed funding agreement with the State Government.



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 tender is called and the future year budget does not eventuate resulting in the Shire being unable to award the tender and reputation damage from organisations that have invested their time into a submission.	The tender documents include provisions that state award is subject to Council approval.	Reputation	Rare	Minor	LOW	Nil
2	If the tender is not called, this will delay the project from commencing resulting in inefficient distribution of projects over the year and potential delivery of project during unsuitable weather	Nil	Organisational Performance	Possible	Minor	MODERATE	Start the tender process as soon as possible

Voting Requirements: Simple Majority

OCM140/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council:

- In accordance with section 3.57 of the *Local Government Act 1995* INVITES tenders for Cardup Siding Road and Keirnan Street - Roundabout Upgrades project; and
- REQUESTS that the Chief Executive Officer proceed with the calling of tenders in accordance with Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering.

CARRIED UNANIMOUSLY 7/0

**10.2.2 - Road Closure and Land Exchange - Portion of Doley Road, Byford (SJ3580)**

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider the permanent closure of the unbuilt portions of Doley Road road reserve and resolve to endorse the advertising of the proposed road closure in accordance with the *Land Administration Act 1997, Section 58, Closure of Roads (LAA 1997)*.

Relevant Previous Decisions of Council

23 May 2016 - Ordinary Council Meeting - OCM088/05/16 - Council Decision / New Motion That Council:

- 1. Receives the memo from Shire officers in response to questions raised as attachment OCM088.4/05/16*
- 2. Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council endorse the amended schedule of submissions and comments contained within attachment OCM088.3/05/16 and attachment OCM088.4/05/16.*
- 3. Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends to the Western Australian Planning Commission approval of the amended Byford Main Precinct (The Glades) Structure Plan for all proposed amendments north of Orton Road as outlined the Schedule of Modifications contained within attachment OCM088.2/05/16 and recommends to the Western Australian Planning Commission not to support the amendments proposed south of Orton Road for reasons as contained in attachment OCM088.4/05/16 and forward to the Western Australian Planning Commission the following:*
 - a. A list of the submissions considered by the local government;*
 - b. Any comments by the local government in respect of those submissions;*
 - c. A schedule of any proposed modifications to address issues raised in the submissions;*
 - d. This Council Report as the local government's assessment of the proposal based on appropriate planning principles; and*
 - e. Council's resolution recommending to the Western Australian Planning Commission to approve the amended local structure plan with modifications.*
 - f. The memo included within attachment OCM088.4/05/16.*



27 April 2011 - Ordinary Council Meeting - SD093/04/11 - COUNCIL DECISION / Committee / Officer Recommended Resolution:

That Council:

- A. Note the decision of the Western Australian Planning Commission to approve the Local Structure Plan*
- B. Pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2 adopt the proposed Local Structure Plan for the Byford Main Precinct.*
- C. Pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2 adopt the proposed modification to the Byford Structure Plan to delete the hatching on the Plan and the associated notation that has previously stated that 'land subject to further study - planning to be finalised subject to resolution of alignment of Orton Road.'*
- D. Advise all persons who lodged a submission during the advertising of the Local Structure Plan of Council's decision.*

Background

An application from the Developer of the Glades Cardup Brook Development, Byford - LWP has been received to initiate a formal application to permanently close the unbuilt sections of the Doley Road road reserve.

In accordance with the proposed Glades Cardup Brook Precinct Local Structure Plan, which is currently being assessed by the Shire, the closure is necessary for the progression of the Glades Cardup Brook Precinct development.

Community / Stakeholder Consultation

Meetings have been held with Shire's Officers, the Developer - LWP, Main Roads WA and the Department of Planning, Lands and Heritage to discuss the proposed road closure, road connectivity and access/egress for the planned future urban areas of The Glades Cardup Brook Precinct based on the impacts of the Tonkin Highway extension project. This is in consideration of the proposed Tonkin Highway extension severing the existing Cardup Siding Road connection to Hopkinson Road and remove the portion of Hopkinson Road between Cavanagh Close and Gossage Road.

Statutory Environment

Land Administration Act 1997, Section 58, Closure of Roads (LAA 1997).

Comment

The Shire is in receipt of an application from the Developer of the Glades Cardup Brook Development, Byford - LWP to initiate a formal application to permanently close portions of an unbuilt section of the Doley Road road reserve, facilitating a land swap for the purpose of constructing a portion of Doley Road on a new alignment.

The proposed closure is to allow future development to reflect the road network identified in the proposed Glades Cardup Brook Precinct Local Structure Plan.

The portions of the unbuilt Doley Road road reserve to be closed are indicated in **attachment 1**, depicted by the light blue colour and labeled Existing Road Reserve 'A'.

The portion of Doley Road to be closed has been indicated on old original colony mapping of the area dating back over a century and has remained as a road reserve on current day plans.



Planning of the proposed Glades Cardup Brook development, in consideration of road connectivity, now informs the need for the realignment of this portion of road reserve.

Further, the delivery of the portion of Doley Road within the realigned reservation, marked Proposed Doley Road 'B' within **attachment 1**, has been agreed to be delivered by Main Roads WA as part of the Tonkin Highway extension project on the assumption that the new road reserve will be created. The design of this portion of Doley Road has been progressed along with the design stages of the Tonkin Highway extension.

Typically, it is the Department of Planning Lands and Heritage general position that where an unconstructed road is proposed to be closed and amalgamated into a freehold landowner's property, the freehold landowner is required to purchase the closed road at market value and the new road would be dedicated via their freehold subdivision process.

However, where there is merit that the proposal is of benefit to the State, in order to consider a land exchange proposal, the Department requires appropriate justification. In this case, this would be based on how this will fit in with the overall Tonkin Highway Extension project.

It is the Developer's position that a land exchange, as opposed to an acquisition, is more appropriate considering the State significance of the Tonkin Highway Extension.

During meetings held with Shire's Officers, the Developer - LWP and Main Roads WA, it was identified that the Tonkin Highway extension project removing the Cardup Siding Road/Hopkinson Road intersection removes the west bound link. This creates the potential for existing residents north of Cardup Siding Road and south of Cardup Brook, to be potentially trapped by a bushfire approaching from the east, pushed by summer easterly winds. It was therefore agreed by Main Roads WA that the link from Cardup Siding Road to Orton Road, needs to be designed and constructed as part of the Tonkin Highway project, on the new proposed Doley Road alignment

On the basis of the State significance of the Tonkin Highway project, and the associated local access/egress implications its proposed alignment creates, it is proposed that as part of the exchange, the area of closed road is to be incorporated into one of the Developers - LWP's balance title landholdings. The Developer will dedicate the new road reserve via their freehold subdivision process. This however is a matter that is subject to agreement between the relevant parties, being the Developer and the State of WA.

Options and Implications

Option 1

That Council:

1. ENDORSES the closure of existing portion of Doley Road, marked Existing Road Reserve 'A', Byford, within **attachment 1**, and
2. PROCEEDS with advertising of the closure at the cost of the applicant in accordance with Section 58(3) of the *Land Administration Act 1997*, for a period of not less than 35 days; and
3. Subject to no objections being received during the advertising period required in 2. above, formally REQUESTS, pursuant to Section 58(1) of the *Land Administration Act 1997*, the Minister for Lands to formally close the portion of road as depicted in **attachment 1**.

Option 2

That Council DOES NOT ENDORSE the closure of existing portion of Doley Road, marked Existing Road Reserve 'A', within **attachment 1**, Byford.



Option 1 is recommended.

Conclusion

The closure is required to progress the Glades Cardup Brook Development in accordance with the proposed Local Structure Plan. The portion of Doley Road reserve subject to this closure application is to be incorporated into the adjoining Developers, LWP balance title holding.

Attachments (available under separate cover)

- **10.2.2 - attachment 1** - Proposed Doley Road road closure and land exchange plan - (E23/6930)

Alignment with our Strategic Community Plan

Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Outcome 3.3	An innovative, connected transport network

Financial Implications

There are no financial Implications for the Shire. In accordance with the Shires Fees and Charges Schedule, the cost of advertising of the road closure is at the applicant's expense.



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		Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Explain reasons why.
2	That Council do not support the closure and advertising, which creates potential delays to the Tonkin Highway Project and associated implementation of future residential development	Land Administration Act 1997 powers available to Main Roads WA to acquire land	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Accept Officer Recommendation

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. ENDORSES the closure of existing portion of Doley Road, marked Existing Road Reserve 'A', Byford, within attachment 1, and
2. PROCEEDS with advertising of the closure at the cost of the applicant in accordance with Section 58(3) of the *Land Administration Act 1997*, for a period of not less than 35 days; and
3. Subject to no objections being received during the advertising period required in 2. above, formally REQUESTS, pursuant to Section 58(1) of the *Land Administration Act 1997*, the Minister for Lands to formally close the portion of road as depicted in attachment 1.

The item LAPSED for want of mover.



10.2.3 – Petition requesting a playground and BBQ area to the grassed area near Nokota Street and Appaloosa Avenue, Darling Downs (SJ1297)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider a response to the petition received requesting a playground and BBQ area to the grassed area near Nokota Street and Appaloosa Avenue, Darling Downs.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 12 December 2022 – OCM291/12/22 - COUNCIL RESOLUTION That Council ACCEPTS the non-conforming petition and REQUESTS that the Chief Executive Officer present a report on the matter at a future meeting of Council.

Background

A petition was presented to the 12 December 2022 Ordinary Council Meeting requesting installation of a playground and BBQ to the grassed area near Nokota Street and Appaloosa Avenue in Darling Downs. The petition comprises 91 signatures identifiable as residents of the Shire.

Officers have reviewed the petition and undertaken an assessment.

The grassed area is located within the Darling Downs Estate residential subdivision. The grassed area referred to is the public open space constructed in January 2016 as part of Stage 1 of the Estate development. The public open space has been constructed as approved and its predominant function is as a drainage basin area. The area is designed to contain the 100-year storm event across the grass area.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.



Comment

Shire Officers have attended the site and undertaken an assessment of the public open space area on which the petition calls for a playground and BBQ to be installed. The assessment included a review of the approved subdivision Local Structure Plan, public open space – approved landscape and irrigation plans, and approved open space drainage plan for the public open space area located near Nokota Street and Appaloosa Avenue. The public open space is located within the Darling Downs Estate residential subdivision and was approved and developed as part of stage 1 of the development.

The image below shows details of the approved structure plan.



Approved Structure Plan Layout

The grassed area (public open space) referred to in the petition is the public open space area denoted as POS 1 on the above Approved Local Structure Plan. It comprises of an area of 2,577m².

Section 5.5. Public Open Space, of the approved Structure Plan text refers to three public open space sites being set aside for active/passive recreation and drainage purposes.



The above Approved Local Structure Plan also indicates POS 2, with an area of 4,452m² and POS 3 with an area of 5,712m². Neither of these two public open space areas have been created or constructed as yet and are part of the future and final stage of the development. Shire Officers have enquired with the Developer as to the proposed timing of construction for the final two POS areas, however the Developer could not confirm the timing.

POS 3 is denoted on the Structure Plan as reserved for public open space and drainage purposes.

POS 1, constructed in January 2016 as part of Stage 1 of the development has a predominately drainage purpose function. The area contains footpaths, seating and bench area and turf area for passive and active use. The entire open space area has been designed and constructed to contain all storm events up to 100-year event within the site. This includes 3 large rain garden bioretention areas to each of the 3 surrounding road frontages to capture, treat and infiltrate storm water from all rain events – minor and large. From these 3 bioretention areas, large volumes of water then overflow into the densely vegetated Northern area of the open space labelled in the section to take the 5-year flood level. The remaining turf area to the South, as well as the vegetated northern area are sized to contain the less frequent 100-year flood levels.

This open space area is very well established with extensive ground cover vegetation, trees, and the irrigated turf area, as originally designed and constructed to function as a drainage basin. This POS is constrained due to its drainage function and would require counterproductive earthworks to make space for a playground. It is also very important to note that given the grass area is required for the 100-year storm event, it is not typical or good practice to locate playground equipment or any other substantial infrastructure and assets within drainage areas. On this basis it is recommended that POS 1 is not suitable for playground equipment installation.

Below is an aerial image of the POS 1 area in its current condition as at April 2023.



Existing POS 1 grassed area aerial image of April 2023



POS 2 which is yet to be developed is much larger in area, being 4,452m². The Local Structure Plan Local Water Management Strategy indicates drainage infrastructure proposed within POS 2 being located on the south side of the POS, with overflow into the adjacent POS 3 area. This leaves the northern half of POS 2 free from drainage infrastructure and more suitable for it to be developed as a larger, neighbourhood sized park with play equipment and BBQ facilities. Details of playground and BBQ infrastructure will be determined in consultation with the Developer and Shire Officers when development of this final stage progresses.

Options and Implications

Option 1

That Council:

1. REQUESTS the Chief Executive Officer write to the Developer seeking to expedite delivery of the remaining stages of public open space component of the development to benefit the wider community;
2. DOES NOT SUPPORT the request for a playground and BBQ area to the POS 1 grassed area near Nokota Street and Appaloosa Avenue Darling Downs; and
3. REQUESTS the Chief Executive Officer advise the lead petitioner of Council's resolution.

Option 2

That Council DOES NOT ACCEPT the findings of the investigation in response to the petition received at the 12 December 2022 Ordinary Council Meeting.

Option 1 is recommended.

Conclusion

Public Open Space playground and local community park infrastructure as well as drainage infrastructure both provide very important and essential infrastructure in the design, amenity, and function of modern residential subdivision development. It is important that the function of both assets are recognised and that the impacts of storm water and storm events are considered when designing public open space areas and locating playground and community infrastructure within these.

Given the development of this subdivision is still progressing to completion, with current open space infrastructure designed, installed, and functioning as intended, it is recommended Option 1 be endorsed to enable future planning and delivery of playground and BBQ infrastructure in consultation with Shire Officers and the Developer in accordance with the approved Local Structure Plan.

Attachments (available under separate cover)

Nil.



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 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
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	That Council support the finding of the investigation	An approach to the consideration of installation of infrastructure within drainage areas	Reputation	Possible	Moderate	MODERATE	
2	That Council do not support the finding of the investigation	Consideration of proper and orderly planning	Reputation	Possible	Moderate	MODERATE	



Voting Requirements: Simple Majority

OCM141/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Atwell, seconded Cr Strange

That Council:

- 1. REQUESTS the Chief Executive Officer write to the Developer seeking to expedite delivery of the remaining stages of public open space component of the development to benefit the wider community;**
- 2. DOES NOT SUPPORT the request for a playground and BBQ area to the POS 1 grassed area near Nokota Street and Appaloosa Avenue Darling Downs; and**
- 3. REQUESTS the Chief Executive Officer advise the lead petitioner of Council's resolution.**

CARRIED UNANIMOUSLY 7/0



10.2.4 – Council Policy Review – Crossovers (SJ526)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to enable Council to consider adopting revised Council Policy – Crossovers and the Standard Specification for Construction of Crossover.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 20 March 2023 – OCM062/03/23 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

3. APPROVES the advertising of Council Policy – Crossovers as contained within attachment 6 and the Standard Specification for Construction of Crossover as contained within attachment 7 for community engagement in accordance with the engagement plan contained within attachment 10.

*Special Council Meeting – 24 October 2022 – SCM028/10/22 - COUNCIL RESOLUTION - **extract***

9. NOTES that the following activities will be deferred for the time being to enable the ward and representation review to occur and AGREES to their deferment being reflected in the Corporate Business Plan and CEO KPIs where required:

- Project Management Framework embedding and strengthening;*
- Implementation of findings of the Abernethy Road Inquiry including procurement enhancement*
- Strategic Community Plan review;*
- local government policy review; and*
- preparation of the Shire's first Integrity Framework.*

Ordinary Council Meeting – 20 June 2022 – OCM146/06/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council NOTES the proposed forward calendar of routine policy review in attachment 1.



Background

At the June 2022 Ordinary Council Meeting, Council noted the proposed forward calendar of routine policy review. This calendar identified the following Council policies for review by March 2023:

- Election Signs on Road Reserves and Shire Land;
- Fireworks (completed March Ordinary Council Meeting);
- Health and Safety (completed February Ordinary Council Meeting);
- Vehicle Crossings Subsidy;
- Health Services Functions in Relation to the *Environmental Protection Act 1986*;
- Road Closures for Events.

At the Special Council Meeting on 24 October 2022, Council noted the local government policy review would be deferred for the time being, to enable prioritisation of the ward and representation review to occur. Officers continue to review Council Policies where possible and time permitting. Schedules may vary from the proposed forward calendar, however a commitment to continue a policy review between prioritised workloads, remains.

This report deals with the review of one (1) Council Policy being Crossovers (currently titled Vehicle Crossings Subsidy).

Community / Stakeholder Consultation

At the March 2023 Ordinary Council Meeting, Council approved the advertising of the revised Council Policy – Crossovers as contained within **attachment 1** and the Standard Specification for Construction of Crossover as contained within **attachment 2**.

The revised Policy was advertised on the Shire website's "Your Say SJ" page from 28 March to 18 April 2023 and was further supported by two (2) Facebook posts.

The key messages to the community were:

- All buildings and developments approved within the Shire are required to have a crossover constructed and maintained in accordance with the Shire's 'Standard Specifications for Construction of Crossovers'.
- The 'Standard Specifications for Construction of Crossovers' guide property owners and contractors on the required standards, regarding construction of crossovers to the satisfaction of the Shire of Serpentine Jarrahdale.
- Where a crossover is constructed in accordance with this Policy and the specifications, the property owner may apply in writing for a crossover subsidy rebate, as per the calculations and conditions outlined in the Policy.

A total of eleven (11) page visits were made, including three (3) policy document downloads. No feedback from the community was submitted during the engagement period

A community engagement summary report is contained within **attachment 5**.

Policy Concept Forum

Meeting Date	22 May 2023
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Mack, Cr Strange,

Statutory EnvironmentReview of Council Policies

Section 2.7 of the *Local Government Act 1995* provides that the role of Council is to 'determine the local government's policies'. The amendment, adoption or rescindment of any Council Policy must therefore be resolved by Council.

The following laws have been considered in the review of Council Policy – Crossovers:

- *Local Government Act 1955, Schedule 9.1, clause 7* – provides local governments the authority to require a person to make or repair a crossing from a public thoroughfare to private land and provides for the local government to bear some of the cost of making a crossover in certain circumstances.
- *Local Government (Uniform Local Provisions) Regulations 1996, Regulation 12(1)* provides local governments, on application from a private landowner, the power to approve the construction of a crossover from a public thoroughfare to private land, to the satisfaction of the local government.

Comment

This revised policy – Crossovers as contained in **attachment 1**, is to encourage the construction and maintenance of crossovers to an adequate standard for each residential property from a public thoroughfare, referencing the Shire's standard specifications and design drawings to provide a simple and straight forward design tool for crossovers.

On review of the current Council Policy 'Vehicle Crossover Subsidy' as contained in **attachment 3**, Officers consider the Policy is currently predominantly based on the provision of a crossover subsidy to residents and means of calculating a subsidy.

Instead, Officers suggest that the Policy should provide a means to ensure compliance on the provision of a vehicle crossover to every residential property in the Shire, constructed to a required specification, and only offer the subsidy where compliance with the specification is met. The total maximum crossover subsidy is set by the Shire's Fees and Charges and is based on 50% of the cost of a single width, being a 3m wide standard crossover. For the current 2022/23 financial year the maximum subsidy is set at \$400 and is subject to change each financial year.

In summary, the revised Council Policy as contained in **attachment 1** includes the following amendments:

- Title amended from Vehicle Crossing Subsidy to Crossovers.
- The 'Objective' has been updated to encourage construction and maintenance of crossovers to adequate standards and specifications, in lieu of the current 'Purpose' to offer financial subsidy towards the construction.
- The Policy wording has been updated to include:
 - provision for the protection or replacement of street trees,



- the requirement for consistency with Local Development Plans,
- clarification that existing footpaths are to remain where crossovers cross one,
- the requirement to construct crossovers in accordance with approved plans,
- clarification that subsidies will not be paid for non-compliant crossovers or crossovers constructed without approval and that the subsidy rebate is only payable for one compliant crossover per lot,
- the requirement to construct and maintain a crossover, as well as the payment of a subsidy in accordance with the Shire's Fees and Charges.

In conjunction with the review of this Policy, a full review of the Standard Specifications for Construction of a Crossover as contained in **attachment 2** has also been undertaken which includes revised Construction of Crossover Standard Drawings. This review brings the Shire's existing specifications as contained in **attachment 4** up to adequate standards and current practice.

The key amendments in regard to the Standard Specifications for Construction of Crossover are:

- Standardised acceptable minimum and maximum width of crossovers;
- Included description on acceptable location, position and levels of crossovers;
- Details and specifications included for the construction of an asphalt crossover in residential, rural and special rural areas;
- Revised and updated standard drawings of crossover details, depicting the written specification, and included these within the specification;
- A crossover subsidy will only be available to rural and special rural property owners, where the crossover is constructed using the residential materials of concrete, poured limestone, brick or block paving and asphalt.

Results of engagement

As no feedback was received from the community engagement, no further amendments have been made to the revised Council Policy – Crossovers as contained in **attachment 1** as well as the Standard Specification for Construction of Crossover as contained in **attachment 2**, as put before Council on 23 March 2023.



Options and Implications

Option 1

That Council ADOPTS revised Council Policy – Crossovers as contained within **attachment 1**, and the Standard Specification for Construction of Crossover as contained within **attachment 2**.

Option 2

That Council ADOPTS Council Policy – Crossovers as contained within **attachment 1** and the Standard Specification for Construction of Crossover as contained within **attachment 2** with the following amendments:

[Amendments to be specified by the Councillor moving the motion]

Option 3

That Council DOES NOT ADOPT the revised Council Policy – Crossovers as contained within **attachment 1**, and the Standard Specification for Construction of Crossover as contained within **attachment 2**.

Option 1 is recommended.

Conclusion

Council Policy – Crossovers outlines the Shire's requirements regarding the construction and maintenance of crossovers including comprehensive specifications and drawings, and clearly details eligibility for crossover subsidy rebates. Following community engagement, the new Policy and Specifications are provided to Council for adoption.

Attachments (available under separate cover)

- **10.2.4 - attachment 1** – Council Policy – Crossovers (E23/2810)
- **10.2.4 – attachment 2** - Standard Specification for Construction of Crossover (E23/2815)
- **10.2.4 – attachment 3** - Council Policy – Vehicle Crossings Subsidy (E23/2755)
- **10.2.4 – attachment 4** – Standard Specifications for Construction of a Crossover (E23/2756)
- **10.2.4 – attachment 5** – Community Engagement Summary Report – Council Policy – Crossovers (E23/6864)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration

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 significant risks associated with option 1.						
2,	Amendments made may not be informed by sufficient operational information.	Nil	Organisational Performance	Unlikely	Minor	LOW	Nil
3	If Council do not adopt the revised Policy, the Shire will continue to have an out-of-date Policy and will not achieve the policy review schedule. This may be looked unfavourably on at future regulation 17 reviews. Additionally, outdated policies increase risks associated with compliance and efficiencies as they may not address the current operational environment.	Nil	Organisational Performance	Possible	Minor	MODERATE	Nil.

Voting Requirements: Simple Majority

Officer Recommendation

That Council **ADOPTS** revised Council Policy – Crossovers as contained within attachment 1, and the Standard Specification for Construction of Crossover as contained within attachment 2.

OCM142/06/23

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Atwell

That Council ADOPTS revised Council Policy – Crossovers as contained within attachment 1, and the Standard Specification for Construction of Crossover as contained within attachment 2, with the clarification in clause 5.6 to apply with trees that are planted by developers.

CARRIED UNANIMOUSLY 7/0

**10.2.5 – Lot 123 and 124 Gordon Road Access, Serpentine (SJ1271)**

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider options for the provision of vehicular access to Lots 123 and 124 Gordon Road, Serpentine.

Relevant Previous Decisions of Council

Nil.

Background

An 80m long section of Gordon Road, from where the existing gravel road within the road reservation terminates, to the boundaries of Lots 123 and 124 has never been constructed. This section of Gordon Road is adjacent to the southern boundary of Lot 2. In absence of a constructed road, the owners of Lot 123 and 124, have had longstanding vehicular access to their properties via an informal gravel track located within the adjoining privately owned Lot 2.

Lot 2 Gordon Road was listed for sale in late 2021, which at that time prompted the owners of Lot 123 and 124 to contact the Shire requesting the Shire to provide a road connecting the boundary of their properties to the constructed section of Gordon Road. The owners of Lots 123 and 124 were concerned that the new owner of Lot 2 may not allow them to use the track located within Lot 2 to access their properties in future.

Community / Stakeholder Consultation

Shire Officers have contacted the new owners of Lot 2, to explain the current access arrangement issue and to seek information regarding their future plans for development of Lot 2. Also discussed with the new owner were a number of possible options that provide new or maintain the existing access to Lots 123 and 124. The new owners of Lot 2 have advised that they intend to develop the land and install fencing around the perimeter of their property preventing the current public access through Lot 2. They also indicated that they would consider selling a required portion of Lot 2 for the purpose of amalgamation with the road reserve to allow for the existing track to be used for public access.

Shire Officers have also been contacted on several occasions by the owners of Lots 123 and 124 where they were seeking information regarding the Shire's position on the provision of access to their properties including construction of the unbuilt section of Gordon Road.



Statutory Environment

- *Land Administration Act 1997;*
- *Local Government Act 1995;*
- *Planning and Development Act 2005.*

Comment

Gordon Road exists as an unsealed, gravel road located on the east side of South Western Highway in Serpentine. It provides access to 12 rural lots.

Towards the eastern end of the road reserve for Gordon Road, an 80-metre section of the road was never constructed within the dedicated road reserve. This section is adjacent to the Southern boundary of Lot 2 and extends towards Lot 123 and Lot 124, with Gordon Road constructed only up to a point providing vehicular access to Lot 27 and Lot 6. The topography of the land in this 80m section of the road reserve is very steep and is densely vegetated in some sections, such that vehicular access is not possible in it's current state, refer to **images A and B** below showing the cadastral boundaries and photograph of the unbuilt section of the road reservation.



Image A – Cadastral boundaries and existing roads.



Image B – Unbuilt section of Gordon Road road reserve – Looking east from end of existing gravel Gordon Road, up towards Lot 123 and 124.

The mechanism by which new roads are constructed to provide access to newly created lots is through the imposition of such conditions on a landowner/developer at the time of subdivision. In this regard, a standard model condition of subdivision listed in the Western Australian Planning Commission Model Subdivision Conditions Schedule requires, in part, “those lots not fronting an existing road are provided with frontage to a constructed road/s connected by a constructed road/s to the local road system”.

Following an exhaustive search of the Shire’s records, Officers were unable to determine why this requirement was either not imposed, or if imposed, not fulfilled at the time of creating lots 123 and 124 Gordon Road. Further, it has not been able to be determined when Lots 123 and 124 were created.

A review of historical Landgate aerial images indicate that since the creation of Lot 123 and 124 Gordon Road, the owners have had longstanding vehicular access to their properties via an informal gravel road located within the adjoining privately owned Lot 2, in lieu of a constructed road within the dedicated road reserve. Based on the historical Landgate images, this access arrangement has been in place since mid 1970’s for Lot 123 and since late 1980’s for Lot 124. This has been possible as Lot 2 is not fenced, and vehicles are able to freely access the property. Officers are not aware of any formal agreements between the three lot owners in regards to use of the portion of Lot 2 to access Lots 123 and 124.

In late 2021, Lot 2 Gordon Road was listed for sale by the property owner. It appears that there was an awareness by each of the Lot 123 and 124 property owners of the informal access arrangements as this prompted each owner to separately contact the Shire and request the Shire to construct a road to connect their properties to the constructed portion of Gordon Road. The length of unmade road is 80 meters. When making this request, both owners raised their concerns



that new owners of Lot 2 may refuse them access to their properties through Lot 2. In May 2022, the sale of Lot 2 was completed, and the property was transferred to the new owners.

Shire Officers also obtained legal advice regarding the Shire's responsibility to provide a constructed road link up to the boundary of Lot 123 and 124, as well as the legal implications of the long-standing informal access arrangements for these two lots via Lot 2.

The Legal advice dated 19 May 2022 provided clarification to a number of points, which have been summarised below:

- "It is reasonable for the Shire to contend that it is under no responsibility to build a road right up to the boundaries of Lot 123 and 124."

There is no requirement within the Local Government Act or the Land Administration Act that requires a Local Government to construct a road on every road reserve in its district.

- "It is reasonable for the Shire to contend that the two property owners are responsible for constructing a crossover/road to connect their properties to the constructed portion of Gordon Road".

A Local Government is not responsible for constructing crossings (vehicle crossovers) that connect a (public) road to a private property. This is the lot owner's responsibility.

- "The road through Lot 2 is marginally unlikely to be considered a common law road but the Shire could consider solutions such as an easement or compulsory acquisition if it wished to consider the Lot 2 road as an alternative to constructing a road to connect the trafficable portion of Gordon Road to or close to the boundaries of the two lots".

The Legal advice is contained in **CONFIDENTIAL attachment 1**.

A number of options are available to address the access issue.

One option being the construction of the missing 80m section of road within the road reservation. Shire Officers undertook a desktop investigation to determine the cost to construct the 80m section of the road. Given the steep grade of the land (approximately 25%), the road would need to be sealed to prevent erosion and wash out during rain events. The estimated cost to clear the existing vegetation and construct only a 4m wide sealed (chip seal and not asphalt) road is \$150,000.

Another option which Shire Officers have discussed with the owner of Lot 123, is for the owner to construct a crossover at their cost, approximately 80 meters in length from their property boundary to the constructed road within the dedicated road reserve. The owner indicated this will not be a possible option for her from a cost point of view. Both the owners of Lot 123 and 124 would need to construct individual crossovers or agree to construct one shared crossover. Further to this, the owner of Lot 123 has also advised Officers, that it is their opinion, that the Shire is responsible for the provision of a safe vehicular access to the lots, for the purpose of vehicle access and egress in the event of a bushfire for the resident safe escape and for firefighting appliance access, or for the purpose of emergency vehicle access, such as an ambulance.

A further option for consideration is for the acquisition of a portion of Lot 2, adjacent to the Gordon Road road reserve, as it is currently being used to access Lots 123 and 124, and amalgamate that portion of Lot 2 with the Gordon Road road reserve. This will enable continuation of the current access arrangement by providing a wider dedicated road reservation. It is estimated that a 14m wide North-South portion and a 21m wide East-West portion of Lot 2 would be required to enable this. This equates to 4,525 m² of Lot 2 to be acquired and amalgamated with Gordon Road. Based on the May 2022 sale price of Lot 2 of \$825,000, the proportionate land value for



the required land is estimated to be \$15,740. The total cost of this land amalgamation would be approximately \$40,000 which will include purchase of the land and payment of legal fees, survey works and subdivision fees. The acquisition may be funded by either the Shire, or the Lot 123 and 124 property owners. The area of land for this option is indicated below in **image C**.

An alternative option is the placement of an access easement over the existing access track within Lot 2, to secure the future vehicular access for Lots 123 and 124 through Lot 2. The easement dimensions would be similar to that of the area that would be purchased and amalgamated in the above suggested option. This option would be the cheapest of all the options, as it would not require land to be acquired and subdivided, and would not require a road or crossovers to be constructed.



Image C – Portion of Lot 2 to be acquired and amalgamated with Gordon Road road reserve

Officers have contacted the new owners of Lot 2, explaining the current situation and to understand their likely use of the land in the future and implications of the current access arrangements. The owners indicated that the current access arrangements are likely to continue for the near future, until such time that they obtain approval to construct a dwelling on the lot and reside there. At that time, they will fence their property for their security. The option to acquire and amalgamate the portion of Lot 2 with Gordon Road has been discussed with the owners, who indicate they are not opposed to this option.

The owners of Lot 2 indicated they are not supportive of the easement option as it provides no benefit to them. Unless the owners of Lot are compensated and agree to this proposal, it will not be possible to create this easement.



Options and Implications

Option 1

That Council REQUESTS the Chief Executive Officer advise the Owners of Lot 123 and Lot 124 Gordon Road that Council decline the request to build the unbuilt section of Gordon Road or purchase a portion of Lot 2 Gordon Road to amalgamate with Gordon Road road reserve allowing for current access to Lots 123 and 124 to remain.

Option 2

That Council:

1. SUPPORTS funding the purchase of a 4,525m² portion of Lot 2 Gordon Road and its amalgamation with the existing Gordon Road road reserve at an estimated cost of \$40,000 to be funded in the 2023/24 Financial Year budget; and
2. NOTES that the road located within the amalgamated Gordon Road road reserve will become an asset for the Shire to manage and maintain.

Option 3

That Council:

1. SUPPORTS funding of the design and construction of 80m of Gordon Road, to a 4m wide sealed road to Lots 123 and 124 within the existing road reserve, at an estimated cost of \$150,000, to be funded in the 2023/24 Financial Year budget; and
2. NOTES that the newly built 80m long section of Gordon Road will become an asset for the Shire to manage and maintain.

Option 1 is recommended

Conclusion

The owners of Lot 2 will develop their property in future, including fencing the boundaries which will prevent the current public vehicle access through Lot 2 to Lots 123 and 124. Therefore, access arrangements to Lots 123 and 124 will need to be finalised prior to Lot 2 becoming fenced from public access.

Based on the legal advice received, the Shire is not obliged to provide a constructed road access to Lot 123 and 124 Gordon Road. The responsibility to secure vehicular access or to construct a vehicle crossover from these property boundaries to the existing constructed road therefore remains with the property owners. On this basis, Option 1 is recommended.

Attachments (available under separate cover)

- **10.2.5 – CONFIDENTIAL attachment 1** – Legal Advice regarding Gordon Road, Serpentine – access to Lots 123 and 124 (IN22/12612)

**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 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
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 3.3	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

The recommended Option 1 will have no financial implications to the Shire.

Should Option 2 be considered, this will have a financial implication to the Shire's Capital budget in the 2023/24 financial year for the amount of \$40,000 for purchasing land and amalgamating with the road reserve.

Should Option 3 be considered, this will have a financial implication to the Shire's Capital budget in the 2023/24 financial year for the amount of \$150,000 to construct the road extension.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council supports the request for the owners to construct their own individual crossovers to the constructed Gordon Road	Local Government Act 1995 and the Shire Vehicle Crossover Specifications	Reputation	Likely	Minor	MODERATE	
2	That Council support the purchase and amalgamation of portion of Lot 2 of Gordon Road in the 2023/24 FY	Consideration as part of the 2023/24 financial year Council Budget review process.	Financial	Likely	Insignificant	MODERATE	
3	That Council support funding the design and construction of 80m of Gordon Road in the 2023/24 FY	Consideration as part of the 2023/24 financial year Council Budget review process.	Financial	Likely	Insignificant	MODERATE	



Voting Requirements: Simple Majority

Officer Recommendation

That Council REQUESTS the Chief Executive Officer advise the Owners of Lot 123 and Lot 124 Gordon Road that Council decline the request to build the unbuilt section of Gordon Road or purchase a portion of Lot 2 Gordon Road to amalgamate with Gordon Road road reserve allowing for current access to Lots 123 and 124 to remain.

Alternative Officer Recommendation

That Council DEFERS this matter to the July Ordinary Council Meeting to allow the opportunity for the residents involved to make representation to Council on this matter.

OCM143/06/23

COUNCIL RESOLUTION / Alternative Officer Recommendation

Moved Cr Rich, seconded Cr Atwell

That Council DEFERS this matter to the July Ordinary Council Meeting to allow the opportunity for the residents involved to make representation to Council on this matter.

CARRIED UNANIMOUSLY 7/0



10.2.6 - Review of Operations and Waste, Fleet and Facilities Business Units (SJ4029)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to present the findings of the Glen Flood Group (GFG) consultant's review of the Depot Operations Centre involving the Operations, Waste Management, Fleet and Facilities business units.

The provision of this report achieves part of the CEO KPI related to this review.

Relevant Previous Decisions of Council

Nil.

Background

The Shire of Serpentine Jarrahdale has faced many challenges over the last decade, including foreshadowed and abandoned amalgamations with neighboring Local Governments, high staff turnover, hypergrowth in developments, aging asset base and rapid population growth. This has also been compounded with increasing demand from the community for provision of a higher level of service. The Shire is rapidly transforming from a rural shire to be part of the greater Perth metropolitan area. For example, the Shire will be accepting the responsibility for maintenance of a further 11.2 hectares of Public Open Space from developers over the next two years.

This has already brought increased pressure on the Shire's resources both physically and financially to cope with managing the growing infrastructure asset management demand.

Officers identified various areas for improvement to gain efficiencies in operations and also safety at the Shire's Depot. This included Parks and Gardens, Civils and Facilities maintenance and Fleet and Waste management business units. This resulted in the inclusion of a KPI Statement in the CEO's Key Performance Criteria for 2022/23, as below:

Facilitate a comprehensive review of (i) Depot Operation Centre and (ii) the Waste Transfer Station and prepare separate reports for each outlining the review findings and recommendations to Council by June 2023.

This action was incorporated into the Shire's Corporate Business Plan for implementation in 2022/23.



In response, the Shire engaged consultants Glen Flood Group (GFG) to undertake a best practice review of the Operations and Waste, Fleet and Facilities Business Units' service delivery model (**attachment 1**). The consultants have undertaken similar reviews in recent years, including for the Cities of Mandurah, Armadale, and Kwinana.

The Shire's engagement of the consultants included a review of the Depot, Waste Transfer Station (WTS) and legacy stockpiled drainage material. The WTS is the subject of a separate report to be presented to the 19 June 2023 Ordinary Council Meeting, as per the CEO's KPI.

Community / Stakeholder Consultation

Two Policy Concept Forums were held with Councillors:

Meeting Date	1 May 2023
Councillors in Attendance	Cr Rich, Cr Byas, Cr Coales, Cr Dagostino, Cr Duggin, Cr Mack, Cr Strange

Meeting Date	29 May 2023
Councillors in Attendance	Cr Rich, Cr Duggin, Cr Mack, Cr Strange

The following staff consultation was conducted:

- One on one interviews with Shire staff from across the organisation; and
- Group workshops with the various Operations and Waste Fleet & Facilities field teams.

Statutory Environment

- *Health and Safety Act 2020* and associated Regulations
- Health and Safety Codes of Practice - various
- *Environmental Protection Act 1999* – Federal
- Environmental Protection Act 1986 – State (WA)
- *Biodiversity Act – 2016 State (WA)*
- Mainroads Traffic Management for Works on Roads (Code of Practice)

Comment

The review commenced with engagement with management and staff from Operations and Waste Fleet and Facilities business units. This included face to face interviews and the opportunity for staff to provide further feedback via email if they had more to contribute.

The outcomes of the engagement were included in seven categories of success, chosen as the most relevant aspects of the business units. Each category has been built from a series of success statements which the consultants believe are representative of high performing business units.

The seven categories are:

- Leadership & Culture;
- The People;
- The Process;



-
- The Strategy Policy & Governance;
 - The Technology;
 - The Resources;
 - The Politics.

The outcomes of the interviews plus research into processes, policy and procedures resulted in a comparison between 'Success looks like...' with the 'Current State is:' within all the business units.

Fifty-nine recommendations were produced from the data and information gathered which form a key part of the Operations and Waste, Fleet and Facilities review, plus a further 12 for the Waste Transfer Station (WTS), which will be discussed in a separate report. The key themes (Big Issues) are:

Leadership:

- A clear communication plan is required to articulate vision, desired behaviours, and priorities.
- Managers and leaders need to be more visible.
- Management needs to develop and cost a plan to deal with the legacy issues currently causing a redirection of resources.
- There are cultural challenges within the Depot with staff having resentment, lack of respect and trust for management.

It should be noted that both the Operations Manager and Waste, Fleet and Facilities Manager who were in charge of business units being reviewed left the Shire mid way through the review process, after a 8-10 month employment with the Shire. The Operations Manager position, vacated in January has since been filled in May 2023 and the new Manager Waste and Fleet will be commencing on 12 June 2023.

Safety:

- Safety should be the number one priority, with the facility plant and equipment requiring ongoing investment
- Reluctance to report issues or hazards for fear of retribution
- Safety culture needs urgent attention i.e. ineffective or ad hoc Toolbox meetings and resistance to change
- Sufficient resources are required to meet rising demand of workload and compliance

Role Clarity:

- The Shire needs 'the right people doing the right thing at the right time'. Staff are currently doing things outside of their responsibility to the detriment of their defined role.
- Staff turnover affects role clarity and authority and retention of skills and knowledge

Accountability:

- Better role clarity and retention of staff will improve accountability. Staff are unclear of responsibilities and therefore can't be held accountable.



- The teams require work schedules with documented standards and necessary resources to be held to. This requires detailed Asset Data to be in place to facilitate schedules, with asset data being progressively established.

Planning:

- More focus is required regarding detailed planning for work scheduling, in part because of absence of comprehensive data about work volumes and standards.
- Projects appear to go from idea to implementation with limited planning, consultation, and project management.
- Daily tasks and projects appear to be determined by urgency management or ad-hoc and in a reactive manner rather than scheduled and proactive.

The consequences of doing nothing:

- There are several more specific issues that need to be addressed (as outlined further in the review) and these will improve efficiency and effectiveness, however the failure to adequately address and invest in the above will minimize any improvements being made. The above matters are foundational requirements upon which to build the business units.

Legacy Issues:

- The allocation of resources by the Shire's maintenance teams is being adversely affected by several legacy issues. Some of these are the result of poor planning and execution by the Shire in the past, however many have been inherited from developers. These are mostly public open space, irrigation and drainage assets gifted by the developers over several years. With many of those gifted during the last 20 years requiring higher investment in maintenance, renewal or rationalisation. The legacy and aged asset issues need to be assessed and appropriate resources directed to fix the issues for long term and ensure legislative compliance. Without this the planned maintenance budgets will continue to be diverted to emergency and unplanned maintenance impacting service levels more broadly.

Staff Structure and Numbers

- The review has produced a staged transition to the required structure in response to the findings and growth in workload.
- The consultants have recommended the increase in staff numbers in an incremental way rather than proposing a one-off increase. This will allow the Shire more time to plan for the increases as well as develop the plans and schedules required to manage additional work.

2023/24

The review is recommending five additional staff and a portfolio move to improve the 'balance' of the structure including:

- Operations taking on the Facilities portfolio from what will now be known as Waste and Fleet.
- Better supervisor coverage within Fleet management team and workshop.
- Technical support for Operations and Facilities business units to transition to proactive and scheduled way of asset maintenance, better manage risk and quality and establish essential service contracts that underpin maintenance efficiency.
- An additional Administration Officer for Operations to meet and enable the management of the growing customer request demand.



The review has also recommended the employment of a Business Transformation Manager, or equivalent resource to support the Manager Operations with this change program, planning, costing and implementation of the recommendations of the review. This is proposed to be a short-term engagement. Funding this position will be considered as part of the upcoming Corporate Business Plan review.

Shire Officers have reviewed the recommendations and identified the 5 new staff (FTEs) to be high priority. These include the following positions:

- 2 x Technical Officers for Operations and Facilities business units;
- 1 x Administration Officer for Operations business unit;
- 1 x Playground Inspector/Maintenance Officer;
- 1 x Fleet and workshop Supervisor.

The business cases for these FTEs will be submitted for funding consideration by Council as part of 2023-24 annual budget. The estimated cost of employing these positions during 2023-24 will be \$360,000.

By 2024/25

An additional seven staff are proposed to address future growth, primarily in the park maintenance teams. The number of additional staff required is based on the estimated growth and known area of Public Open Space to be handed over to the Shire. Following the preparation and implementation of maintenance schedules for various areas of activities and monitoring, measuring and evaluation of performance, the number of additional required staff will be rationalized.

By 2028/29

A further seven staff are recommended in response to anticipated growth including. In addition, the review recommends the creation of a natural areas team to provide on-ground works for Shire reserves, including trails and bushland maintenance. This work will involve complementary and additional activities to that already provided by Landcare SJ however will improve the level of service provided to natural areas. As above, the number of required additional staff will be rationalized based on scheduled maintenance data. This forecast will then be built into Workforce Plan and Long-Term Financial Plan.

Summary

The consultant review and recommendations provide the Shire with a framework to greatly improve the future effectiveness of its Operations, Facilities, Waste and Fleet teams. In terms of priority of the recommendations, the consultant review provides an implementation timeframe against each.

In response to the consultant review, the Shire has commenced an analysis of how it can resource and implement the recommendations. Some of them can be implemented in-house with existing staff and resources. Others will require additional budget and external resources, as stated in the review. The outcome of the analysis will form business cases for budget and staff requests in future annual budgets of the Shire.



Options and Implications

Option 1

That Council:

1. RECEIVES the consultant's report on Review of Operations and Waste, Fleet & Facilities Business Units contained within **attachment 1** and consolidated list of recommendations and actions from the Review of Operations and Waste, Fleet & Facilities Business Units as contained within **attachment 2**; and
2. REQUESTS the Chief Executive Officer incorporate the recommendations and actions as contained within **attachment 2** into the Corporate Business Plan.

Option 2

That Council RECEIVES the consultant's report on Review of Operations and Waste, Fleet & Facilities Business Units contained within **attachment 1** and consolidated list of recommendations and actions from the Review of Operations and Waste, Fleet & Facilities Business Units as contained within **attachment 2**.

Option 1 is recommended.

Conclusion

This review is a critical and timely step in improving the efficiency and effectiveness of the Shire's operational business units.

Implementation of the recommendations is important in recognising the Council and community expectations for level of service and coping with growth.

Attachments (available under separate cover)

- **10.2.6 - attachment 1** – Review of Operations and Waste, Fleet & Facilities Business Units v3.3, May 2023 (IN23/10975)
- **10.2.6 - attachment 2** – Consolidated list of recommendations and actions - Review of Operations and Waste, Fleet & Facilities Business Units - May 2023 (IN23/10730)

Alignment with our Strategic Community

Outcome 1.3	A safe place to live
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
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Strategy 4.2	A strategically focussed Council



Financial Implications

Additional funding will be required to fund additional staff, other resources and asset and maintenance investment arising from improved planning and scheduling as recommended by the review.

This will be determined by business cases and/or annual budget submissions to be considered in the annual budget process and Corporate Business Plan review.

The case for the provision of five additional staff will be undertaken as part of the 2023/24 annual budget process. The estimated cost of employing these positions during 2023-24 will be \$360,000.

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	Due to the current ongoing escalation in prices, project costs may still escalate beyond the current funds available	The proposed reduced scope and estimated costs includes escalation costs	Organisational Performance	Possible	Moderate	MODERATE	Nil
1	Failure to plan and fund maintenance sufficiently will mean budget continues to be diverted to emergency and reactive maintenance adding to the poor performance of aging assets	Improved resources and planning	Financial	Unlikely	Moderate	MODERATE	Nil
2	No action will negatively impact on the ability to manage safety and legislative compliance	Improved resources and planning	Financial	Almost	Major	HIGH	Nil



Continued

Ordinary Council Meeting Minutes Monday, 19 June 2023

Voting Requirements: Simple Majority

OCM144/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

That Council:

- 1. RECEIVES** the consultant's report on Review of Operations and Waste, Fleet & Facilities Business Units contained within attachment 1 and consolidated list of recommendations and actions from the Review of Operations and Waste, Fleet & Facilities Business Units as contained within attachment 2; and
- 2. REQUESTS** the Chief Executive Officer incorporate the recommendations and actions as contained within attachment 2 into the Corporate Business Plan.

CARRIED UNANIMOUSLY 7/0



10.2.7 - Review of the Waste Transfer Station (SJ4029)	
Responsible Officer:	Director Infrastructure Services
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is to present the findings of the Glen Flood Group (GFG) consultant's review of the Waste Transfer Station (WTS).

The provision of this report achieves part of the CEO KPI related to this review.

Relevant Previous Decisions of Council

Nil.

Background

Officers identified areas for improvement to gain efficiencies in waste management, waste processing operations and also safety at the Shire's Waste Transfer Station. This resulted in the inclusion of a KPI Statement in the CEO's Key Performance Criteria for 2022/23, as below:

Facilitate a comprehensive review of (i) Depot Operation Centre and (ii) the Waste Transfer Station and prepare separate reports for each outlining the review findings and recommendations to Council by June 2023.

This action was incorporated into the Shire's Corporate Business Plan for implementation in 2022/23.

In response, Officers engaged consultants Glen Flood Group (GFG) to undertake a best practice review of the Waste Transfer Station (WTS), as part of a larger review of the Operations and Waste Fleet and Facilities business units (**attachment 1**). The findings of the WTS review are the subject of this report. The Operations, Waste, Fleet and Facilities business units is the subject of a separate report to be presented to June Ordinary Council Meeting, as per the CEO's KPI.



Community / Stakeholder Consultation

Two Policy Concept Forums were held with Councillors:

Meeting Date	1 May 2023
Councillors in Attendance	Cr Rich, Cr Byas, Cr Coales, Cr Dagostino, Cr Duggin, Cr Mack, Cr Strange

Meeting Date	29 May 2023
Councillors in Attendance	Cr Rich, Cr Duggin, Cr Mack, Cr Strange

The following staff consultation was conducted:

- One on one interviews with Shire staff from across the organisation; and
- Group workshops with the various Operations and Waste Fleet & Facilities field teams.

Statutory Environment

- *Health and Safety Act 2020* and associated Regulations
- Health and Safety Codes of Practice - various
- *Environmental Protection Act 1999* – Federal
- Environmental Protection Act 1986 – State (WA)
- *Biodiversity Act – 2016 State (WA)*
- Mainroads Traffic Management for Works on Roads (Code of Practice)

Comment

The review commenced with engagement with management and staff from Waste Fleet and Facilities business unit. This included face to face interviews and the opportunity for staff to provide further feedback via email if they had more to contribute.

The consultants also visited the WTS site on several occasions, including on a weekend when it was in high use.

The outcome of the interviews and site visits, plus research into processes, policy, and procedures, resulted in a comparison between ‘*Success looks like...*’ with the ‘*Current State is:*’ at the WTS. In this context, *Success is considered to be the establishment of an optimal facility which would have considered current and future demands and a broad range of influencing factors during concept, design, planning, construction, and ongoing operations. However, the Current State of the WTS is such that there is room for significant improvements to be implemented.*

The key themes (Big Issues) appear on pages 55-57 of the review (**attachment 1**) and are summarised below:

- The site is sub-optimal for a WTS which includes receiving, temporary storage and transfer of general waste (non-organic), processing and distribution of green waste, processing drainage waste and operation of a Reuse Shop.
- The current operation of the WTS is costing approximately three times the previous bulk verge collection arrangement due to the increase in the volume of waste being received.



- There are no restrictions on the number of visits from residents and checks are not always adequate leading to the staff view that the WTS is sometimes being exploited by commercial operators and/or sources outside of the Shire.
- The consultant's view is that the site is an unsafe environment with heavy equipment operating in close vicinity to the public and recommend an audit of the site by a qualified safety auditor.
- Following the audit and preparation of a plan for more safe and efficient management of site, changes to the current practice and improvements to the facility will need to be resourced and implemented.
- The Reuse Shop and WTS opening hours to be reviewed as part of further planning works for optimization of operations.
- The site is a dust hazard in summer and a quagmire in winter.
- Traffic flow is haphazard with poor signage
- Waste handling is poor.

Since receiving the consultant's report, Shire Officers have undertaken an internal safety audit of the site and identified a range of safety improvements. The more urgent and high-risk improvements identified in the recommendations have been implemented with the remaining items being currently progressed. Some of these improvements will be dealt with as part of the review and preparation of a plan for general improvement of the site.

Twelve recommendations labelled WT1 - WT12 (Pages 19 & 20 of **attachment 1**) were produced from the data and information gathered and form part of the overall review.

Summary

The consultant's review and recommendations provide the Shire with a framework to greatly improve the effectiveness of its Waste Transfer Station. In terms of priority for the recommendations, the consultant's review provides an implementation timeframe against each recommendation.

In response to the consultant's review, the Shire has commenced an analysis of how it can resource and implement the recommendations. Many of the recommendations require immediate attention due to the potential Workplace Health and Safety (WHS) issues raised.

Some of the recommendations can be implemented in house with existing staff and resources. Others will require additional budget and staff. The outcome of the analysis will form business cases for funding requests in future annual budgets of the Shire.

In order to implement some of the high priority recommendations listed in the consultant's report to improve efficiencies, ensure compliance, and also address some safety aspects, two business cases will be submitted for funding approval as part of 2023-24 annual budget. These items are listed as below:

- Removal of the existing stockpile of construction and demolition waste and drainage cleaning waste – Recommendation WT8 - \$300k;
- Undertake a review, prepare a plan to identify improvements to the facility and current processes – Recommendations WT5, WT6 and WT10 - \$50k.



Options and Implications

Option 1

That Council:

1. RECEIVES the consultant’s report on Review of Operations and Waste, Fleet & Facilities Business Units contained within **attachment 1** and consolidated list of recommendations and actions from the Review of Operations and Waste, Fleet & Facilities Business Units as contained within **attachment 2**; and
2. REQUESTS the Chief executive Officer incorporate the recommendations and actions as contained within **attachment 2** into the Corporate Business Plan.

Option 2

That Council RECEIVES the consultant’s report on Review of Operations and Waste, Fleet & Facilities Business Units contained within **attachment 1** and consolidated list of recommendations and actions from the Review of Operations and Waste, Fleet & Facilities Business Units - as contained within **attachment 2**.

Option 1 is recommended.

Conclusion

This review is an important step in improving the efficiency and effectiveness of the Shire’s Waste Transfer Station. Implementation of the Consultant’s recommendations will result in various short and long term improvements in operations and safety at the site, including safer traffic circulation, better control of waste receipt, handling and more efficient transfer of general waste and processing of green waste. These will address a range of safety issues and result in cost savings. In order to implement some of the high priority recommendations, two business cases will be submitted for funding consideration as part of 2023-24 budget. These include allocation of \$300,000 for removal of existing stockpiles of drainage, construction and demolition waste to free up space and also allocation of \$50,000 for review of existing facility and preparation of a plan for a more efficient and safer facility.

Attachments (available under separate cover)

- **10.2.7 - attachment 1** – Review of Operations and Waste, Fleet & Facilities Business Units v3.3, May 2023 (IN23/10975)
- **10.2.7 - attachment 2** – Consolidated list of recommendations and actions - Review of Operations and Waste, Fleet & Facilities Business Units - May 2023 (IN23/10730)

Alignment with our Strategic Community

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
Strategy 4.1.2	Maximise the Shire’s brand and reputation in the community



Financial Implications

Additional funding will be required to finance the recommendations of the Waste Transfer Station review. This will be determined by business cases to be considered in the annual budget process.

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	Due to the current ongoing escalation in prices, project costs may still escalate beyond the current funds available	The proposed reduced scope and estimated costs includes escalation costs	Organisational Performance	Possible	Moderate	MODERATE	Nil
2	No action will negatively impact on the ability to manage safety and legislative compliance	Improved resources and planning	Financial	Likely	Major	HIGH	Nil

Voting Requirements: Simple Majority

OCM145/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Atwell, seconded Cr Duggin

That Council:

1. **RECEIVES** the consultant's report on Review of Operations and Waste, Fleet & Facilities Business Units contained within attachment 1 and consolidated list of recommendations and actions from the Review of Operations and Waste, Fleet & Facilities Business Units as contained within attachment 2; and
2. **REQUESTS** the Chief executive Officer incorporate the recommendations and actions as contained within attachment 2 into the Corporate Business Plan.

CARRIED UNANIMOUSLY 7/0



10.2.8 - Feasibility of Food Organics Garden Organics (FOGO) - implementation and organics processing (SJ4171)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to receive the Talis Consultants' Final Report 'FOGO Feasibility Study' and to seek the Council's endorsement to conduct a waste composition audit and review of the financial modelling, prior to Council's consideration of FOGO service roll out options in early 2024 to meet budget schedules.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 June 2020 - OCM155/06/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council

1. *ADOPTS the Waste Management Strategy 2020 to 2024 as contained within attachment 1*
2. *REQUESTS the Chief Executive Officer to:*
 - a) *commence with the Projects in Table 1 in this report*
 - b) *purchase four trailers, to provide a free rental service to residents*
 - c) *prepare, for Council's consideration by August 2020 Ordinary Council Meeting, a Policy dealing with how an on-demand free bulk waste pick up service will be implemented and assessed for eligibility.*
 - d) *cease bulk waste collections in the 2020/21 financial budget.*

*Ordinary Council Meeting – 16 March 2020 - OCM054/03/20 - COUNCIL RESOLUTION / Officer Recommendation – **extract***

That Council:

4. *REQUESTS that the Chief Executive Officer write to the Rivers Regional Council Chief Executive Officer and Chief Executive Officers of member local governments:*
 - a) *explaining Council's rationale for deferring a decision regarding the future of Rivers Regional Council until at least one year after the commencement of operations at the Kwinana Waste to Energy facility to allow:*



- i. lessons associated with the commissioning and initial operations of the KWTE to be incorporated into considerations of the future of the Rivers Regional Council;*
- ii. consideration and approval of member local government Waste Management Strategies by the Department of Water and Environmental Regulation which should inform options; and*
- iii. implications associated with Food Organics and Garden Organics approach to be understood and incorporated into considerations of RRC's future.*

Background

The Shire's Waste Management Strategy 2020-2024 acknowledges the targets within the State Waste Strategy 2030 published in 2019, advocating that the Shire considers implementation of a FOGO collection by 2025 and investigate options for in-house FOGO processing. The Strategy acknowledges the Shire's position as a member of Rivers Regional Council (RRC) and the Kwinana Waste to Energy (WtE) facility, with its contractual obligations to supply a minimum tonnage of waste to the facility.

The Waste Management Strategy has prompted the Shire to seek an independent feasibility assessment of:

- The introduction of a three-bin FOGO kerbside system; and
- Establishing a FOGO processing facility with the Shire.

The Shire subsequently sought submissions in November 2022 to conduct a feasibility study into the implementation of a FOGO service and the potential for processing its organic waste within the Shire. Talis Consultants (Talis) was the successful tenderer engaged by the Shire to fulfill the requirements of these feasibility assessments.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	1 May 2023
Councillors in Attendance	Cr Rich, Cr Byas, Cr Coales, Cr Dagostino, Cr Duggin, Cr Mack, Cr Strange,

Statutory Environment

The statutory and other guiding documents are outlined in the attached Talis FOGO Feasibility Study on pages 8 – 12. In summary they are:

- *Waste Avoidance and Resource Recovery Act (WARR Act) 2007* - promoting the most efficient use of resources, including resource recovery and waste avoidance, and advising on the regulation of waste services.
- *State Waste Strategy 2030* - outlining a vision of WA to "become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste" through behaviour change and provision of appropriate infrastructure.
- *Better Bins Plus program* – commencing in 2020, providing \$20 million funding to 2026;
 - Local government funding for mandatory (though not legislated) 3-bin FOGO system to be implemented by 2025. (The Shire has received \$257,362 to date.)



- Better Practice Recycling Guideline 2022 – provides for a preferred bin type, size and collection frequency for residential single unit developments (SUDs) FOGO service, for the provision of kitchen caddies and compostable liners.
- National Waste Policy 2018 – promoting the move towards a circular economy, away from a “take, make, use and dispose” system and supporting a 3-bin organics strategy to divert waste away from landfill into soil improvement.

Comment

The initial comment below represents a summary of the FOGO Feasibility Study by Talis Consultants followed by the Officer’s commentary and clarification when viewed in the context of relevant factors such as the WtE contract, rural significance and resources.

The FOGO Feasibility Study report can be viewed in **attachment 1** of this report. There are two further attachments to the FOGO Feasibility Study report which are shown as **CONFIDENTIAL** attachments of this report, **attachment 2**, the Contractor’s Fees and **attachment 3**, the Financial Model.

Overview of Talis Consultants’ Final Report - FOGO Feasibility Study

The FOGO Feasibility Study, completed in April 2023, addresses the scope outlined by the Shire and provides the following findings:

- the waste composition and volumes generated;
- the Shire’s dwelling types, demographics and forecasted growth;
- the current and projected cost of providing the services;
- the potential recovery rates achievable;
- case studies from other Local Governments that are currently providing a FOGO service;
- the available FOGO processing options and capacity in the region;
- the available markets for FOGO derived products;
- issues with contamination;
- the barriers to establishing a FOGO processing facility; and
- the merits and risks of potential FOGO processing options for the Shire.

The study compares two options starting from the commencement of the waste to energy (WtE) facility in late 2024.

The summary of the two options presented by Talis Consultants, with recovery and costings are:

OPTION 1. Current 2-bins with WtE

2-Bin System to WtE from 2024-25 (landfilling to cease): -

- 140L - 240L General Waste Bin collected weekly
- 240L Recycling Bin collected fortnightly

Recovery: -

- Materials Recovery Rate 31% - consists of WtE 18% and Recycling 13%
- Resource Recovery Rate 96% - consists of combined material recovery and energy



Cost per annum and 10-year projection: -

- First year 2024-25 \$488 per household
- Annual average \$516 per household over 10 years
- Total cost \$74.9M over 10 years

OPTION 2. FOGO 3-bins with WtE

3-Bin system with WtE and FOGO (landfilling to cease): -

- 140L General Waste Bin collected fortnightly
- 240L FOGO Bin collected weekly
- 240L Recycling Bin collected fortnightly

Recovery: -

- Materials Recovery Rate 49% - consists of WtE 13%, Recycling 13% and FOGO 23%
- Resource Recovery Rate 97% - consists of combined material recovery and energy

Cost per annum and 10-year projection: -

- First year 2024-25 \$749 per h/hold (based on bin roll out for all residents within the Shire)
- Annual average \$616 over 10 years - 16.23% average increase (\$100 above the cost of the current 2-bin system)
- Total cost \$89.7M over 10 years based on FOGO roll out to all residents

The report acknowledges the Avertas Waste to Energy contract agreement through the Shire's membership of RRC and expresses the need "to ensure that the residual waste tonnes available in the 3-bin FOGO scenario do not fall below the committed tonnes per annum to avoid paying shortfall fees". Critical to FOGO implementation, it also recognizes the potential restrictions in the Avertas Waste Supply Agreement, and how this may result in 'willful misconduct' under the current Agreement. Based on the estimated tonnages outlined in Table 4.3 of the report, there is potential for a shortfall in the Committed tonnes and hence, it is suggested that "the Shire should hold off on implementing a 3-bin FOGO system."

Financial Modelling was undertaken for each of the Options presented based on cost data provided by the Shire and Talis' own industry knowledge. It encompasses all aspects of the waste service, kerbside collection, materials processing and bin maintenance. Although the model appears to have rigor, the modelling does not explore alternative options for the implementation of a FOGO service.

The Case Studies that are discussed in the report, City of Fremantle, City of Melville, City of Vincent, Shire of Harvey and Town of Bassendean, provide some excellent information that will be a valuable reference for the Shire if it proceeds to implement a FOGO service in the future. In particular, the Shire of Harvey has demographic similarities to the Shire of Serpentine Jarrahdale in that it has a portion of rural properties which have no waste service and are not charged a waste rate. Whilst Harvey does not have the projected population growth of Serpentine Jarrahdale, it is more closely aligned in other respects.

Talis provided a comprehensive assessment of organics processing, looking at processors within the vicinity of Perth and Peel region and their current and future anticipated capacity. This included a range of processing technologies, from open windrow, aerated static pile, in-vessel



composting and aerobic digestion, and considered both current and future facilities and their availability. The Market Review identified the potential level of contamination as a major obstacle to the viability of FOGO services. Whilst the market review suggests there may be insufficient market capacity to take the composted product at present, this is likely to change in the future if the contamination and cost of processing can be minimised. The report acknowledges that a sound education campaign is critical to participation and reduced levels of contamination.

With regard to in-house FOGO processing and composting, a high level feasibility study was undertaken focusing on the numerous barriers detected. These include environmental compliance, volumes, feedstock management, quality management and establishment costs. The Shire, without significant input from others, has insufficient volumes of organic waste to justify the major capital expense of establishing an organics processing facility. Whilst the Shire had anticipated that it would attract supply of organic waste from other local governments and possibly commercial sources, given that many neighbouring Councils are committed to WtE, this could be problematic and present a high risk. Along with managing the associated risks and liabilities, and resourcing of such a project, the option of processing organic waste within the Shire, is not supported. Numerous options for a contracted processing option are currently available but will likely diminish as more FOGO services are introduced across the metropolitan area, hence, the need for the Shire to consider securing a processing contract when the decision to implement FOGO is made.

The Talis report identifies the need to prepare a competitive procurement process for the FOGO bin roll out, kerbside FOGO collections and processing services. As the Shire's current Waste Collection Contract with Cleanaway is scheduled to expire in June 2025, careful consideration is recommended for the timing of the tender process should the Shire decide to implement a FOGO service in the near future.

Based on the works and findings from this FOGO Feasibility Study, Talis has put forward the following recommendations for the Shire's consideration:

1. Continue to support Rivers Regional Council with the Avertas Energy negotiations on the Waste Supply Agreement to further reduce potential restriction on the Shire's resource recovery efforts including potential FOGO collections.
2. Adopt the contracted-out service model as the preferred approach for FOGO processing.
3. Undertake a procurement process to secure market rates for the introduction of FOGO collection and processing services.
4. If timing allows, the FOGO services should be included within the Total Waste Services procurement process including all collections, processing, and disposal requirements. As part of this approach, the Shire should seek to utilise separable portions to isolate key services such as FOGO roll-out, FOGO processing, recycling processing and disposal services.
5. Based on the responses arising from the procurement process, re-evaluate the costs of introducing a 3-bin FOGO WtE system, by updating the model based on the tendered FOGO and relevant services rates.
6. Undertake a waste and recycling compositional audit of at least 100 residual waste and 100 commingled recycling bins to determine volumes of recycling and organics in each of the streams to feed into the re-evaluation process (Recommendation 5).
7. If the Shire decides to proceed with a 3-bin FOGO system, prepare a FOGO Implementation Plan outlining the key tasks and responsibilities associated with the roll out and introduction of the service.



8. Seek to maximise recovery by preparing and implementing a detailed Waste Education Plan.

Officer Comment

The Talis report has captured all the aspects associated with the feasibility of a FOGO service and of an optional in-house or contracted organic processing service. However, the study is based on implementing a FOGO service to the whole of community at the same time. Whilst a reference is made to the potential to roll out FOGO to those that receive a waste service only, the report does not factor in the considerable rural demographic that either, do not have a waste service, or are semi-rural and likely to compost their organic waste at home.

By introducing a FOGO service to the built-up area of Byford only, which according to the 2021 ABS, contains some 6,500 dwellings or 58% of total dwellings in the municipality, this has the potential to significantly reduce the cost of FOGO implementation in the first year. It would provide greater certainty for the Shire in meeting its contractual agreement to Avertas WtE for the Committed tonnes. It should also attract a slightly lower kerbside lift price given that all services are concentrated in the built-up area and not spread across the Shire, however, this may be offset by distance to a processing facility. The disadvantage of this approach is that there will be two waste rates to administer to ratepayers, one for a FOGO service and one for the current 2-bin service. Given the advantages and the reduced cost, it is recommended that this additional option be included in the review of the financial model.

There is a further option, that is to roll out FOGO for part of, or the entire community and spread the cost over two financial years. This requires all stages of the service to be carefully timed with the bin purchase, roll out, education and marketing and commencement of service, to be staggered over a six-to-12-month period spanning the two financial years. In this way the implementation cost is charged to ratepayers over two years. The full cost of the whole of community option is shown in the Talis financial model but with the entire implementation cost proposed in only one financial year.

The whole of community FOGO option will potentially have adverse implications for the Shire in meeting its contractual agreement to the Avertas WtE facility. A successful FOGO service that diverts the maximum tonnage away from general waste may result in a shortfall in Committed tonnes delivered to the WtE facility. The percentages of general waste, food waste and recyclable materials were either estimated in the Talis report, based on industry averages or on contractor's reports. With actual tonnages being a critical element in the Avertas WtE contract, it is agreed with the Recommendation of Talis, that an audit of the waste stream is essential prior to making a decision to implement a FOGO service.

The following sets out the WtE Committed tonnages and those currently generated within the Shire and estimates the tonnes in excess of those required for WtE. It is recognised that with the education that accompanies the introduction of a FOGO service, there is a greater focus on placement of waste in the different bin types and potentially an increase in recyclable material and of FOGO generated. This further supports the need to conduct a Waste Composition Audit to confirm waste types and more reliably confirm anticipated tonnages prior to implementation of a FOGO service.



Tonnages committed to Avertas WtE 2024-2025:

- Committed waste 6,564
- Optional waste 5,718

Current tonnages generated in the Shire in 2023 are:

- General waste 8,634
- Recycling 1,761
- Transfer Station general waste 2,672

Estimated Diversion of FOGO by Talis consultants in 2024-2025:

- Garden and food organics Talis 3,296

Current Estimated tonnes after implementing FOGO, in excess of WtE Committed Waste:

- General waste 8,634
- Transfer station waste 2,672
- Sub total 11,306 (current)
- Less FOGO -Talis (3,296)
- Less Committed waste (6,546) 2024-2025
- Total 1,464 tonnes

It is estimated there will be an excess of some 1,464 tonnes above the required Committed Waste tonnes in 2024-2025, however, due to the implications of delivering a shortfall to the WtE facility and the contractual impact, and the unscientific estimation of tonnages, it is recommended that the Shire undertake the Waste Composition Audit and further review the Financial Modelling.

The current restriction in the Waste Supply Agreement prohibits the introduction of FOGO:

- Cl.9.1.(c) Participants (the Shire) is obliged to deliver all Wastes collected on the Shire's behalf within the district to the Resource Recovery Facility (RRF); and
- Cl.16(h)i the introduction of FOGO will result in 'wilful misconduct' and penalties apply.

Clause 16(h)i is being amended in the Draft Amendment to the Waste Supply Agreement that is currently being negotiated between the member Councils of Rivers Regional Council and is likely to be approved within the coming months, along with the additional amendments proposed to accommodate the delayed Practical Completion of the facility. Until the amendment is finally approved, the uncertainty around the Waste Supply Agreement remains and it is recommended that the Shire delays the implementation of a FOGO service until this change is confirmed.

The other factors to consider are the Kerbside Collection Contract which expires in June 2025 and a processing contract. Should the Shire wish to implement a FOGO service prior to the expiry of its Waste Collection Contract in 2025, it is recommended that a procurement process be planned to include all elements, to ensure compliance with Tender Regulations, to align with the current contract and be adequately timed for bin purchase and roll out prior to commencement of servicing and processing.

It is further recommended that all these factors are explored in greater detail and reported to Council for consideration in March 2024.



Options and Implications

Option 1

That Council:

1. NOTES the Talis Consultants' report on FOGO Feasibility Study as contained within **attachment 1** and **CONFIDENTIAL attachments 2 and 3**; and
2. Given the significant financial implication of potentially establishing FOGO, in accordance with the Shires Project Management Framework, REQUESTS the Chief Executive Officer undertakes a Waste Composition Audit and report the findings back to Council.

Option 2

That Council:

1. NOTES the Talis Consultants' FOGO Feasibility Study as contained within **attachment 1** and **CONFIDENTIAL attachments 2 and 3**; and
2. Given the significant financial implication of potentially establishing FOGO, REQUESTS the Chief Executive Officer take no further action at this time.

Option 1 is recommended.

Conclusion

The Talis Consultants' FOGO Feasibility Study provides an excellent assessment of the Shire's position regarding the implementation of a FOGO service and the potential for an in-house or contracted organic processing option. The recommendations of the Study are thorough, and the report is a good foundational work to undertake further and final investigation of bin composition and financial review of options prior to making a commitment to implementing a FOGO service.

Attachments (available under separate cover)

- **10.2.8 – attachment 1** – FOGO Feasibility Study – Talis Consultants (IN23/10487)
- **10.2.8 – CONFIDENTIAL – attachment 2** – FOGO Feasibility Study – Talis Consultants – Contractors Fees (IN23/10489)
- **10.2.8 – CONFIDENTIAL – attachment 3** - FOGO Feasibility Study – Talis Consultants Talis Financial Model – FOGO Costs (IN23/10491)

Alignment with our Strategic Community Plan

Outcome 2.2	A sustainable natural environment
Strategy 2.2.3	Continue to minimise the volume and impact of waste generated with the district

Financial Implications

A budgeted amount of \$30,000 is proposed in the 2023-2024 Annual Budget for the Waste Composition Audit.



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	FOGO Implementation Review and Reconsider Options Inform Executive Team and Report to Council Recommend report is received, further due diligence conducted and Report to Council	Procurement Policy Tender Regulations Avertas WtE Contract Kerbside Collection Contract	Financial	Unlikely	Minor	LOW	Report Status Progress Report to Executive Team Report to Council
2	FOGO Implementation Review and Reconsider Options Proceed to Implementation Potential to ignore Avertas WtE contractual requirements and incur penalties, choice of best Option an internal decision, therefore not supported.	Procurement Policy not regarded Tender Regulations Avertas WtE Contract Kerbside Collection Contract	Financial	Possible	Major	HIGH	Report Status Progress Report to Executive Team No Report to Council



Continued

**Ordinary Council Meeting Minutes
Monday, 19 June 2023**

Voting Requirements: Simple Majority

OCM146/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Atwell, seconded Cr Duggin

That Council:

- 1. NOTES the Talis Consultants' report on FOGO Feasibility Study as contained within attachment 1 and CONFIDENTIAL attachments 2 and 3; and**
- 2. Given the significant financial implication of potentially establishing FOGO, in accordance with the Shires Project Management Framework, REQUESTS the Chief Executive Officer undertakes a Waste Composition Audit and report the findings back to Council.**

CARRIED UNANIMOUSLY 7/0

**10.3 Corporate Services reports:**

10.3.1 - Confirmation of Payment of Creditors – May 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.
-------------	--

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

Options and Implications

Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 May 2023 to 31 May 2023, totalling \$5,488,873.34.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 May 2023 to 31 May 2023, totalling \$5,488,873.34.

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 May 2023 (E23/7342)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 March 2023 to 27 April 2023 – Redacted (E23/7340)

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 May 2023 to 31 May 2023 totalled \$5,488,873.34.



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

OCM147/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 May 2023 to 31 May 2023 totalling \$5,488,873.34 as contained in attachment 1.

CARRIED UNANIMOUSLY 7/0



10.3.2 - Monthly Financial Report – April 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.
-------------	--

Report Purpose

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

This report is about the financial position of the Shire as at 30 April 2023.

Relevant Previous Decisions of Council

Special Council Meeting – 25 July 2022 – SCM026/07/22 - COUNCIL RESOLUTION – extract

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

a) 10% of the amended budget; or

b) \$10,000 of the amended budget.

Whichever is greater.

In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at a point in time.

Community / Stakeholder Consultation

Nil.



Statutory Environment

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

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

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of 30 April 2023.

The municipal surplus as at 30 April 2023 is \$12,063,880 which is favourable, compared to a budgeted surplus for the same period of \$8,371,047. The primary cause of this is a higher than anticipated 2022/23 opening surplus position.

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

Operating Revenue

Rates

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

Operating Grants, Subsidies and Contributions

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

Fees and Charges

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

Interest Earnings

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

Other Revenue

Favourable variance of \$199,041 due primarily to:

- A credit was received from Local Government Insurance Scheme (LGIS) for workers compensation for 21/22 of \$60,618 due to lower wages than originally anticipated.
- Reimbursement on legal cost from rates outstanding debtors for various assessment fees - \$82,395.
- Reimbursement on workers compensation claim from Local Government Insurance Scheme (LGIS) - \$55,262.

Profit on Asset Disposal

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

Operating Expenses

Employee Costs

Favourable variance of \$960,060 due to vacant positions within the organisation.



Materials and Contracts

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

Utility Charges

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

Depreciation on Non-Current Assets

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

Insurance Expenses

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

Interest Expenses

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

Unfavourable variance of \$110,417 due to the:

- Disposal of a depot transportable building.

Other

Contributions/Grants for the Construction of Assets

Favourable variance of \$576,571 due primarily to:

- Byford Developer Contribution - \$692,821.

Capital Expenditure

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

Refer to Capital Works Expenditure within **attachment 1** for further details.

Proceeds from Disposal of Assets

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

Repayment of Loans

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

Repayment of Leases

Unfavourable variance of \$13,379 due primarily to:

- Extension of Civic Centre photocopier lease until 31 March 2023.

Transfer to Reserve

Variance in Transfer to Reserve of \$654,056 due primarily to:

- Byford Developer Contribution - \$692,821.

Transfer from Reserve

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



Options and ImplicationsOption 1

That Council RECEIVES the Monthly Financial Report for April 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 April 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 - April 2023 (E23/6599)

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 30 April 2023, the Shire's respective cash position was as follows:

Municipal Fund: \$12,016,119
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

OCM148/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Duggin

That Council **RECEIVES** the Monthly Financial Report for April 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



10.3.3 - Confirmation of arrangements for the 2023 Ordinary Local Government Election, including Communication Strategy (SJ4128)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to enable Council to consider appointing the Electoral Commissioner as the Returning Officer at the 2023 ordinary local government election, having first obtained the written agreement of the Electoral Commissioner as set out in **attachment 1**.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 17 April 2023 - OCM080/04/23 - COUNCIL RESOLUTION / SUBSTANTIVE MOTION

That Council:

1. *NOTES the Minister's correspondence in attachment 1 advising that with the introduction of Optional Preferential Voting the use of CountWA software will be mandated.*
2. *REQUESTS that the Chief Executive Officer seek the written agreement of the Western Australian Electoral Commissioner to conduct the 2023 Ordinary Local Government Election as a voting in person election.*
3. *NOTES that a response from the Western Australian Electoral Commission will be presented to Council for consideration where Council will formally be requested to resolve the election as a voting in person election.*
4. *RESOLVES that its recommended locations for polling places on election day, 21 October 2023 are:*
 - *Serpentine Jarrahdale Recreation Centre, 38 Mead Street Byford (North Ward)*
 - *Oakford Community Hall, 53 Foxton Drive Oakford (North West Ward)*
 - *Serpentine Jarrahdale Civic Centre, 6 Paterson Street Mundijong (South Ward)*
5. *RESOLVES that the Shire's recommended locations for the issuing of early ballots are:*
 - *Co-Working Space Room, Serpentine Jarrahdale Library, 858 South Western Highway, Byford (North Ward)*
 - *Oakford Community Hall, 53 Foxton Drive Oakford (North West Ward)*
 - *Serpentine Jarrahdale Civic Centre, 6 Paterson Street Mundijong (South Ward)*



- Clem Kentish Hall, Serpentine, 24 Wellard St Serpentine (South Ward)
- Bruno Gianatti Hall, 8 Munro St, Jarrahdale (South Ward)

6. *RESOLVES that the Shire's recommended availability for early voting will be from the date of the State-wide public notice at the following times:*

Venue	Times
Co-Working Space Room, Serpentine Jarrahdale Library	Saturday, 7 October 2023 9am – 4pm Saturday, 14 October 2023 9am – 4pm Wednesday, 18 October 2023 1pm – 4pm Thursday, 19 October 2023 1pm – 4pm Friday, 20 October 2023 1pm – 4pm
Oakford Community Hall	Saturday, 7 October 2023 9am – 4pm Saturday, 14 October 2023 9am – 4pm
Serpentine Jarrahdale Civic Centre	Weekdays 9am – 4pm Saturdays 9am – 4pm
Clem Kentish Hall	Saturday, 7 October 2023 9am – 4pm Saturday, 14 October 2023 9am – 4pm
Bruno Gianatti Hall	Saturday, 7 October 2023 9am – 4pm Saturday, 14 October 2023 9am – 4pm

7. *REQUESTS that the Western Australian Electoral Commissioner provide an Electoral Officer to oversee election activities at each of the polling places and NOTES that provision of additional WAEC supplied Electoral Officers would be at additional cost to the quote provided in attachment 3.*
8. *NOTES that a communication strategy to promote and advertise that the 2023 ordinary local government election will be a voting in-person election with the option for electors to instead receive a postal ballot will be prepared for Council consideration when the Western Australian Electoral Commission's response is received and REQUESTS that this draft include an information sheet prepared by Officers regarding the election arrangements to be provided with the 2023-24 rates notice which is suitable for Councillors and candidates to also share to promote the 2023 ordinary local government election.*
9. *NOTES that consideration of the method of future elections will be presented to Council following the next ward and representation review or prior to any extraordinary elections required in the intervening period.*
10. *REQUESTS the Chief Executive Officer request that the returning officer provide a weekly update on the number of ballots issued, to all candidates and the Chief Executive Officer, via email and for publication on the Shire's website.*

Background

On 15 May 2023, the Shire was advised that the Minister for Local Government on the recommendation of the Local Government Advisory Board had accepted Council's recommended Ward and Representation configuration (**attachment 1**).

This Ward and Representation configuration that will commence following the 2023 ordinary local government election is:

- One (1) x Shire President elected at large across the district
- Six (6) x Councillors distributed evenly across three wards with no change to the configuration of the Shire's ward boundaries at this time.



The Minister also agreed with the recommendation that the abolishment of Council positions required to reduce numbers be taken from the positions due to expire at the 2023 ordinary local government election.

This means that the following positions will be available to contest at the 2023 ordinary local government election:

- 1 x Shire President elected at large across the district
- 1 x Councillor (North West Ward)
- 1 x Councillor (South Ward).

All terms will be for four years.

The 2023 ordinary local government election will be the first following the introduction of changes to the electoral process in the *Local Government Act 1995*.

The key changes in the legislation that will apply to all local governments across the state concern:

- Introduction of optional preferential voting
- Changes to the election calendar that result in key events such as the close of nominations being moved one week earlier.

The changes in election timetable are reflected in the draft Communication Strategy (**attachment 3**).

Community / Stakeholder Consultation

In accordance with Council's resolution a Communication Strategy (**attachment 3**) is attached for Council's consideration.

Statutory Environment

Having received the Western Australian Electoral Commission's written agreement, Council may under section 4.20 of the *Local Government Act 1995* declare the Electoral Commissioner to conduct the 2023 ordinary local government election as a voting in-person election.

Comment

Correspondence from the WAEC

The WAEC has agreed to conduct the election as a voting in person election with the polling locations specified in Council's resolution (**attachment 2**). The WAEC's estimated costs are \$128,000 (inc. GST).

This revised estimate reflects the additional polling locations recommended by Council and includes appropriate provision of personnel to support the election, being:

- Two casual staff to work at each of the early voting locations
- Four casual staff to work at each of the polling places
- Six casual staff to work at the count
- a Returning Officer.

A formal declaration by Council under section 4.20 of the Act to appoint the WAEC is required to give effect to Council's previous resolutions. As an alternative, Council could opt at this point to



do nothing, which would mean that the November 2018 resolution remains in place, making the 2023 ordinary local government election a postal election. This approach is not recommended as it would make the logistics highly challenging, compromise the relationship with the WAEC and require the Communication Strategy to be revised significantly.

Communication strategy

With Council's previous resolution asking the WAEC to conduct the election as a voting in-person election, Officers have prepared a Communication Strategy (**attachment 3**) with the aim of alerting the community to the opportunity to vote, advise of the process of requesting a postal ballot and locations and times of polling places for in-person voting.

The Communication Strategy involves the following initiatives:

- the inclusion of an election information sheet in every 2023-24 rates notice with a digital edition and along with other materials available to be downloaded and shared from the Shire's website;
- nine variable message boards placed across the Shire promoting the election from 4 September 2023 through election day;
- a social media campaign that promotes the opportunities to:
 - enrol to vote
 - stand for office; and
 - vote.
- Banners, corflutes and other signage;
- Newspaper advertising.

The Communication Strategy emphasises that the election will be conducted as a voting in-person election and conducted using optional preferential voting. The Communication Strategy will raise awareness that electors have the opportunity to apply for a postal vote.

With the amendments to the *Local Government Act 1995*, as the first Optional Preferential Voting election in many years, the Communication Strategy also emphasises that electors will have the option to:

- mark a preference for one candidate, or
- mark additional preferences by numbering candidates in order of preference.

In this regard, the Shire's campaign will be supplemented with a joint campaign by the Western Australian Electoral Commission, the Department of Local Government, Sport and Cultural Industries and the Western Australian Electoral Commission. These bodies have advised that their campaign will commence in late July and early August 2023. Where possible, the Shire's electronic election materials will be augmented to reflect the messaging about Optional Preferential Voting prepared by the State Government.

In line with Council's previous resolution, the Communication Strategy includes an Information Sheet being prepared and distributed to all ratepayers with the Shire's 2023-24 rates notice. Where possible electronic assets including the Information Sheet produced as part of this campaign will be made available on the Shire's website for anyone to download and use to promote the election. This carries some risk of manipulation and misinformation but is considered to be an acceptable risk in the effort to communicate as widely as possible about the election.



Printed materials will also be made available at Shire facilities, including the mobile library.

In addition, the Communication Strategy proposes that a prospective candidate information session is held on Wednesday, 16 August 2023.

The Communication Strategy provides a plan for promotion of the election and will guide Officers through implementation. The timing of items, such as social media posts may be adjusted based on operational need, promotional materials produced by the State Government and confirmation of election milestones with the publication of amendments to the election regulations.

The costs to implement the Communication Strategy are estimated to be \$33,500.

These costs are additional to the WAEC's costs of \$128,000. At each election, a communication strategy is implemented with associated costs. This year's Communication Strategy involves greater investment based on both the change to optional preferential voting and the election being conducted as a voting in-person election.

Over half of the associated costs are the electronic Variable Message Boards which will be available from the close of nominations (7 September 2023) through to election day. The costs associated with publication of printed materials is in line with previous years.

Proposed revision to location for early voting in Serpentine

Following Council's resolution, Officers have commenced making arrangements. This has included booking venues at the locations and the times specified by Council.

Council had resolved that the Clem Kentish Hall in Serpentine function as a location for early voting in Serpentine on Saturday, 7 October 2023 9am – 4pm and Saturday, 14 October 2023 9am – 4pm.

Due to a pre-existing and conflicting booking with a local sporting club for the venue at the time specified by Council, Officers recommend that Council substitute the Clem Kentish Hall with the nearby Serpentine St John Ambulance Hall on Wellard St, Serpentine. This approach will minimise disruption to the local sporting club and ensure availability of a suitable location for early voting within the Serpentine town centre.

The WAEC was advised of the possibility of substituting the Clem Kentish Hall when the scheduling conflict and an alternative site were identified. The WAEC have advised that they have no objections to substituting the Clem Kentish Hall with the Serpentine St John Ambulance Hall on Wellard St, Serpentine.

Next steps

Council's confirmation of arrangements will enable Officers to progress in earnest with executing the plan for the 2023 ordinary local government election. A delay in Council's decision in relation to this matter would jeopardise effective conduct of the election and completion of the Shire's legislative responsibilities.



Options and Implications

Option 1

That Council:

1. In accordance with sections 4.20 and 4.61 of the *Local Government Act 1995*, having first obtained the written agreement of the Electoral Commissioner in **attachment 2**, DECLARES the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary local government election as a voting-in person election;
2. In respect to recommended locations for the issuing of early ballots, SUBSTITUTES the Clem Kentish Hall, 24 Wellard Street, Serpentine for the Serpentine St John Ambulance Hall on Wellard St, Serpentine with the same operating times and days set in Council's resolution at the 17 April 2023 Ordinary Council Meeting; and
3. NOTES that the Communication Strategy in **attachment 3** has been produced in accordance with Council's previous resolution and will guide the Shire's campaign for promoting the election and will incorporate where possible the State Government's promotion of the change to Optional Preferential Voting.

Option 2

That Council:

1. RESOLVES that in accordance with the Shire's previous resolution of the 26 November 2018 Ordinary Council Meeting that the 2023 Ordinary Local Government Election will be conducted by the postal election method; and
2. REQUESTS that the Chief Executive Officer advise the Western Australian Electoral Commission of Council's resolution on this matter.

Option 1 is recommended.

Conclusion

The change in representation configuration and the passage of the Minister's electoral reforms in the Act, including the introduction of optional preferential voting adds complexity to the 2023 ordinary local government election. Council's confirmation of the arrangements in accordance with legislation will enable Officers to work with the WAEC to successfully conduct the election.

Attachments (available under separate cover)

- **10.3.3 – attachment 1** – Letter advising Shire of Ministerial Approval of changes to representation configuration (E23/6484)
- **10.3.3 – attachment 2** – Letter from Western Australian Electoral Commission dated 6 June 2023 (IN23/11732)
- **10.3.3 – attachment 3** – 2023 Ordinary Local Government Election Communication Strategy (E23/7189)



Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

The WAEC's estimated costs of conducting the election and implementing the Communication Strategy are within expectations.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option.						
2	A decision to proceed with a postal election at this time in the preparation of the election would have significant operational impact.		Organisational Performance	Likely	Moderate	SIGNIFICANT	



Voting Requirements: Absolute Majority (section 4.20 of the *Local Government Act 1995*)

OCM149/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mack

That Council:

- 1. In accordance with sections 4.20 and 4.61 of the *Local Government Act 1995*, having first obtained the written agreement of the Electoral Commissioner in attachment 2, **DECLARES** the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary local government election as a voting-in person election;**
- 2. In respect to recommended locations for the issuing of early ballots **SUBSTITUTES** the Clem Kentish Hall, 24 Wellard St, Serpentine for the Serpentine St John Ambulance Hall on Wellard St, Serpentine with the same operating times and days set in Council's resolution at the 17 April 2023 Ordinary Council Meeting; and**
- 3. NOTES** that the Communication Strategy in attachment 3 has been produced in accordance with Council's previous resolution and will guide the Shire's promotional campaign for promoting the election and will incorporate where possible the State Government's promotion of the change to Optional Preferential Voting.

CARRIED 5/2



10.3.4 - OneComm: Consolidation Phase Progress Update (SJ4034)

Responsible Officer:	Manager Information Communication Technology
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

Information	For the Council to note.
-------------	--------------------------

Report Purpose

The purpose of this report is to seek Council to NOTE the progress and issues relating to the OneComm Consolidation Phase implementation.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 17 April 2023 – OCM081/04/23 – COUNCIL RESOLUTION / Officer Recommendation

That Council NOTES the quarterly progress report and issues relating to the implementation of the OneComm Consolidation Phase.

Ordinary Council Meeting – 12 December 2022 – OCM314/12/22 – COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the quarterly report relating to the review of the OneComm modules and improvements to the system; and*
- 2. AGREES to the scope of the OneComm Consolidation Phase, as per CONFIDENTIAL attachment 1, prioritising customer facing enhancements, followed by internal efficiency enhancements.*

Ordinary Council Meeting – 19 September 2022 – OCM234/09/22 – COUNCIL RESOLUTION

That Council:

- 1. APPROVES the deferral of OneComm Phase 3 and the Investment Prioritisation and Optimisation module;*
- 2. NOTES the revised Long-Term Financial Plan OneComm implementation financial projections for the 2024-2025 Financial Years as listed under the financial implications section of this report; and*
- 3. REFER the One Comm management software contract renegotiation to the Audit Risk and Governance Committee for the Audit Risk and Governance Committee to draft a policy direction to bring back to Council before end 2022, that places an expenditure limit on the One Comm project spending per financial year as a percentage of Rates income.*



Background

This report is the third quarterly report relating to the implementation of the OneComm Consolidation Phase enhancements which commenced in January 2023 and is scheduled for a period of nine (9) months. This quarterly report covers the period April 2023 to June 2023.

Community / Stakeholder Consultation

The Executive Management Team, Business Unit Managers and staff were consulted throughout October 2022 as per the following process:

- Briefings at Business Unit Manager Meetings;
- All staff briefings;
- Presentations to OneComm Module owners;
- Business Unit Manager's consulting with the teams; and
- Notifications to all staff via the Shire's Intranet – Grapevine.

Statutory Environment

The *State Records Act 2000* which governs the recordkeeping for all State and Local Government organisations in Western Australia.

The State Records Commission of Western Australia - Standard 8 – Managing Digital Information.

Comment

Consolidation Phase Strategy

The overall list of OneComm Consolidation Enhancements has been divided into 3 three-month blocks for implementation and reporting. The first 3-month implementation block was January 2023 to March 2023 (i.e. Q1) and progress for this quarter was reported to Council in April 2023.

The second quarter is from April 2023 to June 2023 (i.e. Q2) and an update on this quarter is included in this report. The final implementation block is July to September 2023 (i.e. Q3).

Priority of Enhancements

The priority by each enhancement request has been set by the relevant module owner (Business Unit Manager) and these priorities have been moderated across all the OneComm modules based on Executive Management direction in November 2022 as per the following:

- The priority of the OneComm Consolidation Phase is the customer. That is, customer facing requests for enhancements will take priority over internal operational efficiencies; and
- The priority of operational efficiencies will be focused on:
 - Compliance (Volunteer Bush Fire Brigade Management and Staff attendance timesheets to comply with Industrial Relation Laws);
 - Improving the quality asset of data;
 - Operational works (including Fleet) and mobility; and
 - Project management of capital projects.



Progress Update

Twenty-one (21) OneComm consolidation enhancement requests were completed from 9 January 2023 to 31 March 2023 (ie Q1).

During the second quarter, 1 April 2023 to 30 June 2023, the following OneComm consolidation enhancement requests were completed:

Item	Description	Category
1	Develop e-Form – Staff Flexible Work Requests with an automated approval process	Efficiency
2	Develop e-Form – Shire Facility Inspection – Mundijong Atwell Changerooms	Efficiency
3	Develop e-Form – Shire Facility Inspection – Bills Hicks Pavilion	Efficiency
4	Develop e-Form – Shire Facility Inspection – Briggs Park Changeroom	Efficiency
5	Develop e-Form – Shire Facility Inspection – Briggs Park Pavilion	Efficiency
6	Develop e-Form – Shire Facility Inspection – Bruno Gianatti Hall	Efficiency
7	Develop e-Form – Shire Facility Inspection – Mundijong Pavilion	Efficiency
8	Develop e-Form – Shire Facility Inspection – Oakford Community Hall	Efficiency
9	Develop e-Form – Shire Facility Inspection – St Paul's Church	Efficiency
10	Develop e-Form – Flexible Work Arrangements	Efficiency
	Develop e-Form – Records Retention and Disposal with an automated process	Efficiency
11	Project Lifecycle Management – Added an e-Form Check List to the 'Stage Gates' register to assist Project Managers in completing a Stage Gate.	Efficiency
12	Added security to Purchase Requisitions and Purchase Orders so that Salary Natural Account Codes cannot be used.	Efficiency
13	Redevelop the automated Revenue data synchronisation between SynergySoft (On Premise) and OneComm (Cloud). This was required because the existing technology to automate the Revenue synchronisation is no longer supported by the vendor.	Compliance
14	Develop e-Form – Application for Higher Duties (Administration)	Efficiency
15	Develop e-Form – Application for Higher Duties (Operations)	Efficiency
16	Develop e-Form – Debtors Request (Invoices, Credit Note & Bonds)	Efficiency
17	Develop e-Form – Bush Fire Brigades – Crew Protection Equipment Check List	Efficiency
18	Develop e-Form – Bush Fire Brigades – Fire Incident Record	Efficiency
19	Develop e-Form – Bush Fire Brigades – Vehicle Fault Report	Efficiency
20	Develop e-Form – Bush Fire Brigades – Vehicle (VPOWER) Checklist	Efficiency
21	Develop e-Form – Bush Fire Brigades – Station Risk Assessment Check List	Efficiency
22	Customer Requests: Reviewed and updated the training program and scheduled regular induction and re-fresher training.	Customer
23	Customer Requests: Amended the automated customer notifications so that customers, who have requested notification updates (either SMS or Email), will receive an update every 30 days for long running requests.	Customer
24	Development of the Bush Fire Brigade Volunteer Portal	Efficiency



In summary, excellent progress has been made in:

- Developing numerous e-Forms to replace the manual paper-based business process with automated business processes;
- Developing the Bush Fire Brigades Volunteer Portal and associated e-Forms;
- Improvements in Project Management of Capital Projects. The priority has been to mature and enhance the project lifecycle management framework with a particular focus on developing tools and templates to ensure consistency and compliance with the Shire's Project Management Framework.

Capacity

As previously reported to Council, staff turnover in the OneComm team has reduced the capacity to address all of the OneComm enhancement requests received. This capacity issue has now been addressed as recruitment of replacement Business System Analysts has concluded. Notwithstanding this, it will take some time for the Business System Analysts to learn the OneComm system before they are fully productive.

The enhancement requests related to improving Operational works (including Fleet) and mobility were deferred until the Manager Operations and Manager Fleet and Waste positions were recruited. Both of these positions are now filled and priority work in these business units can re-commence once the new Managers have had an opportunity to review their business processes. This will include assessing the impact on their business processes as recommended by the Glen Flood Group review. This assessment may have an impact on how the OneComm system is setup.

Notwithstanding the above, the OneComm team, with the input of key stakeholders across the organisation has made good progress with improving the customer experience, operational efficiency (e-Forms), project management and the quality of the Shire's asset data.

Options and Implications

Option 1

That Council NOTES the quarterly progress report relating to the implementation of the OneComm Consolidation Phase.

Option 2

That Council DOES NOT NOTE the progress relating to the OneComm Consolidation Phase.

Option 1 is recommended.

Conclusion

Significant improvements have been made with the:

- Replacement of paper-based forms with e-Forms with automated approval processes;
- Development of the Bush Fire Brigades Volunteer Portal and associated e-Forms; and
- Various improvements with the project management of capital projects in terms of procedures, processes and automation.



The aim is to work through as many other high priority OneComm enhancement requests as possible through to the end of September 2023 and to re-prioritise the enhancement requests based on the availability of Business Unit Managers.

The OneComm Consolidation is time bound and will conclude at the end of September 2023. By this time the OneComm Team will implement as many high priority enhancement requests as possible within resourcing constraints. Any unfilled lower priority enhancement requests will be progressed as business-as-usual through the ICT Business Development and Support team.

Post September 2023, OneComm Phase 3 (Property and Rating, Enterprise Content Management, Regulatory Compliance and Enterprise Cash Receipting) is scheduled to commence with an estimated duration of 18 months. At that point in time, we will re-focus OneComm resources to implement OneComm Phase 3 which is a significant and transformation phase for the Shire. The key milestones for OneComm Phase 3 are:

OneComm Phase 3	Mon 2/10/23	Mon 7/07/25
Training : OneComm Team & Key Users	Mon 2/10/23	Mon 11/03/24
Configuration	Tue 12/03/24	Mon 1/07/24
Testing	Tue 2/07/24	Mon 21/10/24
User Acceptance Testing	Tue 22/10/24	Mon 10/02/25
Staff Training	Tue 11/02/25	Mon 21/04/25
Go Live	Tue 22/04/25	Mon 28/04/25
Hyper Care	Tue 29/04/25	Mon 7/07/25

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

The proposed Integrated Enterprise Resource Planning Systems Strategy is critical to the Shire's efficient and effective operations as it aligned to the Strategic Community Plan 2017-2027 with particular reference to:

Outcome 3.4	An innovation centre of excellence
Strategy 3.4.1	Identify and promote innovation and education opportunities
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
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
Strategy 4.2.2	Ensure appropriate Long-Term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Innovation was also recognised in the Strategic Community Plan 2017-2027 for Serpentine Jarrahdale 2050 core community aspirations whereby *"The Shire's community are open to new technologies and embracing innovation. Respondents indicate that the Shire has an opportunity to be progressive and embrace change and creative thinking"*.



Financial Implications

There are no Long-Term Financial Plan implications.

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	OneComm Consolidation Phase Quarterly Update on progress is Approved.	OneComm Consolidation List of Enhancements.	Organisational Performance	Possible	Minor	LOW	Regular Progress Status Reports to the Executive Team
2	OneComm Consolidation Phase Quarterly Update on progress is Not Approved.	OneComm Consolidation List of Enhancements.	Organisational Performance	Rare	Moderate	SIGNIFICANT	Regular Progress Status Reports to the Executive Team

Voting Requirements: Simple Majority

OCM150/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Atwell

That Council NOTES the quarterly progress report relating to the implementation of the OneComm Consolidation Phase.

CARRIED UNANIMOUSLY 7/0



10.4 Community Engagement reports:

10.4.1 – Draft Council Plan 2023 – 2033 for Public Comment (SJ3617)	
Responsible Officer:	Director Community Engagement
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to receive the Community Engagement Outcomes Report for the major review of the Strategic Community Plan and consider the draft Council Plan 2023 - 2033 and endorse it for public advertising.

Relevant Previous Decisions of Council

<p><i>Special Council Meeting – 27 February 2023 – SCM013/02/23 - COUNCIL RESOLUTION</i></p> <ol style="list-style-type: none"> 1. <i>APPROVES the Community Engagement Plan at attachment 2 for the Strategic Community Plan Major Review project.</i> 2. <i>NOTES that the draft Strategic Community Plan will be presented to Council in June 2023.</i>
--

<p><i>Ordinary Council Meeting – 19 September 2022 – OCM237/09/22 - COUNCIL RESOLUTION</i></p> <ol style="list-style-type: none"> 1. <i>ENDORSES the proposed timeline and schedule for the delivery of the Shire's Strategic Community Plan – Major Review, as per the Project Plan provided at attachment 2.</i> 2. <i>NOTES that the Chief Executive Officer will:</i> <ol style="list-style-type: none"> a) <i>develop a Community Engagement Plan for the Shire's Strategic Community Plan – Major Review project.</i> b) <i>provide an update on the Strategic Community Plan – Major Review project to Council by April 2023, as per the Project Plan schedule.</i> 3. <i>NOTES the Officer's comments in the report in relation to SJ2050.</i>
--

<p><i>Ordinary Council Meeting – 21 June 2021 – OCM161/06/21- COUNCIL RESOLUTION</i></p> <ol style="list-style-type: none"> 1. <i>RECEIVES the Feasibility Review of the Shire becoming a City contained in attachment 1 conducted in accordance with the Shire's Corporate Business Plan 2020-24.</i> 2. <i>REQUESTS that the Chief Executive Officer canvass the views of the community on the matter during the major review of the Shire's Strategic Community Plan.</i>
--



Background

A Council Plan outlines community long term (10+ years) vision, values, aspirations and priorities, with reference to other local government plans, information and resourcing capabilities.

A full review is required every four years with a desktop review recommended to be completed every two years.

The Council Plan:

- Establishes the community's vision for the local government's future, including aspirations and service expectations.
- Drives the development of local government area/place/regional plans, resourcing and other informing strategies, for example workforce, asset management and services, and
- Is ultimately the driver behind all other planning.

In September 2022 Council endorsed the Project Plan to deliver the major review of the Shire's Strategic Community Plan and in February 2023 Council approved the Community Engagement Plan for the project.

Community / Stakeholder Consultation

Councillor workshop

Meeting Date	8 May 2023
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Mack, Cr Strange

Policy Concept Forum

Meeting Date	22 May 2023
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Mack, Cr Strange

Meeting Date	29 May 2023
Councillors in Attendance	Cr Rich, Cr Duggin, Cr Mack, Cr Strange

Community Engagement

A Community Engagement Plan was developed for the project, with community engagement delivered from 1 March 2023 – 7 April 2023. A community engagement brand, Shape our Future – SJ2033, was developed to help raise awareness about project with the community.

A summary of the community engagement activities carried out is provided below:

Activity	Outcome
Community Survey	613 surveys completed
Workshop 1 – Seniors Morning Tea	20 attendees
Workshop 2 – Community Workshop	20 attendees
Workshop 3 – Community Groups Forum	20 attendees
Workshop 4 – Business Breakfast	24 attendees



Activity	Outcome
Workshop 5 – Sporting Groups Sundowner	22 attendees
Pop-up events	11x pop-ups delivered. Input from approximately 400 people in total. Drop in sessions at Court Grammar and Byford Secondary College

The project was also supported by a comprehensive communications plan, with the following activities undertaken:

- Postcard letter-drop to all households in the Shire
- Your Say SJ Project Page
- Daily social media content
- Media Release
- Video content
- e-Newsletters
- 4 x weekly adverts in Examiner Newspaper
- Digital advertising
- Footpath stickers installed in high-traffic locations
- Graphics & web banners across all Shire owned digital channels
- Speeches by Shire President at events
- Posters displayed at Shire buildings
- Pop-up booths at Administration Centre, Byford Library and SJ Community Recreation Centre

The Community Engagement Outcomes Report is provided at **attachment 1**. Outcomes and recommendations of the community engagement is covered in the Comment section of this report.

Statutory Environment

Local Government Act 1995, section 5.56 A Strategic Community Plan must:

- (i) Cover a period of at least 10 financial years.
- (ii) Set out the community vision, aspirations, and objectives.
- (iii) Be developed or modified through engagement with the community, and describe how this was undertaken.
- (iv) Have regard to current and future resource capacity, demographic trends and strategic performance measurement.
- (v) Be adopted, or modified by an absolute majority of Council.
- (vi) Be reviewed at least once every 4 years.



Local Government (Administration) Regulations 1996; Regulation 19D

The CEO must give local public notice post adoption and/or modification of a Strategic Community Plan.

Proposed Local Government Reforms

The State Government is implementing changes to the Local Government Act 1995, which includes proposed changes to the Integrated Planning and Reporting Framework, including the introduction of Council Plans.

The existing integrated planning and reporting framework is quite complex and is requiring significant resourcing by local governments. By simplifying the framework local governments can better focus their resources towards service delivery instead of extensive planning. The State Government has proposed the introduction of a Council Plan, which would replace some of the existing key plans. A Council Plan adopted by the Council, setting the high level plans of the local government for future.

Shire Officers have engaged with the Department of Local Government, Sport and Cultural Industries regarding Council Plans, who have advised that the legislation for Council Plans will be delivered as part of the second tranche of reforms to be delivered.

Comment

Review of Strategic Community Plan

As mentioned in the Community/Stakeholder Engagement section of the report, a community engagement and communication plan was developed and implemented to hear from as many people as possible to understand their sentiments towards the existing Council Plan, and understand their priorities to inform the new Council Plan.

Through the Shape our Future – SJ2033 engagement, the Shire heard from more than 1100 people through community workshops, surveys and pop-up events. This engagement has been the Shire’s most successful community engagement project it has undertaken in recent times, with both the number of people who engaged and the diversity of people who engaged.

Through the three methods of community engagement – community survey, community workshops and pop-up events – people were asked to provide qualitative feedback about what they loved about the Shire. They were also asked to think about the next 10 years and comment on the one thing they would change to make the Shire a better place to live.

There were five key themes from the responses, and example responses are provided for each theme.

What people love about the Shire	One thing they would change to make the Shire a better place to live
Community (e.g., community, live, people, friend, family) suggest that community and social connections are important to the community.	Infrastructure and transport (e.g., road, transport, and maintenance) relates to ensuring that the area and facilities are well maintained and connected via roads and public transport.
Rural living (e.g., lifestyle, rural, country, bush, native) suggests that the rural lifestyle is highly valued.	Services and shops (e.g., services, shop, youth). There were many comments relating to the services available to subgroups (e.g., aged care, youth services) and having better access to general shopping needs.



What people love about the Shire	One thing they would change to make the Shire a better place to live
Environment (e.g., nature, tree, beauty, forest, wildlife) suggest that the community values natural beauty of the areas and the outdoor spaces available.	Community Connection (e.g., parks, dog, horse, walk, trails). The theme was that people preferred the development of infrastructure, accessibility and leisure. There were many responses commenting on improving horning facilities.
Atmosphere (e.g., feel, space, quiet, peace, still, serenity) suggest that the community values a peaceful and quiet lifestyle of the Shire.	Over Urbanisation (e.g., development, fix, service, build). The community has negative sentiment towards over-urbanisation and the small housing areas. There is a general preference towards maintaining the country feel.
Amenities (e.g., close, shop, service, amenities, market, food) suggest that access to amenities and quality products is valued by the community.	Governance (e.g., council, community). There was a sentiment towards changes in the approach of the Council, including more transparency behind decision making, the motivations underlying the decisions made.

Shire or City

In June 2021 Council received a Feasibility Review of the Shire becoming a City. Council also requested that the Chief Executive Officer canvass the views of the community on the matter during the major review of the Shire's Strategic Community Plan. Through the community survey, the following question was asked of the community regarding this matter:

Thinking about our identity, which best reflects the future you imagine, Shire or City?

Of 562 responses, 80% supported Shire, 15% supported City and 5% selected "other" but did not provide a suggestion.

Overall, there is a strong consensus in the community that people want to continue to identify as a Shire rather than as a City.

Shire services

Through the online survey, participants were asked about the services provided by the Shire that they were most aware of include environmental services (e.g., bushfire and emergency management, waste management and recycling), community services (e.g., library services, ranger services), facilities (e.g., parks, community facilities, sport facilities), and road services (e.g., roads and drainage, trails, footpaths, cycle ways).

The services provided by the Shire that people value the most include environmental services (e.g., Bushfire and Emergency Management, waste management), greenery (e.g., playgrounds, parks, streetscapes, trees), and facilities (e.g., recreational and sporting facilities, community facilities).

There were three services which were consistently rated in the top five most valued services for all community subgroups.

- Bushfire and Emergency Management
- Waste Management and Recycling
- Playgrounds, Parks and Reserves



However, there were differences across subgroups for the remaining two services which were most valued. The remaining two valued services for each subgroup is listed below:

Shire Residents:

Streetscapes, trees, and verges

Community safety and crime prevention

Families:

Recreation and Sporting Facilities

Community Facilities

People younger than 55:

Streetscapes, trees and verges

Recreation and Sporting Facilities

Visitors to the Shire:

Trails

Roads and Drainage

Other Groups:

Streetscapes, trees, and verges

Footpaths and cycle ways

People aged 55+:

Footpaths and cycle ways

Conservation and Environment Management

A comprehensive summary and analysis of community feedback from the major review of the Strategic Community Plan is provided within the Community Engagement Outcomes Report at **attachment 1**.

Recommendations from review of Strategic Community Plan

Considering the data in the Community Engagement Outcomes Report and the community's priorities for the future, it is recommended that the Shire:

1. Creates a vision that accurately represents the community.
2. Considers a new mission that details governance and leadership being an underpinning value across all themes of the new Council Plan.
3. Consider three new pillars that are representative of the language/terminology used by the community throughout the engagement, and aspirations that represent the key outcomes for each pillar.
4. Notes a majority of respondents to the survey question supported the Shire's future identity to remain as a Shire as opposed to a City.



Development of new Council Plan

Following the review of community engagement data and feedback, Shire Officers engaged with Councillors on the development of the new Council Plan with one workshop and two presentations at Policy Concept Forum.

The recommended structure of the new Council Plan is:

Vision	This is the long-term goal that the Shire is aiming to achieve.
Mission	This gives the organisation a short-term goal for what it needs to become to achieve the vision.
Pillars	These represent the aspirations of the community's priorities to help the Shire achieve the goals of the Council Plan.
Objectives	These are what the Shire is working towards to be in the best position to deliver on the community's priorities.
Major initiatives	These are the major initiatives that the Shire will either deliver, partner or advocate for over the life of the Council Plan.

Based on the recommendations from the community engagement outcomes, a new Council Plan document has been developed. The development of the vision, mission, pillars, objectives and major initiatives was done by considering the feedback and themes which emerged from the Shape our Future – SJ2033 engagement, as well as workshopping the wording with Councillors over one workshop and two presentations at Policy Concept Forums.

Following the engagement with Councillors, there was strong consensus for the proposed wording for the vision, mission, pillars, objectives and major initiatives, as contained in **attachment 2**, which has been corporately designed and includes other requirements of a Council Plan, as stipulated under section 5.56 of the *Local Government Act 1995*.

Given the State Government is implementing changes to the Local Government Act 1995, which includes proposed changes to the Integrated Planning and Reporting Framework, including the introduction of Council Plans, Shire Officers will provide a copy of the Shire's draft Council Plan to the Department of Local Government, Sport and Cultural Industries for feedback. This will allow the Shire to understand how the new Council Plan aligns with the Department's proposed changes to the Integrated Planning and Reporting Framework and any proposed enhancements for consideration.



Options and Implications

Option 1

That Council:

1. RECIEVES the Community Engagement Outcomes Report at **attachment 1** for the major review of the Strategic Community Plan.
2. APPROVES the advertising of the draft Council Plan 2023-2033, as at **attachment 2**, for public comment for 60 days.
3. REQUESTS the Chief Executive Officer sends a copy of the draft Council Plan 2023-2033, as at **attachment 2** to the Department of Local Government, Sport and Cultural Industries for feedback.
4. REQUESTS the Chief Executive Officer present the outcomes of feedback received from points 2 and 3 above to Council at a workshop after the 2023 Local Government elections.

Option 2

That Council:

1. RECIEVES the Community Engagement Outcomes Report at **attachment 1** for the major review of the Strategic Community Plan.
2. DOES NOT APPROVE the advertising of the draft Council Plan 2023-2033, as at **attachment 2**, for public comment.

Option 1 is recommended.

Conclusion

Following comprehensive community engagement and recommendations to develop a new vision, mission and community pillars, a draft Council Plan 2023-2033 has been developed.

Council is requested to approve the advertising of the draft Council Plan 2023-2033 for public comment. It is proposed to advertise the draft plan for a period of 60 days.

Officers will present the Council Plan 2023-2033 back to Council at a workshop, after the 2023 Local Government elections, to consider feedback from the community and the Department.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Community Engagement Outcomes Report (E23/5798)
- **10.4.1 - attachment 2** – Draft Council Plan 2023-2033 (IN23/11563)

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.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration



Financial Implications

Costs associated with the public advertising of the Council Plan 2023 - 2033 can be accommodated under 4000-15007-6383-0000.

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	Some community members may feel like they did not have an opportunity to provide feedback or input in the review of the Strategic Community Plan and to inform priorities for the new Council Plan	Community Engagement Plan was developed and implemented	Reputation	Possible	Minor	MODERATE	Advertising of the draft Council Plan 2023 – 2033 to receive feedback on the document.
2	Not approving the advertising of the draft Council Plan 2023 – 2033 would delay the major review of the Strategic Community Plan, which is a required to be reviewed every 4 years under section 5.56 of the Local Government Act 1995.	Engagement with community and Councillors in the review of the existing Strategic Community Plan and development of the new Council Plan.	Organisational Performance	Possible	Moderate	MODERATE	



Voting Requirements: Simple Majority

OCM151/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council:

- 1. RECIEVES the Community Engagement Outcomes Report at attachment 1 for the major review of the Strategic Community Plan.**
- 2. APPROVES the advertising of the draft Council Plan 2023-2033, as at attachment 2, for public comment for 60 days.**
- 3. REQUESTS the Chief Executive Officer sends a copy of the draft Council Plan 2023-2033, as at attachment 2 to the Department of Local Government, Sport and Cultural Industries for feedback.**
- 4. REQUESTS the Chief Executive Officer present the outcomes of feedback received from points 2 and 3 above to Council at a workshop after the 2023 Local Government elections.**

CARRIED UNANIMOUSLY 7/0



10.4.2 – Shire of Serpentine Jarrahdale Access and Inclusion Plan 2023 – 2028 (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.
-----------	---

Report Purpose

The purpose of this report is for Council to endorse the draft 2023-2028 Shire of Serpentine Jarrahdale Access and Inclusion Plan and associated five-year implementation plan, in order to proceed to a 30 day public comment period.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 27 November 2017 – OCM154/11/17 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. Endorses the Access and Inclusion Plan and Implementation Plan 2018-2022 in accordance with attachments OCM154.1/11/17 and OCM154.2/11/17.*
- 2. Considers 10% of the total renewal expenditure for buildings and footpaths for Access and Inclusion initiatives for future budgets, which amounts to approximately \$50,000.00 in 2018/2019.*
- 3. Establishes an Access and Inclusion Advisory Committee pursuant to Section 5.8 of the Local Government Act 1995 and endorses the Terms of Reference as per attachment OCM154.3/11/17.*

Background

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:

1. People with disability have the same opportunities as other people to access the services of, and any events organised by, the Shire of Serpentine Jarrahdale.
2. People with disability have the same opportunities as other people to access the buildings and other facilities of the Shire of Serpentine Jarrahdale.
3. People with disability receive information from the Shire of Serpentine Jarrahdale in a format that will enable them to access the information as readily as other people are able to access it.



4. People with disability receive the same level and quality of service from the staff of the Shire of Serpentine Jarrahdale as other people receive from the staff of the Shire of Serpentine Jarrahdale.
5. People with disability have the same opportunities as other people to make complaints to the Shire of Serpentine Jarrahdale.
6. People with disability have the same opportunities as other people to participate in any public consultation by the Shire of Serpentine Jarrahdale.
7. People with disability have the same opportunities as other people to obtain and maintain employment with the Shire of Serpentine Jarrahdale.

This report seeks Council endorsement of the Shire's draft Access and Inclusion Plan 2023 – 2028 (**attachment 1**) and associated five year Implementation Plan (**attachment 2**) in order to proceed to a 30-day public comment period.

Council is requested to note that final formatting and Shire branding will be applied to the document once adopted.

Community / Stakeholder Consultation

To develop the draft Access and Inclusion Plan 2023 – 2028, consultation took place with:

- Residents and ratepayers, in particular people with a disability, their families, carers;
- Disability service agencies and organisations and members of the Access and Inclusion Advisory Group; and
- Shire of Serpentine Jarrahdale employees, including executive management.

The opportunity to participate was widely promoted via a range of channels and in a variety of formats. A consultation report outlining further detail and outcomes of the of the consultation is included as **attachment 3**, with the emerging themes described under the Comment section below.

Officers have also received preliminary feedback from the Department Communities, ensuring the draft Plan aligns with their requirements. In summary, their feedback was as follows:

- In general comments the plan comes across as logical and quite easy to read.
- Adding a video version is a very useful addition to more people engaging with the plan. This is very thoughtful and not yet a common approach.
- The alignment with your other plans is a good addition so that staff understand its place.
- The Shire has articulated the important role the Advisory Group will play in the planning and oversight which will hopefully serve the plan very well.
- The draft clearly explains the relationship between consultation and the priorities the Shire will address.

Other minor edits suggested by the Department have been incorporated, including updated references to the Department of Communities (formerly Disability Services Commission) as the responsible entity for reporting practices

The draft Access and Inclusion Plan and associated Implementation Plan was presented to the Access and Inclusion Advisory Group at their meeting on 4 May 2023. The Access and Inclusion



Advisory Group agreed to progress the documents for Council endorsement, supporting the Officers recommendation for a 30-day public comment period.

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

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)

Around 1 in 6 people in Australia have a disability; or about 4.4 million people (Australian Institute Health and Welfare). According to the latest census (2021), 3.6% of the Shire's population (or 1,151 people) reported needing help with their day-to-day lives due to disability. This has increased since 2016, with the highest growth in the 20 – 59 age group. With the growth that our Shire is experiencing – over the life of this plan we're expected to grow by 29% - these numbers are only increasing and so too is the need for accessible and inclusive services and facilities.

Currently in our community, the people accessing disability service providers are primarily people with autism; intellectual disability; neurological disorders; vision, hearing, speech or other sensory impairments; and mental illness associated disability (Australian Government NDIS demand map).

We also recognise that access and inclusion challenges can impact the lives of many others in our community, not just those living with disability. This includes people with other health conditions, carers, families with young children and culturally diverse people.

In our Shire:

- 8.6% of our population is aged under five years (suggesting families with prams that benefit from accessible and inclusive services and spaces);
- 10.8% of our community speak a language other than English at home;
- 28.9% of the population are living with one or more long term health condition;
- More people are now providing unpaid care to others than ever before.

In preparing the Shire's Access and Inclusion Plan 2023 – 2028, the following steps were taken:

- A review of the DAIP 2018 – 2022 to identify gaps and areas which require ongoing development;
- Review of annual progress reports, relevant Council documents and disability legislation;
- Community and stakeholder consultation;
- Benchmarking in order to investigate best practice in access and inclusion.



Via the consultation undertaken, the community reported positive experiences in many areas such as interaction with Shire staff members and the various services and events provided by the Shire. There were more mixed views expressed regarding accessing information from the Shire and the accessibility of the Shire's buildings and facilities.

Throughout the review process, key themes emerged that were consistently expressed. These are summarised as follows, noting a range of other valuable and worthwhile suggestions were received:

1. **Facility and infrastructure improvements** – to improve people's ability to access events, engage with services, attend facilities and to allow for employment opportunities.
2. **Improving communication and promotion** – targeted, thoughtful messaging in diverse formats, encouraging participation in events and programs, feedback and engagement with services and to enable involvement in consultation activities.
3. **Building understanding, awareness and tolerance** – initiatives to improve the service received from the Shire and other places, supporting an improved culture and improving people's sense of belonging in their community.

Following community and stakeholder engagement, a draft Access and Inclusion Plan 2023 – 2028 has been developed and is provided at **attachment 1**. The plan demonstrates an ongoing commitment to improving the delivery of accessible and inclusive services and amenities to the overall benefit of our community, consistent with the key themes outlined above.

The draft Access and Inclusion Plan 2023 – 2028 is supported by a 5-year Implementation Plan and is provided at **attachment 2**. The draft Implementation Plan outlines actions proposed to address feedback received throughout the development of the Access and Inclusion Plan, whilst simultaneously aligned to the seven Outcome Areas. In most cases, implementing an action will deliver outcomes across multiple areas. This approach to the implementation plan is recommended in order to maximise impact of delivery within budgetary and resourcing allocations.

Officers note that budget allocations and staff resourcing to deliver the specified actions will require consideration annually. However, the draft implementation plan has been developed within current resourcing parameters and operational budget allocations.

Options and Implications

Option 1

That Council:

1. ENDORSES the draft Shire of Serpentine Jarrahdale 2023 – 2028 Access and Inclusion Plan and associated Implementation Plan, as contained in **attachments 1 and 2**;
2. 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
3. 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.

Given the community and stakeholder consultation undertaken to date, Officers do not foresee risk in considering the document to be adopted without return to Council.



Option 2

That Council:

1. ENDORSES the draft Shire of Serpentine Jarrahdale 2023 – 2028 Access and Inclusion Plan and associated Implementation Plan, as contained in **attachments 1 and 2** with specified amendments:

[Councillor moving motion to specify amendments]

2. REQUESTS the Chief Executive Officer advertise the draft Shire of Serpentine Jarrahdale 2023 – 2028 Access and Inclusion Plan and associated Implementation Plan with amendments, for a 30-day public comment period; and
3. REQUESTS the Chief Executive Officer return 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.

Implications of this option are unknown, as are subject to amendments requested. Officers would recommend returning the document to Council following the public comment period to ensure amendments and any subsequent comment has been accurately reflected.

Option 1 is recommended.

Conclusion

The *Disability Services Act 1993* requires Local Governments to develop and implement a Disability 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.

The draft Shire of Serpentine Jarrahdale 2023 – 2028 Access and Inclusion Plan and associated Implementation Plan (as contained in **attachments 1 and 2**) were presented to the Access and Inclusion Advisory Group at the May meeting, and received their support to progress for Council endorsement to a 30 day public comment period.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Draft Shire of Serpentine Jarrahdale 2023 - 2028 Access and Inclusion Plan (E23/4926)
- **10.4.2 - attachment 2** - Draft Shire of Serpentine Jarrahdale 2023 - 2028 Access and Inclusion Implementation Plan (E23/3377)
- **10.4.2 - attachment 3** – Access and Inclusion Plan Consultation Report – (E23/6563)

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

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.

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	



Voting Requirements: Simple Majority

OCM152/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council:

- 1. ENDORSES the draft Shire of Serpentine Jarrahdale 2023 – 2028 Access and Inclusion Plan and associated Implementation Plan, as contained in attachments 1 and 2;**
- 2. 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**
- 3. 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.**

CARRIED UNANIMOUSLY 7/0



10.4.3 – Community Events and Activities - Summary of 2022/2023 and Proposed 2023/2024 (SJ483)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to:

- Note the summary of events and activities undertaken for the 2022/2023 financial year; and
- Endorse the proposed events schedule for the 2023/2024 financial year.

Relevant Previous Decisions of Council

Special Council Meeting – 27 February 2023 – SCM012/02/23 - COUNCIL RESOLUTION

That Council:

1. *ACKNOWLEDGES and THANKS the community for participating in the Community Perceptions Survey.*
2. *RECEIVES the results of the Shire of the Serpentine Jarrahdale Community Perceptions Survey 2022, as provided at attachment 1.*
3. *ENDORSES the Shire's response to the Community Perception Survey, as provided at attachment 2 and REQUESTS the Chief Executive Officer to incorporate the findings into the upcoming IPR processes.*
4. *ENDORSES the new Strategic Communications Plan 2023 as provided at attachment 3 to improve the way the Shire communicates with the community.*
5. *POSTPONES consideration of the Values and Culture Workshop for Elected Members until after the 2023 local government election.*

Ordinary Council Meeting – 20 June 2022 - OCM147/06/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *NOTES the summary of events for the 2021/2021 financial year as contained in attachment 2;*
2. *ENDORSES the proposed draft calendar of events for the 2022/2023 financial year as contained in attachment 3;*



3. *ENDORSES changes to the Australia Day Event as follows:*
- a) *Continuation of breakfast with volunteer groups for Australia Day Ceremony participants only; and*
 - b) *Delivery of the community Australia Day components (including community cricket match) as part of an evening Food Truck Fiesta event in Byford; and*
4. *NOTES a constant review and minor variations of events on the draft 2022/2023 financial year calendar may be required in line with operational requirements.*

Background

Events play a significant role in shaping a community and are an important aspect of community life. Events provide opportunities for people to connect and spend time with family and friends and can contribute to the happiness and wellbeing of a community. They also provide opportunities to celebrate identity and cultural heritage, as well as being avenues to support the local economy. The Shire has delivered a successful calendar of events and activities in the 2022/23 financial year, and a summary of this is provided at **attachment 1**.

This report also presents a proposed forward calendar for 2023/2024 (**attachment 2**) that capitalises on these recent successes and the popularity of Shire events, whilst remaining achievable within available resources. The proposed 2023/2024 events and activities forward calendar aims to provide a balance of three event delivery approaches (Shire led, community driven and civic events), for a schedule that is:

- Reflective of the local community and predominant demographics.
- In line with community feedback, areas of interest and traditional/consistent event delivery practices for ongoing community development purposes.
- Responsive and reflective of emerging trends in the delivery of local events.
- Builds on the successes and positive feedback obtained from event participants, enhancing delivery to reach more of the local community, particularly those new to the Shire.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	22 May 2023
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Mack, Cr Strange

2022 Community Perceptions Survey

Over the last two years, an Events, Arts and Culture survey has been undertaken prior to the preparation of the proposed events and activities calendar. With the removal of all COVID-19 Public Health and Social Measure (PHSM) restrictions, and the outcomes of the Community Perceptions Survey presented to Council at the Special Council Meeting on 27 February 2023 (survey conducted in September 2022), an individualised survey for Events, Arts and Culture has been determined unnecessary in the preparation of the 2023/2024 draft Community Events and Activities Calendar.

The community responses and actions resolved by Council across multiple priority areas has set clear parameters for the proposed calendar. In summary, the 2022 Community Perceptions Survey identifying the following:



- Festivals, events, arts and cultural activities was listed as an area “most improved” since the last Community Perceptions Survey in 2020.
- Festivals, events, arts and cultural activities was listed as an ongoing priority area, with the following community driven actions identified (see **attachment 3** for the relevant community voices extract from the Community Perceptions survey):
 - Hold more events to encourage community connection and bring visitors to Shire (Food festivals, Famers Markets, Music Events, Art Exhibitions).
 - Ensure activities and events cater to a variety of demographic groups (Families etc.)

Other consultation undertaken over the last 12 months have also been used to inform the development of the 2023/2024 events and activities forward calendar, including the Community Activation survey and the community engagement for the Disability Access and Inclusion Plan.

Other feedback received specific to the proposed delivery of the 2023/2024 calendar is provided in the relevant Comment section below.

Statutory Environment

Nil.

Comment

The connections you make through relationships, places, and social activities can build a safety net for your physical and mental health. Healthy connections with family, friends, partners and co-workers are known to lower levels of anxiety and depression and raise self-esteem. Being part of a community can have a positive effect on mental health and emotional wellbeing. (source: headtohealth.gov.au)

Community involvement provides a sense of belonging and social connectedness. Regardless of the type of event or purpose, an event can help to facilitate local awareness; act as a vehicle or starting point for involvement or community led change; and helps to build community spirit.

Supporting initiatives that build the sustainability and capacity of volunteer and community groups within the Shire is an ongoing priority when considering the delivery of events, programs and activities. These groups provide an avenue for local residents to engage in valuable activities, both as volunteers and/or as event participants. Delivery of programs and activities are also subject to appropriate and functional spaces within the public realm that can host activities in a safe, affordable, and logistically practical manner.

Consistency of key events is strongly recommended for 2023/2024. This approach builds a solid foundation to enhance and improve community and stakeholder engagement:

- Delivering well attended and socially vibrant events attracts vendors, businesses, artisans and entertainers to prioritise attendance and engagement at Shire led initiatives. This “brand” and reputation is essential for successful event delivery and can be difficult to maintain when events and formats regularly change.
- Delivery formats that significantly vary from year to year, create inefficiencies and additional costs relevant to staff time and scale/scope investigations. Annual costs such as parking plans and traffic management can be minimized when utilizing established documentation.
- Having a clear theme or focus for each event (aligned to community priorities) helps to establish appropriate target audiences for promotional purposes and provides an opportunity to enhance community awareness of local services.



Overview of events and activities delivered in 2022/2023 financial year

Annually, the Shire delivers a diverse range of events and activities. Over the past 12 months this has ranged from larger-scale events such as the Food Truck Fiesta series (Shire led events), to smaller events and activities hosted in response to community need (supporting and partnering community driven events).

Attachment 1 presents an overview of the key events and initiatives delivered by Officers in the 2022/2023 financial year, noting at the time of writing this report one Major Event (Muddy Buddies) and one collaborative initiative (Seniors Expo) are still to be delivered.

Overall, the planned calendar of events and activities for the 2022/2023 financial year was delivered within budget allocations and with predominantly positive feedback from the community, either via social media or by surveys/verbal feedback received during and post events.

Key Highlights and Achievements

The overarching theme of “connection with community for improved social inclusion” was identified when the 2022/2023 calendar was developed. The following 5 outcomes were anticipated, with key statistics and highlights from the year noted against these:

1. Increased connection with community.

- Over 200 Seniors engaged from breadth of Senior’s Week activities, representing a 33% increase in week-long attendance from 2021/22 and delivered collaboratively with multiple service agencies.
- 3,500 Street Party attendees, representing a 40% increase in attendance from 2021/2022
- 400 attendees to Play in the Park Christmas Edition, representing double the amount of attendees from 2021/2022.
- 9,700 people attended the Food Truck Fiesta Series across all 7 events. This is a 38.5% increase in overall attendance from 2021/2022.
- 150 attendees to the Award Ceremony also attended the BBQ Breakfast.
 - 222% increase in attendance from 2021/22; 22% reduction in expenditure (across both community and civic events).
- Collaborative delivery of Anzac Day services, with the Serpentine Jarrahdale RSL subbranch, local brigades and community representatives.
- Harmony Week Lantern Trail Event delivered in collaboration with other agencies, resulting in a 38% increase in attendance from 2021/22

2. Bringing people together.

- 11,255 attendees at Major Events and School Holiday Programs year to date.
- 1,000 community members attended the evening Australia Day Food Truck Fiesta.
- 33 Organisations registered for Thank-A-Volunteer Day vouchers, 20 of these opting for group vouchers rather than individual vouchers.
- 53 new citizens over 4 ceremonies (2 remaining)

3. Support for local businesses.

- 15 local vendor attendances at the Food Truck events.



- 13 market stalls at the Street Party event, with 12 of these being from the Shire of SJ and surrounding areas.
- 52 Public Event Applications processed, including externally delivered events by local businesses and 10 Grant Funded Events by local community groups.

4. Showcase of local talent and skills.

- Participation of Byford Secondary College Follow the Dream students at the SJ Library Services Opening.
- Participation by the Heritage Country Choir at multiple events.
- Involvement of local band at the Australia Day – community event.

5. Activation of outdoor spaces and other highlights.

- 7 Food Truck events in total, including 3 x Serpentine; 3 x Mundijong; 1 x Byford.
- 23 entrants to Christmas Lights competition across 3 categories (including local businesses).
- Sustainable practices - approximately 60 wheelie bins of waste rediverted from landfill through the Go2Cup service (reusable cutlery).

Draft Community Events and Activities Calendar for 2023/2024

Attachment 2 presents a draft Community Events and Activities Calendar for 2023/2024. Officers have taken feedback and suggestions provided through the Community Perceptions survey and other consultative undertakings throughout the year to develop this calendar.

The Community Events and Activities Calendar for 2023/2024 has been developed with the following objectives:

- Delivering a calendar of events and activities aligned to community feedback and areas of interest
- Providing a range of opportunities for residents to meet and connect with their local community, especially those new to the Shire
- Establishing consistency and local traditions in the style and format of events that are delivered (Christmas Street Party, Music Concert, Muddy Buddies)

Direct Event Delivery

The primary focus of Shire led and delivered events is to provide opportunities for community connection, social inclusion and entertainment. The intended outcomes are to enhance physical and psychosocial wellness of residents and improve community engagement and awareness of local services.

The following directly delivered events are proposed to meet these key outcomes. It is recognised that that continual delivery of events in traditionally popular formats allows for ongoing improvements and enhancement by capitalising on resource efficiencies, local customs and existing community connections.



Food Truck Fiesta Series – Proposed to occur monthly between September and March (subject to weather conditions)

Indicative budget: \$60,000 (excludes add-on activities).

Add on Activities: Indicative budget of \$80,000 across the 7 proposed themes, with allowance for traffic management for select events.

Following the popularity and success of the 2021/2022 and the 2022/2023 Food Truck Fiesta series, Officers propose to continue the delivery of a series of Food Truck Events in the warmer months, being September to March.

In 2022/2023, “themes” for each event were trialed to promote information and businesses and were used to inform event activities in a discrete manner. The concept of themed events is strongly recommended to continue to help strengthen stakeholder engagement (such as involvement with local schools and artisans) now the level of community interest and participation is better established after 2 years of Food Truck events. Learnings on how best to engage relevant stakeholders pertinent to the themes, are also expected to deliver enhanced events that inform residents in a casual, relaxed and entertaining environment on a range of Shire related services (as identified in the Community Perceptions survey).

The proposal for 2023/2024 Food Truck Fiesta Series is:

Month	Theme	Comment
September	Sustainability	<ul style="list-style-type: none"> Seed swap and promotion of waste reduction initiatives, relevant to local households to be shared with attendees. Switch Your Thinking attendance (similar to 2022), outlining range of ways in which households can reduce their energy consumption and save money. Serpentine is the proposed location for this event.
October	Community Safety	<ul style="list-style-type: none"> October is Community Safety month. Community Safety and Crime Prevention was identified as a key community priority in the 2022 Community Perceptions Survey. Collaboration with Neighbourhood Watch team (who propose to launch their Community BBQ Series), Rangers, Emergency Services and other community safety initiatives promoted at this event Mundijong or Serpentine are proposed as preferred locations for this event, being closer to the communities to be targeted for bushfire preparedness
November	Community Concert	<ul style="list-style-type: none"> Aligns with responses from the 2022 Community Perception Survey for music focused events to be provided The 2023 SJ Rocks concert had the second highest attendance of all the food truck events Mundijong or Byford proposed location.



Month	Theme	Comment
December	Christmas Street Party	<ul style="list-style-type: none"> Christmas themed Street Party inclusive of food vans, artisan markets, family-friendly entertainment and music Mundijong location, with closure of section of Paterson Street
January – <u>Option 1</u>	Civic Event/Awards Ceremony	<ul style="list-style-type: none"> Indoor breakfast at 8am for Australia Day Ceremony attendees only Australia Day Awards and Citizenship Ceremony at 9am SJ Community Recreation Centre location
	Afternoon Food Truck Event with Community Cricket Match	<ul style="list-style-type: none"> Afternoon/evening event format with community cricket game, live music and children activities Briggs Park Oval location
January - <u>Option 2</u>	Civic Event/Awards Ceremony and Community Breakfast	<ul style="list-style-type: none"> Indoor breakfast at 8am for Australia Day Ceremony attendees and advertised for community to attend. Australia Day Awards and Citizenship Ceremony at 9am. SJ Community Recreation Centre location.
February	Family Movie Night	<ul style="list-style-type: none"> Outdoor movie selected by popular vote Serpentine location.
March	Harmony Week	<ul style="list-style-type: none"> Event to be delivered to align with Harmony Week, as an opportunity to celebrate the cultural diversity that exists in our Shire. Kalimna Oval, Byford, proposed location The lantern trail activity held during Harmony Week in 2022 and 2023 is proposed to continue as part of the April school holiday program.

Australia Day Options

Two options are presented for 2024 Australia Day events, with the following detail noted from 2023 event delivery:

- An approximate 239% increase in attendance for 2023 (as compared to 2022) across both the community and civic events was realised;
- A 22.5% reduction in expenditure for 2023 (as compared to 2022) across both community and civic events was realised.

Officers are recommending continuation of the 2023 event format (presented as Option 1), as it provided activities demonstrated to have a broader appeal to the local community than that delivered in 2022, at less cost. However, with Option 2 being beneficial from a staff resourcing perspective and avoiding delivery of 2 x separate events on Australia Day, an indoor breakfast



open to the whole of community in the morning (presented as Option 2) is also a viable and achievable option.

Play in the Park - Christmas Edition (0 – 5 year old target cohort)

Indicative budget: \$5,000

Historically, the Play in the Park – Christmas Edition was a community driven/partner event which targeted families with 0 – 5 year olds. Overarchingly, the Play in the Park social play program occurred throughout the year and aimed to create connections between local families and provided information on available local services in a casual and informal format, with the Christmas Edition providing additional entertainment and age appropriate activities for broad appeal.

In 2022, with the partner agency no longer receiving government funding for the program (the principle aim of the program moving into an alternative model), the Play in the Park – Christmas Edition has transitioned into a Shire delivered event. Whilst still delivered with local service providers in attendance (subject to availability), the coordination and event responsibilities are now administered by the Shire. This format resulted in double the attendance in 2022 from 2021 (approximately 400 people in attendance).

With the 0 – 4 age group representing 8.6% of the local population (2021 census data), as compared to 6.1% of the greater Perth area, this cohort remains an important target audience. Officers recommend continuing the Christmas Play in the Park event, being at a location and time different to other Christmas activities occurring.

Muddy Buddies - Families and Children Event; Proposed June 2024

Proposed Budget: \$32,000 subject to further location specific requirements e.g. traffic management and parking based on registered attendance numbers.

Following the success of the 2021 Muddy Buddies event, the 2023 event is being delivered in a similar format but with a greater number of activities and incorporating improvements suggested from the 2021 event (such as adding changing facilities for children prior to departure).

At the time of writing this report, the event has not been delivered. But based on registration numbers and interest ascertained so far (1,000 after 1 week of advertising), a 2024 event is recommended to be delivered on the following basis:

- Families and children target audience, which is consistent with local demographics and Community Perceptions results.
- Provision of family friendly activities in the winter months, where no other events are proposed.
- Trail promotions in the Jarrahdale area to be incorporated with the event, consistent with priorities identified in the Jarrahdale Trails Town Business Case.

Community Driven Events, Programs and Activities

A number of other activities, programs and events are to be delivered throughout the financial year, in partnership and in consultation with stakeholders outside of the Shire delivered events. These are outlined within **attachment 2**, noting that the final format of these activities and level of involvement from Shire Officers varies subject to the available resources and capacity of partnering agencies.

The following community driven events, programs and activities represent key changes proposed by Officers from the 2022/2023 event formats, noting this is not exhaustive of all community driven programs proposed for delivery:



Ageing Well Programming - Includes Seniors Week Event in November.

Proposed Budget: \$8,500

The Senior's Week Event changed format in 2022, as Officers became aware of other agencies and organisations planning similar activities to that proposed by the Shire. Working collaboratively with these agencies to ensure a breadth of activities over Senior's Week in 2022 the following series of activities promoted by the Shire was supported:

- Tech & Tea at the Library
- Mad Hatters High Tea at the SJ Community Resource Centre
- Concert & Lunch at the SJ Community Recreation Centre,
- Seniors Recreation Council Have a Go Day in Burswood
- Seniors Bus Excursion to Peel Manor House (Shire event)

This format saw an overall increase in Seniors participation across the week of at least 33% from 2021, and delivered on actions identified within the Shire's Ageing Well Strategy.

As such, Officers propose allocating an Ageing Well Programming budget (rather than a specific Senior's Week event budget), in order to work collaboratively with stakeholders and Senior's groups for a suite of activities throughout the year. This programming budget is to be inclusive of a Senior's Week event in November.

National Volunteer Week - May 2024

(Proposed change in format from Thank A Volunteer Day in December)

Proposed Budget: \$11,000

Over the past 3 years, voucher provisions have been administered by the Shire for Thank A Volunteer Day, allowing more volunteers to be recognised within the available budget.

In order to better support the attraction, retention and promotion of volunteers in the local community, Officers are recommending a discontinuation of the Thank A Volunteer Day in December in favour of a broader program of activities over National Volunteer Week in May 2024:

- There is no capacity for Shire staff to reinstate the Thank A Volunteer Day lunch in December, given the breadth and scale of other activities now occurring through this period.
- Other organisations such as the SJ Community Resource Centre have been undertaking activities on Thank a Volunteer Day.
- A sit down lunch is beneficial in recognising current volunteers, as a retention strategy. However, given recent trends from the census data, improvements on how to connect and attract "new volunteers" is also an important consideration.

Should this proposal be supported by Council, Officers will engage with a range of local organisations and volunteer groups to develop an inaugural Volunteer Week of activities within the available budget. Examples of activities may include guest speakers for sporting clubs, recognition vouchers and/or sit down lunch, breakfast or sundowner. A breadth of activities similar to Senior's Week is anticipated to be provided in partnership with other service agencies.



Civic Events**Australia Day Awards and Citizenship Ceremony**

To be held Friday 26 January at the SJ Community Recreation Centre. The preferred delivery format to be agreed by Council in accordance with the detail outlined previously in this report.

Anzac Day – 25 March 2024

Proposed Budget - \$14,000

The Dawn Service is traditionally delivered by the Returned and Services League (Serpentine Jarrahdale Sub-branch), who collaboratively worked with Shire Officers, brigades and community representatives to deliver the 2023 event. As resolved by Council, Officers will present a separate report to Council at a later date regarding Anzac Day, once further consultation has taken place regarding the policy. An amount of \$14,000 has been placed in the draft 2023/24 budget consistent with expenditure from 2022/23 (plus anticipated escalation costs).

Citizenship Ceremonies

Proposed: 7 ceremonies in total.

Indicative budget: \$9,000

For the current financial year (up to and including May 2023), 82 people have attended citizenship ceremonies as conferees, with 20 conferees scheduled for the June ceremony.

Numbers for the 2023/2024 financial year are anticipated to further increase, as the Federal Government has announced changes to migration caps to address workforce shortages. 7 citizenship ceremonies are proposed throughout the year, with 2 of these ceremonies having capacity for a greater numbers of conferees, being Australia Day (January) and Citizenship Day (September).

Opening Events

No opening events or activities have currently been identified for the financial year that require a specific event budget allocation. These will be considered in consultation with the relevant project team on an as-needs basis throughout the year, to be funded via the project allocations.

Options and Implications**Option 1**

That Council:

1. NOTES the summary of events for the 2022/2023 financial year as contained in **attachment 1**;
2. ENDORSES the 2023/2024 draft Community Events and Activities Calendar as contained in **attachment 2**;
3. NOTES a constant review and minor variations of events for the 2023/2024 financial year calendar may be required in line with operational requirements.

Option 2

That Council:

1. NOTES the summary of events for the 2022/2023 financial year as contained in **attachment 1**;



2. ENDORSES the 2023/2024 draft Community Events and Activities Calendar as contained in **attachment 2**:
 - a) EXCLUDING the Australia Day Food Truck Event and Community Cricket Match
 - b) INCLUDING an indoor Community Breakfast prior to the Civic Ceremony, open to all of community;
3. NOTES a constant review and minor variations of events on the draft 2023/2024 financial year calendar may be required in line with operational requirements.

Option 3

That Council:

1. NOTES the summary of events for the 2022/2023 financial year as contained in **attachment 1**;
2. ENDORSES the 2023/2024 draft Community Events and Activities Calendar as contained in **attachment 2**, with changes to be outlined by Council; and
[Councillor moving amendment to specify changes]
3. NOTES a constant review and minor variations of events on the draft 2023/2024 financial year calendar may be required in line with operational requirements.

Option 1 is recommended.

Conclusion

Council is requested to support the 2023/2024 draft Community Events and Activities Calendar as contained in **attachment 2**. The draft calendar continues to provide opportunities for community connection and social interaction, building on the recent successes in local event delivery and making recommended enhancements to reach a broader range of our community.

Two options for Australia Day 2024 activities are proposed, with Officers recommending a continuation of the 2023 format given the increased level of community participation from previous years.

Key enhancements proposed include recognition of National Volunteer Week as an alternative to Thank A Volunteer Day, enhancing the themes for community food truck events to include Harmony Week and Family Friendly Movie Nights and promoting the Neighbourhood Watch BBQs within the all household events and activities brochure.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** – 2022/2023 Community Events and Activities Summary (E23/3843)
- **10.4.3 - attachment 2** – 2023/2024 draft Community Events and Activities Calendar (E23/6748)
- **10.4.3 – attachment 3** – 2022 Community Perceptions Survey (extract for Festivals, Events and Activities (E23/6749)



Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment
Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
Strategy 1.2.2	Encourage and support public art in public areas
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.

Financial Implications

All events proposed in **attachment 2** are achievable in the draft 2023/2024 Budget allocations proposed.

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 Officers/ Shire to deliver a schedule of events within allocated resources to the expected standards of community and Council	Provision of adequate resources and monies allocated in the 2023/24 Budget.	Reputation	Possible	Minor	MODERATE	Contract provision of some events by an external provider.
3	To be determined – subject to changes requested by Council.						

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- NOTES the summary of events for the 2022/2023 financial year as contained in attachment 1;
- ENDORSES the 2023/2024 draft Community Events and Activities Calendar as contained in attachment 2;
- NOTES a constant review and minor variations of events for the 2023/2024 financial year calendar may be required in line with operational requirements.



OCM153/06/23

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Dagostino

That Council:

1. **NOTES** the summary of events for the 2022/2023 financial year as contained in attachment 1;
2. **ENDORSES** the 2023/2024 draft Community Events and Activities Calendar as contained in attachment 2 with the following amendments:
 - a) **INCLUDING** an indoor Community Breakfast prior to the Australia Day Civic Event (open to all of community) and increasing the 2023/2024 draft Budget allocation for the Australia Day Civic event by \$3,000.
 - b) **AMENDING** the Food Truck Fiesta series to be the following events and reducing the 2023/2024 draft budget allocation by \$53,000:

October	Food Truck Fiesta – Community Safety	\$10,000
November	Food Truck Fiesta – Movie Night	\$11,500
December	Food Truck Fiesta - Christmas Street Party	\$30,000
February	Food Truck Fiesta – Movie Night	\$11,500
March	Food Truck Fiesta - Harmony Week	\$24,000
TOTAL		\$87,000

3. **NOTES** a constant review and minor variations of events for the 2023/2024 financial year calendar may be required in line with operational requirements.

CARRIED 5/2

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

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

Councillors Rich and Atwell voted AGAINST the motion.

Reason for difference to Officer Recommendation

To balance the communities expectations and to be fiscally responsible.

**10.4.4 – Jarrahdale Trails Audit (SJ4037)**

Responsible Officer:	Jarrahdale Trail Coordinator
Senior Officer:	Director Community Engagement
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to receive the Jarrahdale Trails Audit.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 11 October 2021 – OCM286/10/21 – COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the submissions received at attachment 3 on the Jarrahdale Trail Town Business Case;*
- 2. ENDORSES the Jarrahdale Trail Town Business Case as contained in attachment 2; and*
- 3. REQUESTS the Chief Executive Officer to advocate for external funding to deliver the recommendations within the Jarrahdale Trail Town Business Case at attachment 2.*

Background

In 2021, the Shire adopted the Jarrahdale Trail Town Business Case (the JTT) which is provided at **attachment 1**. The JTT provides strategic guidance to assist the Shire to develop the historic town to become a primary trail destination in the Perth Hills, for visitors seeking equestrian, bushwalking, gravel riding, trail running and cultural experiences.

The JTT provided a range of recommendations, including the need to conduct the Jarrahdale Trails Audit (the Audit) for trails managed by the Shire, Department of Biodiversity, Conservation and Attractions (DBCA), private owners, or a combination of the three. Funds were allocated in the 2022/23 Budget for the Audit to be undertaken.



Community / Stakeholder Consultation

Three Chillies Design, an experienced trail design, construction and maintenance studio based in WA was engaged by the Shire to conduct an audit of the existing trails and networks in Jarrahdale.

One-on-one interviews were conducted informally by Three Chillies Design with DBCA, and Shire's Officers, who provided deeper insights and local knowledge of specific trails to inform the development the Audit.

A preliminary trails attributes document was also developed by the Shire with input from DBCA to understand what was required to maintain and develop trails to the highest standards possible, while reflecting the purpose of the Jarrahdale Trails Audit for the Shire's specific needs.

Statutory Environment

Nil.

Comment

A trail audit is typically limited to technical dataset useful for maintenance purposes and asset management (the Attributes). Considering that most trails in Jarrahdale are managed by DBCA, the Jarrahdale Trails Audit was broadened to include relevant information useful for the Shire in its endeavour to become an accredited Trail Town.

The purpose of the Jarrahdale Trails Audit was to assess the quality, condition, and current use of trails within Jarrahdale and to identify and recommend opportunities for expansion and development. Three Chillies Design conducted an extensive desk top analysis followed by on ground proofing of Jarrahdale's trails and the surrounding area to develop the Jarrahdale Trails Audit.

The Audit is also a document DBCA would expect from Local Governments before agreeing on a Service Agreement or MOU about a trail development project.

Increasingly, the Audit will become a required selection criteria before the Shire could access trail related funding opportunities from the State and Federal Governments.

The following trails in Jarrahdale were included as part of the Jarrahdale Trails Audit scope:

- Kitty's Gorge
- Stacey's Loop
- Wungong Bridle Trail
- Jarrahdale Bridle Trail
- Baldwins Bluff Trail
- 1872 Heritage Railway Trail
- Serpentine Falls Trail
- Mundlimup Timber Trails
- Langford Park MTB
- Ken Jones & Tallowood Trails
- Jarrahdale Balmoral Trail



- Jarrahdale Heritage Walks
- Sullivan Rock to Mt Cooke (Bibbulmun Track)
- Munda Bididi Trail
- Kingsbury Drive Cycling Challenge
- Nettleton Road Cycling Challenge
- Blue Rock
- Jarrahdale Trail Hub (Heritage Park)
- Gravel Loops
- Rail Trail
- Korribinjal Trails
- Wetland Experience
- Bungendore Bridle Trail
- Prisoner of War Camp Trail
- Tony Henniker Long Walk

In developing the Audit, the environment experiences, cultural experiences/facilities and the user type of each trail were considered to inform what existed and what could be implemented to enhance the user experience of the trail. The factors considered for each of these areas is listed below:

Environmental experiences	Cultural experiences/facilities	User type
Elevation	Wine/Beer	Walk
Forrest	Food/Dining	Trail run
Fauna	Photo opportunity	Hike
Flora	Views	Swim
Waterfall/Watercourse	Camping	Mountain bike
	Indigenous heritage	Road/Gravel bike
	Local Historical Ares	Accessible
	Toilets	Families
		Horse riders
		Dog friendly
		Off road vehicle

The Audit also considered the trails unique aspects, awareness of the trail amongst trail users and visitors, opportunities, weaknesses, dependencies and investment worthiness and effort required.

The outcome of the analysis of the above factors and the trails within the scope of the Audit is the Jarrahdale Trails Audit, which is provided at **attachment 2**.

**Priorities**

The Audit assigned a priority level from 1 to 4 to each trail based on its Investment Worthiness and Investment Required ratings. Trails with a higher Return On Investment (e.g. Kitty's Gorge) have a priority level of 1. Trails with a lower priority level should be still planned for future development opportunities, being aware of the obstacle/s preventing them from being listed higher (e.g. shuttle service linking international classified Mt Sullivan - Mt Cook trail part of the Bibbulmun Track).

The table below shows priority 1 trails identified by the Audit along with the current status of project work or advocacy work being undertaken by the Shire:

Trail	Status
Kitty's Gorge Stacey's Loop	The Gooralong Trail Precinct carpark will be built and improved with \$600,000 from the Peel Regional Trails Program, an \$8 million Federal Government initiative. The project will solve the parking and traffic problems and enhance the pedestrian access for the visitors of Kitty's Gorge and Stacey's Loop. The funding service agreement is being finalised by the Shire Officers and the Peel Development Commission.
Baldwins Bluff Trail	Shire Officers will provide Trails Audit to DBCA to inform their internal prioritisation and review of trails markers.
Jarrahdale Bridle Track (Jarrahdale Horse Trail)	\$1.35 million secured through the Federal Government's \$8 million Peel Regional Trails Program to develop a new trail network. The funding service agreement is being finalised by the Shire Officers and the Peel Development Commission.
Jarrahdale Trail Hub (Heritage Park)	The Business Case for Jarrahdale Heritage Park is currently being developed and will be presented to Council by September 2023 for consideration.
Gravel Loops (New opportunity)	Shire Officers will develop a business case to explore the feasibility of developing gravel cycling loops in partnership with DBCA, the Munda Bidli Foundation and other cycling groups, and establish Jarrahdale as a destination for this activity.

The Audit will be shared with DBCA, to strengthen the collaboration between the Shire and DBCA and to improve planning of priority projects. The Audit and priorities will also inform focus for marketing campaigns.



Options and Implications

Option 1

That Council:

1. RECEIVES the Jarrahdale Trails Audit as contained at **attachment 2**.
2. NOTES that of the Priority 1 trails identified in the Jarrahdale Trails Audit, the Shire's focus is to progress the Gooralong Trail Precinct carpark and Jarrahdale Horse Trail projects and NOTES that the funding agreements for both projects through the Federal Government's Peel Regional Trails Program will be presented to Council once they have been finalised.
3. NOTES that a report on the Jarrahdale Heritage Park Business Case will be presented to Council in September 2023; and
4. REQUESTS the Chief Executive Officer presents a Business Case for a Gravel Loops Feasibility for consideration in the 2024/25 Budget.

Option 2

That Council DOES NOT receive the Jarrahdale Trails Audit.

Option 1 is recommended.

Conclusion

The development of the Jarrahdale Trails Audit is a key milestone within the Jarrahdale Trail Town Business Case recommendations.

The Audit provides specific data to inform decision-making through the 8 Steps of the Trail Development Process, from investment considerations to management and maintenance. The Audit provides also valuable insights to identify target markets and for marketing purposes.

The Audit will help strengthen the Shire's partnership with DBCA as part of our ongoing collaboration to enhance and promote trails within Jarrahdale.

The Audit will enable to the Shire to commit investment in trails with certainty, and progress with confidence towards its goal to become an accredited Trail Town.

Attachments (available under separate cover)

- **10.4.4 - attachment 1** – Jarrahdale Trail Town Business Case – Endorsed – October 2021 (E21/9994)
- **10.4.4 - attachment 2** – Jarrahdale Trails Audit 2023 (E23/6917)

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 2.2.4	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district



Financial Implications

There are no financial implications associated with the Jarrahdale Trails Audit.

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 Option 1.						
2	The Jarrahdale Trails Audit is not received by Council, which could result in perceived lack of confidence in the document by internal and external stakeholders	Engagement with internal and external stakeholders in the development of the Jarrahdale Trails Audit	Strategic Stakeholder Relationships	Unlikely	Minor	LOW	The Jarrahdale Trails Audit is not received by Council, which could result in perceived lack of confidence in the document by internal and external stakeholders



Voting Requirements: Simple Majority

OCM154/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Duggin

That Council:

- 1. RECEIVES the Jarrahdale Trails Audit as contained at attachment 2.**
- 2. NOTES that of the Priority 1 trails identified in the Jarrahdale Trails Audit, the Shire's focus is to progress the Gooralong Trail Precinct carpark and Jarrahdale Horse Trail projects and NOTES that the funding agreements for both projects through the Federal Government's Peel Regional Trails Program will be presented to Council once they have been finalised.**
- 3. NOTES that a report on the Jarrahdale Heritage Park Business Case will be presented to Council in September 2023; and**
- 4. REQUESTS the Chief Executive Officer presents a Business Case for a Gravel Loops Feasibility for consideration in the 2024/25 Budget.**

CARRIED UNANIMOUSLY 7/0

**10.5 Executive Services reports:**

Shire President, Councillor Rich declared an Impartiality Interest in item 10.5.1.

10.5.1 – Advocacy Priorities 2025 State and Federal Government Elections (SJ4117)	
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> .

This report was dealt with earlier in the Meeting.



10.5.2 – Organisational Development Roadmap 2023 -2026 (SJ388)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to present for Council consideration the new Organisational Development Roadmap 2023 to 2026 (**attachment 1**).

Relevant Previous Decisions of Council

Ordinary Council Meeting – 19 October 2020 – OCM340/10/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ADOPTS the Shire of Serpentine Jarrahdale Organisational Development Roadmap as contained in attachment 1;*
2. *CONSIDERS an amount of \$100,000 at a future quarterly budget review be utilised to resource the delivery of the Organisational Development Roadmap; and*
3. *NOTES that work will not commence on the delivery of the Organisational Development Roadmap until resources are available to facilitate the works outlined in the Strategic Workforce Programs 2020-2023, as contained in appendix 2 of attachment 1.*

Background

The Council adopted the Shire's first Organisational Development Roadmap in October 2020.

Since this time the environment the Shire operates has changed in the following ways:

- COVID has occurred which has impacted upon the way we work with greater emphasis on flexible working arrangements including working from home.
- Labour market shortage has impacted upon our ability to attract and retain high performing staff with greater demands placed upon employers with regards to benefits offered and career opportunities.
- Staff have been surveyed and their priorities had changed which needed to be reflected in the strategy.

This has warranted the preparation a new Organisational Development Roadmap.



Community / Stakeholder ConsultationPolicy Concept Forum

Meeting Date	1 May 2023
Councillors in Attendance	Cr Rich, Cr Byas, Cr Coales, Cr Dagostino, Cr Duggin, Cr Mack, Cr Strange

Statutory Environment

The previous Integrated Reporting and Planning Framework required all local governments to have a Workforce Plan. Moving forward this is not a requirement however Officers believe given the environment we are operating in such a document is critical for the development and success of the organisation.

Comment

The plan focused upon engaging and developing shire staff across the organisation focused upon developing capability and talent. The plan will also identify and define career opportunities in the organisation for succession planning.

The preparation of the Organisational Development Roadmap has been done internally. An external design company was engaged to ensure the document is consistent with the Shire's branding.

Consultants were engaged to facilitate workshops with staff from across the organisation on a number of topics including Values and Culture, New ways of working and Employee Benefits and engagements.

Since the participation of employees in these workshops we have seen an improvement in the overall engagement of staff across the organisation which is have positive impacts upon culture and turnover.

There are four key focus areas of the roadmap being:

1. Attraction and retention. To build a values lead high performing business through diverse and capable people.
2. Talent. Creating an environment of leadership excellence building capability and cultivating leaders across all the levels of the organisation.
3. Performance. Encouraging a learning culture where leaders equip their people to take ownership of their performance.
4. Work systems and structure. Setting people up for success to be the best they can be.

The roadmap outlines the actions to be taken over the next three years to achieve the above objectives.

The roadmap is a control for the following risks in the Shire's adopted Strategic Risk Register:

- Culture and values not aligned to organisational outcomes and priorities
- Inability to attract and retain a quality workforce.

These risks are rated 'moderate' and 'high' respectively and represent a challenge to delivery of services and organisational impact.



The Organisational Roadmap (**attachment 1**) also addresses some of the organisational issues identified in the Operations Waste Fleet and Facilities Review – Glen Flood Report presented separately to Council.

Success of the Roadmap will be measured by improvements in the employee satisfaction survey to be conducted in 2024 and 2026.

Options and Implications

Option 1

That Council:

1. ADOPTS the Organisational Development Roadmap at **attachment 1**.
2. NOTES that funding for the implementation of the Roadmap will be considered annually as part of the budget process.

Option 2

That Council DOES NOT ADOPT the Organisational Development Roadmap at **attachment 1**.

Option 1 is recommended.

Conclusion

The changed employment environment warranted preparing a new Organisation Development Roadmap.

Officers believe the change in focus will suit the organisation well during this challenging labour market.

It is timely to implement this now given that candidates and employees are being much more proactive about what type of organisations they want to work for.

Attachments (available under separate cover)

- **10.5.2 - attachment 1** – Organisational Development Roadmap 2023 to 2026 (E23/7313)

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

The roadmap was developed internally however \$3,600 has been spent upon design and layout of the document.

An external consultant was engaged to run a series of workshops with staff from across the organisation which has input into the outcomes of the plan at a cost of approximately \$80,000. These were considered essential to ensure alignment of the actions with priorities of employees and represents the focus upon the administration being employee lead and driven.

Any funding to implement strategies outlined in the roadmap will be considered by Council as part of the annual budget process.

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	Adoption of the Roadmap carries an expectation of future support of the initiatives proposed which would be subject to future budget decisions.		Organisational Performance	Possible	Minor	MODERATE	
2	The Strategic Risks of 'Culture and values not aligned to organisational outcomes and priorities' and 'Inability to attract and retain a quality workforce' could become elevated in the absence of a contemporary Organisational Development Roadmap.		Organisational Performance	Likely	Moderate	SIGNIFICANT	



Continued

**Ordinary Council Meeting Minutes
Monday, 19 June 2023**

Voting Requirements: Simple Majority

OCM155/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mack

That Council:

- 1. ADOPTS the Organisational Development Roadmap at attachment 1.**
- 2. RESOLVES that funding for the implementation of the Organisational Development Roadmap will be considered annually as part of the budget process.**

CARRIED UNANIMOUSLY 7/0



Continued

Ordinary Council Meeting Minutes Monday, 19 June 2023

10.6 Confidential reports:

Nil reports.



11. Urgent business:

Prior to the Meeting the Presiding Member approved item 11.1 as urgent business.

11.1 - Differential General Rates and Minimum Payments (SJ3909)	
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

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

Report Purpose

The purpose of the report is for Council to consider a proposal for the setting of the rate in the dollar for the differential rating categories, to be applied to the proposed Budget for the 2023/2024 financial year and advertised in accordance with Section 6.36 of the *Local Government Act 1995* for 21 days.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

The Shire's Strategic Community Plan articulates the vision for the Shire with the Corporate Business Plan describing how that vision will be achieved over the next four years. The Annual Budget describes how services and infrastructure will be funded for the next year, with the Long Term Financial Plan setting out the financial plan for the next ten years.

The adoption of the Annual Budget is expected to be considered at a Special Council Meeting on 26 July 2023.

Rate revenue is a substantial source of revenue for the Shire of Serpentine Jarrahdale, accounting for approximately two thirds of operating revenue in the 2022/2023 Budget. The *Local Government Act 1995* (the Act) empowers local governments to impose general rates and minimum payments on rateable land. Local governments can impose either uniform general rates or differential general rates.

Uniform general rates set a single general rate in the dollar for each valuation category of either Gross Rental Value (GRV) and Unimproved Value (UV)) being a uniform general rate in the valuation dollar and applied to all properties within a valuation category.



As an alternative to adopting a uniform general rate, a local government may apply different rates in the dollar within each valuation category known as a differential general rate which may be applied using the following characteristics, or combination thereof:

- The purpose for which the land is zoned;
- The predominant use (as determined by the Local Government);
- If the land is vacant or not; and
- Any characteristics prescribed (currently only relevant to amalgamations).

The Shire of Serpentine Jarrahdale has traditionally adopted differential general rates.

The overall objective of a rating model is to provide for the net funding requirements of the Shire's services, activities, financing costs and the current and future capital requirements of the Shire as outlined in the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan (LTFP) and the Annual Budget, ensuring to fund these requirements in an equitable way, in accordance with the Shire's rating strategy.

Community / Stakeholder Consultation

The Shire, in accordance with Section 6.36 of the *Local Government Act 1995*, is required to give notice of certain rates and invite submissions for a period of 21 days or such longer period as specified in the notice.

The Shire is required to prepare a document describing the objects of, and reasons for, each proposed rate and minimum payment and to publish the document on the Shire's official website – refer **attachment 1**.

The Shire is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

Workshops were held on 25 May 2023, 1 June 2023, 7 June 2023 and 15 June 2023 with Council to discuss the proposed Rates, Long Term Financial Plan, Fees and Charges, Capital and Non-Recurrent expenditure and operating budgets.

Statutory Environment

Part 6, Division 6 of the Act and Part 5 of the *Local Government (Financial Management) Regulations 1996* provides the head of power for the levying of local government rates. The legislation is quite prescriptive in its application, with the following aspects of particular note:

- Except as provided for in Section 6.26, all land within a district is rateable land (s6.26).
- In order to make up the "budget deficiency" a local government is to impose a general rate which may be imposed uniformly or differentially. A local government may also impose a specified area rate, a minimum rate and a service charge (s6.32).
- A local government may impose a differential general rate according to land zoning, land use, whether the land is vacant or not, or a combination of each characteristic (s6.33).
- No differential general rate in each category (UV or GRV) is to be more than twice the lowest differential general rate, unless approved by the Minister (s6.33(3)).
- The local government can impose differential minimum rates however, it is not to be applied to more than 50% of the properties within a district or within each category (s6.35).

**Comment**Economic Environment

The Australian Bureau of Statistics (ABS) has reported that the Consumer Price Index (CPI) in Perth has risen by 5.8% between March 2022 and March 2023. The Shire has not been immune to the impact of these rising costs, witnessing price increases in various areas including but not limited to insurance expenses, cleaning contracts, fuel costs, waste charges and refuse collection.

Financial Sustainability

The Operating Surplus Ratio has remained under the Department of Local Government's standard for the past 5 years as indicated in the table below and is deteriorating:

Financial Year Ended 30 June	2022	2021	2020	2019	2018
Operating Surplus Ratio	(0.12)	(0.011)	(0.05)	(0.05)	(0.10)

Council has been systematically attempting to reduce annual cash expenditure in an attempt to address this issue. To sufficiently address this issue, the Shire's operating revenue needs to rise by at least \$4 million, or conversely operating costs need to fall by a similar margin.

The Shire's financial sustainability is currently a strategic risk on the Shire's strategic risk register. A key control to keep this at an appropriate level of risk in accordance with Council's risk appetite include following Council's adopted Rating Strategy as contained in **attachment 2**. Varying from implementing this key control is likely to raise the current risk level related to financial sustainability.

Rating Strategy

In 2020 Council identified significant inequity in the application of rates within the district, an initial attempt to correct this inequity via a large scale "Change of Valuation Methodology" project was met with the then Minister for Local Government who requested it be discontinued due to the Covid-19 pandemic.

In 2021 Council adopted its first ever Rating Strategy which called for the reinstatement of a Residential and Commercial Unimproved Valuation Differential Rating Category which was subsequently implemented for the 2021/22 Budget. This resulted in the rates for over 8,000 residents declining for that financial year.

In 2022, after a review of the method of valuation used for rating purposes requested the Chief Executive Officer submit an application to the Minister for determination pursuant to Section 6.28 (1) of the *Local Government Act 1995*, to change the method of valuation of land to be used by a local government as the basis for a rate for 640 properties from Unimproved Value (UV) to Gross Rental Value (GRV) as the predominant use of the land for these properties had been determined to be non-rural and would experience a rate reduction if they were rated GRV.

Officers propose to revise the Rating Strategy, amending the Differential Rates and Minimum Payments by eliminating the GRV Vacant rate category. After careful consideration, it has been determined that the original objective of the GRV Vacant rate category, which aimed to discourage property owners from land banking, was not achieved. Only around half of the ratepayers were being penalised by being placed in this category. Additionally, the Shire has received several complaints throughout the year citing the ratepayers have no control over the speed of development on their vacant land due to shortages in construction, labour and materials.



To address these concerns, Officers propose to merge the GRV Vacant rate category with GRV Residential as contained in **attachment 2**. This amalgamation will help resolve these identified issues.

Following the implementation of the valuation method review, which resulted in the transfer of 640 properties from the UV Rural rate category to GRV, the remaining properties in the Rural UV category will experience an amplified rate burden. Each property is expected to bear an average additional approximate cost of \$89 before the 5.8% proposed rate rise. This change is due to the fact that the value of rates collected within this category is now divided among a reduced number of properties.

Throughout the next financial year, Officers will continue to identify properties that could benefit from a change of valuation methodology and are determined not to be likely to have another near to medium term review event forecast. It is estimated that approximately 385 properties will experience a favourable outcome due to this adjustment in the forthcoming financial year.

An example of properties expected to experience a near to medium term review event are likely to be in close proximity to the development fronts occurring in Byford, Cardup and Mundijong and will be required to have their valuation method reviewed upon subdivision occurring.

Budget Breakfast

The 22/23 Draft Budget Breakfast which occurred during last year's advertising period of differential rates, was attended by over 65 people. Officers believe that it was a useful event to communicate priorities in the draft Budget, provide rationale for capital and operating projects and answer questions from the community.

Officers recommend holding a 23/24 Draft Budget Breakfast during the advertising period for differential rates this year. This will aim to achieve the same objectives as last year's event and continue to improve the Shire's communication and transparency within the community.

The budget for the event would be approximately \$2,500 and would cater for an estimated attendance of up to 80 people. Officers envisage a similar format and arrangement to last year should Council wish to undertake the event.

Differential Rates

To address the budget deficit workshopped with Council, and to maintain financial sustainability Officers recommend a:

- 5.8% increase in the minimum rates and the general rate in the dollar for all differential rating categories.

The proposed rates will yield \$29,302,382 in net rate revenue, representing a 5.8% increase on current year to date base rate calculations. These rates are designed to ensure that the Shire can maintain its regular operations and deliver agreed expected outcomes in the next financial year.

Following four council budget workshops, Councilors have identified areas of savings in operating expenditure, these savings representing a more modest 4% increase in comparison to the base rate calculations for the current year to date. The proposed rates will yield \$28,805,296 in net revenue.

This will be presented as option 2 to this report.

Should Council choose option 2 as preferred it should be noted that this will have a flow on effect to all subsequent financial years within the Long Term Financial Plan. Reducing each years



revenue by \$497 086 compounding each subsequent year. This will have a long term impact on the financial sustainability of the Shire.

2023/2024 Budget Proposal

The following are the proposed Differential General Rates and Minimum Payments for the Shire of Serpentine Jarrahdale for the 2023/2024 financial year, to be effective from 1 July 2023, which represents a 5.8% increase:

Rate Category	Rate in Dollar (Expressed as cents in \$)	Minimum Payment
GRV Residential	0.091427	\$1,401
GRV Commercial / Industrial	0.146226	\$1,591
UV General	0.004190	\$1,534
UV Rural Residential	0.004882	\$2,022
UV Commercial / Industrial	0.007127	\$2,129
UV Intensive Farmland	0.008380	\$3,068

The objects and reasons for each of the rating categories is articulated in **attachment 1**.

Options and Implications

Option 1

That Council:

1. ENDORSES a total rate yield for 2023/2024 budget purposes, which will derive a proposed \$29,302,382 in net rate revenue.
2. ENDORSES for the purpose of advertising the following proposed Differential Categories, Rates and Minimum Payments for the Shire of Serpentine Jarrahdale for the 2023/24 rating year:

Rate Category	Rate in Dollar (Expressed as cents in \$)	Minimum Payment
GRV Residential	0.091427	\$1,401
GRV Commercial / Industrial	0.146226	\$1,591
UV General	0.004190	\$1,534
UV Rural Residential	0.004882	\$2,022
UV Commercial / Industrial	0.007127	\$2,129
UV Intensive Farmland	0.008380	\$3,068

3. AUTHORISES the Chief Executive Officer to advertise for public comment, the Differential General Rates and the Minimum Payments Statement of Objects and Reasons in **attachment 1**, as per the requirements of section 6.36 of the *Local Government Act 1995*.
4. ADOPTS the proposed amendment to the Rating Strategy by eliminating the GRV Vacant rate category as per **attachment 2**.



5. REQUESTS the Chief Executive Officer arrange a 23/24 Draft Budget Breakfast to occur on a weekday morning during the advertising period for differential rates at an approximate cost of \$2,500.

Option 2

That Council:

1. ENDORSES a total rate yield for 2023/2024 budget purposes, which will derive a proposed \$28,805,296 in net rate revenue.
2. ENDORSES for the purpose of advertising the following proposed Differential Categories, Rates and Minimum Payments for the Shire of Serpentine Jarrahdale for the 2023/24 rating year:

Rate Category	Rate in Dollar (Expressed as cents in \$)	Minimum Payment
GRV Residential	0.089710	\$1,378
GRV Commercial / Industrial	0.143738	\$1,564
UV General	0.004119	\$1,508
UV Rural Residential	0.004799	\$1,988
UV Commercial / Industrial	0.007006	\$2,093
UV Intensive Farmland	0.008238	\$3,016

3. AUTHORISES the Chief Executive Officer to advertise for public comment, the Differential General Rates and the Minimum Payments Statement of Objects and Reasons in **attachment 1**, as per the requirements of section 6.36 of the *Local Government Act 1995*.
4. ADOPTS the proposed amendment to the Rating Strategy by eliminating the GRV Vacant rate category as per **attachment 2**.
5. REQUESTS the Chief Executive Officer arrange a 23/24 Draft Budget Breakfast to occur on a weekday morning during the advertising period for differential rates at an approximate cost of \$2,500.

Option 3

That Council requests adjusted calculations:

- X% increase in the minimum rates and the rate in the dollar for all UV General, UV Intensive Farming and all GRV categories.
- Y% increase in the minimum rates and the rate in the dollar for all UV Rural Residential and UV Commercial.

for consideration.

Option 1 is recommended.



Conclusion

The proposed rate in the dollar for the differential general rates have been developed to provide the Shire sufficient funding to maintain levels of service, to mitigate against current financial risk and to meet the Shire’s strategic objectives.

This will allow the Shire to mitigate against the current CPI increase as highlighted above.

Attachments (available under separate cover)

- **11.1 - attachment 1** – Differential General Rates and the Minimum Payments Statement of Objects and Reasons (E23/7102)
- **11.1 – attachment 2** – Rating Strategy (E23/7103)

Alignment with our Strategic Community Plan

The proposal aligns with the following specific objectives outlined in the 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

The proposed rate model is expected to yield \$29,302,382 in rate revenue for 2023/2024 which will contribute to the net funding requirements of the Shire’s services, activities, financing costs and asset renewal programme.

The 2023/2024 budget has been developed using the following principles discussed and agreed with Elected Members at budget workshops:

- Focus on long-term financial sustainability of the Shire;
- Capacity building to manage the Shire’s growth; and
- Funding the Shire’s financial requirements in an equitable way.



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	If Council resolve Option 1 there could be dissatisfaction from community members resulting in reputation damage to the Shire.	Advertising of rates and community comment. Rate Strategy adopted in 23/24. Community Perception Survey.	Reputation	Possible	Minor	MODERATE	Nil
2	That Council endorses no increase in the rate in the dollar for 2023/2024 – there is a risk to financial sustainability and organisational performance	Nil	Financial Organisation Performance	Likely	Major	HIGH	Nil
3	Council requests further calculations for consideration. Risk to adoption deadline of 31 August 2022	Nil	Organisational Performance	Possible	Moderate	MODERATE	Nil



Voting Requirements: Simple Majority

OCM156/06/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Rich, seconded Cr Atwell

That Council:

1. **ENDORSES** a total rate yield for 2023/2024 budget purposes, which will derive a proposed \$29,302,382 in net rate revenue.
2. **ENDORSES** for the purpose of advertising the following proposed Differential Categories, Rates and Minimum Payments for the Shire of Serpentine Jarrahdale for the 2023/24 rating year:

Rate Category	Rate in Dollar (Expressed as cents in \$)	Minimum Payment
GRV Residential	0.091427	\$1,401
GRV Commercial / Industrial	0.146226	\$1,591
UV General	0.004190	\$1,534
UV – Rural Residential	0.004882	\$2,022
UV – Commercial / Industrial	0.007127	\$2,129
UV Intensive Farmland	0.008380	\$3,068

3. **AUTHORISES** the Chief Executive Officer to advertise for public comment, the Differential General Rates and the Minimum Payments Statement of Objects and Reasons in attachment 1, as per the requirements of section 6.36 of the *Local Government Act 1995*.
4. **ADOPTS** the proposed amendment to the Rating Strategy by eliminating the GRV Vacant rate category as per attachment 2.
5. **REQUESTS** the Chief Executive Officer arrange a 23/24 Draft Budget Breakfast to occur on a weekday morning during the advertising period for differential rates at an approximate cost of \$2,500.

CARRIED UNANIMOUSLY 7/0



Continued

**Ordinary Council Meeting Minutes
Monday, 19 June 2023**

12. Councillor questions of which notice has been given:

Nil.

13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 6:59pm.

Officers assisting the Meeting stopped the recording of the Meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 17 July 2023.

.....Presiding Member – Councillor Rich

.....31/07/2023.....Date