



Shire of
Serpentine
Jarrahdale



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 20 March 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
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	✓	✓	✓	✓	✓	✓	✓	✓	✓



Ordinary Council Meeting Minutes Monday, 20 March 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
30/01/23	Q & A (SCM – 6 February 2023)	✓	✓	✓	✓	✓	✓	✓	✓	A
23/01/23	Q & A (SCM – 30 January 2023)	✓	✓	✓	✓	✓	✓	A	✓	✓
23/01/23	WORKSHOP (Catalyse Presentation - Community Perception Scorecard)	✓	✓	✓	✓	✓	✓	A	✓	✓

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



Table of Contents

1. Attendances and apologies (including leave of absence):.....	6
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:	13
4. Petitions and deputations:.....	17
5. President's Report:	18
6. Declaration of Councillors and Officer's interest:.....	21
7. Confirmation of minutes of previous Council meeting(s):	22
7.1 Ordinary Council Meeting – 20 February 2023	22
7.2 Special Council Meeting – 27 February 2023	22
7.3 Special Council Meeting – 2 March 2023	22
8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meeting:.....	22
9. Motions of which notice has been given:	23
9.1 - Notice of Motion – <i>Local Government Amendment Bill 2023</i> and future Council configuration (SJ4081).....	23
9.2 - Notice of Motion – Keirnan Park Recreation Precinct (SJ4081)	26
9.3 - Notice of Motion – Nicholson Road - Rowley Road Intersection (SJ4081)	28
10. Chief Executive Officer reports:	30
10.1 Development Services reports:.....	30
10.1.1 - Proposed Road Naming - Lots 487, 611 and 615 Arnold Road, Serpentine (SJ500-04).....	30
10.1.2 - Proposed 'Commercial Vehicle Parking' - Lot 1, 153 Craddon Road, Oakford (PA22/1097)	41
10.1.3 - Proposed 'Civic Building' (Oakford Fire Station) - Lot 800 Pony Place, Oakford (PA22/1116)	50
10.1.4 - Proposed 'Single House' - Lot 14, 5 Kellet Drive, Darling Downs (PA22/1101)	64
10.1.5 - Development Application - Proposed Showroom and Fast Food / Takeaway Development (21 Showroom and Five Fast Food / Takeaway Tenancies) - Lot 806 South Western Highway, Byford (PA22/918).....	79
10.1.6 - Proposed Child Minding Centre - Lot 51, 116 Warrington Road, Byford (PA22/972)	129
10.1.7 - Proposed 'Radio, TV and Communications Installation' (Telecommunications Tower and Associated Infrastructure) - Lot 116, 245 Keirnan Street, Whitby (PA22/611)	151
10.1.8 - Local Planning Policy 3.5 (Byford Town Centre Public Realm Guidelines) and Local Planning Policy 3.8 (Byford Town Centre Built Form Guidelines) - Review of submissions and consideration to proceed with policies (SJ2663 and SJ2666)	164



10.1.9 - West Mundijong Industrial Area - Outcomes to Discussion Paper and Forum (SJ4112)	173
10.1.10 - Draft Shire of Serpentine Jarrahdale Cat Local Law 2023 (SJ1066)	186
10.2 Infrastructure Services reports:	194
10.2.1 – Keirnan Park Recreation Precinct - Management Order amendments	194
10.3 Corporate Services reports:	201
10.3.1 - Confirmation of Payment of Creditors – February 2023 (SJ801)	201
10.3.2 - Monthly Financial Report – January 2023 (SJ801)	204
10.3.3 – Statutory Budget Review (SJ801)	209
10.3.4 - Changes to Method of Valuation used for Rating Purposes post consultation	227
10.3.5 – Corporate Business Plan Performance Report – October to December 2022 (SJ940-3)	236
10.3.6 – Arrangements for the 2023 Ordinary Local Government Election (SJ4128)	255
10.3.7 – Revised Electronic Meetings Policy (SJ526-02)	271
10.3.8 – Council Policy Review – Election Signage, Crossovers and Fireworks (SJ526-02)	275
10.4 Community Engagement reports:	287
Nil reports	287
10.5 Executive Services reports:	288
Nil reports	288
10.6 Confidential reports:	289
Nil reports	289
11. Urgent business:	290
12. Councillor questions of which notice has been given:	290
13. Closure:	290

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.



Ordinary Council Meeting Minutes Monday, 20 March 2023

Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 20 March 2023 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

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

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

Minutes

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

Attendees:

Councillors: M Rich.....Presiding Member

D Atwell

M Byas

R Coales

M Dagostino

T Duggin

S Mack

L Strange

D Strautins

Officers: Mr P Martin.....Chief Executive Officer
Mr R Najafzadeh.....Director Infrastructure Services
Mr B Oliver.....Director Community Engagement
Mr F 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: Members of the Public – 29
Staff members - 1



2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting – Monday, 20 February 2023

Questions asked by **Mr Bruce Caporn** at the Ordinary Council Meeting – Monday, 20 February 2023. Correspondence was sent to Mr Caporn on Friday, 10 March 2023 (OC23/4817).

Question 1

Is it common practice for individuals to have personal access and use of Shire Reserves which removes access to other members of the community?

Response (Chief Executive Officer)

No. However, the Shire has the care and control of many reserves across the district and in a local government of the size of the Shire, there will always be instances across the Shire where individuals have formal or informal use of Shire reserves. Where written complaints are received regarding informal use, these are investigated as appropriate.

Question 2

If the answer to question 1 is yes, what process is in place for this to happen and what fees are charged and received by the Shire for the use of such land?

Response (Chief Executive Officer)

The process for disposal is set out in the Local Government Act 1995. The Shire's Public Places and Local Government Property Local Law also sets out circumstances where licences for activities on local government may be issued or required. Fees are applied to leases and licences as determined by Council.

Question 3

What is the value of fees received per year by the Shire for the personal use of Reserve number 19895?

Response (Chief Executive Officer)

The Shire does not receive income in association with Reserve number 19895.

Questions asked by **Mrs Lee Bond** at the Ordinary Council Meeting – Monday, 20 February 2023. Correspondence was sent to Mrs Bond on Thursday, 2 March 2023 (OC23/3742).

Question 2

Recently a man sitting in his car in Peters Way Oakford had a large section of tree fall on his car, this also caused a fire, he is very lucky not to have been killed, has any investigation been done into the dangerous trees in Peters Way and if so what action is being done to make sure these trees are safe, if not why not?

Response (Director Infrastructure Services)

The road network managed by the Shire is over 800 km long, with a substantial portion of the road network being rural roads with trees in the road verges. It will not be practically possible for the Shire to ensure every tree in every road is maintained



in such a condition that either the tree itself or tree limbs will not pose a risk. The Shire undertakes tree pruning works along roads annually and this work is sometimes done on a reactive basis as Shire receives requests from residents or the work is planned as a result of Shire Officers' own observations/inspections and additionally in accordance with power line regulations. The Shire was not notified of this particular incident where the tree fell on a vehicle and therefore no action was undertaken by the Shire in regard to any investigation or an inspection. However, Peters Way has recently been inspected by Shire Officers to assess the damage caused by tree roots to the road pavement.

Question 3

Is it still the rule that firebreaks must be completed by 30th November each year, if so why is it permissible for government departments not to have their firebreaks in and we are now in February of the following year?

Response (Director Development Services)

In accordance with Section 33 of the Bushfires Act 1954, a local government has the power to ensure that bushfire risk mitigation activities are carried out by private landowners within its local boundaries. However, there are no equivalent provisions to ensure that government departments / agencies undertake bushfire risk mitigation on its own land. This is because the Bushfires Act 1954 does not bind the Crown. Binding the Crown refers to the extent to which, if at all, State Government agencies are bound by the provisions of legislation in respect to any vested land or land that it controls or manages.

Furthermore, although the Shire does not have the power to direct State Government departments to carry out mitigation works, each year, requests are made to the respective departments for this to occur.

Questions asked by **Mr Bill Denholm** at the Ordinary Council Meeting – Monday, 20 February 2023. Correspondence was sent to Mr Denholm on Thursday, 2 March 2023 (OC23/3593).

Question 1

To my way of understanding the Shire has been given a substantial parcel of land approximately \$30million and then \$20million to develop stage 1A. A \$50million gift to the SJ community and basically free road, free pavilion, 2 free ovals. No ratepayer or Shire money has been put towards 1A. Is this correct?

Response (Director Infrastructure Services)

To enable the award of Stage 1A detailed design contract, the Shire contributed \$164,426 towards the cost of detailed design of Stage 1A. This was in addition to the \$1.5M allocated for this phase of the project from the \$20M State Government grant. The decision to allocate the Shire contribution towards Stage 1A detailed design was endorsed by Council during the Ordinary Council Meeting of 11 October 2021.

Question 3

Can Council Officers please supply an itemised list of Councillor training that has been paid for by ratepayers but not completed in the last six years?



Response (Director Corporate Services)

There is only one instance in the last six years (2017 to present) where training has been requisitioned and Councillors have failed to complete the training. In the last 6 months the following training has been requisitioned and participation, including assessment, is currently underway:

- *Cr Lauren Strange - Diploma of Local Government Elected Member*

In this case, while the training is not completed, the assessment is not overdue.

In the 2020/21 financial year, the following:

- *Cr Gary Singh - Meeting Procedures - WALGA Member Essentials training (\$214.50)*

was left incomplete following the Court of Disputed Returns decision to overturn the North Ward election rendering Mr Singh no longer a Councillor and unable to complete the unit.

Special Council Meeting – Thursday, 2 March 2023

Question asked by **Ms Lisa Brazier** at the Special Council Meeting – Thursday, 2 March 2023. Correspondence was sent to Ms Brazier on Thursday, 9 March 2023 (OC23/4711).

Question 1

What is the cost to the ratepayer to conduct tonight's Special Council Meeting to address item 6.1 Notice of Motion?

Response (Director Corporate Services)

The direct cost of holding the Special Council Meeting on Thursday 2 March 2023 was approximately \$640.00. With any matter presented to Council there are indirect costs such as staff time and Councillor sitting fees associated with the preparation of information to inform Council decision making which are not included.

2.2 Public questions:

Public question time commenced at 7:01pm.

Mr Christopher Jacobs, Byford WA 6122

Question 1

At the OCM meeting on 21 November 2022, item 10.1.15 - Telstra proposed to install a radio, TV and communication tower on Lot 116 (245) Kiernan Street, Whitby. Cr Rich put forward an alternate motion to move the position of the tower. Prior to this OCM meeting, did you Cr Rich, personally have any contact with either the landowners or neighbours regarding the moving of the tower?

Response (Shire President)

Yes.

Question 2

Prior to the 21 November 2022 OCM, did you Cr Rich, personally have any contact with Telstra regarding moving of the tower?



Response (Shire President)

No.

Question 3

During the debate of the alternate motion, that you Cr Rich put forward - you were asked by another Cr (and I quote): "Have Mr and Mrs Richie been consulted about the setback?" Your response (and I quote): "My understanding is they have spoken with neighbours and they are not overly concerned, as long as the tower is approved and goes in to provide better coverage than what the North Mundijong/Whitby area currently has". So, Cr Rich, how did you come to the "understanding" that the landowners had spoken to their neighbours?

Response (Shire President)

I came to the understanding that the landowner had spoken to their neighbours through conversation and the fact the landowner and neighbours had met.

Mr Bruce Caporn, Kelmscott WA 6111

Question 1

How can the Shire infringe a person for parking when there is insufficient marking to inform people that they are committing an offence?

Response (Director Development Services)

Unfortunately it is not possible to answer the question, as there is insufficient information to determine the location in question or whether something is being alleged. Officers advise that, per the Shire's Parking and Parking Facilities Local Law 2014, section 4.1 includes the provisions pertaining to control of parking and stopping. I would be happy to meet with you, to assist in your question.

Question 2

Are the residents adjacent to the yellow road marking aware that they are not allowed to park, stand or have a taxi collect them from the front of their property while being on the road?

Response (Director Development Services)

The Shire is not able to comment on the specific awareness of residents. More generally though, the Shire's Parking and Parking Facilities Local Law 2014 includes a specific section 4.1(3) which states:

A driver shall not stop at the side of a carriageway with a continuous yellow edge line.

The State Government Department of Transport also maintain the Handbook for WA Road Users, which is available for download. This includes information for road users to understand the requirements associated with a single yellow line on the edge of the road within WA.

Question 3

How were new student parents and existing parents at their school informed of the traffic restrictions, and what steps were taken to ensure that all parents were made aware of this?



Response (Director Development Services)

The Shire's Community Safety Officers undertake a warning period at the start of each school year for approximately 2 weeks, rotating between all schools. The Shire is also advised that schools send out their own updates regarding safe parking and access, given the range of pedestrians in the area.

Mrs Lee Bond, Box 44 Armadale WA 6122

Question 1

Explain in full detail what the "training organisation development roadmap" and "training objective leadership program" involves, whether it is Councillors and or staff, how many people involved and what outcomes are expected for \$50,765.00?

Response (Chief Executive Officer)

These are two separate initiatives both related to making the Shire a better place to work, reducing organisational turnover and improving staff satisfaction, which is important to the ongoing success of the organisation, with the aim of providing value to ratepayers.

The first project is the preparation of a new Organisational Development Roadmap. This document guides how the organisation develops and improves over the years to make the Shire a better place to work and ensures we can attract and retain quality staff. The new Organisational Development Roadmap will be presented to Council between now and June this year for Council's consideration.

In the preparation of this document an external company has been engaged to hold workshops and survey staff from across the organisation on a range of topics. No Councillors are involved in the workshops. They are a chance for staff to get involved in shaping the future organisation to meet the needs of the Council and community. Four workshops have been held to date, involving 23 staff across the organisation on the Purpose/Mission of the organisation. Two workshops on values are occurring tomorrow, with 21 staff registered.

The second project is a leadership program which has been rolled out to Managers first, which is the cost that appears in the payments you are referring to. The Executive team is now about to commence their leadership development program between now and the end of June. If this goes well and funding allows, a similar leadership development program will be rolled out next year for Coordinators and Supervisors across the organisation.

Question 2

Explain in full detail what the Shire cleaners, Iconic, provide to the ratepayers of this Shire for \$29,137.12 each month and full details of a payment made to them for \$12,045.00 for twelve days cleaning?

Response (Director Infrastructure Services)

The cleaners contract is for cleaning all Shire buildings and the servicing of sanitary bins. The contract includes the supply of consumables and labour to maintain the buildings to a standard specified in the contract.

The amount of \$29,137.12 is the monthly cost of the cleaning of 44 Shire buildings based on a schedule. Some Shire buildings are cleaned daily (e.g. public toilets),



some are cleaned less frequently (e.g. Briggs Park Changeroom are twice weekly and the Pavilion is three times a week). The schedule was developed with input from responses received from the community over the last two years and standards determined by Officers.

The amount of \$12,045.00 was for a site visit and one off clean to various Shire facilities to bring certain facilities to an acceptable benchmark for Iconic Property Services Pty Ltd to take over the contract. This clean was done in accordance with an agreed cleaning schedule and specification.

Question 3

Explain in full detail what was provided and by whom for \$16,103.42 for the Australia Day Breakfast 2023?

Response (Director Community Engagement)

The amount of \$16,103.42 was paid to Focus Promotions, an event management company who assisted with delivering the Shire's Australia Day breakfast and Citizenship and Awards Ceremony.

The breakfast component was \$8,617.12 and included set up and pack up of the following:

- *5 barbecues;*
- *Bain Maries;*
- *Marquee;*
- *Generator and all power leads;*
- *Reusable cups / plate service;*
- *Trestle tables, chairs and table cloths for 250 people.*

The Awards Ceremony component was \$4739.30 and included:

- *Parking Marshals x 2;*
- *Audio visual system and equipment;*
- *Portable air conditioning units for on stage.*

Staff labour was \$2750.00, which included event set up and pack down for both the breakfast and awards ceremony.

Ms Pauline Holmes, Byford WA 6122

Question 1

On page 38 of the creditors payments of the 28 May 2018 OCM, can you please tell me who the Australian Institute of Company Director training was for at a cost of \$7,235.00?

Response (Director Corporate Services)

Councillor Rob Coales.

Question 2

Does the Shire hold a certificate of completion for this training?



Response (Director Corporate Services)

No, it was not the practise to obtain certificates of completion at that time.

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.

Question 3

If not, how does the Shire know that this training was completed?

Response (Director Corporate Services)

As per the aforementioned verbal confirmation.

Public question time concluded at 7:16pm.

3. Public statement time:

Public statement time commenced at 7:16pm.

Ms Kirsten Baldwin, Whitby WA 6123

In response to 10.1.7 - Proposed 'Radio, TV and Communications Installation' (Telecommunications Tower and Associated Infrastructure) - Lot 116, 245 Keirnan Street, Whitby (PA22/611).

1. I am the resident and landowner of a directly neighbouring property. The proposed tower will be located less than 200m from our residence and despite raising our concerns in September 2022 during the comment collection, I am yet to receive any correspondence from the Shire or Telstra to discuss the proposed development. I have concerns that Shire Officers and other representatives have been misleading and have withheld information from ratepayers and Councillors in regard to this proposed development. This was evidenced during discussion at the November 2022 Ordinary Council Meeting where the alternative motion was passed as Councillors were given the impression neighbouring properties had been consulted and would not be impacted, which was not true.
2. Telstra noted in their development application that the subject site was within a bushfire prone area yet as noted in the Clause 67 checklist (attachment 3), they have not considered the suitability of the land for the development taking into account the possible bushfire risk. The proposed site is a significant fire risk with dangerous fuel loads and a clear disregard of any fire hazard reduction requirements. I do not feel comfortable with there being increased vehicle and equipment movements on the property in relation to the construction and maintenance of the tower considering the increased fire risks at this particular property.
3. Telstra claims that the visual impact on neighbouring properties will be minimal however there is no evidence or depiction showing actual consideration of sight lines as viewed from the adjacent street and properties. Given that the development will be 35m high, I disagree with the assumption that the development will only be "marginally visible" from our property and other neighbouring properties.



4. When the motion to relocate the tower was approved in the November 2022 Ordinary Council Meeting, Council agreed that the proposed site 53m setback from Keirnan Street will have an adverse impact on the visual amenity and street scape of the area, even with landscaping. This section of Keirnan Street is a high traffic, country town style street which acts as the main entry and exit for residents of the new Whitby residential development and surrounding acreage properties. This is not an appropriate location for this development.
5. In the guidelines associated with Western Australian State Planning Policy 5.2 - Telecommunications Infrastructure, it states that unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas, and areas outside identified conservation areas. I refer to the Mundijong District Structure Plan 2020 as contained in the Officer's report, the subject site is placed within a current and future residential area, rather than nearby future commercial, business, and industrial areas.

I understand that there is a need for this infrastructure within the area however I feel the subject site has been selected for convenience rather than with consideration of the current and future use of the subject site and surrounding area. For these reasons I hope that the application as presented be refused and an alternate location be proposed which aligns with government requirements and is consistent with maintaining the visual amenity and character of the area.

Mrs Lee Bond, Box 44 Armadale WA 6122

How long is this nonsense going to continue re dummy spits by particular people who cannot get what they want. Is the norm going to be it must be your way or you will continue to hold up meetings and create animosity because of desperation. A true leader does not bully and works to build a framework of cohesive and amicable intelligence, sorry forgot where I was for a moment. However I still have the right to believe in honesty, integrity, transparency, and fairness in local government.

Surely someone should be keeping tabs on how much money is wasted re cleaning of Shire buildings. I am an expert in this field, and I see no reason why we are paying so much for cleaning services. The amount paid each month, and all the extras is pathetic, stop this gross waste and use the money for ratepayer needs.

For some time now question and statement time has been predictable by one person on a regular basis and blind Freddy can see exactly what is going on. Let's try making the Recreation Centre in Byford safe for users instead of little manipulating set ups with pretend concern.

Mr Gavin Heley, Whitby WA 6123

In response to 10.1.7 - Proposed 'Radio, TV and Communications Installation' (Telecommunications Tower and Associated Infrastructure) - Lot 116, 245 Keirnan Street, Whitby (PA22/611). I stand by my original statement presented at the 20 February 2023, and to this date to my knowledge, there hasn't been an adverse outcome from the recommended investigations.

I understand the need for better telecommunications in this area as I have lived here 30 years and have had communication outages from days to weeks and up to four months, on old copper infrastructure, while trying to run a business dependent on telecommunications.



This objection by myself and my family is about the proposed property, not about people having better access to telecommunications in the area as stated above. There is plenty of open public space in the area which would benefit everyone with less impact to individual landowners.

At the 21 November 2022 Ordinary Council Meeting, President Michelle Rich moved a motion to relocate a new Telstra monopole/base station to 170 meters from the Keirnan Street boundary, seconded by Councillor Dagostino, who after seconding this, queried the location and surrounds as he had limited knowledge of the location. How many other Councillors had not visited this site set for a major infrastructure development before accepting the motion, and if the original proposed site of 53 meters was not acceptable, why would this site be acceptable now.

At the Ordinary Council Meeting on 21 November 2022, President Rich stated that Ritchies the land owners of the subject site, had spoken with neighbours, but not with us, one of their closest neighbours. Surely if all the directly impacted neighbours oppose the decision, this would carry a bigger weight than neighbours further away from the development.

At the Ordinary Council Meeting, 20 February 2023, there was a motion moved and passed to defer any works on the above location until 20 March 2023 Ordinary Council Meeting. On 21 February 2023, the next day after the Council deferred a decision until 20 March, Veris Surveyors were on this site 53 meters from Keirnan Street (the original proposed site) at 7:30am to survey and peg the tower location. Who notified them to start work at this location not knowing that Council had deferred a decision to the March meeting. I contacted Councillor Duggin at 8am on 21 February 2023, and she advised me to contact CEO Paul Martin, which I did at 8:10am and he said this would be the first thing he would see to when he got to work that day. Veris surveyors were at this location all day and approximately 1pm I visited the Shire office and spoke to Ashwin Nair who phoned me back at 3:15pm advising me that Telstra were aware of the work being done. My concern is there would now be a cost for this work done at 53 meter and consequently would put pressure on the Council to put the tower here.

I organised for myself and my wife to have a meeting with Andrew Trosic, Director of Development on 7 March 2023, a follow up on the proposed location at Lot 116 Keirnan Street. At the beginning of the meeting Andrew communicated that the location at 53 meters was going to be Council's only recommendation at the March Council Meeting. During the meeting I also asked Andrew if Council were going to organise a consultation period with all direct effected land owners and his answer was a flat "no". So where is the consultation as was recommended by Councillors at the 20 February Ordinary Council Meeting (still no consultation with us from the start until now).

If any Councillors have bothered to read the trolling comments on the Whitby Community Facebook page, they would see the results of no "honesty, transparency and accountability" that the Shire always maintains it does. Comments on this page have said, why wasn't there consultation so that all landowners can have an input and agree on a location.

In summary, I oppose the new monopole/base station development being at Lot 116, 245 Keirnan Street Whitby, on the grounds there is plenty of open public space available in this area with minimum risk for all rate payers to benefit from telco infrastructure.

Ms Lisa Brazier, PO Box 80 Mundijong WA 6123

I would like to commend the Officers and staff involved in putting together the West Mundijong Industrial Stakeholder Forum several weeks ago. The West Mundijong



Industrial area is extremely complex and potentially problematic with every landowner having very different circumstances. Whilst we have come together before - I felt this was the first meeting where everyone was spoken to in a way that we could all understand the process without multiple agencies acronyms being used, we were listened too, and commitments were given. The facilitator was outstanding, and it was refreshing to listen to the work that the Shire Officers and staff have done to attract businesses to the precinct, something that has not been recognised within the community.

Councillors - as a Shire we are competing with every other LGA to attract businesses to choose the Shire of Serpentine-Jarrahdale to call home. It would be fair to say that over the years - we do not have a great track record of working collaboratively with businesses. The most recent being Telstra and the monopole debacle.

It beggars' belief what has happened around this table on this issue - so our Federal Liberal Member, Andrew Hastie was successful in lobbying to have a telecommunications monopole installed for the residents surrounding Whitby. This was part of a \$28 Million investment package for urban fringes of our major cities and was announced 21 April 2022. A site was found, and the motion was brought before Council last November 2022 for installation. The Shire President put up an alternate motion to relocate the position of the monopole. When asked in debate had all parties been consulted with the new site - the Shire President responded she understood that they had. This turns out not be the case and we see in February 2023 a revocation motion put forward to cancel the alternate motion and move the tower back to the original position. However, that revocation motion did not go through in its entirety as you all voted to retract the alternate motion and defer the position of the monopole till tonight's meeting - where it is proposed to go into the original position. Why this could not have occurred at the February meeting is beyond me as nothing seems to have changed since that meeting.

So, the implications for your decisions on my business are - I do not have ADSL nor NBN running past my front door. I rely on mobile broadband for my internet and phone coverage - I am with Telstra and because of our distance from the existing Telstra towers we float between 3G and 5G services. What does this mean - phone conversations can require me ring the person back up to 6 times as the signals jump from 3G to 5G; streaming services are not an option for us as there are no unlimited internet plans, downloading software upgrades can take several goes and there is continual drop out when using any cloud-based programmes. Whitby residents continually complain that they cannot make phone calls inside their houses.

As Councillors you are elected to represent the residents and ratepayers and there are times where you will have to make difficult decisions - this does not seem to be one of them. This item seems from an outsider's perspective as either political or personal - either way neither have a place in the Council Chambers.

Could I respectfully ask Councillors - when debating in the future and statements are thrown around the table - that when querying those statements, you do so by requesting a definitive answer - yes or no.

Your actions on this item are embarrassing and not helpful when future funding opportunities come our way or attracting businesses to invest within the Shire.

Telecommunications are the responsibility of the Federal Government - so we look incompetent as a Shire if there is a next time vs those LGA around the country that were able to install their monopole without drama, we have potentially annoyed Telstra who will



need to reschedule the installation and the people you are supposed to represent – you seem to have little or no empathy for their situation.

Businesses look to Shires and Councils that they can work with and when you as Councillors carry on around the table as you have on this matter - it is embarrassing. There is a time and a place for alternate motions - use them wisely. On this occasion - you Councillors made a mockery out of this - not the Shire Officers or staff but you. It must stop – why would anyone want to invest and risk their business in this Shire with what is going on around this table at the moment.

Ms Pauline Holmes, Byford WA 6122

At the February OCM I asked questions surrounding the majority of Councillors going out for dinner. I was supplied with a response from Shire Officers. During the adjournment of the meeting, Councillor Coales followed me outside and stated that Dagostino, Duggin, Mack and himself all went out to the dinner. Following the SCM held on 2 March where the majority of Councillors who are meant to represent the community voted to not even hear the information, Councillor Strautins spoke to a group of community members and stated that “we couldn’t have a total spill because certain Councillors would lose their seats and have to re-stand.” When are Councillors going to understand that this is about community and NOT Councillors? How does the community have faith in Council and the Shire when we have Councillors voting for their own benefit and not what is best for the whole Shire?

Public statement time concluded at 7:34pm.

4. Petitions and deputations:

Mr Reece Hendy and Mr Matthew Elliott from Accord Property regarding item 10.1.5 - Development Application - Proposed Showroom and Fast Food / Takeaway Development (21 Showroom and Five Fast Food / Takeaway Tenancies) - Lot 806 South Western Highway, Byford (PA22/918)

Accord Property are the proponent of the proposed mixed commercial centre development at Lot 806 South Western Highway, Byford (subject site).

We refer to Agenda Item 10.1.5 for the Ordinary Council Meeting scheduled on 20 March 2023, for the mixed commercial centre comprising bulky goods showroom tenancies on the subject site (a homemaker centre).

We would like to speak in support of the proposed development and generally support the positive recommendation from the Shire’s Officers.

In support of the Officer’s recommendation, we are pleased to provide the following brief submission outlining the key benefits of the proposal:

- Our development seeks to inject new investment into Byford and provide a range of new bulky goods retail and commercial activities for the surrounding and emerging locality. In addition to providing additional amenity and convenience, the development will generate significant employment opportunities for the growing community.
- We have worked with the Shire’s Officers from the outset of the project to work through the key design considerations to balance a design that responds to the locality. Early engagement has ensured an overall design, layout and functionality are all addressed and worked not the overall design to ensure an appropriate outcome for the community.



- The subject site is well located along South Western Highway and will provide the necessary balance to deal with competing industrial to the north and residential properties to the south. The site is also appropriately located within the broader Byford locality, a short journey south of the town centre. Significant attention has been placed on the developments access arrangements and site layout to ensure it is satisfactory from a transport planning perspective.

The development has been further demonstrated to be suitable from a bushfire, acoustic, waste, and stormwater perspectives.

- Significant landscaping is proposed to support the development through the retention of trees and mass planting around the southern perimeter, enhancing the amenity and interface with residences. Further on, the public open space adjacent to South Western Highway will be increased and supported by additional landscaping following the road realignment of Wilaring Street.
- These design interventions ensure our development integrates seamlessly into its immediate surrounds, including the protection of the view corridor to the scarp, as well as a suitable transition to our southern residential neighbours.
- During the period of assessment, we worked collaboratively with the Shire to refine the proposal, as well as addressing any concerns raised. This included modifications to the street presentation of the buildings, additional landscaping detail, as well as addressing transport matters. Further, concerns from the community have been noted and suitably addressed. We are pleased to receive eight submissions of support and an additional four not objecting.

Overall, we are proud to propose a development which will provide a range of commercial services and activities currently unavailable in the broader Byford locality. Having synergies with the surrounding commercial / light industrial development and the nearby town centre, our development has the potential to be a significant contributor to the local economy.

Further, and importantly, we consider we have achieved this whilst being sensitive to the prevailing and future character, to neighbours, as well as the broader transport, planning, bushfire, acoustic, and environmental considerations for the site. Thank you for your time.

5. President's Report:

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

The past month has been a particularly busy one in Serpentine Jarrahdale, following the launch of the Shire's Shape our Future – SJ 2033 campaign.

Shape our Future is an extensive community engagement project which will inform our new Strategic Community Plan and help develop the Shire's vision, values, aspirations and priorities over the next 10 years.

The campaign aims to empower SJ residents to have their say on what they think our community needs most as we grow into the future.

Many SJ residents will have already noticed Shire staff out in the community or seen the campaign across your social media channels. I encourage all SJ locals to get involved by attending one of our events, completing the Shape our Future survey or simply stopping by one of the many pop-up booths around town for a chat.



More information on the Shape our Future campaign can be found on the Shire's website.

Moving on, it was great to attend the West Mundijong Industrial Area breakfast forum event at Dome Café in Byford last month.

The forum brought stakeholders and residents together to discuss the future of this vital economic precinct. It was fantastic to hear so many ideas on how the area can best reach its full potential.

The Shire is now currently reviewing the outcomes of the engagement session.

Another important project that took a significant step forward in recent weeks is the upgrades to the Byford Skate Park.

Planning for the upgrades has commenced and it was wonderful to see so many young Byford residents attend the Shire's first community workshop for the project.

The workshop gave local youth the chance to have their say on what they would like included in the upgrades, with plenty of great ideas received as part of the engagement process.

The Shire's 2023 Road Reseal Program also commenced this month, with both Baldwin Road and Hardey Road in Serpentine receiving upgrades.

A total 10 roads will receive works as part of the program, which is jointly funded by the Shire and the Australian Government's Roads to Recovery Program.

This is a step forward on our journey to building a safer roads network for Serpentine Jarrahdale.

Looking ahead to next month, the Mundijong War Memorial on Paterson Street will play host to the Shire's 2023 Anzac Day commemorations.

The Shire is thrilled to be delivering this year's services in partnership with the Serpentine Jarrahdale RSL, which will include a Dawn Service, Gunfire Breakfast, Processional March and traditional Commemorative Service.

I encourage all residents to come along and pay their respects with us.

More information on Anzac Day can be found on the Shire's website.

Of course, before Anzac Day arrives, April will also bring about the Easter holiday break.

I'd like to close tonight by wishing all SJ residents a happy Easter. Please remember to drive safely if you're hitting the road over the break.

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

20 February 2023	Metro Outer Joint Development Assessment Panel	Online
	Photo Op - Byford Skate Park	Byford
	Special Q&A Agenda Briefing	Civic Chambers
	Ordinary Council Meeting	Civic Chambers
22 February 2023	Weekly Meeting with CEO	Shire Offices
	Meeting with Jarrahdale's Future Regarding Jarrahdale Town Water	Shire Offices
	Peel Harvey Biosecurity Group Committee Meeting	Waroona



Ordinary Council Meeting Minutes Monday, 20 March 2023

24 February 2023	West Mundijong Industrial Area Forum	Byford
	Landcare Board Meeting	Mundijong
	Photo Op - Road Reseal Program	Serpentine
27 February 2023	Photo Op - Community Infrastructure	Byford
	Policy Concept Forum	Civic Chambers
	Special Council Meeting	Civic Chambers
28 February 2023	Meeting with Alcoa	Shire Offices
1 March 2023	Weekly Meeting with CEO	Shire Offices
	ANZAC Day Discussion	Shire Offices
	Environment & Waste Policy Team meeting	Perth
	State Council Meeting and Strategic Forum	Perth
2 March 2023	Peel Regional Leaders Forum	Online
	Special Council Meeting	Civic Chambers
7 March 2023	Stakeholder Reference Group 3 - Planning Reform - Use and application of Discretion	Online
8 March 2023	2023 WA Transport and Roads Forum	Perth
	2022/23 CEO KPI Report Workshop	Civic Chambers
9 March 2023	Local Government Reform - Sector Briefing	Perth
	Business Armadale Event	Armadale
10 March 2023	Joint Development Assessment Panel Meeting	Online
13 March 2023	Shape Our Future - Jarrahdale Post Office	Jarrahdale
	Monthly Meeting with Hugh Jones	Shire Offices
	Photo Op - Holiday Watch Patrol Service	Shire Offices
	Meeting with Councillor Strange	Shire Offices
	Q&A Agenda Briefing	Civic Chambers
14 March 2023	Local Emergency Management Committee	Shire Offices
15 March 2023	Shape Our future - Mobile Library Service	Serpentine
	Shape Our Future - SJ Library Services	Byford
	Weekly Meeting with CEO	Shire Offices
	Jarrahdale Community Collective General Meeting	Jarrahdale
16 March 2023	Voice to Parliament Forum	Perth



6. Declaration of Councillors and Officer's interest:

Councillor Robert Coales declared an Impartiality Interest in item 10.1.4 – Proposed 'Single House' - Lot 14, 5 Kellet Drive, Darling Downs (PA22/1101). The nature of the interest is I have worked with the applicant's wife. The extent of the interest is impartiality, both worked for a government department, no longer working in same area.

Councillor David Atwell declared a Financial Interest in item 10.1.7 – Proposed 'Radio, TV and Communications Installation' (Telecommunications Tower and Associated Infrastructure) - Lot 116, 245 Keirnan Street, Whitby (PA22/611). The nature of the interest is financial. The extent of the interest is have done firebreaks for landowner. Councillor Atwell will leave the Chambers while this item is discussed.

Councillor David Atwell declared a Financial Interest in item 10.1.9 – West Mundijong Industrial Area - Outcomes to Discussion Paper and Forum (SJ4112). The nature of the interest is financial. The extent of the interest is I am a part owner of land in West Mundijong. Councillor Atwell will leave the Chambers while this item is discussed.

Councillor Tricia Duggin declared an Impartiality Interest in item 10.1.9 – West Mundijong Industrial Area - Outcomes to Discussion Paper and Forum (SJ4112). The nature of the interest is friendship. The extent of the interest is I have a friendship with Mr Andrew Bett and Ms Lisa Brazier whose family business, Wellstrand Pty Ltd, is a landowner. Mr Bett is a director of the company.

Councillor David Atwell declared an Impartiality Interest in item 10.2.1 – Keirnan Park Recreation Precinct - Management Order amendments. The nature of the interest is impartiality. The extent of the interest is long term supporter of project.

Shire President, Councillor Michelle Rich declared an Impartiality Interest in item 10.2.1 – Keirnan Park Recreation Precinct - Management Order amendments. The nature of the interest is long term supporter of the sporting precinct project. The extent of the interest is supporter of providing needed community facilities.

Shire President, Councillor Rich left the Meeting at 7:46pm and immediately returned.

Councillor David Atwell declared an Impartiality Interest in item 9.2 – Notice of Motion – Keirnan Park Recreation Precinct (SJ4081). The nature of the interest is Impartiality. The extent of the interest is long term supporter of project.

Shire President, Councillor Michelle Rich declared an Impartiality Interest in item 9.2 – Notice of Motion – Keirnan Park Recreation Precinct (SJ4081). The nature of the interest is long term supporter of the sporting precinct project. The extent of the interest is supporter of providing needed community facilities.



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

7.1 Ordinary Council Meeting – 20 February 2023

OCM035/03/23

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Byas

That the minutes of the Ordinary Council Meeting held on 20 February 2023 be CONFIRMED (E23/2543).

CARRIED UNANIMOUSLY 9/0

7.2 Special Council Meeting – 27 February 2023

OCM036/03/23

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Byas

That the minutes of the Special Council Meeting held on 27 February 2023 be CONFIRMED (E23/2891).

CARRIED UNANIMOUSLY 9/0

7.3 Special Council Meeting – 2 March 2023

OCM037/03/23

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Byas

That the minutes of the Special Council Meeting held on 2 March 2023 be CONFIRMED (E23/3083).

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:

Nil.

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

9.1 - Notice of Motion – <i>Local Government Amendment Bill 2023</i> and future Council configuration (SJ4081)	
Councillor	Councillor Rich
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Notice of Motion

An initial Notice of Motion was received from Councillor Rich via email on Tuesday, 7 March 2023. In accordance Clause 3.10 of the Shire's Standing Orders, amendments to the original form of the Notice of Motion have been made with the agreement of the Councillor submitting the Notice of Motion.

The Notice of Motion is "That Council:

1. NOTES that the *Local Government Amendment Bill 2023* at **attachment 1** has been tabled in Parliament;
2. AUTHORISES the Shire President to write to the Minister for Local Government and advise that:
 - a. Council welcomes the tabling of the *Local Government Amendment Bill 2023* to Parliament and looks forward to continuing to work with the Government to provide innovative solutions for Local Government Reform and other future issues faced by the Serpentine Jarrahdale Community.
 - b. In light of the legislation now being available and tabled in Parliament, the Council's preference is for a configuration of eight Councillors plus a directly elected Shire President with no wards implemented through a complete spill of positions at the 2023 Ordinary Local Government Election.
3. RECONFIRMS its commitment to undertake a comprehensive Ward and Representation Review that considers the reintroduction of wards prior to the 2025 Ordinary Local Government Election."

Officer Comment

At a Special Council Meeting held on 7 November 2022, Council resolved to initiate a Ward and Representation Review in accordance with Schedule 2.2 of the Act and requested that the opportunity to provide a submission to the review be promoted via a local public notice.

The Ward and Representation Review was initiated at an earlier Special Council Meeting held on 24 October 2022, where the Council resolved to commence a process voluntarily to implement electoral reforms proposed by the Minister for Local Government that would result in the Shire President being elected at large (rather than by Council) and a reduction in the number of Councillor offices in line with population thresholds that are proposed to be set in legislation.

At the 30 January 2023 Special Council Meeting, Council resolved to make a submission to the Local Government Advisory Board recommending that the size of Council be reduced with a new



configuration being a total of six Councillors plus a Shire President elected at large split evenly across the Shire's existing three wards.

At the time of writing this report, Officers had not been advised of the timetable for the Local Government Advisory Board's consideration of the Shire's submission.

On 23 February 2023 the *Local Government Amendment Bill 2023* (**attachment 1**) was introduced to Parliament.

In accordance with section 5.4 of the *Local Government Act 1995*, a Special Council Meeting was called by more than 1/3 of Councillors to consider a motion to revoke Council's decision made at the 30 January meeting. At the meeting, which was held on 27 February 2023, Council resolved to proceed to the next order of business.

Councillor Rich has submitted this Notice of Motion for Council consideration.

In response to receipt of the Notice of Motion, Officers contacted the Department of Local Government, Sport and Cultural Industries to clarify how the provisions of the *Local Government Amendment Bill 2023* would be applied to the Shire in the event that the electoral reform pathway was pursued or otherwise eventuated.

The Department's correspondence is provided in **attachment 2**.

In relation to the Notice of Motion proposed, Officers are of the view that on balance the Notice of Motion does not seek to revoke or change the decision made at the 30 January 2023 Special Council Meeting as contemplated under Regulation 10 of the *Local Government (Administration) Regulations 1996*. Instead, the Notice of Motion proposes that a position of advocacy is taken to the Minister that seeks to implement a different Council configuration now that the *Local Government Amendment Bill 2023* has been published and the configuration of the legislative reform pathway is apparent.

Attachments (available under separate cover)

- **9.1 - attachment 1** – *Local Government Amendment Bill 2023* (E23/2656)
- **9.1 – attachment 2** - Correspondence from DLGSC regarding Legislative Reform Pathway - 14 March 2023 (E23/3554)



Voting Requirements: Simple Majority

OCM038/03/23

COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr Rich, seconded Cr Atwell

That Council:

- 1. NOTES** that the *Local Government Amendment Bill 2023* at attachment 1 has been tabled in Parliament;
- 2. AUTHORISES** the Shire President to write to the Minister for Local Government and advise that:
 - a. Council welcomes the tabling of the *Local Government Amendment Bill 2023* to Parliament and looks forward to continuing to work with the Government to provide innovative solutions for Local Government Reform and other future issues faced by the Serpentine Jarrahdale Community.
 - b. In light of the legislation now being available and tabled in Parliament the Council's preference is for a configuration of eight Councillors plus a directly elected Shire President with no wards implemented through a complete spill of positions at the 2023 Ordinary Local Government Election.
- 3. RECONFIRMS** its commitment to undertake a comprehensive Ward and Representation Review that considers the reintroduction of wards prior to the 2025 Ordinary Local Government Election.

MOTION LOST 4/5

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

Councillors Rich, Atwell, Byas and Strange voted FOR the motion.

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



Councillor Atwell declared an Impartiality Interest in item 9.2.

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

9.2 - Notice of Motion – Keirnan Park Recreation Precinct (SJ4081)	
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 Tuesday, 7 March 2023.

The notice of motion is:

That Council REQUESTS the Chief Executive Officer to:

1. prepare an initial draft service level agreement covering Keirnan Park Stages 1A for circulation to relevant sporting clubs, once a decision has been made by the State Government on the Shire's additional funding request of \$4 million.
2. prepare an initial draft service level agreement covering Keirnan Park Stage 1B for circulation to relevant sporting clubs by end of May 2023.
3. update the Corporate Business Plan and the Long Term Financial Plan to include maintenance and operational costs of stages 1A and 1B as part of 2023-2024 annual budget process, based on realistically achievable construction program.

Officer Comment

The Shire has applied to the State Government for an additional \$4 million to deliver the second oval as part of Stage 1A.

Given that the outcome of this funding request with the State Government is still pending, it is requested that the initial draft service level agreement covering Keirnan Park Stages 1A be circulated to relevant sporting groups once a decision has been made by the State Government on the Shire's additional \$4 million funding request.

The initial draft service level agreement covering Keirnan Park Stages 1B can be presented to the BMX Club by the end of May, as per the Notice of Motion.

Indicative annual lifecycle costs for Stages 1A and 1B were developed as part of the Keirnan Park Master Plan, which was endorsed by Council in March 2021.

The indicative annual lifecycle costs developed in 2021 for Stage 1A and 1B are provided below, based on a 25-year facility lifecycle:

Stage 1A	\$360,281.70
Stage 1B	\$163,214.05

Revised lifecycle costs will be available upon the measurement of the quantities of the detailed design for Stages 1A and 1B, scheduled for completion by end of May 2023.



The Corporate Business Plan and the Long Term Financial Plan can be updated to include the revised maintenance and operational costs of stages 1A and 1B as part of 2023-2024 annual budget process, as per the Notice of Motion.

Attachments (available under separate cover)

- **9.2 – attachment 1** - Kiernan Park Masterplan Lifecycle Costs – State 1A and Stage 1B – 2021 (E23/3729)

Voting Requirements: Simple Majority

Councillor Recommendation

That Council REQUESTS the Chief Executive Officer:

1. to PREPARE an initial draft service level agreement covering Keirnan Park Stages 1A for circulation to relevant sporting clubs, once a decision has been made by the State Government on the Shire's additional funding request of \$4 million.
2. to PREPARE an initial draft service level agreement covering Keirnan Park Stage 1B for circulation to relevant sporting clubs by end of May 2023.
3. to UPDATE the Corporate Business Plan and the Long Term Financial Plan to include maintenance and operational costs of stages 1A and 1B as part of 2023-2024 annual budget process, based on realistically achievable construction program.

OCM039/03/23

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Byas

That Council REQUESTS the Chief Executive Officer:

1. to PREPARE for Council's consideration an initial draft service level agreement covering Keirnan Park Stages 1A for circulation to relevant sporting clubs, once a decision has been made by the State Government on the Shire's additional funding request of \$4 million.
2. to PREPARE for Council's consideration an initial draft service level agreement covering Keirnan Park Stage 1B for circulation to relevant sporting clubs by end of May 2023.
3. to UPDATE the Corporate Business Plan and the Long Term Financial Plan to include maintenance and operational costs of stages 1A and 1B as part of 2023-2024 annual budget process, based on realistically achievable construction program.

CARRIED UNANIMOUSLY 9/0



9.3 - Notice of Motion – Nicholson Road - Rowley Road Intersection (SJ4081)	
Councillor	Councillor Byas
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Notice of Motion

A Notice of Motion was received from Councillor Byas via email on Monday, 13 March 2023.

The notice of motion is “That Council REQUEST the Chief Executive Officer present a report to Council on the future of the Nicholson Road – Rowley Road intersection, including but not limited to the future upgrade options and any agreements that currently exist or are proposed with the City of Armadale, noting the status of Rowley Road as a boundary road.”

Officer Comment

In June 2021, the City of Armadale approached the Shire and sought the Shire’s support for the submission of a Black Spot funding application to upgrade the intersection of Rowley Road and Nicholson Road to a roundabout. The Shire supported the submission of the Black Spot funding application by the City of Armadale based on a 50/50 cost sharing of the non-grant funded portion of the project between the City and the Shire. Based on this arrangement, the City of Armadale would be submitting the grant application and taking the lead role in project management, design and construction for the project (refer to **attachment 1, 2 & 3**). The Shire’s approval of the project design was a condition of the Shire’s support for the project.

The Black Spot funding application has been successful to secure \$1.6M full federal funding for design and construction and as result, no funding contribution is required from both Local Governments as the project is now fully funded by Federal Black Spot program.

The City of Armadale have confirmed that they will be delivering this project to upgrade the intersection of Rowley Road and Nicholson Road to a roundabout. They are currently progressing the design of the project with construction anticipated to commence during the next financial year.

In light of the above information, an alternate officer recommendation is proposed.

Attachments (available under separate cover)

- **9.3 – attachment 1** – City of Armadale Email seeking Shire’s support for blackspot application for Rowley and Nicholson Road intersection (IN23/5710)
- **9.3 – attachment 2** – Rowley and Nicholson Road intersection upgrade – City of Armadale proposed roundabout concept plan (IN23/5606)
- **9.3 – attachment 3** – Rowley and Nicholson Road intersection upgrade – City of Armadale accepting the Shire’ condition (IN23/5697)



Voting Requirements: Simple Majority

Councillor Recommendation

That Council REQUEST the Chief Executive Officer present a report to Council on the future of the Nicholson Road – Rowley Road intersection, including but not limited to the future upgrade options and any agreements that currently exist or are proposed with the City of Armadale, noting the status of Rowley Road as a boundary road.

OCM040/03/23

COUNCIL RESOLUTION / Alternate Officer Recommendation

Moved Cr Byas, seconded Cr Strange

That Council NOTES that the City of Armadale will be upgrading the intersection of Rowley Road and Nicholson Road to a roundabout as a fully funded Federal Government Black Spot project.

CARRIED UNANIMOUSLY 9/0

**10. Chief Executive Officer reports:****10.1 Development Services reports:**

10.1.1 - Proposed Road Naming - Lots 487, 611 and 615 Arnold Road, Serpentine (SJ500-04)	
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:	Malf Corp Pty Ltd
Owner:	Constantino Joseph John Spagnolo
Date of Receipt:	10 January 2023
Lot Area:	61.82ha
Town Planning Scheme No 2 Zoning:	'Rural Living A'
Metropolitan Region Scheme Zoning:	'Rural' and 'Primary Regional Roads'

Report Purpose

The purpose of this report is for Council to consider a proposal for five new road names for a subdivision at Lots 487, 611 and 615 Arnold Road, Serpentine. Eight alternative names are also presented to Council for endorsement in the instance Landgate do not support any of the preferred names.

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

There are no previous decisions of Council relating to this application.



Background

The proposal relates to the subdivision of the subject site, which will result in the creation of five new roads. An aerial view of the subject site is provided below.

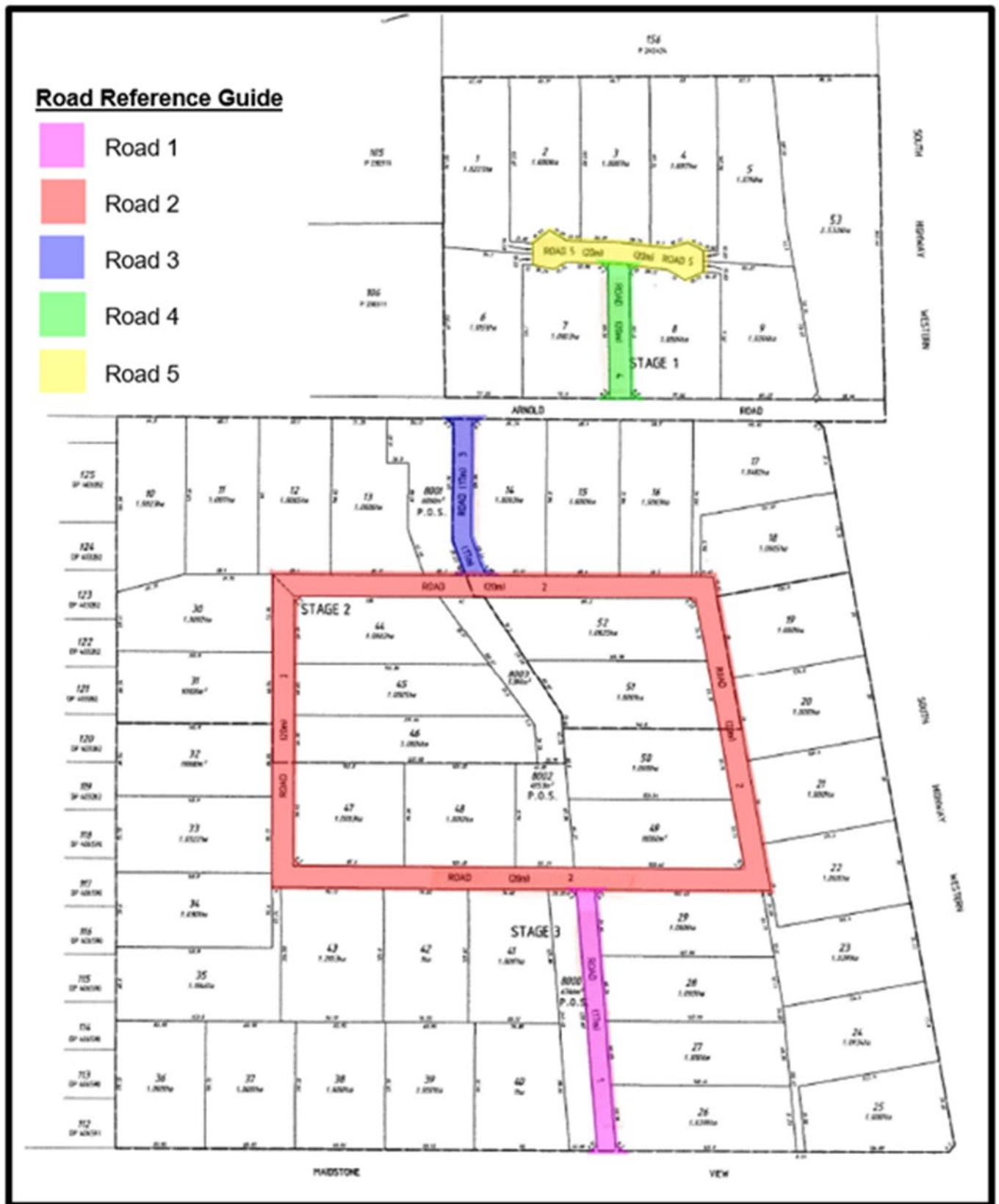


Figure 1: Aerial image of the subject properties

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 five new roads to be created as part of an approved subdivision within Serpentine. The applicant has also submitted eight names to be endorsed as second preference names in the instance there are issues with any of the preferred names. The roads and their proposed names are shown in the following plan and reference table.












The proposed and backup names along with their backgrounds in summary have been provided in the following table:

Road Name Table	
Proposed Preferred Names	Background
<p>Road 1: Kickbush</p> 	<p>Kick Bush (<i>Astroloma Pallidum</i>) is a local native small shrub. The white/cream/ yellow flowers appear from May - October. Found in sand, loam and lateritic soils, often in winter-wet depressions.</p>
<p>Road 2: Flamepea</p> 	<p>Heart-leaf Flame Pea (<i>Chorizema Coradatum</i>) is a local native medium shrub. Its yellow/orange/red/pink flowers from July - December. It grows in a variety of soils near rock outcrops, on hills, along watercourses and winter-wet flats.</p>
<p>Road 3: Bluebell</p> 	<p>Australian Bluebell (<i>Billardiera Heterophylla</i>) is a local native small shrub or ground cover plant. It grows in a variety of soil types in open woodlands and heath. Flowers all year round, but mostly in November - February.</p>



Road Name Table	
Proposed Preferred Names	Background
<p>Road 4: Smokebush</p> 	<p>Smokebush (<i>Conospermum Stoechadis</i>) is a local native medium sized shrub. It has white/grey flowers which appear from July - December. Prefers sand and laterite areas of soil.</p>
<p>Road 5: Dampiera</p>	<p>Dampiera is a genus of approximately 70 species of flowers. This includes such species as 'Common Dampiera', 'Terete-leaved Dampiera' and 'Angled-stem Dampiera', which are local native species found within the Shire.</p>
Reserve Names	Background
<p>Milkmaids</p> 	<p>Milkmaids (<i>Burchardia Congesta</i>) is a local native small flowering herb. It grows in a variety of soils and is found on sand dunes, plains, uplands, valley slopes, ridges, hillsides and tracks.</p>
<p>Woollybush</p> 	<p>Woolly Bush (<i>Adenanthos Cygnorum</i>) is a tall shrub endemic to the South-west region of Australia. Its flowers are white/cream/green/ pink appearing from July - December. Likes sand, clay, gravel and laterite soils.</p>



Road Name Table	
Proposed Preferred Names	Background
<p>Moonah</p> 	<p>Moonah or Stout Paperbark (<i>Melaleuca Preissiana</i>) is a local native tree which grows to approximately 9m in height, usually in sandy or swampy conditions. The tree has white, cream or yellow flowers that appear between November to February.</p>
<p>Laeliae</p> 	<p>Butter Gum or the Darling Range Ghost Gum (<i>Eucalyptus Laeliae</i>) is a tall native to the western side of the Darling Scarp. The tree grows to 20m and when its white bark is shed it has a cream colour underneath (hence the name Butter Gum). The white flowers appear between December - February. It can be found in sandy clay or loam soils on hills and granite outcrops.</p>
<p>Leschenaultia</p> 	<p>Blue Leschenaultia (<i>Lechenaultia Bilboa</i>) and Free-flowering Leschenaultia (<i>Lechenaultia Floribunda</i>) are local native shrubs found within the Shire. They both have similar blue flowers.</p>
<p>Marianthus</p> 	<p>Painted Marianthus (<i>Marianthus Bicolor</i>) is a local native ground cover. Its flowers are white/cream appearing December - May. It grows in sand, clay, loam, gravel, sandstone, laterite and granite.</p>



Road Name Table	
Proposed Preferred Names	Background
Astroloma	A genus of native plants, which has been identified within the Briggs Park Reserve. This name was supported as a backup option for another road name application (OCM242/09/21) but was not used by Landgate.
Isotoma	A genus of native plants, which has been identified within the Briggs Park Reserve. This name was supported as a backup option for another road name application (OCM242/09/21) but was not used by Landgate.

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 four road names are proposed, then an overall theme should be proposed by the applicant. As the proposal entails five names, a road name theme is required to be put forward by the applicant. The applicant has given regard to names of local native flora. This is considered an appropriate consideration from the perspective of Officers, particularly noting the strong environmental and natural landscape context that represents a large component of place meaning associated with the Shire.

The proposed names also reflect a local native flora theme which continues the same theme used in other rural residential areas of the Shire. Specifically, there are names such as 'Wattle' Road and Salmon Bark (Gum) Road in Serpentine. The Byford locality also has such names as 'Hovea' Way, 'Myrtle' Way, 'Melaleuca' Way and 'Eucalypt' Way, which are reflective of the local native flora theme.



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	<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>A number 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	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 road names have been documented in the road name table, earlier in this report.
Names shall not be offensive or likely to given offence, incongruous or commercial in nature	The proposed 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	<p>The proposed names have been selected to align with roads with a theme relating to local native flora.</p> <p>In terms of easiness to read, spell and pronounce, the names are short, simple to read or pronounce, and so would not cause complexities for emergency services, service providers or the travelling public.</p>
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 nine letters, with one backup name being 13 letters in length and are no more than one word in length.
Proposals for road names shall include an appropriate road type suffix	<p>The proposed suffixes are considered to be appropriate and consistent with suffix definitions under the Landgate policy.</p> <p>Road (Rd) - Open way or public passage primarily for vehicles.</p> <p>The 'Road' suffix is considered suitable as it is the general descriptive suffix for proposed carriage ways.</p>



Policy Assessment	
Policy Requirement	Officer Comment
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.

Officers also advise that a proposed road naming list is currently being compiled, based upon the recently adopted Local Heritage Survey. This list is intended to be presented to Council in the near future, for consideration to endorse as a list to be promoted for consideration by developers creating new roads that require naming.

Options and Implications

Option 1

That Council:

1. ENDORSES the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the proposed road names as contained within **attachment 1** to Landgate for final approval:
 - a. Kickbush
 - b. Flamepea
 - c. Bluebell
 - d. Smokebush
 - e. Dampiera
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. Milkmaids
 - b. Woollybush
 - c. Moonah
 - d. Laeliae
 - e. Leschenaultia
 - f. Marianthus
 - g. Astroloma
 - h. Isotoma



Option 2

That Council:

1. DOES NOT ENDORSE the proposed road names.
2. ADVISES the applicant to consider different naming options.

Option 1 is recommended.

Conclusion

Council endorsement is sought for five proposed road names to be used as part of the subdivision at the subject site. The proposed road names have been based upon local native flora, a theme that is supported by Officers and reflective of existing road names. The proposed names are considered to be consistent with the requirements of LPP1.7 and Landgate's road naming policy.

Officers support the proposal and recommend that Council endorse the proposed names.

Attachments (available under separate cover)

- 10.1.1 - attachment 1 - Road Layout Plan and Road Name List (E23/1395)

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	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

OCM041/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Byas

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. Kickbush**
 - b. Flamepea**
 - c. Bluebell**
 - d. Smokebush**
 - e. Dampiera**
- 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. Milkmaids**
 - b. Woollybush**
 - c. Moonah**
 - d. Laeliae**
 - e. Leschenaultia**
 - f. Marianthus**
 - g. Astroloma**
 - h. Isotoma**

CARRIED UNANIMOUSLY 9/0



10.1.2 - Proposed 'Commercial Vehicle Parking' - Lot 1, 153 Craddon Road, Oakford (PA22/1097)	
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:	Craig Fraser
Owner:	John Westwood
Date of Receipt:	19 December 2022
Lot Area:	2.05ha
Town Planning Scheme No. 2 Zoning:	Special Rural
Metropolitan Region Scheme Zoning:	Rural

Report Purpose

The purpose of this report is for Council to consider a development application for proposed 'Commercial Vehicle Parking' at Lot 1, 153 Craddon Road, Oakford.

The application is presented to Council as two objections were received during the advertising process. 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.

For the reasons outlined in the report, it is recommended that Council approve the development application.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Background**Existing Development**

The subject site of 2.05ha is located within a rural residential area of Oakford. Existing development on site includes a single house, water tank and outbuildings. The site has two existing crossovers to Craddon Road. The site also features a large area covered by vegetation.



Figure 1: Site Aerial Imagery

Proposed Development

The application seeks approval for the parking of a food trailer, used to sell hot dogs and other food products offsite at public events. The applicant seeks to park the trailer at the subject property when it is not in use. The frequency of movements associated with the trailer would be four times a week. The trailer would leave site at approximately 11:00am to attend events and arrive back to the site at approximately 8:00pm. No other works, storage or activities associated with the trailer are proposed to be undertaken from the subject site. The trailer is 4m long by 2.25m wide, being similar to a caravan in size. This is shown following:



Figure 2: Image of the trailer while in fabrication



The trailer would be parked towards the rear of the property adjacent to the existing outbuilding, as depicted following. It would be accessed via the emergency access track to the east of the site which is a registered easement.



Figure 3: Site plan showing area in which the trailer would be parked

Community / Stakeholder Consultation

The application was advertised for a period of 14 days from 19 December 2022 to 10 January 2023 to adjoining landowners, in accordance with LPP1.4 – Consultation for Planning Matters. At the conclusion of the consultation two submissions were received, either objecting or raising concerns with aspects of the proposal. The submissions are summarised as follows:

- Noise;
- Dust;
- Land use;
- Fire risk and emergency access.

These matters have been addressed in the relevant sections of the report. A full list of the submissions, including the applicant and Officer's comments can be found in **attachment 2**.



Statutory Environment

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy (LPS)
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3)

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 3**. For the purpose of this report, discussion is confined to the objection resulting in the item being presented to Council and where Council is required to exercise discretion.

Land Use

The definition of a 'Commercial Vehicle' in TPS2 is as follows:

"means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession, and without limiting the generality of the foregoing includes any van, truck, trailer, tractor and any attachment to any of them or any article designed to be an attachment to any of them, and any bus or any other passenger vehicle, or any earth moving machine whether self-propelled or not, but the term shall not include a vehicle designed for use as a passenger car or a trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or a light truck which is rated by the manufacturer as being suitable to carry loads of not more than three (3) tonnes."

The subject trailer being fitted for commercial purposes is a 'Commercial Vehicle' and the proposal falls within the land use of 'Commercial Vehicle Parking' defined under TPS2 as:

"(a) The parking of one or more commercial vehicles on any land within the Scheme Area. A vehicle shall be parked for the purpose of this definition if it is present on the subject land for more than two hours and is not in that time being used to load or unload anything, or in connection with building or development work carried on with all necessary Council approvals."

The subject site is zoned 'Special Rural' under TPS2. 'Commercial Vehicle Parking' is an 'SA' or discretionary land use requiring advertising to surrounding properties. This means it can be considered for approval subject to a merits-based assessment.

A concern was raised during the consultation period querying whether multiple commercial vehicles are also being kept on the site. Officers verified the concern with the applicant and are satisfied that the trailer is the only commercial vehicle proposed to be parked onsite used in association with the applicant's business. The applicant has advised however, that a trailer used



for domestic/personal use is also kept on the site. This trailer does not require approval or form part of this report.

Draft Local Planning Scheme No.3 (LPS3)

The site would be rezoned to 'Rural Residential' in draft LPS3, in which the proposal would still constitute a 'Commercial Vehicle Parking' land use. This would be an 'A' land use, which is discretionary and requires advertising. The permissibility of the proposed development would not change under LPS3 and so the proposal is not considered to adversely prejudice the implementation of LPS3.

Amenity

Clause 67(2)(n) of the Deemed Provisions requires consideration of the compatibility of the development with the character and amenity of the locality. This includes consideration of potential impacts to amenity including visual impact, noise and dust.

Visual Impact

The trailer is considered to be of a size and scale that is consistent with expected land uses in the locality. Within the locality it is not uncommon to have horse trailers for equine activities or trailers to tow personal items. The proposed trailer is smaller than a standard horse float. The vehicle is to be parked away from neighbouring boundaries and would be screened by existing vegetation. Officers consider that the presence of the vehicle would maintain the character and amenity of the locality.

Noise Management

During the consultation, a concern was raised regarding potential noise impacts from the trailer movements. Specifically, this relates to the trailer arriving late at night when nearby residences are more sensitive to noise. Due to the trailer attending a variety of events, the applicant advises that it would leave site at 11:00am and arrive back around 8:00pm on event days. The arrival times may differ depending on the event.

Noise generated by the vehicle is considered to be consistent with that of a standard passenger vehicle that would tow the trailer. The trailer is not self-propelled and so would not generate any engine noise. Due to the minor nature of the trailer, no reversing beepers are required to be installed. It is common for larger passenger vehicles such as 'four-wheel drives' or 'utes' and even small trucks to be in rural residential areas of the Shire. Therefore, Officers consider the noise generated by the proposed trailer would not be any greater than expected within the remit of a standard 'Residential – Single House' land use activity. Officers are therefore satisfied that the amenity of the locality would not be adversely impacted upon by way of noise.

Dust Management

Another concern raised during the consultation period was dust resulting from vehicle movements along the access track on the eastern side of the property. The nearest building to the access track is a non-habitable outbuilding on the neighbouring property to the east. There are no dwellings in close proximity to the access track, the closest being more than 50m away and separated by the outbuilding, as depicted on the plan below:



Figure 4: Depiction of the distance from the access track to the nearest dwelling

The access track itself is constructed of a limestone material. This would generate less dust than a sand or dirt access track. The vehicle would also not traverse the limestone track at a high speed, ensuring that dust is not generated by quick vehicle movements and movements would be infrequent (four times a week). In summary, the infrequent movement of the trailer, the slow speed of the vehicle and the limestone track material ensures that the proposal would not adversely impact the amenity of the locality by way of dust.



Figure 5: At the time of a site visit there was no dust rising from the driveway after a vehicle had traversed it on a hot day



Emergency Access

Clause 67(2)(q) of the Deemed Provisions requires consideration of bushfire risk. Specifically means of emergency access and egress from the site during a bushfire event. Concern was raised during the advertising period regarding:

- The potential of an increase to fire risk; and
- Parking of the trailer may conflict with the use of the emergency firebreak situated on the eastern side of the property.

Regarding the potential for fire risk from the presence of the trailer, there is to be no cooking activities occurring on site. Officers consider that there are no flammable or combustible items kept in the trailer that would not ordinarily be kept within a 'Single House'. Furthermore, there is no other storage of items outside of the trailer associated with this proposal. Therefore, Officers do not consider the presence of the trailer would cause an increased fire risk.

Regarding the use of the emergency firebreak, it is considered that the potential for conflict is low due to the infrequent number of movements associated with the proposed trailer. The applicant has also confirmed that the trailer would not be parked on the firebreak easement and that it would always be kept clear. This is also a requirement of the easement protecting such land. Officers are satisfied that the parking of the commercial vehicle on the site would not compromise emergency access or increase bushfire risk. Furthermore, enabling the use of this firebreak for the trailer would ensure the owner maintains it as required for emergency access purposes.

Options and Implications

Option 1

1. That Council APPROVES the development application for 'Commercial Vehicle Parking' at Lot 1, 153 Craddon Road, Oakford as contained within **attachment 1**, subject to the following conditions:

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

Plans and Specifications	P1 received at the Shire's Offices on 19 December 2022
--------------------------	--

- b. The commercial vehicle shall only be parked in the location specified in the site plan.
- c. The emergency firebreak easement within the subject site shall be kept clear at all times.

Option 2

That Council REFUSES the development application for commercial vehicle parking at Lot 1, 153 Craddon Road, Oakford as contained within **attachment 1**, due to concerns regarding adverse amenity impacts associated with noise emanating from the hours of operation.

Option 1 is recommended.



Conclusion

The application seeks approval for the parking of a 'Commercial Vehicle'. Objections to the proposal by way of land use, emergency access, noise and dust impacts were received during the advertising process. For the reasons outlined in the report, Officers consider that the proposal being of a minor nature would not adversely impact the locality by way of noise or dust or the purpose of the emergency access. Notwithstanding the objections, the proposal is recommended for approval subject to conditions.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** - Development Plans (E23/2062)
- **10.1.2 - attachment 2** - Summary of Submissions (E23/156)
- **10.1.2 - attachment 3** - Technical Assessment (E23/1071)

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	There are considered to be no risks associated with Option 1.						
2	That Council resolves to refuse the application and the applicant seeks a review of the decision at the State Administrative Tribunal.	Shire of Serpentine Jarrahdale's Town Planning Scheme No.2	Reputation	Possible	Minor	MODERATE	Ensuring reasons for refusal are valid planning matters.



Voting Requirements: Simple Majority

OCM042/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Atwell

1. That Council APPROVES the development application for ‘Commercial Vehicle Parking’ at Lot 1, 153 Craddon Road, Oakford as contained within attachment 1, subject to the following conditions:

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

Plans and Specifications	P1 received at the Shire’s Offices on 19 December 2022
---------------------------------	---

- b. The commercial vehicle shall only be parked in the location specified in the site plan.**
- c. The emergency firebreak easement within the subject site shall be kept clear at all times.**

CARRIED UNANIMOUSLY 9/0



The Chief Executive Officer, Mr Paul Martin advised that as discussed with Councillors at the Q & A session on Monday, 13 March 2023, the date was to be added into part a. of the Officer Recommendation for 'P5 - Acoustic Assessment'.

10.1.3 - Proposed 'Civic Building' (Oakford Fire Station) - Lot 800 Pony Place, Oakford (PA22/1116)	
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:	Shire of Serpentine Jarrahdale
Owner:	State of Western Australia (Crown Land)
Date of Receipt:	19 December 2022
Lot Area:	2ha
Town Planning Scheme No 2 Zoning:	Reserved Under TPS2 for purposes of Emergency Management
Metropolitan Region Scheme Zoning:	'Parks and Recreation'

Report Purpose

The purpose of this report is for Council to consider a development application for a fire station ('Civic Building') at Lot 800 Pony Place, Oakford. This development will deliver the dual Oakford Bushfire Brigade / Emergency Support Brigade station, which reflects the culmination of work undertaken regarding site identification, securing of grant and design that has occurred over the last two years.

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

For the reasons detailed in the report, Officers consider the proposed development to be consistent with the planning framework and recommend that Council approve the application, subject to conditions.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

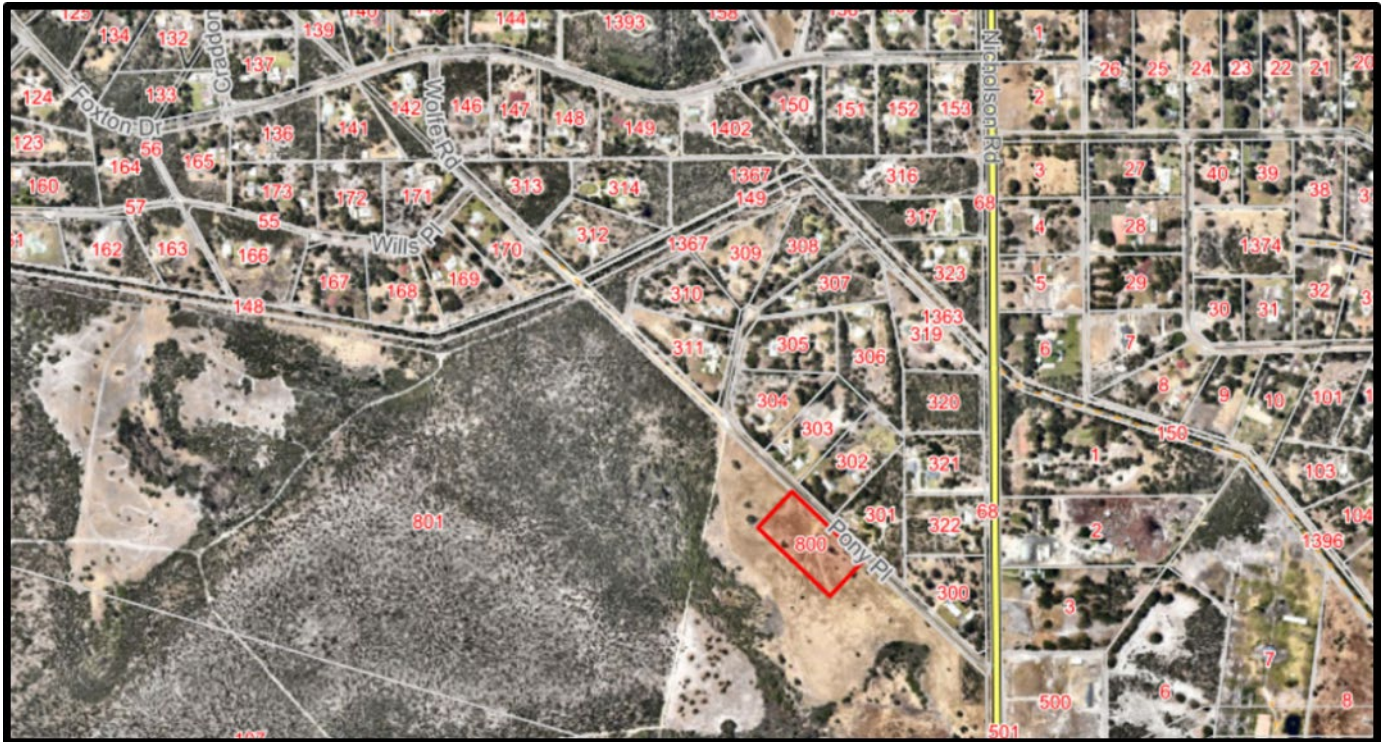


Background

In August 2020, Council resolved to endorse a 2ha portion of reserved land on Pony Place, Oakford, which was owned by the State Government, as the preferred location for a bushfire station. The portion of the site was excised from the original lot, to form the new Lot 800 Pony Place, Oakford. Management Orders were subsequently issued, vesting the land as a Reserve for the purpose of 'Emergency Management' with the Shire. A copy of the Management Order is contained within **attachment 1**. At its Ordinary Council Meeting of 17 October 2022, Council subsequently resolved to authorise the Chief Executive Officer to formally commence the project to deliver the bushfire station.

Existing Development

The subject site is located to the south west of Pony Place. Land to the south and west comprises of land reserved under the Metropolitan Region Scheme (MRS) for Parks and Recreation. Lots to the north of Pony Place are zoned 'Special Rural' under TPS2, approximately 2ha in area and comprise of single dwellings with associated rural residential activities.




Proposed Development

The application seeks approval for a bushfire station comprising of a 411m² building, 28 car parking bays and an area of hardstand for use as a training area measuring 1225m².

The station would accommodate the Oakford Bushfire Brigade and Emergency Support Brigade. Currently, the Oakford Bush Fire Brigade (BFB) is located on private land, with a short term lease agreement in place. It has been a long standing strategic objective of the Shire to facilitate a permanent Oakford BFB station and presence. The Shire's Emergency Support Brigade is located as a temporary measure within the Mundijong BFB station, and was also identified for co-location within a new Oakford BFB.

This is consistent with the adopted Shire of Serpentine Jarrahdale 20 year Emergency Services Facilities Plan, which identified as Priority 1 the following:

**Priority 1: Oakford Bushfire Brigade Facility including the Emergency Support Group Brigade NEW**

Location	Lot 800 (DP 419749) Pony Place, Oakford 
Project brief	To build a 4-bay bushfire station, not exceeding a total cost of \$3.1m, with this cost providing: <ul style="list-style-type: none">- 900sqm gross floor area;- Access, carparking and external training area with suitable illumination for training;- Site works and site services;- Design and construction contingency;- Headworks and statutory charges;- Building Act compliance;- Professional fees;- Escalation allowance.
Benefits realisation	Secure tenure Oakford Bushfire Brigade Co-located with the Emergency Support Group Brigade Accommodation of high season appliance Permanent bulk water tanker

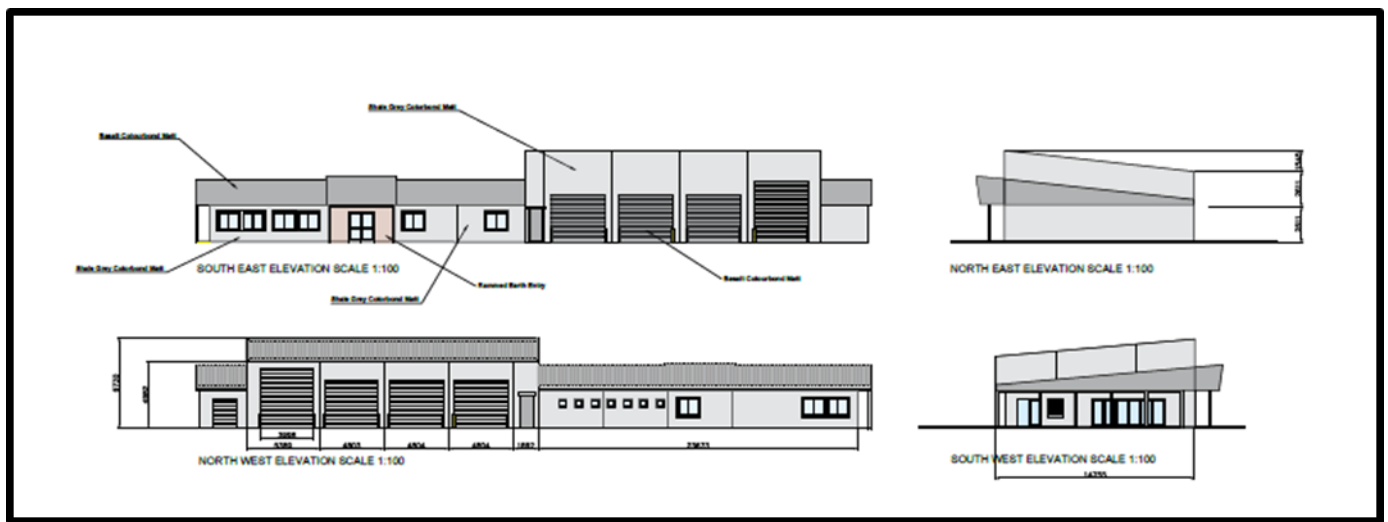
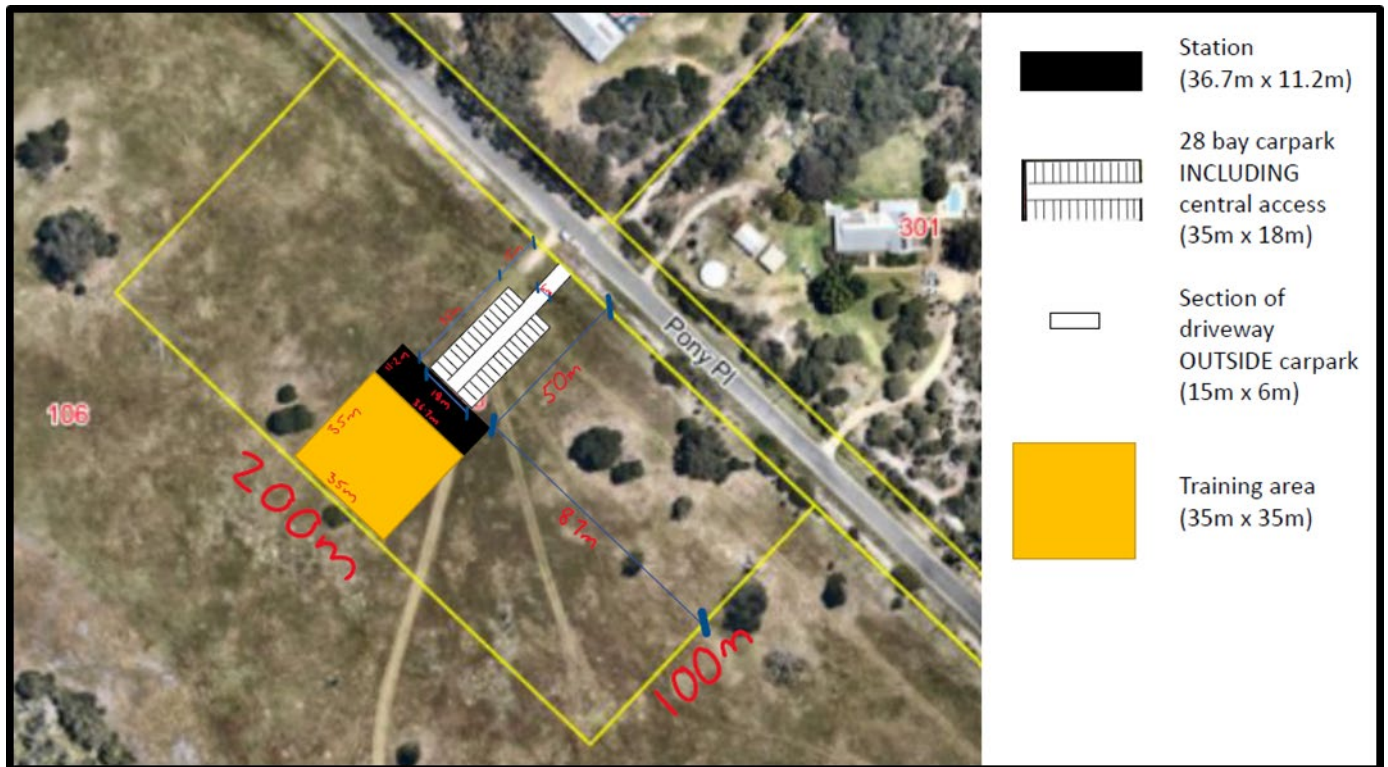
The proposed building will incorporate a purpose-built emergency service building, setback 50m from the primary street and includes meeting rooms, office, communications room and kitchen.

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

- Brigade training on Tuesday evenings (three times a month) between 7:30pm and 9:00pm. Members arriving at 5:30pm and leaving between 9:30pm and 10:00pm. Average attendance of training between 15 and 20 people;
- Vehicle and equipment maintenance conducted on Sunday mornings approximately between 8:00am and 11:00am. Limited to the presence of no more than six people on site;
- Emergency response 24/7/365. Incidents are attended by five to ten members who would arrive at station, load appliances/vehicles and depart to the site of the fire. This generally takes approximately 15 minutes and includes one light tanker, two urban tankers, one bulk water tanker and one incident control vehicle.



The site plan and elevation of the proposal are depicted below, full details are contained within **attachment 2**.



Community / Stakeholder Consultation

The application was advertised to surrounding landowners within a 500m radius of the site in accordance with LPP1.4 - Consultation for Planning Matters, between 9 January 2023 and 13 February 2023. The application details were made available on the Shire's website for the same period.

During the consultation period, 11 submissions were received. 10 providing support for the proposal and one objecting. A full copy of the submissions with the Officer's comments are contained within **attachment 3**.



The objection received states *"We don't need the fire station we need a permanent fire and rescue station instead. With Cardup getting a fire station the new Oakford Fire Station will be a waste of rate and tax payers money. It's not needed."*

Officer Comment

The new fire station would replace the existing Oakford Volunteer Fire Station that requires relocation. The proposed fire station in Cardup is a career fire station run by the Department of Fire and Emergency Services (DFES) and is not for the use of the volunteer brigades.

The Shire advocated for the State Government to deliver a career fire station for the Shire, in light of the documented risk associated with complex structure fires, industrial and commercial fires, serious vehicle crash response and hazardous fire response. This reflected the rapid urbanisation of the Shire. The Shire's BFBs remain critical to managing the risk of bushfire, and are not being replaced by the career fire station.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 2.5 - Rural Planning
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Local Planning Framework

- Draft Local Planning Scheme No.3 (LPS3);
- Local Planning Strategy;
- Local Planning Policy 4.1 - Consultation for Planning Matters

Planning Assessment

A comprehensive assessment has been undertaken in accordance with section 67 of the *Planning and Development Regulations 2015*, the assessment can be viewed within **attachment 4**.

Town Planning Scheme No.2 (TPS2)

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

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

Table 1 - Zoning Table of TPS2 does not list a reserve as a zone for the purposes of land use permissibility, however, Clause 2.3 of TPS2 states *"Where an application for planning consent is made with respect to land within a local reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent."*



In this case, the reserve is vested to the Shire for the purpose of 'Emergency Management' and therefore the use is consistent with the intent and purpose of the reserve, consistent with TPS2.

Draft Local Planning Scheme No.3 (LPS3)

Similar to the above, LPS3 lists a 'Civic Use' as "*premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.*" As previously stated, the purpose of the reserve is for 'Emergency Management' to which the proposal is considered consistent.

Amenity

The level of amenity currently afforded to local residents is that typical of a rural residential area. To support the proposal, an Acoustic Assessment was provided to inform whether the proposal would have any adverse impact upon the locality by way of noise. The Acoustic Assessment uses the noise levels typically undertaken at a fire station, and identifies the relevant noise sources as vehicle checks, equipment training, pumping drills and voice calls. Activities such as cutting equipment and breathing apparatus are not done by BFBs, as they are not equipped to use such.

Noise modelling was used to calculate the noise generated from these activities assessed against the assigned levels under the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) at each identified sensitive receptor (dwelling) as depicted below:



The results show that the noise generated from the vehicle and equipment checks during the day, evening, night and Sundays complies with the Noise Regulations. Noise generated from the pumping drills with voice calls resulted in areas of non-compliance at certain times at sensitive receptors as detailed in the following table:



TABLE 5.6 – ASSESSMENT OF NOISE LEVEL EMISSIONS – PUMPING DRILLS WITH VOICE CALLS

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned Level (dB) L _{A10} dB	Exceedance to Assigned Noise Level (dB)
R1	46	Day	45	+ 1 dB
		Sundays	40	+ 6 dB
		Evenings	40	+ 6 dB
		Night	35	+ 11 dB
R2	37	Day	45	Complies
		Sundays	40	Complies
		Evenings	40	Complies
		Night	35	+ 2 dB
R3	39	Day	45	Complies
		Sundays	40	Complies
		Evenings	40	Complies
		Night	35	+ 4 dB
R4	53	Day	45	+ 8 dB
		Sundays	40	+ 13 dB
		Evenings	40	+ 13 dB
		Night	35	+ 18 dB

The Acoustic Assessment concluded that there needed to be further analysis to determine reasonable and practicable measures to reduce noise. In this regard, the acoustic consultant attended the existing Oakford BFB station to measure the noise levels of the activities to be carried out using the same vehicles and equipment that would be used at the proposed new station. An updated Acoustic Assessment was provided focussing on the actual noise generated from the Oakford BFB trucks.



With regard to the pumping drills, the updated Acoustic Assessment concluded that noise to be compliant with the Noise Regulations at all sensitive receptors as detailed following:

TABLE 5.3 – ASSESSMENT OF NOISE LEVEL EMISSIONS – PUMPING DRILLS				
Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned Level (dB) L _{A10} dB	Exceedance to Assigned Noise Level (dB)
R1	32	Day	45	Complies
		Sundays	40	Complies
		Evenings	40	Complies
		Night	35	Complies
R2	22	Day	45	Complies
		Sundays	40	Complies
		Evenings	40	Complies
		Night	35	Complies
R3	24	Day	45	Complies
		Sundays	40	Complies
		Evenings	40	Complies
		Night	35	Complies
R4	25	Day	45	Complies
		Sundays	40	Complies
		Evenings	40	Complies
		Night	35	Complies

Based on the updated Acoustic Assessment, the proposal would not adversely impact upon the amenity of surrounding residents by way of noise.

Traffic and Parking

The proposed development would take access onto Pony Place which is classified as an 'Access Road' under Main Roads Western Australia (MRWA) hierarchy, constructed as a two-lane single carriageway road. Current traffic volumes for Pony Place are not available however as a cul-de-sac serving 12 properties, the TIA assumes there to be 113 vehicles per day (vpd) and between eight to eleven vehicles per hour (9vph) in the peak hours. The target daily traffic volume for an access road is typically around 1000 vpd and as such, the increased traffic from the proposal is considered to not adversely impact upon the capacity of this road.

The busiest activity is likely to be the brigade training occurring three times per month with 15 to 20 people expected. The highest impact would be during the arrival period (starting 5:30pm) which is close to the peak hour on the road network. However, as the training does not start until 7:30pm and arrivals are spaced out, the likely volume of traffic movements during the peak period is low. As a worst-case scenario, up to 20 vehicles would arrive between 5:30pm and 6:30pm. The Western Australian Planning Commission's TIA guidelines suggests that an increase of 10 to 100 peak hour vehicles would have a low to moderate impact. 20 vehicles is at the lower end of this range and so the traffic impact of this activity is considered low. It is also noted that this activity occurs only three times per month and so on the majority of days, the site will generate little or no traffic at all.



Pony Place joins Nicholson Road, a 'Distributor A' road under MRWA hierarchy. The target daily traffic for a distributor road is between 7,000 and 15,000 vpd. The current volumes on Nicholson Road are well within the target daily traffic volumes. The TIS details the full traffic volumes as contained within **attachment 2**.

The TIS also considers the capacity of the Pony Place/Nicholson Road intersection. The results of the capacity analysis show that this intersection would operate at a Level of Service A under all peak scenarios. Given the traffic numbers generated by the proposal and the infrequent basis the TIS considers that no upgrades are required to the intersection.

The TIS details that the largest vehicle expected to access the site is a 10.7m long Incident Control Vehicle. It is considered that the driveway access which is currently proposed at 6m in width should be increased to 6.5m to accommodate the larger vehicles. It is also recommended that a swept path analysis is undertaken at detailed design stage to ensure the site access and internal layout has sufficient room to accommodate the manoeuvring of the expected vehicles. This is recommended as a condition.

In addition, the TIS examines sight lines from the site access and identifies a minimum required sight distance of 153m. This can be achieved subject to a condition requiring the trimming of vegetation within the road reserve as depicted below:





Car Parking

TPS2 does not list minimum parking requirements for a 'Civic Building'. LPS3 sets out parking requirements for 'Civic Use' as one bay for every four persons accommodated at maximum occupancy and one bay per employee. The proposal would generate a maximum of 20 people on site at any one time. The proposal includes the provision of 28 parking bays which is considered sufficient to accommodate the use.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

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

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

Location:

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

Siting and Design:

The proposed building would be surrounded by an area of hardstand and will be provided with separation from classified vegetation to achieve BAL-29.

Vehicular Access:

Pony Place is an existing sealed public road and meets the standards of the Guidelines. It allows for two separate destinations to be reached in the case of a bushfire emergency. Whilst Pony Place is a cul-de-sac, there is an emergency access way leading to Wolfe Road providing means of escape in two directions. Notwithstanding this, it is considered that due to the nature of the proposal there would be very few incidents whereby occupiers of the subject site would require this.

Water:

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

Built Form:

The proposed building would be set back 50m from the primary street behind the car park. The building would present a 6.7m high garage with four roller shutter doors facing the street. The remainder of the building would be approximately 4.9m in height with a shale grey coloured colorbond matt finish. Notwithstanding the use of the building, larger scale buildings, particularly sheds, are commonplace within rural and rural residential areas.

The front setback of the lots opposite the subject site, where the proposal would be most visible, contain vegetation which would partially screen the proposed development.



The subject site however is relatively cleared of vegetation towards the primary street and it is considered that landscaping should be provided to further ameliorate any visual impact of the proposal on adjacent landowners. Due to the additional screening vegetation taken with the setback of the proposed building, it is considered to ensure it would not adversely impact upon the character of the locality.

Options and Implications

Option1

That Council APPROVES the development application for proposed 'Civic Building' at Lot 800 Pony Place, Oakford, as contained within **attachment 2**, subject to the following conditions.

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

Plans and Specifications	P1 - P2 received at the Shire's Offices on the 16 January 2023. P3 - Bushfire Management Plan dated 13 January 2023 P4 - Transport Impact Statement dated 12 January 2023 P5 - Acoustic Assessment dated
--------------------------	---

- b. Prior to lodgement of a Building Permit, a Landscaping Plan shall be submitted to show screening of the development from the street. Once approved, the Landscaping Plan shall be implemented prior to completion of the development and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- c. Prior to occupation, all recommendations as set out in the Transport Impact Statement shall be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale.



Option 2

That Council REFUSES the development application proposed 'Civic Building' at Lot 800 Pony Place, Oakford, as contained within **attachment 2**, due to potential amenity concerns associated with noise and visual impact.

Option 1 is recommended.

Conclusion

The proposal seeks approval for a new dual bushfire brigade station to replace an existing facility that is not secured in its tenure (being on short term leased land). It is considered that the proposal would provide an essential service for the community while maintaining the character and amenity of the locality and that of surrounding residents. The proposal is considered consistent with the planning framework and the purpose of the reserve and as such is recommended for approval.

Attachments (available under separate cover)

- **10.1.3 - attachment 1** - Management Order (E23/2645)
- **10.1.3 - attachment 2** - Application Details (E23/2644)
- **10.1.3 - attachment 3** - Summary of Submissions (E23/2042)
- **10.1.3 - attachment 4** - Clause 67 Checklist (E23/2643)

Alignment with our Strategic Community Plan

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

Financial Implications

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	Council approving the application is considered to represent the lowest strategic risk to the Shire.						
2	Council refusing the application	Planning Framework	Financial	Possible	Major	SIGNIFICANT	Should Council refuse the application, the delivery of a new BFB station will be delayed which could potentially place at risk this service being able to continue.

Voting Requirements: Simple Majority

Officer Recommendation

That Council APPROVES the development application for proposed 'Civic Building' at Lot 800 Pony Place, Oakford, as contained within **attachment 2**, subject to the following conditions.

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

Plans and Specifications	P1 - P2 received at the Shire's Offices on the 16 January 2023. P3 - Bushfire Management Plan dated 13 January 2023 P4 - Transport Impact Statement dated 12 January 2023 P5 - Acoustic Assessment dated
--------------------------	---

- b. Prior to lodgement of a Building Permit, a Landscaping Plan shall be submitted to show screening of the development from the street. Once approved, the Landscaping Plan shall be implemented prior to completion of the development and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- c. Prior to occupation, all recommendations as set out in the Transport Impact Statement shall be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale.

**OCM043/03/23****COUNCIL RESOLUTION****Moved Cr Byas, seconded Cr Coales**

That Council APPROVES the development application for proposed 'Civic Building' at Lot 800 Pony Place, Oakford, as contained within attachment 2, subject to the following conditions.

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

Plans and Specifications	P1 - P2 received at the Shire's Offices on the 16 January 2023
	P3 - Bushfire Management Plan dated 13 January 2023
	P4 - Transport Impact Statement dated 12 January 2023
	P5 - Acoustic Assessment dated 27 February 2023

- b. Prior to lodgement of a Building Permit, a Landscaping Plan shall be submitted to show screening of the development from the street. Once approved, the Landscaping Plan shall be implemented prior to completion of the development and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.**
- c. Prior to occupation, all recommendations as set out in the Transport Impact Statement shall be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale.**

CARRIED UNANIMOUSLY 9/0

**Councillor Coales declared an Impartiality Interest in item 10.1.4.**

10.1.4 - Proposed 'Single House' - Lot 14, 5 Kellet Drive, Darling Downs (PA22/1101)	
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:	Endeavour Constructions WA Pty Ltd
Owner:	Adrian Troy Bell
Date of Receipt:	25 November 2022
Lot Area:	2.1Ha
Town Planning Scheme No 2 Zoning:	'Rural Living B'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for the construction of a 'Single House' at Lot 14, 5 Kellet Drive, Darling Downs. The 'Single House' is compliant with the deemed-to-comply requirements of State Planning 7.3 – Residential Design Codes (Volume 1) (R-Codes) however, development approval is required as it is proposed to be located outside the building envelope approved under the Subdivision Guide Plan.

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

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

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.



Background

The subject site was rezoned from 'Rural' to 'Rural Living B' as part of Amendment 36 to Town Planning Scheme No. 2 (TPS2), gazetted in May 1997. As part of the rezoning, a Subdivision Guide Plan was prepared identifying building envelopes for each lot.

Existing Development

The subject site is 2.11ha in area and is located within a rural residential area of Darling Downs. The subject site is currently developed with a shed and a water tank, approved in December 1998. The general locality comprises of residential developments under construction.



Figure 1: Site Context



Proposed Development

The application seeks approval for the construction of a 'Single House' outside of the building envelope. It would be set back in excess of 75m from the primary street behind the existing shed, 28m from the western lot boundary and 35m from the eastern lot boundary. The 'Single House' would be of rendered construction incorporating brick and weatherboard with a hipped colorbond roof. Full details of the proposal are contained within **attachment 1**. The proposed site plan and elevations are shown following:

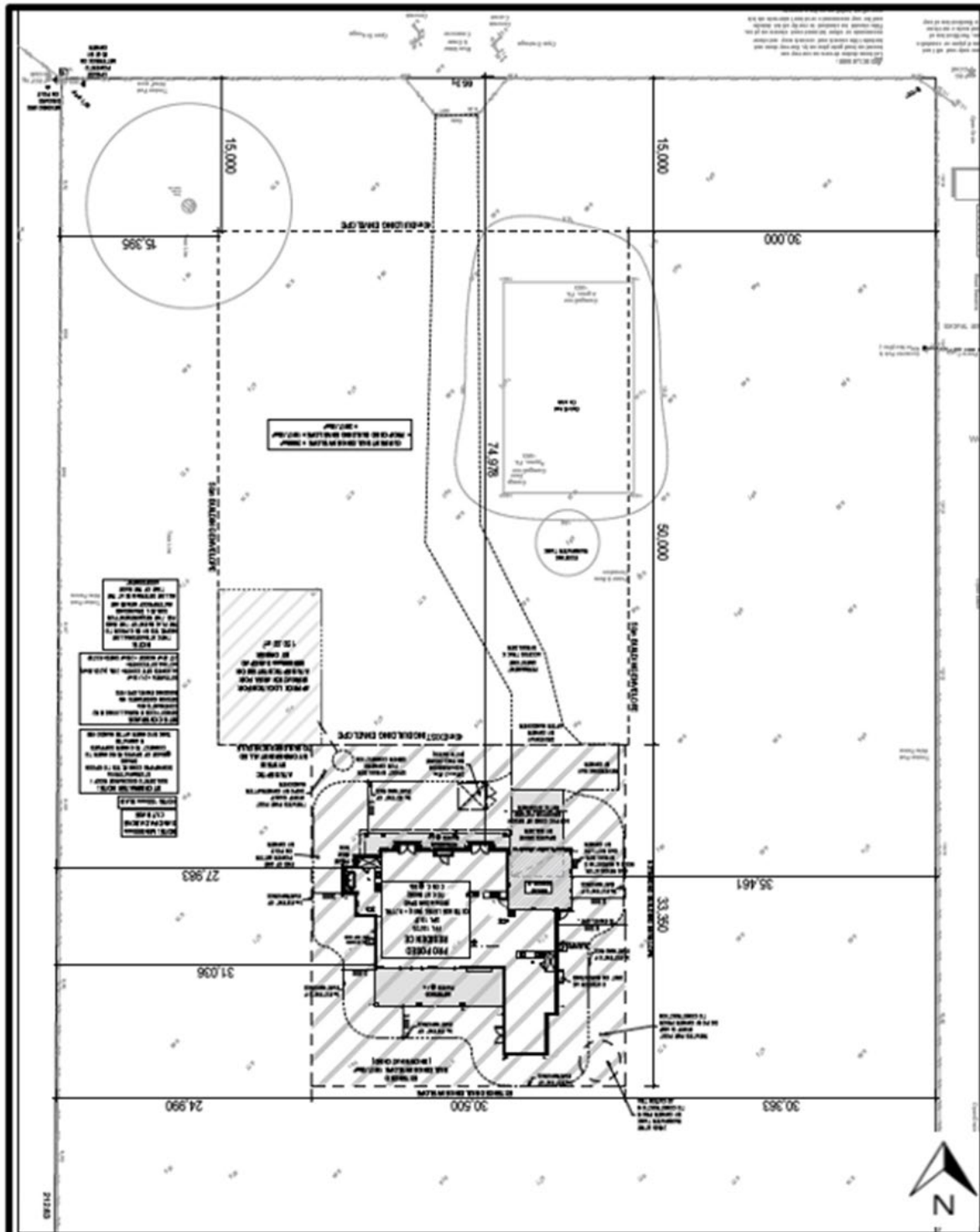


Figure 2: Site Plan

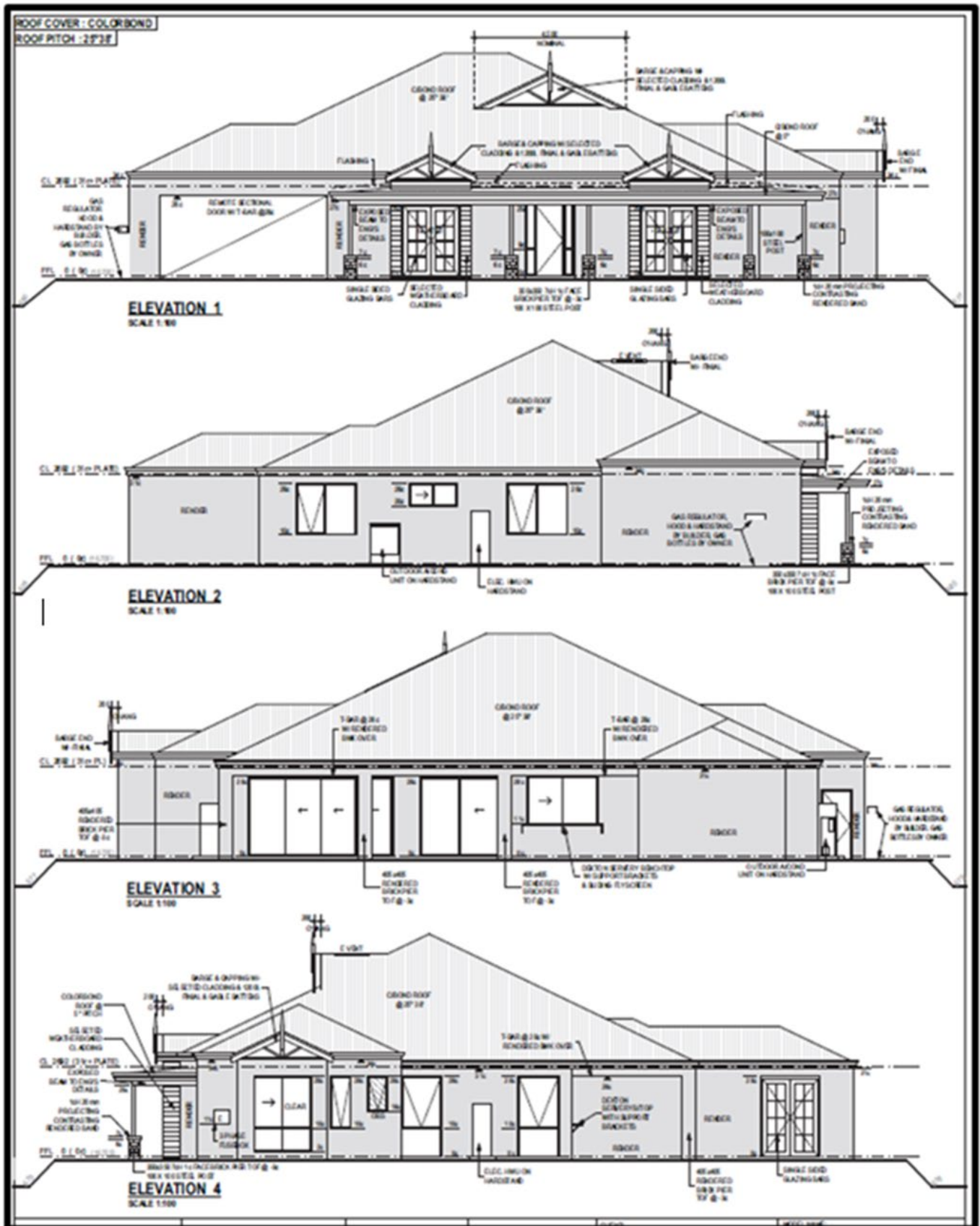


Figure 3: Elevations



Community / Stakeholder Consultation

The application was advertised to adjoining landowners for a period of 21 days from 15 December 2022 to 5 January 2023 (14 days in accordance with the Shire's Local Planning Policy 1.4 - Public Consultation for Planning Matters and an additional seven days to account for the Christmas period). One submission was received objecting to the proposal, a full copy of the submission together with the Officers response is contained within **attachment 2**, the objections are summarised below:

- Building envelope and location of development

The proposal does not allow for the clustering of buildings within the building envelope. The development is not consistent with the rural character and aesthetics which ordinarily allow for larger areas of land around the buildings. The objector is concerned that the proposal does not contribute to the "rural setting".

- Visual privacy

The objection raises concerns there is a 15m section of shared boundary which is not screened with mature trees or shrubs. No trees have been planted in this location since the property was purchased. The other concern is regarding the proximity of residence to riding arena which will obscure his views to rural paddocks. The objector is concerned that this would lead to a visual privacy compromise.

- Impact on neighbours equestrian activities

The submitter is concerned that the dwelling, being located further towards the rear of the lot, would result in it being closer to the neighbours riding arena. Concerns are raised that during the construction of the dwelling, associated noise could spook horses.

Officer Comment:

These concerns, as summarised above, have been addressed in the Planning Assessment section of this report. The objection received also raises concerns in relation to the location of the existing shed on site. The shed was approved by Council at its Ordinary Council Meeting of 21 December 1998, and therefore is not subject to reconsideration.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 7.3 - Residential Design Codes (Volume 1)
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Local Planning Framework

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



Planning Assessment

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

Land Use

The subject site is zoned 'Rural Living B' under Town Planning Scheme No. 2 (TPS2). A 'Single House' falls within the 'Residential - Single House' land use, which is a permitted use in the 'Rural Living B' zone, in accordance with TPS2.

Shire of Serpentine Jarrahdale Town Planning Scheme No. 2

Clause 5.12.3 of TPS2 states "*The Rural Living B Zone is intended to cater for rural-residential development and ancillary rural related uses on a range of lots between two hectares to four hectares in accordance with the objectives and guidelines of the Rural Strategy*".

Officers consider that the development of a 'Single House' is consistent with this objective and would support rural residential activities.

Shire of Serpentine Jarrahdale Draft Local Planning Scheme No. 3 (LPS3)

The subject site would be rezoned from 'Rural Living B' to 'Rural Residential' under LPS3. The proposed development would fall within the 'Single House' land use, which is a permitted land use within the 'Rural Residential' zone. The relevant objectives of LPS3 are outlined below:

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

Officers consider the proposal would support rural pursuits by providing a residence for the occupants to undertake such activities. In addition, the proposed 'Single House' ensures the preservation of the rural landscape by retaining all existing vegetation.

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

The proposed 'Single House' was assessed in accordance with the R-Codes and fully complies with all deemed-to-comply requirements. An R-Code assessment has been included as part of **attachment 3** to this report. Therefore, the remainder of this report focuses on the objection resulting in the application being presented to Council.

Siting of Development and Building Envelope

One of the key concerns raised in the objection relates to the location of the proposed 'Single House' outside of the building envelope. The objector considers that this would impact on the character and amenity of the area and the streetscape.

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. Building envelopes can also characterise a locality through a coordinated approach to development resulting in uniform streetscapes with adequate setbacks to neighbours.



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. It is not uncommon for development to be approved outside of the building envelope, especially where it maintains adequate setbacks to the street and neighbouring boundaries.

Preservation of Natural Features

A key purpose of the building envelope is to ensure that natural features (ie. trees and vegetation) are maintained to preserve the rural landscape. If the owner were to propose the 'Single House' inside the building envelope, there would be a requirement to remove trees to reduce bushfire threat in accordance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7). Officers consider that by locating the development outside of the building envelope, suitable distances to vegetation can be maintained without the requirement for any tree removal. This is considered to result in a better environmental outcome consistent with the intent of the building envelope.



Hopkinson Road Streetscape

Figure 4 following depicts the existing character of the streetscape along Hopkinson Road.



Figure 4: Existing dwellings on Hopkinson Road outside of the building envelope (red) with the proposed location of the 'Single House' (blue)

Hopkinson Road has building envelopes which are located 30m from the street boundary to result in a consistent presentation of residential development to the street. A number of existing developments are located outside of the building envelope. Notwithstanding this, as depicted above, existing development maintains a uniform streetscape.

The proposed 'Single House' would be set back 35m from Hopkinson Road. As seen in figure 4 above, this would be consistent with the setbacks of existing development along Hopkinson Road. The location of the 'Single House' outside of the building envelope would therefore not compromise the existing character of the streetscape along Hopkinson Road.



Kellet Drive Streetscape

Figure 5 following depicts the existing character of the streetscape along Kellet Drive.

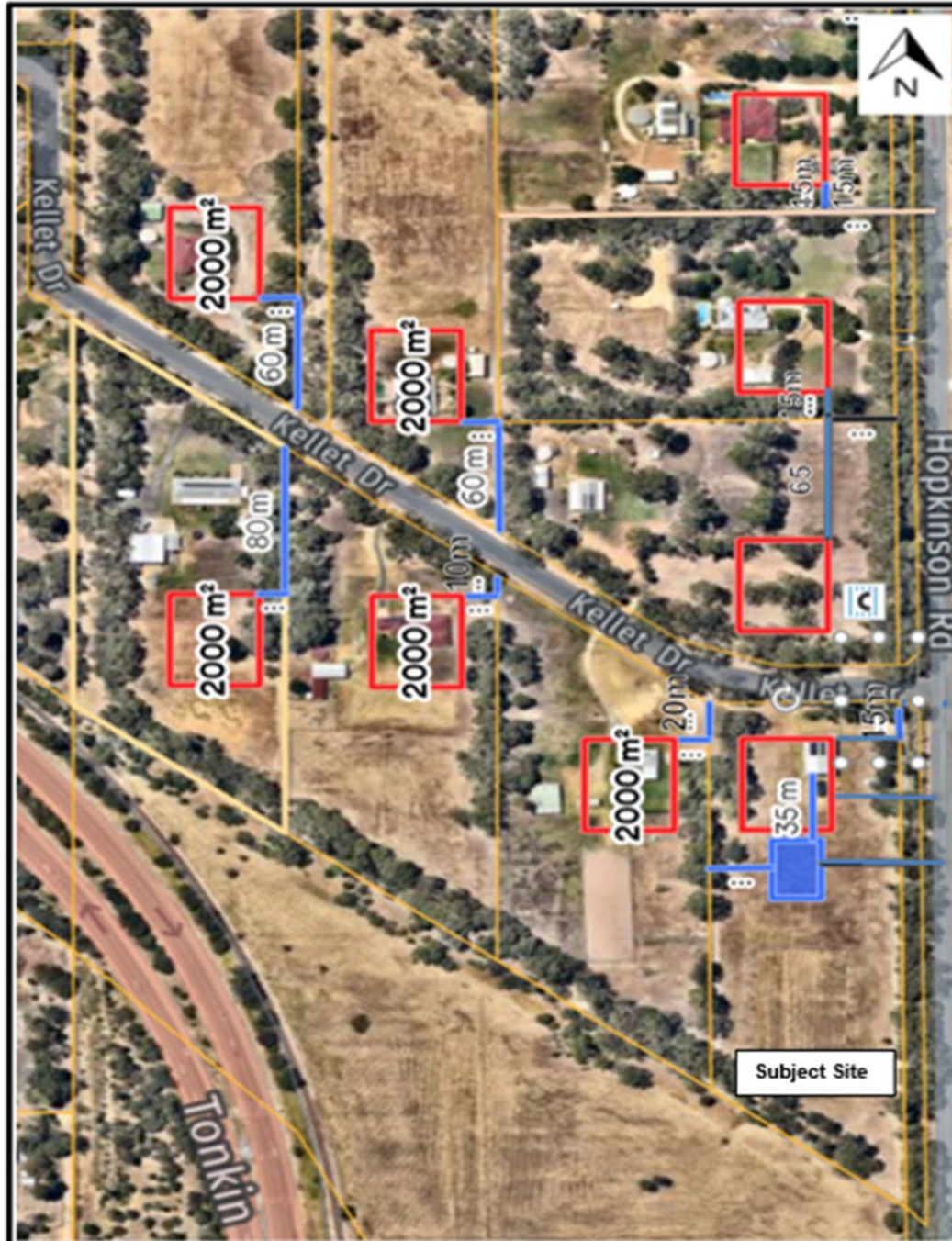


Figure 5: Existing streetscape of Kellet Drive with building envelopes (red) and the Proposed location of the 'Single House' (blue)

The setbacks of building envelopes on Kellet Drive are located between 10m and 80m as depicted above. The location of these building envelopes do not result in uniform setbacks as seen on Hopkinson Road. Whilst existing development is generally located within the building envelope on Kellet Drive, given the proposed set back would be 75m, it is considered that this is consistent with the overall streetscape given the varying setbacks of building envelopes and development along the street.



Furthermore, despite the 'Single House' being proposed outside the building envelope it maintains a clustered form of development. The location of the house would be in close proximity to the existing shed and water tank maintaining the rural residential character by way of clustered development.

Visual Privacy

A further concern raised in objection is that visual privacy would not be maintained. Specifically, the concern was due to the location of the 'Single House' being closer to the equestrian activities on the neighbouring lot due to its setback from the primary street. The plan below shows the setbacks of the development from the neighbouring development.



Figure 6: Visual Amenity – proposed single house setbacks



Clause 5.4.1 of the R-Codes provides the relevant deemed-to-comply (acceptable) standards for the setback of residential development to ensure visual privacy is maintained. By way of comparison, the acceptable standard in the R-Codes would be to provide a 7.5m setback, whereas the habitable rooms and the outdoor living areas proposed are set back 28m from the western lot boundary with the neighbour.

There is a significant distance maintained between the proposed 'Single House' and the adjoining neighbour's house (60m), as well as the equestrian activities (62m). Officers therefore consider that the visibility from the windows and outdoor living area would not adversely impact on visual privacy of the neighbouring property.

In addition to this, the development proposed will have filtered views to the property to the west. There is an existing mature tree line that extends along the entire western lot boundary. This vegetation assists in maintaining the rural character and the natural landscape characteristics, as well as providing visual privacy.

As stated in the objection however, there is a narrow 15m clearing, as depicted following:



Figure 7: View from Kellet Drive showing significant mature vegetation



Figure 8: View of vegetation along the boundary from western neighbour

Given the increased lot boundary setback, as required by the R-Codes, and the extent of existing vegetation contributing towards the rural character of the locality, it is considered that there should be no further requirement for the applicant to provide additional screening. As previously stated, the setback is well in excess of the requirements of the R-Codes so as to ensure there is not adverse impact by way of privacy.

Impact on Neighbours Equestrian Activities

The objector is concerned regarding the proximity of the 'Single House' to the riding arena on the adjacent lot, in particular the noise during the construction having the potential to spook horses. These concerns are acknowledged, however as shown on Figure 6, the 'Single House' would be located approximately 62m from the riding arena. It is considered that the use of a 'Single House' can be carried out alongside equestrian land use compatibly. With regard to construction noise, it is noted that this can be perceived as a 'nuisance' however these works are temporary and should be capable of being undertaken without being to the detriment of the neighbour's amenity and use of the land. Should Council however consider that the construction of the 'Single House' would adversely impact upon the equestrian activities of the neighbour and in turn rural residential amenity, it is suggested a condition could be imposed for a Construction Management Plan to be provided and possible measures for neighbour notification prior to specific noise generating activities. This is recommended to be imposed as a condition.



Options and Implications

Option 1

That Council APPROVES the development application for 'Single House' at Lot 14, 5 Kellet Drive, Darling Downs as contained within **attachment 1** subject to the following conditions:

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

Plans and Specifications	P1 - P4 Development Plans received at the Shire's Offices on 14 February 2023 P5 - Bushfire Attack Level Assessment prepared by WA Fire & Safety
--------------------------	---

- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses, and drainage lines is not permitted.
- c. Prior to commencement, a Construction Management Plan shall be submitted to the Shire of Serpentine Jarrahdale for approval. The Construction Management Plan shall include measure for neighbour notification prior to noise generating construction activities being carried out. Once approved, the Construction Management Plan shall be adhered to in its entirety.

Option 2

That Council REFUSES the development application for the 'Single House' at Lot 14, 5 Kellet Drive, Darling Downs as contained within **attachment 1** for the following reason:

- a. The location of the development outside of the building envelope is considered to pose an adverse amenity impact, by virtue of development being spread out across the subject land.

Option 1 is recommended.

Conclusion

The application seeks approval for the construction of a 'Single House' which complies with the deemed-to-comply requirements of the R-Codes however is located outside of the building envelope. TPS2 gives discretion to Council for development to be approved outside the building envelope based on its merits.

Notwithstanding the objection received, as detailed in the report, Officers consider that the development maintains a form consistent with the existing locality and is consistent with the planning framework. As such, it is recommended that Council approve the application subject to conditions.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Development Plans (E23/2086)
- **10.1.4 - attachment 2** - Summary of Submissions (E23/1972)
- **10.1.4 - attachment 3** - Clause 67 of the Deemed Provisions (E23/1965)

**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.	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

OCM044/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Duggin

1. That Council APPROVES the development application for 'Single House' at Lot 14, 5 Kellet Drive, Darling Downs as contained within attachment 1 subject to the following conditions:

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

Plans and Specifications	P1 - P4 Development Plans received at the Shire's Offices on 14 February 2023 P5 - Bushfire Attack Level Assessment prepared by WA Fire & Safety
---------------------------------	---

b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses, and drainage lines is not permitted.

c. Prior to commencement, a Construction Management Plan shall be submitted to the Shire of Serpentine Jarrahdale for approval. The Construction Management Plan shall include measure for neighbour notification prior to noise generating construction activities being carried out. Once approved, the Construction Management Plan shall be adhered to in its entirety.

CARRIED UNANIMOUSLY 9/0

**10.1.5 - Development Application - Proposed Showroom and Fast Food / Takeaway Development (21 Showroom and Five Fast Food / Takeaway Tenancies) - Lot 806 South Western Highway, Byford (PA22/918)**

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:	Planning Solutions
Owner:	C & E Developments Pty Ltd and Wallmar Pty Ltd
Date of Receipt:	31 October 2022
Lot Area:	8.246ha
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 Responsible Authority Report (RAR) (**attachment 1**) prepared for a development application for a 'Showroom' and 'Fast Food/Takeaway' development at Lot 806 South Western Highway, Byford. The application proposes 21 showrooms and five fast food/takeaway tenancies, with associated clearing of the lot, site works and realigning/upgrading of Wilaring Street.

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

The Western Australian Planning Commission (WAPC) have also been referred the application under Clause 29(1)(c) of the Metropolitan Regional Scheme, as Main Roads Western Australia (MRWA) maintain an objection against the development. As such, they are also a Responsible Authority and are required to provide the MODAP with a RAR for determination under the MRS.

The proposal is considered consistent with the existing and future planning framework and as a result, the RAR recommends that the application be approved subject to conditions. These conditions deal with appropriately regulating incidental aspects of the proposed development, for example noise, traffic, nutrient and environmental management. Furthermore, the conditions seek



Proposed Development

The application seeks approval for a 'Showroom' and 'Fast Food/Takeaway' development including the following components:

- 21 Showroom and five Fast Food/Takeaway Tenancies;
- 699 car parking bays;
- Realignment and upgrading of Wilaring Street, and the installation of a roundabout to manage traffic;
- New access from the north via Dougall Street;
- Landscaping, the bulk of which would be along the southern boundary of the site; and
- Earthworks and retaining, accounting for the 12m fall from the east to the west of the site.

The site plan and perspectives of the proposal are shown following. The development plans in full are contained within **attachment 2**.

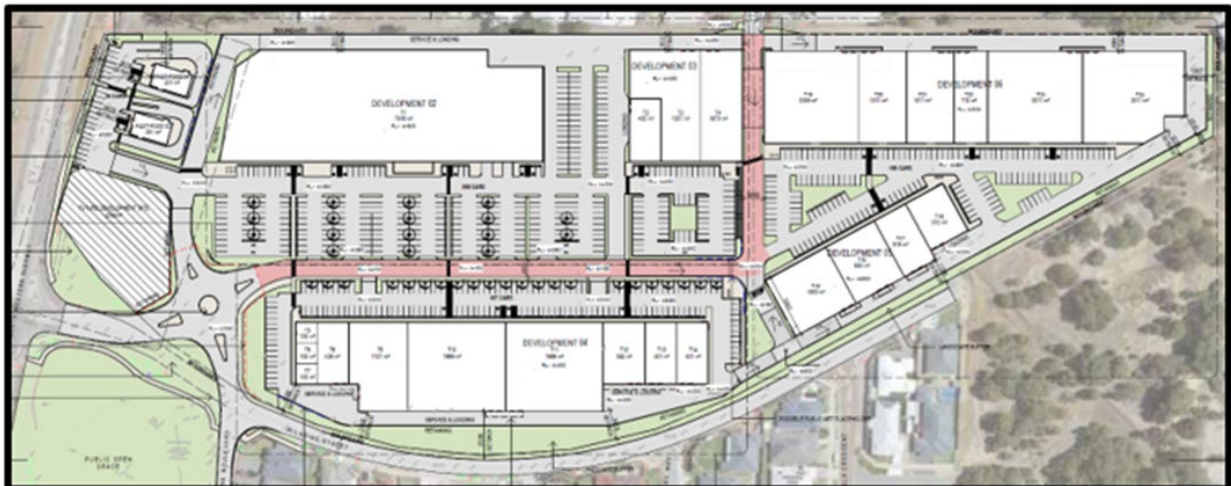


Figure 2: Site plan



Figure 3: Perspective image with not existing mature vegetation added



Community / Stakeholder Consultation

The application was advertised for a period of 28 days from 8 November 2022 to 6 December 2022 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. In addition, a notice of the development proposal on a sign was placed on the site for the same period.

At the conclusion of the consultation, 85 submissions were received, consisting of 73 submissions either objecting or raising concerns with aspects of the proposal. 12 submissions were received either in support of the proposal or did not object to it.

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

- Traffic volume, safety and impacts to the existing road network;
- Built form and design;
- Appropriateness of land use;
- Increase to crime in the area;
- Removal of vegetation and impacts to environmental values; and
- Health and community impacts of fast food development.

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

Main Roads Western Australia (MRWA)

Referral of the application was required to MRWA due to the site adjoining South Western Highway, which is categorised as a 'Primary Regional Road'. MRWA, in their letter dated 16 December 2022, indicated they were unable to provide a recommendation on the proposal due to requiring further information. MRWA raised objections in relation to the following aspects:

- Main Roads does not support the location of the roundabout, unless the applicant can demonstrate that issues of vehicle storage and queuing can be resolved so as to not impact movement of vehicles onto South Western Highway;
- A 'post full development' (+10 years) scenario should be assessed to determine the medium to long term impact from the proposed development;
- Ensuring intersections are designed to cater for vehicle turning movements; and
- Consideration should be provided of the weekend peak periods.

Updated Submission

After MRWA's initial comments, the applicant provided a revised Traffic Impact Assessment (TIA). MRWA reviewed this along with additional information and provided an updated submission (dated 22 February 2023) as contained within **attachment 3**. MRWA still raised traffic and stormwater management related concerns. These matters have been summarised as follows:

- Insufficient modelling
 - Future 10-year projection
 - Background growth rates



- Cross trade discount data
- Suitability of internal traffic arrangements and existing intersections
 - Internal traffic arrangements
 - South Western Highway/Wilaring Street intersection
- SIDRA files not provided to MRWA
- RAV4 heavy vehicle access requirements
- Discharge into MRWA Reserve (South Western Highway)

Officer Comment

Officers note that the extension of Tonkin Highway will directly address a number of the concerns raised by MRWA, insofar that it will significantly reduce the amount of vehicles utilising South Western Highway. This expected significant reduction in vehicle use of South Western Highway, coupled with the proposed development implementing enhanced road improvements and connectivity, provides merits that the proposal is appropriate for the subject land.

Officers note that whereas MRWA raise concerns in terms of traffic flows due to modelling concerns, the applicant's traffic assessment has included microsimulation of the critical peak hour traffic operations. This reveals traffic flows and levels of service to not be compromised by the development.

An intersection upgrade of realigned Wilaring Way and South Western Highway is also proposed, in the form of island treatments and the addition of acceleration lane treatments for vehicle exiting the site and heading northbound along South Western Highway. This is discussed in further detail later in the report. Officers also support the management of stormwater to reflect predevelopment flow rates, and do not support the position of MRWA that suggests all stormwater be managed on the site. This is not reflective of predevelopment contexts that should be maintained post development.

Department of Planning, Lands and Heritage (DPLH)

The development was referred to DPLH due to the site being registered as a possible location of Aboriginal Heritage. DPLH advised that the site does not intersect with a site for the purposes of the *Aboriginal Heritage Act 1972* and as such have no comments.

Department of Fire and Emergency Services (DFES)

DFES have no objections to the development, subject to minor modifications. These included the following matters:

- **Landscaping Plan** - DFES note the Landscaping Plan identified a landscape area to the south of the site along Wilaring Street. DFES raised concern that no certainty was provided whether this landscape area was to be 'managed', and so there is the potential that it could pose a bushfire threat to nearby residents. The applicant's additional information included the following amendment to the Landscaping Plan, which is considered to satisfy this comment: *"landscape buffer will be managed as low threat vegetation"*.
- **Bushfire Attack Level (BAL) Table** - DFES raised concern that the BMP is unclear as to which BAL rating would be applied to 'Development 06'. The applicant confirmed that no building within the development would be higher than BAL-29.



- **Bushfire Emergency Evacuation Plan (BEEP)** - DFES provided comment that a BEEP should be provided by the applicant to the satisfaction of the Shire. This is to provide management for exiting the site in instances of emergency, in accordance with the Guidelines of State Planning Policy 3.7.

Officer Comment

The applicant has clarified that the BAL rating of the development would be no higher than BAL-29, which satisfies DFES concerns. The other matters raised concerning the management of landscape areas and the provision of a BEEP are recommended to be conditioned.

Department of Water and Environmental Regulation (DWER)

DWER do not object to the proposed development, though raised several matters for consideration as follows:

- **Local Water Management Strategy (LWMS)** - The proposal is not in accordance with the previously approved LWMS, which was prepared based on a mix of commercial and residential development.
- **Contaminated Site** - DWER noted that the site was historically purposed for an ammunition depot, therefore having the potential to be impacted with asbestos. DWER concludes that as the site was not an active part of the ammunitions depot the risk is minor and an appropriate management of asbestos should be undertaken in construction in accordance with the 'Code of practice how to safely remove asbestos' (Safe Work Australia, October 2018).
- **Native Vegetation Clearing** - A clearing permit is required from DWER prior to any clearing of native vegetation on the site.
- **Groundwater License** - DWER notes that the site is within a proclaimed area, so any extraction of groundwater would need to be applied for through the Department.

Officers Comment

Officers note the development is subject to a comprehensive SWMP, which reflects the previous LWMS prepared for the site. Specifically, the post-development flows meeting the pre-development flows. The matters relating to native vegetation clearing have informed advice notes within the recommendation section of this report.

Department of Biodiversity, Conservation and Attractions (DBCA)

DBCA note that there is a portion of native vegetation on site that appeared to be in very good condition. DBCA acknowledges though that this has been degraded due to an understorey of weeds and is not significant.

Officers Comment

Officers acknowledge there is a small portion of regrowth vegetation on site. The removal of this vegetation is not considered to compromise the wider landscape or environmental characteristics of the Byford locality. Through the approved LSP the removal of vegetation broadly across the development site is established.



Statutory Environment

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)
- State Planning Policy 7.0 - Design of the Built Environment (SPP7.0)

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy (Strategy)
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3)
- Byford District Structure Plan 2020 (DSP)
- Lot 806 South Western Highway, Byford - Local Structure Plan (LSP)
- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP 4.15)
- Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)
- Local Planning Policy No 24 - Designing Out Crime (LPP24)

Planning Assessment

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

Town Planning Scheme No. 2 (TPS2)

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

The subject site lies within the Byford District Structure Plan 2020 (DSP), and designates the site 'Light Industrial' zone. The Lot 806 South Western Highway, Byford Local Structure Plan (LSP) designates the site 'Industry Light'. The extract of the DSP seen following.

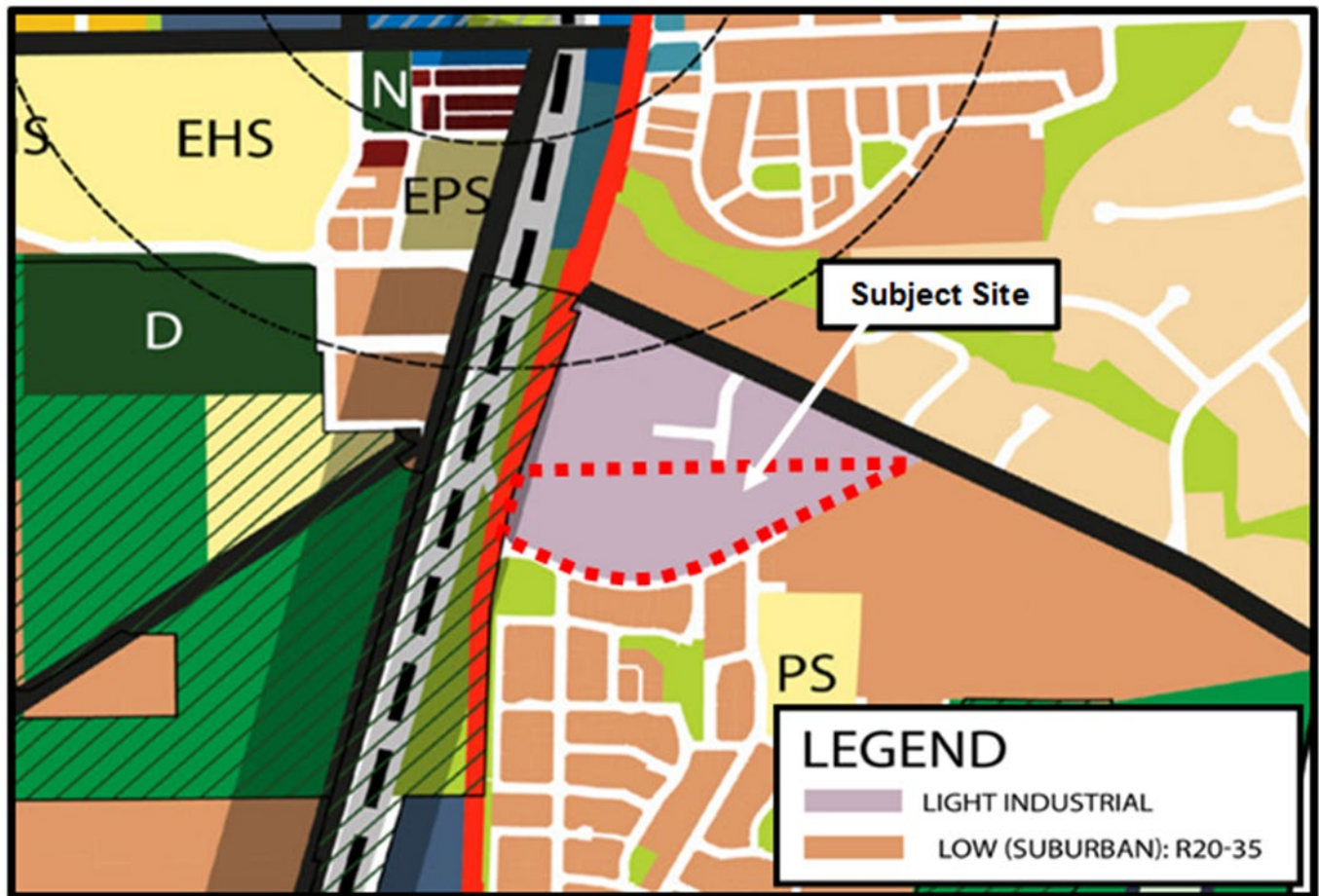


Figure 4: Byford District Structure Plan

The 'Light Industry' designation informs the permissibility of land uses, which is discussed in the following section of this report. Specific requirements and provisions of the LSP have been further considered later in the report.

Land Use

The proposed development falls within two separate land use definitions under TPS2. These are the 'Showroom' and 'Fast Food/Takeaway' land uses, which are defined as follows:

Showroom - *"means land and buildings wherein goods are displayed and may be offered for sale by wholesale and/or by retail excluding the sale by retail of: foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment."*

Fast Food/Take Away Shop - *"means a shop wherein food is prepared and offered for sale for consumption principally off the premises."*

These land uses are both 'AA' uses within the 'Light Industry' zone, as designated under the Structure Plan, in accordance with Table 1 - Zoning Table of TPS2. TPS2 states that the 'AA' symbol *"means that the Council may, at its discretion, permit the use"*. Therefore, the proposed land uses are considered capable of support, subject to a merits-based assessment.



Draft Local Planning Scheme No. 3 (LPS3)

The zoning of the subject site under draft Local Planning Scheme No.3 (LPS3) will remain 'Urban Development' and be subject to the designation within the approved LSP. The proposal would fall under the land uses of 'Bulky Goods Showroom' and 'Fast Food Outlet', which are defined as:

Bulky Goods Showroom - *"means premises -*

(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes -

- (i) automotive parts and accessories;*
- (ii) camping, outdoor and recreation goods;*
- (iii) electric light fittings;*
- (iv) animal supplies including equestrian and pet goods;*
- (v) floor and window coverings;*
- (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;*
- (vii) household appliances, electrical goods and home entertainment goods;*
- (viii) party supplies;*
- (ix) office equipment and supplies;*
- (x) babies' and children's goods, including play equipment and accessories;*
- (xi) sporting, cycling, leisure, fitness goods and accessories;*
- (xii) swimming pools.*

or

(b) used to sell goods and accessories by retail if -

- (i) a large area is required for the handling, display or storage of the goods; or*
- (ii) vehicular access is required to the premises for the purpose of collection of purchased goods."*

Fast Food Outlet - *"means premises, including premises with a facility for drive through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -*

(a) without further preparation; and

(b) primarily off the premises."

Within the 'Light Industry' zone, the 'Bulky Goods Showroom' land use is a discretionary ('D') land use, therefore capable of approval subject to the local government exercising its discretion after giving notice in accordance with clause 64 of the *Deemed Provisions*. The 'Fast Food Outlet' land use would be a discretionary ('D') land use, meaning the Shire has discretion to support the proposal subject to a merits-based assessment.

Lot 806 South Western Highway, Byford Local Structure Plan (LSP)

The approved LSP seeks to facilitate development of the whole site for light industrial purposes. This includes the provision of an internal road layout connecting the site to the development to the north via Dougall Street, a vegetation buffer to the south and west of the site. This is captured following:

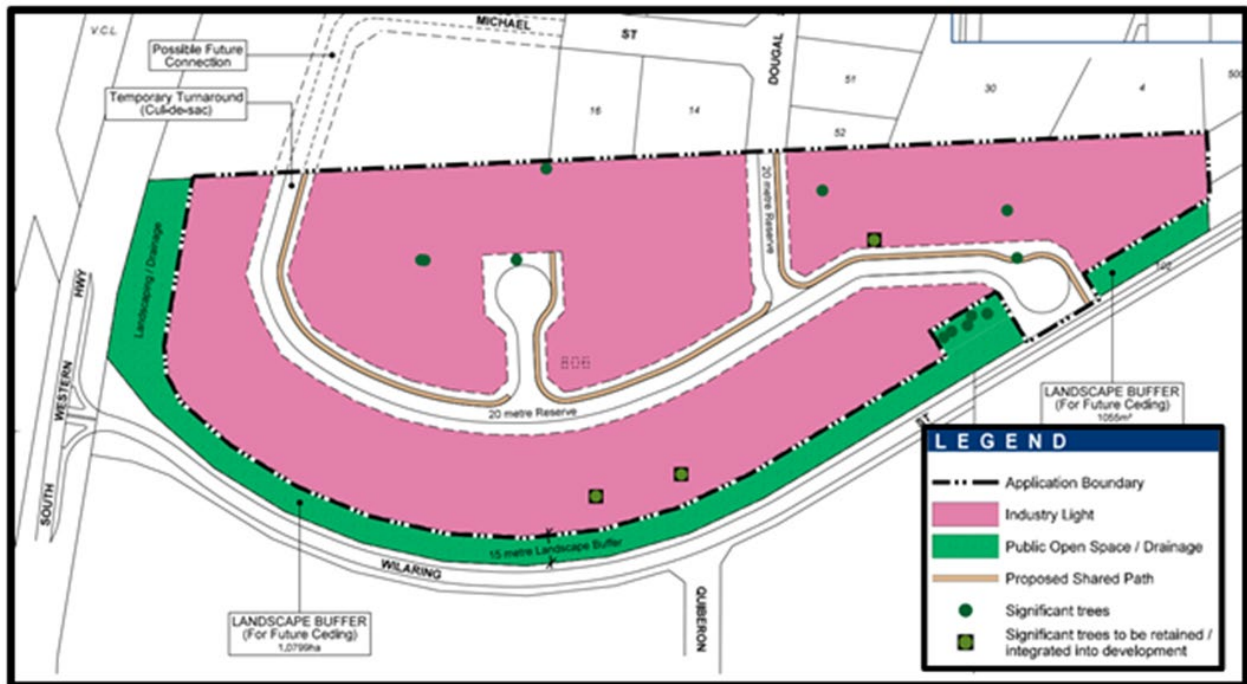


Figure 5: Lot 806 South Western Highway, Byford Local Structure Plan

As a due regard document, the proposal differs from the LSP through the realignment of Wilaring Street and also the modified landscaping provision.

In terms of realigning Wilaring Street, access to the site via Wilaring Street had not been contemplated by the LSP, with the focus in isolating vehicle movements to the north via Dougall Street. Officers consider however, the realignment to still achieve the intent of the LSP as it has been realigned to deviate traffic away from the residential development to the south, while also maintaining the access to the site via Dougall street. The alignment will ultimately separate the traffic associated with the commercial development from the residences, removing the risk of increased traffic on a residential road. This is shown in the figure following:

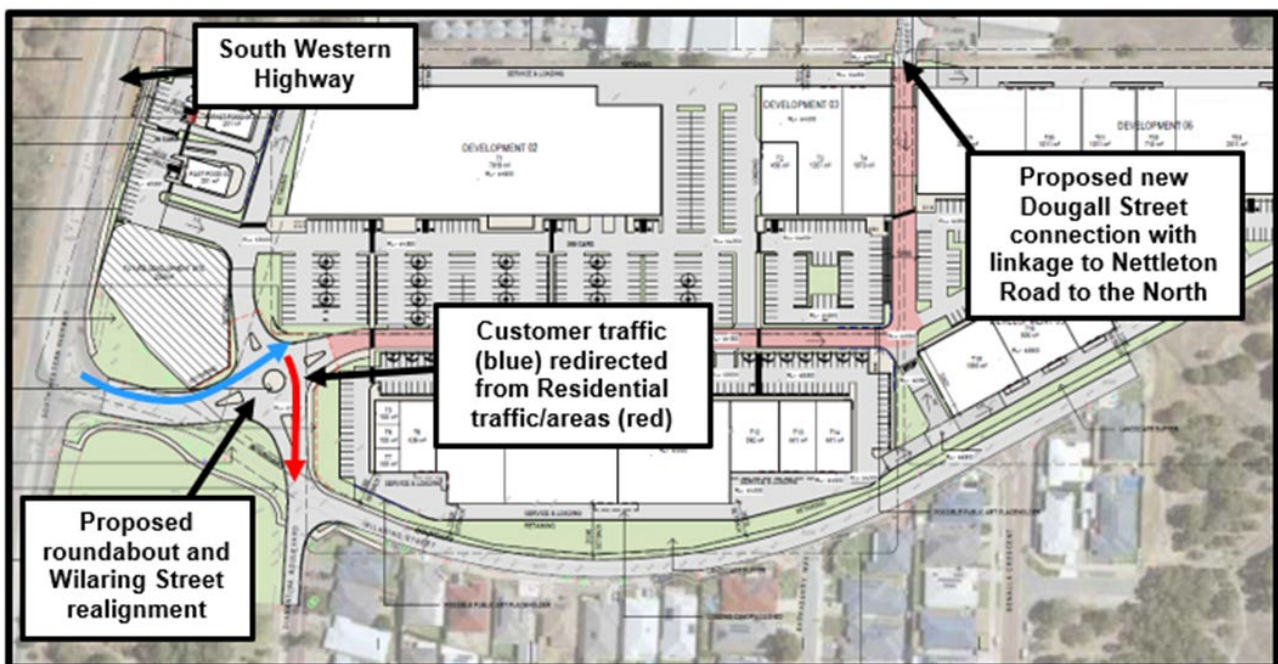


Figure 6: Existing and proposed road network



In terms of landscaping, the reduced landscaping area within the 'Public Open Space/Drainage' designated area in the LSP has been addressed by the submission of a Landscape Management Plan which seeks to provide dense screening of the development and also improve the visual appearance of the buildings when viewed from the public realm. Officers will also be seeking an amendment to the Landscape Plan to include additional planting along the South Western Highway boundary and also to include the verges along Wilaring Street. This increasing the overall area to be landscaped. Officers as a result are satisfied that the overall intent of the LSP in this regard has been met.

Form of Development

Clause 67 of the *Deemed Provisions*, specifically (m) relates to the form of the development that is required to be assessed.

The proposed built form features large showrooms buildings, of a tilt up panel design. These range from 10m to 7.5m in height. The proposed material palette comprises of a variety of face brick, colourbond cladding, painted concrete and large glazed doors. The two fast food tenancies close to South Western Highway feature an articulated design, while also providing a mixed colour palette of earthy tones.

Officers have assessed the design of the proposed development in line with the relevant provisions of the Byford Townsite Detailed Area Plan (DAP) and the design principles of State Planning Policy 7.0 - Design of the Built Environment (SPP7.0). Regarding the DAP, the subject site is located within the 'Light Industry' character area, which the development is consistent with by way of land use as discussed earlier in the land use section of this report. The assessment of the development against the DAP and SPP7.0 is as follows:

Byford Townsite Detailed Area Plan (DAP):

DAP Assessment	
Requirement	Proposed Development
(iii) Building Setbacks As required under Councils Town Planning Scheme other than for the South Western Highway, which shall be 20m minimum. (G1, G6, I4)	Complies. Table IV of TPS2 requires Showroom and all other land uses within the 'Light Industry' zone to have a 9m setback to the primary street, no other setback requirements are provided. The development complies with this and the 20m DAP requirement. The fast food outlets being the closest the South Western Highway boundary are set back 24m.
(iv) Building Materials and Colours Building facades should be constructed predominantly of masonry, concrete, stone, timber or glass, or any combination of these products. Zincalume will not be permitted in the façade. Colourbond metal will be permitted as a feature only or as a visible roof material. This requirement extends to all street frontages. (G1, G2, G6, I 2).	The facades of the proposed buildings are predominantly of concrete tilt-up panel construction. There are feature elements of masonry, stone, timber and glass which are supported. Variation. The 'Development 02' building comprises of colourbond. This is mainly screened from the public realm due to the existence of other buildings screening the development. Officers recommend the western elevation of this building be amended to include materials which improve the appearance of the

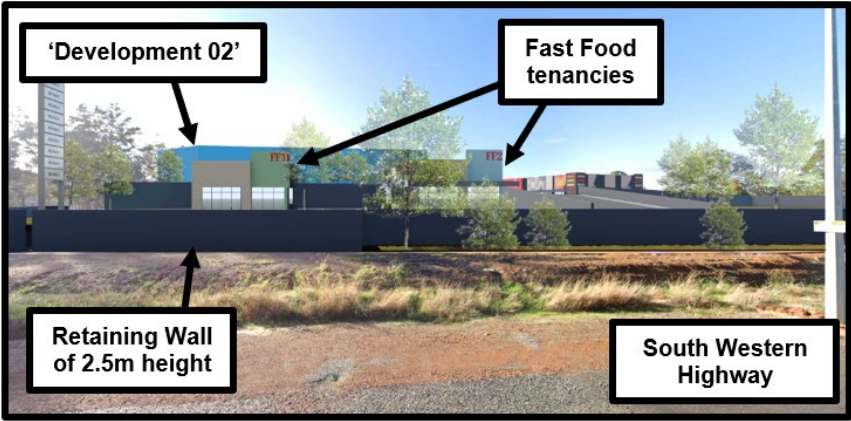


DAP Assessment	
Requirement	Proposed Development
	building in line with the rural character of the locality. Further details of recommended material treatments have been included in the SPP7.0 assessment section following.
(v) Fences Closed screen fencing shall only be permitted behind the front building line. Fencing forward of the building line is not supported, but Council can permit open, security fencing forward of the building line under special circumstances. (G1, G6, I 2)	Complies. No fencing is proposed forward of the building line towards the primary streetscape of South Western Highway.
(vi) Servicing (outdoor storage, air-conditioning units, plant and equipment, etc). All outdoor storage and plant and equipment shall be located out of sight from any public road. (G1, G6, I 2)	Locations of plant and air-conditioning equipment have not been provided. The applicant has advised this is to be undertaken when tenants have been confirmed. Officers consider a condition should be imposed requiring an updated Plan detailing plant and equipment demonstrating it to be suitably screened from public roads.
(vii) Signage Signage shall comply with Council's Local Planning Policy LPP5 - Control of Advertisements. No signage shall be permitted on the South Western Highway frontage. The only signage permitted on Nettleton Road shall be on the buildings. (G1, I 2, I 4)	No signage is proposed as part of the application. A condition will be imposed to require a signage strategy is submitted to be in accordance with Local Planning Policy 4.11 - Advertising.
(viii) Landscaping <ul style="list-style-type: none">• A landscape plan must be provided and approved by the Council for every development site. The plan must incorporate the planting of substantial trees, aimed at maintaining the area's semi-rural character.• A minimum of 10% of the total site shall be landscaped in a form approved by the Council. This area shall include any area on a secondary street frontage, and may include an open car park where shade tree planting is proposed at a rate of at least one tree per 6 car bays.• All trees planted on the site must be from a selected palette of indigenous trees as specified by the council (refer section 8 of this DAP).	Complies. The development application includes a robust Landscaping Plan, which incorporates a mixture of vegetation. This includes the planting of large native trees. Amendments through a condition of approval are being sought to improve the visual appearance and the buffer of the development. Complies. The development site maintains overall 10% of the site as landscaping. Complies. Trees proposed are native species. Complies. Some of the planting areas along the south boundary (Wilaring Street) are 1.8m in width, internal to the property boundary. This is considered a minor departure and the intent is met due to the area being greater than 2m when considering the street reserve as well, which Officers recommend forms part of an updated

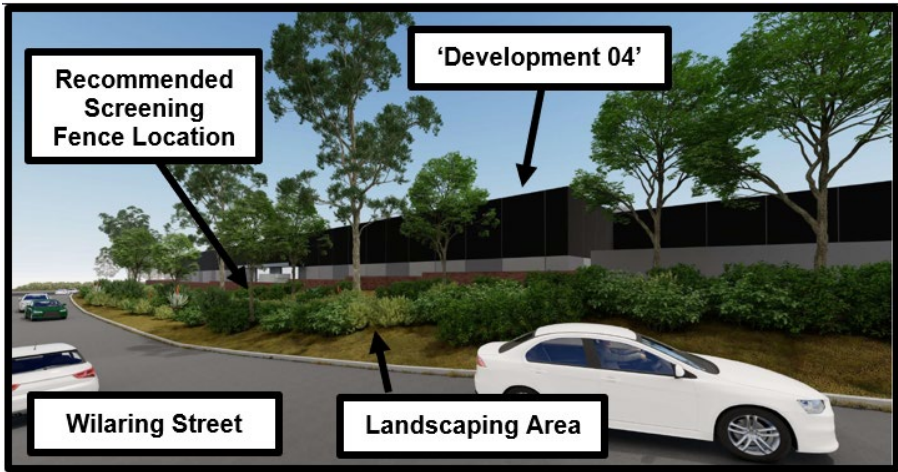


DAP Assessment	
Requirement	Proposed Development
<ul style="list-style-type: none">• No planted strip shall be less than 2.0 in width. (G1, G4, G6, C2, C5, C6)	Landscaping Plan requested through a condition of approval.
<p>(ix) Off-site Impacts</p> <p>The interface between different land uses is always difficult to deal with due to the potential for conflict, particularly where commercial or industrial land has an interface with residential land. The following requirements should be applied in this instance.</p> <ul style="list-style-type: none">• Nettleton Road: This frontage is essentially developed. Any proposals for re-development should impose a landscaping requirement as per (viii) above. This should be complimented by a street tree planting programme along Nettleton Road. (Refer Section 9 for developer contributions).• South-Western Highway: There is potential for some further subdivision along this frontage. A 10m wide landscape buffer should be provided and landscaped with screening vegetation to no less than 1.8m high, with tree planting to establish a canopy. Landscaping should be of indigenous species with a mix of groundcovers, shrubs and trees.• Southern Perimeter: The land to the south has been identified as future urban land. In the event of further subdivision of Lot 523 at the end of Dougall Street, a 15m wide landscape buffer should be provided, earth banded and planted with screening vegetation to deflect noise from the industrial area over future residences, to provide visual screening and to incorporate stormwater drainage requirements for the precinct. (G1, G6, I 2, I4)	<p>Nettleton Road - N/A</p> <p>South Western Highway (Variation) - This frontage does not provide the required 10m wide landscape buffer, nor any screening vegetation within the property boundary. Officers have recommended a condition to require updated landscaping treatments to the South Western Highway frontage, which will improve the visual appearance. Further details of the recommended treatments to the west interface of the development are within the '1. Context and Character' section of the SPP7.0 assessment below.</p> <p>Wilaring Street/Southern Perimeter (Variation) - This frontage towards the residential land to the south does not provide the full landscape buffer required under the DAP for the purpose of screening. However, Officers have recommended an updated Landscaping Plan to increase the density of vegetation on the southern perimeter of the development site, which includes the road reserve to be vegetated, which would provide a larger landscaping area along Wilaring Street (5m to 15m). The Landscaping Plan will be required to ensure that adequate vegetation would be provided and screening effect maintained. Further details of the recommended treatments to the south interface of the development are within the '6. Amenity' section of the SPP7.0 assessment below.</p>

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

SPP7.0 Design Principle Assessment	
Principle and Objective	Comment
<p>1. Context and character</p> <p>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</p>	<ul style="list-style-type: none">• The proposal does incorporate a mixture of earthy tones and materials to respond to the natural features of the Darling Scarp, which is suitable.• The proposal also is indicative of public art, which can be incorporated into the development.• Officers have recommended updated design treatments to address the South Western Highway interface of the development. This includes the retaining wall on the west lot boundary, the western façade of the fast food tenancies and the 'Development 02' building to include design elements that are consistent with the rural character of the locality. 
<p>2. Landscape quality</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p>	<ul style="list-style-type: none">• The applicant proposes 10.5% of the site as landscaping area. This includes a mixture of treatments, including soft and hardscaping. The landscaping proposed focuses on improving the visual appearance of the site.• Officers have recommended a condition to require an amended Landscaping Plan to ensure adequate landscaping is provided to the South Western Highway and Wilaring Street frontage.
<p>3. Built form and scale</p> <p>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</p>	<ul style="list-style-type: none">• The proposal aligns with the expected form of development through the approved LSP, which is of a light industrial nature. Vegetation and landscaping have been proposed to screen the development from the residential interface of Wilaring Street.• Officers have recommended amended development plans be provided to ensure that the design and materials used for buildings is reflective of the rural character of the locality.



SPP7.0 Design Principle Assessment	
Principle and Objective	Comment
<p>5. Sustainability</p> <p>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</p>	<ul style="list-style-type: none">• The development proposes the following sustainable attributes:• Substantial landscaping throughout the subject site, including a diverse range of endemic vegetation;• Strong pedestrian connectivity and provisions of cycling infrastructure, surplus to TPS2 requirements, to encourage active transportation;• Employment opportunities for the surrounding community;• Introduction to a more diverse range of uses within the Byford locality.
<p>6. Amenity</p> <p>Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</p>	<ul style="list-style-type: none">• The development seeks to incorporate landscaping, material and design elements to create a high degree of amenity within the development.• A condition has also been recommended to elevate rural themes and tones of the locality within the development.• Regarding the southern interface of the development, Officers recommend improved treatments to the landscaping area and the development to ensure the amenity of residents to the south can be maintained. This includes more dense screening vegetation within the landscaping area, a screening fence to be placed on top of the retaining wall behind the landscaping area and improved design treatments to the top of the 'Development 04' and 'Development 05' buildings. These measures would create a layered treatment effect, ensuring the amenity of the residents to the south can be maintained. 



SPP7.0 Design Principle Assessment	
Principle and Objective	Comment
7. Legibility Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.	<ul style="list-style-type: none">• Tenancies are to be separated by cladding feature walls and supported by signage to be implemented in another application process. This would assist with legibility.• The development features a central internal road, by which all tenancies are accessible. This would assist again with legibility.• Officers will require a directional signage strategy be implemented as a condition of the determination.
8. Safety Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.	<ul style="list-style-type: none">• The development does not provide details of lighting, which will be required as a condition of determination.• The development would contribute to passive surveillance on the site. This is also discussed later in this report, within the Local Planning Policy No 24 - Designing Out Crime section.
9. Aesthetics Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.	<ul style="list-style-type: none">• Development incorporates various sized buildings, articulation and mixture of materials to reflect the rural tones of the Shire. A condition has been recommended to further improve the aesthetic design of buildings, by incorporating further contrasting materials and building designs.

Officers generally consider the development aligns with the aforementioned provisions, subject to conditions which will further improve the visual appearance of the development.



Car Parking

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

Car Parking Assessment					
	Fast Food	Showroom	Combined Required Bays	Proposed	Complies?
TPS2	2 bays per 10sqm gross leasable area (146 bays)	1 bay per 60sqm <u>gross</u> leasable area (499 bays)	645 bays	699 bays	Yes
LPS3	1 bay per 4sqm of counter and/or dining areas, 1 bay per 4sqm of public assembly areas; and 1 bay per employee. Where a drive through facility is provided, 4 stacking bays and 1 waiting bay shall be provided (91 bays) - applicant's estimate	1 bay per 40sqm of <u>net</u> leasable area (561 bays)	652 bays	699 bays	Yes

Officers note that the parking allocation under TPS2 pertaining to Showroom is one bay per 60sqm of gross leasable area, whereas LPS3 introduces a one bay per 40sqm measure based on net leasable area. Showrooms can vary substantially in comparison between gross and net leasable area, with the latter excluding aspects such as service areas, common areas and areas set aside for provision of common facilities. Officers have calculated a net leasable area of 75% of gross leasable area, resulting in a car parking requirement of 652 bays, including the fast food outlets.

Based on the differing peaks of activity associated with the different uses, Officers further consider that car parking is sufficient for the proposed development.

Traffic and Access Management

Clause 67 of the *Deemed Provisions*, specifically (s) and (t) relate to the ability of the development to manage access and egress arrangements, and whether the traffic generated by the proposal would be safely managed on the existing local road network.

To demonstrate this, the applicant submitted a Traffic Impact Assessment (TIA) which identifies that the immediate road network of the site includes South Western Highway to the west, Wilaring Street to the south, Dougall Street and Nettleton Road to the north. South Western Highway is a 'Primary Distributor Road' under the jurisdiction of Main Roads Western Australia (MRWA), with a speed limit of 60km/hr. The other three streets mentioned have an 'Access Street' classification under the road hierarchy. All these roads, except for Wilaring Street, form part of the Restricted Access Vehicle (RAV) Network.



The TIA identifies that the traffic generated by the development would generally be standard passenger vehicles with AM peak periods of the development on the weekdays between 8:00am to 9:00am and the PM period to be 3:00pm to 4:00pm. The TIA also accounts for Saturday (weekend) peak hours at 12:00pm to 1:00pm. It estimates that, *“the proposed development would generate a total of about 5,500 daily trips (both inbound and outbound) with about 119vph, 733vph and 1,072vph during the weekday AM, PM and Saturday midday peak hours respectively.”* Of the vehicles generated, 70% of the traffic would attend the site from the north and 30% from the south along South Western Highway.

The TIA has assessed the capacity of the immediate local road network including Wilaring Street, Dougall Street, Nettleton Road and South Western Highway in dealing with the volume of traffic generated demonstrating that there is capacity on these roads to cater for the additional vehicles.

A SIDRA analysis was also undertaken to analyse the performance of intersections of the immediate road network used to access the development. The results of the SIDRA analysis identified that generally the intersections are performing at a sufficient level to manage the volume of traffic generated. However, it is noted that queuing on Wilaring Street has been identified prior to vehicles manoeuvring onto South Western Highway during peak periods.

The intersection can only manage one north bound vehicle at a time in the median strip waiting to access South Western Highway resulting in the queuing. The TIA states that queuing would extend approximately 60-70% beyond Wilaring Street, east of South Western Highway towards the proposed roundabout. Officers consider that the queuing is also likely to be higher as the SIDRA analysis does contemplate the residential vehicles of the Scarp using the same South Western Highway/Wilaring Street entry points. Officers consider that to address queuing and to alleviate congestion along Wilaring Street that may also impact upon internal movements of the site, an island treatment and an acceleration lane treatment is required, based on the specifications of MRWA. This has also been recommended by MRWA These can be viewed following:

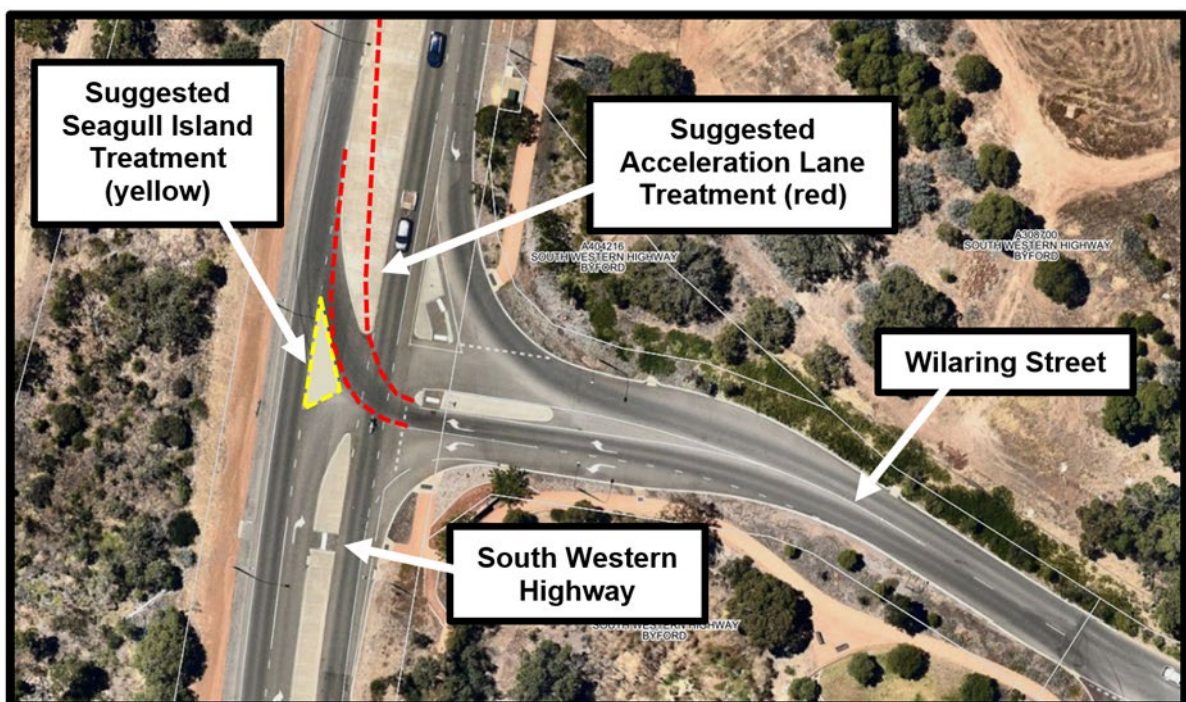


Figure 7: MRWA suggested treatments to ensure safety of South Western Highway/ Wilaring Street intersection



The island and acceleration lane treatments would enable a clear and continuous movement path across South Western Highway for vehicles, reducing queuing along Wilaring Street. The treatments would ultimately reduce the extent of queuing and congestion along Wilaring Street and improve the safety of the intersection. As such, a condition has been recommended to this effect. A further condition will be recommended to require service vehicles to utilise the Dougall Street entry and exit to the site to further reduce queuing along Wilaring Road. The costs of these treatments would be the responsibility of the applicant.

MRWA as part of their submission provided comments (as detailed previously) recommending that the TIA be amended to model for future projected increases to background traffic. Traffic along South Western Highway is likely to be significantly reduced as part of the Tonkin Highway extension. This will create a new key north-south linkage which is displayed in the following figure. Thereby, the growth projections would likely indicate that there would be less north-south bound traffic on South Western Highway. This would ensure the adequacy of the nearby road network to cater for the proposed traffic associated with this development, as well as future increases.

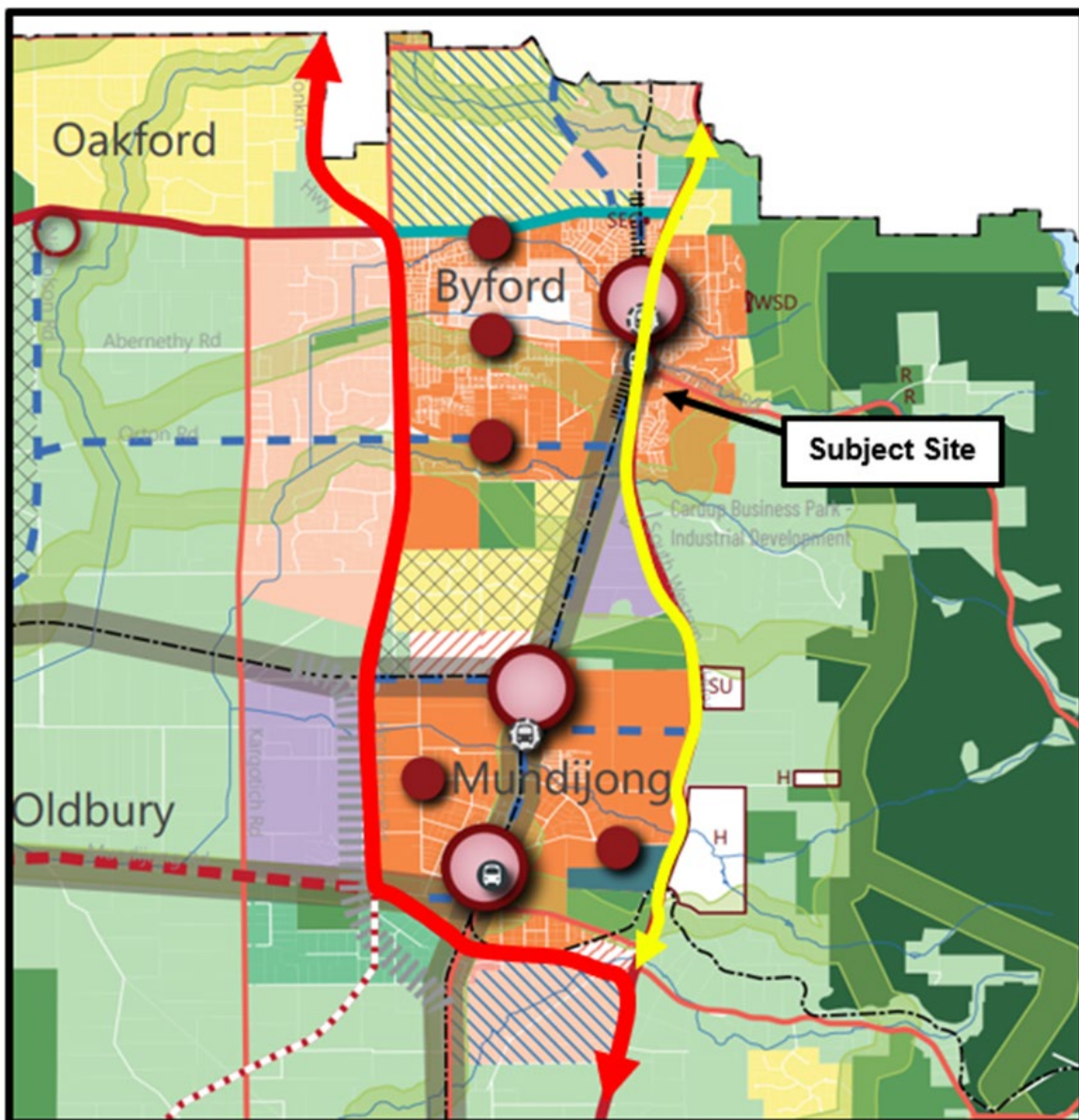


Figure 8: Tonkin Highway extension (red), South Western Highway (yellow)



Another condition is recommended to require the applicant to undertake a subdivision application of the site. This shall exercise the realigned Wilaring Street and the associated infrastructure from the subject site, establishing a new public road reserve to accommodate realigned Wilaring Way.

The Shire is aware that the construction works to Wilaring Street would result in impacts to existing traffic in the locality for a period while construction is being undertaken. Officers are aware of the impact that these road works may temporarily have upon the community. Therefore, a Construction Management Plan is recommended through a condition, to ensure existing traffic can still use Wilaring Street and minimal impacts to nearby residents occurs during construction.

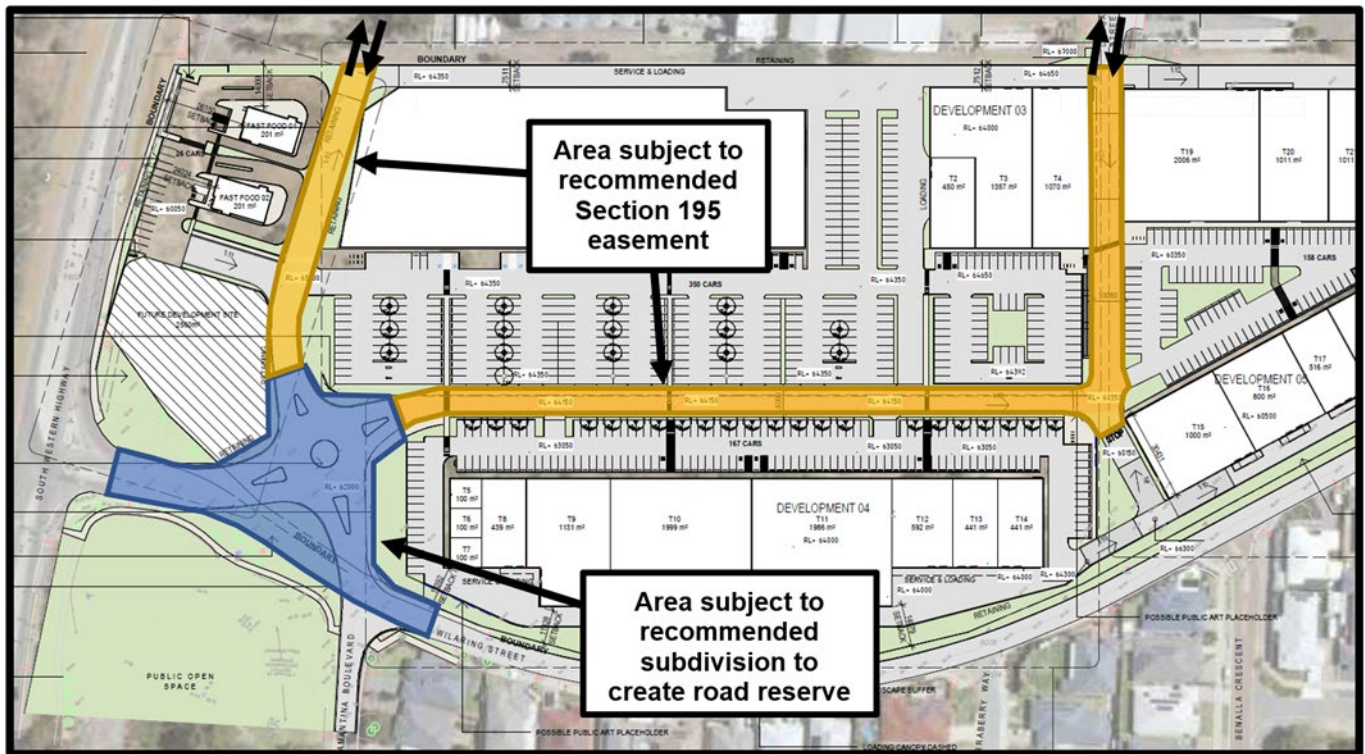




Figure 11: Natural surface/ground water movement (blue) towards the South Western Highway stormwater infrastructure (yellow)

The submitted SWMP has been prepared to include a series of catchment areas located within the carpark on site to manage the increased volume of stormwater generated by the hard surfaces of the development. The proposed catchment areas are seen following:

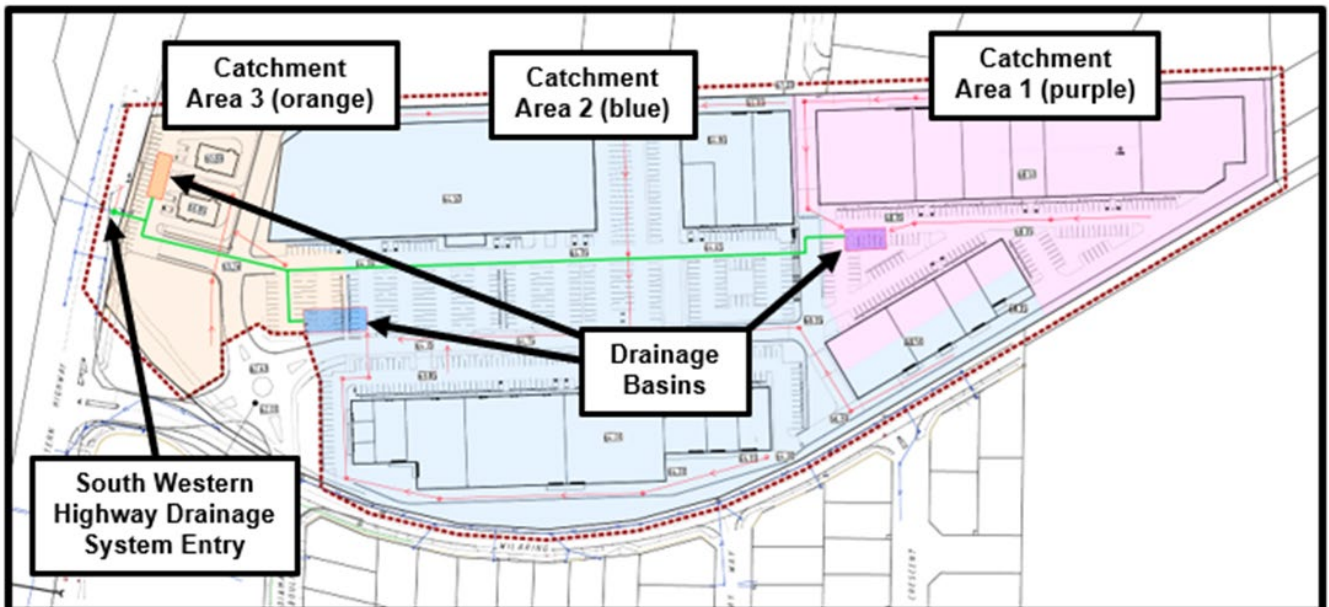


Figure 12: Proposed stormwater management system

Water in these separate catchments would be directed to drainage pits and underground pipes to three drainage basins. These basins would filter and channel water in its natural direction to the west, where it would eventually be released from the site into the South Western Highway drainage system once going through an appropriate treatment train at pre-development rates.



MRWA however, has objected to this aspect of the proposal as indicated in the consultation section of the report. MRWA is not supportive of any discharge of stormwater from the development site into the South Western Highway road reserve drain. In this regard, Officers note that there is an existing Local Water Management Strategy (LWMS) prepared for the site. While it is acknowledged that this LWMS was prepared for a previously intended residential subdivision of the site, it still provides relevant advice relating to stormwater management. The LWMS established that stormwater from the site would need to be released into the South Western Highway drainage system at a predevelopment rate which was endorsed by MRWA.

In this regard, the submitted SWMP for the proposal indicates that the development, during stormwater events would be released at a rate of no more than 60L/s. This is significantly below the current 413L/s pre-development discharge rate onto South Western Highway. This is also within the 120L/s capacity that the South Western Highway drainage system can manage.

Officers as a result are satisfied that the measures recommended within the SWMP will maintain and support the pre-development discharge rates onto South Western Highway. Although the SWMP is considered satisfactory, Officers recommend a condition for an updated SWMP to be submitted which includes details of how the stormwater will be stripped of contaminants (hydrocarbons) prior to being discharged into South Western Highway. This may include vegetated drainage swales within the carpark area on site (example pictured below), similar to those found within the carparks of development of Byford's Town Centre. In addition, to ensure released water can effectively travel into the South Western Highway drainage system, a maintenance schedule shall be included within the amended SWMP. This should include an assessment of the existing entry culvert to the South Western Highway drain system and recommend any upgrades or maintenance required to the system, prior to the use occurring and to be maintained in perpetuity.



Figure 13: Example of vegetated swale treatment in car parking areas



Amenity

In the *Deemed Provisions*, Clause 67 (n) requires the Local Government to consider the consistency of the development with the amenity of the locality. A number of submissions from the consultation period raised concern that undue levels of noise would be received by surrounding residents. To support this aspect of the application, an Environmental Noise Impact (ENI) assessment has been submitted (**attachment 2**). This was undertaken in accordance with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations).

Development has the potential to impact surrounding residents, which are considered sensitive receptors. It is noted that the 'Light Industry' designation for the site contemplates no external noise impacts resulting from development. Officers consider that the protection of residential amenity for neighbours is a key consideration during planning assessment. The following figure identifies key sensitive receptors adjacent to the site, mainly along Wilaring Street to the south and on Nettleton Road to the north-east of site.

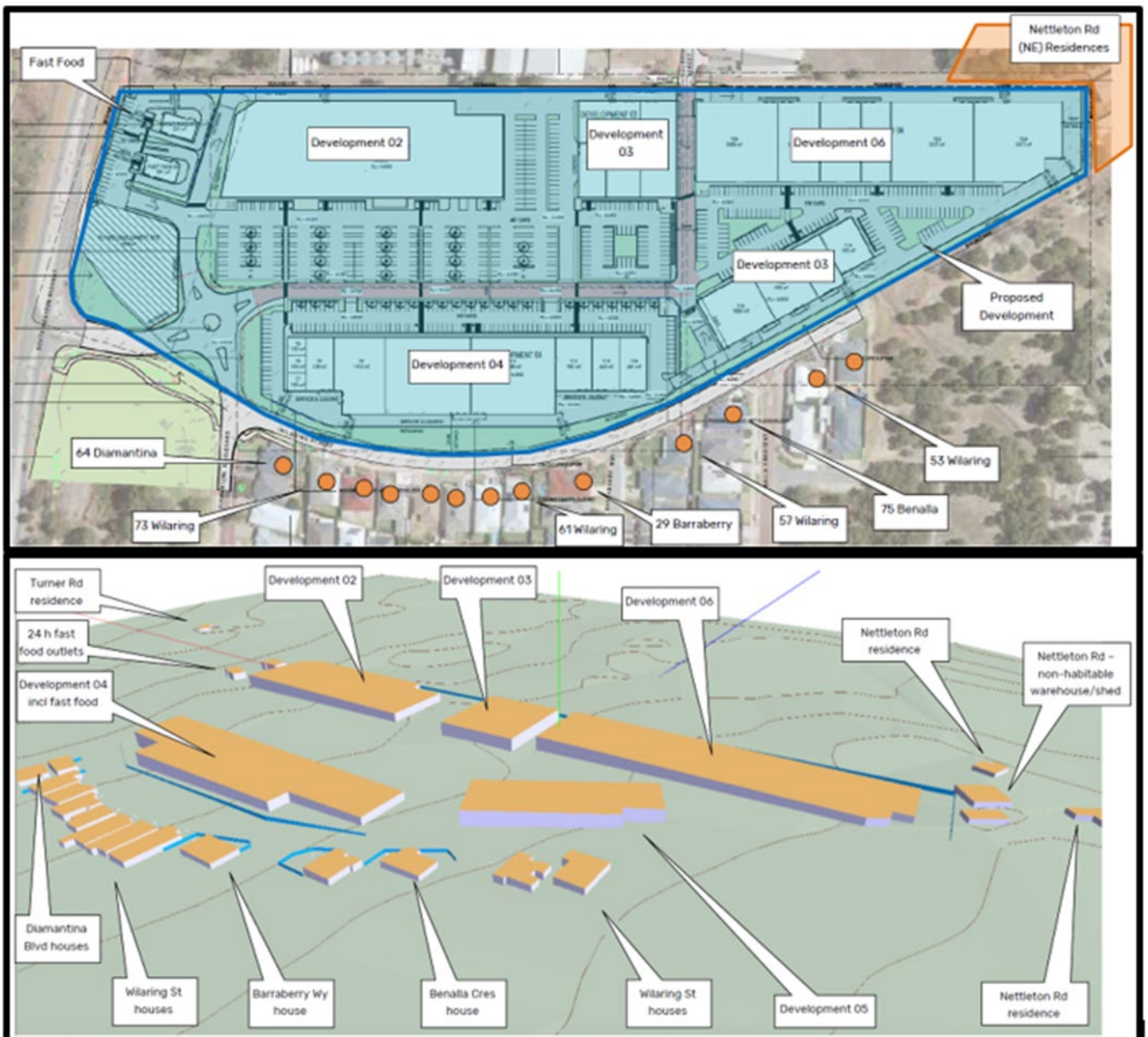


Figure Series 14: Key sensitive receptors identified in orange



The ENI assessment identifies key noise generating activities as follows:

- Car park and customer vehicle activity;
- Delivery, service and supply vehicle activities; and
- Mechanical plant and equipment at the site.

The ENI uses computer modelling which projects the noise to be generated by these activities. Factors that are input into the modelling include, meteorological information, topography, existing and proposed buildings or structures, ground absorption and the volume of the noise source. It has also been modelled based on the following:

- A noise wall of 2.7m being constructed in the north-east corner of the lot (inclusive of retaining works);
- Installation of plant equipment to standard with noise shielding provided;
- Delivery vehicles and forklifts are to standard in terms of noise generation.

The modelling is then assessed against the maximum allowable noise levels which can be received by sensitive receptor in accordance with the Noise Regulations. The Noise Regulations also identify that the most sensitive periods, when noise received should be scrutinised is during the weekend and weekday evening periods. The ENI's acoustic modelling has been refined to noises generated during weekday evening and weekend periods. These sensitive times are 7pm to 7am during weekdays (night periods) and also weekends (Saturday and Sunday). Modelling is confined to these periods as they provide an analysis of the 'worst case' scenario. The results of this can be viewed in full within **attachment 2**, though are also shown below.

Noise generated from separate activities has been split into three categories of noise types. The first figure in the series below is based on L_{A10} noise types, which are low impulsive noises, which have a high frequency. These include ongoing noise generated from plant equipment such as rooftop air-conditioning units or refrigerators.



Figure Series 15: L_{A10} noise modelling



The second figure in the series is based on noise projected from L_{A1} noise types, which are more impulsive though less frequent. This includes noise from forklifts moving and their reversing beepers.



Figure Series 15: L_{A1} noise modelling

The last figure in the series is based on noise generated from L_{Amax} noise types, which have a high degree of impulsivity though are not frequent noises. Commonly this includes delivery truck movements or passenger cars idling or their doors opening and closing.

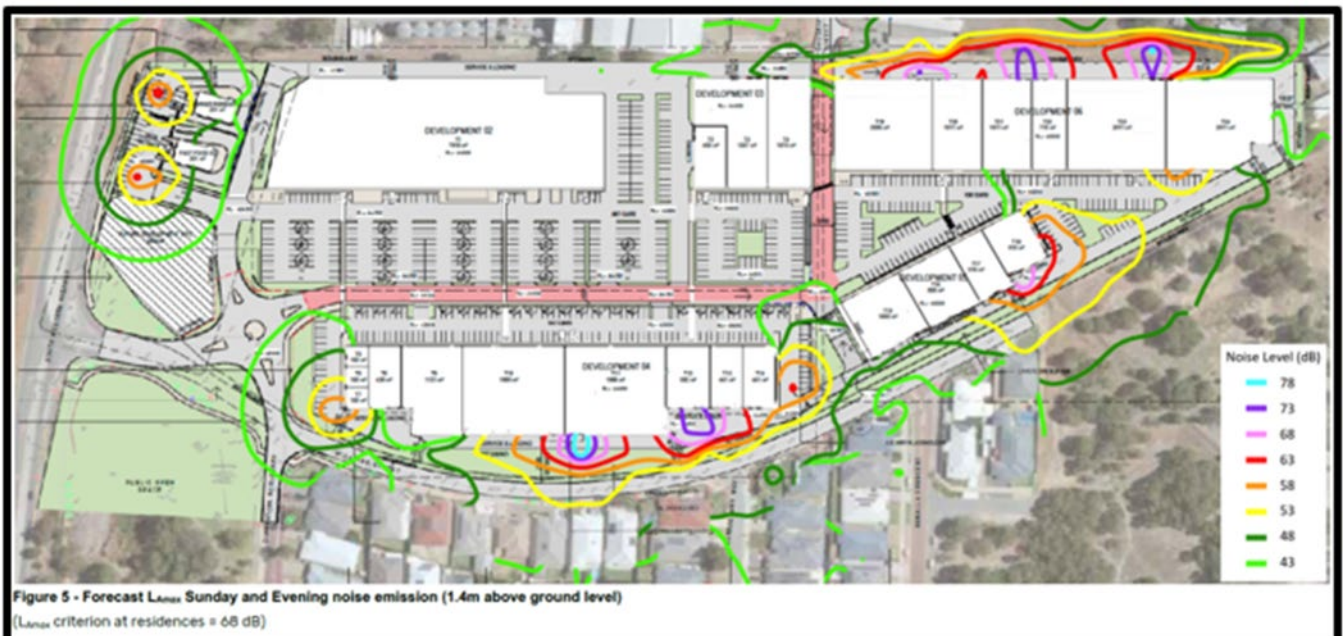


Figure Series 15: L_{Amax} noise modelling



The modelling above shows that compliant levels of noise in accordance with the Noise Regulations would be received at nearby sensitive receptors during the following periods and as seen within Figure 15:

- Weekday and Saturday 7am to 7pm; and
- Sunday and public holidays 9am to 7pm.

Therefore, Officers recommend that operation of the showroom tenancies should not occur outside of these hours. This specifically relates to the showroom tenancies as they are closest in proximity to the sensitive receptors. The ENI also identifies that the proposed 24-hour operation of the fast food tenancies would not generate noise exceeding these levels and so can occur without restricted opening hours.

Receiving Premises	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise Sensitive Premises - Highly Sensitive	0700 to 1900 hours Monday to Saturday	48	58	68
	0900 to 1900 hours Sunday and public holidays	43	53	68
	1900 to 2200 hours all days	43	53	58
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	38	48	58

Figure 16: Assigned Levels of noise for Wilaring Street residences

No day period modelling was provided within the ENI assessment. However, this is not considered necessary as the evening and weekend periods are the more sensitive periods, in which there are more strict requirements. The rational here is that should the development comply during these sensitive periods, then it would comply during the day periods.

Officers therefore recommend that a Noise Management Plan (NMP) should be provided for the site detailing how the recommendations of the ENI assessment will be incorporated into operation which includes the 2.7m noise wall and noise shielding treatments. This should also demonstrate the limiting of operation hours to those periods in which noise generated by the development would be received in line with the assigned levels. This will inform a condition of approval and ensure the development is able to meet the requirements of the Noise Regulations.

Environment

Clause 67 of the *Deemed Provisions*, specifically (o) requires consideration of the effect of the development on the natural environment and any measures proposed to protect or mitigate impacts.

Geomorphic Wetland

The western portion of this site is a 'Multiple Use' category wetland. The 'Multiple Use' category is a classification of wetland applied to wetlands that have the least amount of environmental values. As seen in the figure below, the area of the wetland covers a significant extent of Byford beyond the site. The wetland, through the Byford District Structure Plan and accompanying Byford District Water Management Strategy always intended for the wetland to be developed upon. As such, the wetland as a result of existing development undertaken over the past 15 years has impacted upon its environmental attributes.



Officers further note that there is a 'Conservation' category wetland located 50m to the west of site. This is a wetland of high importance. Development of this site is not considered to impact that wetland due to the presence of South Western Highway separating the site from the wetland.

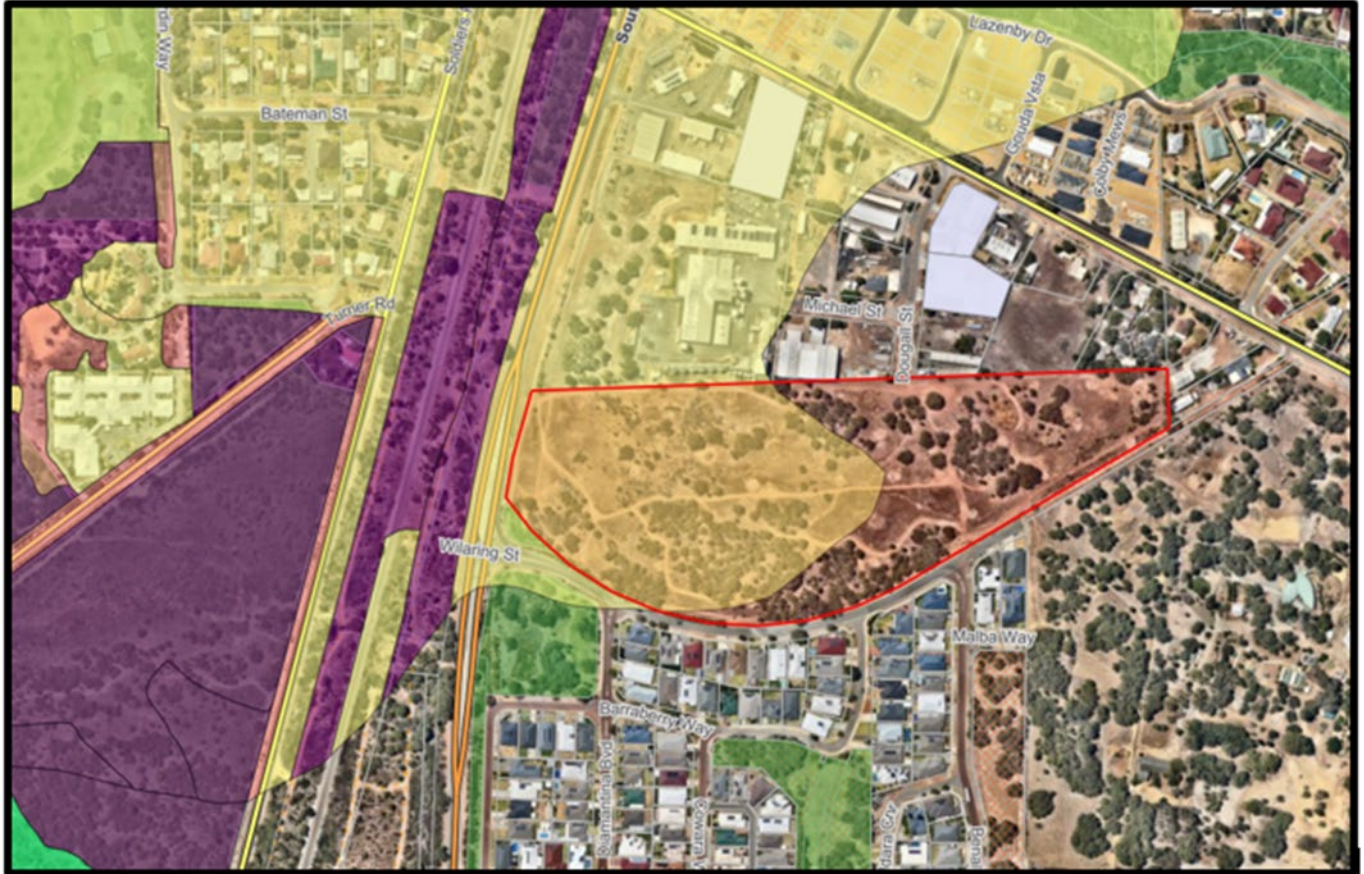


Figure 17: 'Multiple Use' category wetland on site (yellow overlay) and the nearby 'Conservation' category wetland (purple overlay)

Officers consider that as the wetland has been progressively built upon and degraded over time, the small portion of the wetland located on the property does not serve an environmental function as a result consider the development acceptable in the location.

Removal of Vegetation

The site is proposed to be cleared of vegetation. Officers note that several submissions have been received relating to the impacts of the development on the natural landscape features of the site. These mainly raise concern relating to the removal of vegetation and possible impacts on local fauna (including Bandicoots and Carnaby's Black Cockatoos). The applicant has provided an Environmental Assessment Report (EAR) to support this aspect of their development. The EAR provided is dated March 2018 and was developed to support the preparation of LSP that sits over this site.

For the purpose of this report an assessment has been undertaken against Clause 7.12.6 of TPS2. Consideration of the provisions of Local Planning Policy 4.16 - Tree Retention and Planting has been undertaken within the technical assessment which can be viewed as **attachment 4**.



TPS2 Clause 7.12.6 Criteria for Assessing an Application for Tree Removal	
Criteria	Officer Comment
a) that there should be a minimum disturbance to the landscape characteristics of the locality	The site was clear of vegetation in 1953, but since then regrowth has taken place. The small area of vegetation proposed for removal forms part of a larger vegetation complex within the Byford locality, which still maintains key landscape characteristics of the Scarp. It is important to note that the approved Local Structure Plan (LSP) informs development expectations for the site. In this regard, vegetation is generally intended to be cleared for development, which informs the expected impacts to the landscape characteristics. Notwithstanding this the LSP designates revegetation areas on the south and west boundaries of the site which intend to provide a large strip of vegetation to screen development on site and act as a natural buffer. Furthermore, a Landscaping Plan has been proposed to landscape the site, which a specific focus on the revegetation area and internal landscaping, which would provide a high degree of vegetation when viewed from the public realm and to a degree will replace the existing vegetation removed. Officers consider the removal of vegetation aligns with the planning framework for the site.
b) generally that a realistic need should be demonstrated for the removal of any tree or trees for the purpose of facilitating appropriate development or agricultural use of the land	The removal of vegetation reflects the intent of the existing LSP approved for the subject site, intending it to be developed for light industrial purposes. Officers consider that the proposed Landscaping Plan once implemented will still provide a high degree of amenity, with a particular focus on the revegetation areas to the west and south of site.
c) the intrinsic value of the tree or trees in terms of physical state, rarity and variety, and particularly whether or not the tree is naturally growing	The trees are regrowth. The vegetation onsite is considered to form part of a larger complex of vegetation within the Byford locality. As a result, the removal is not considered to adversely impact upon the broader values of the Byford locality. Notwithstanding this, the LSP intends for the site to be developed and to generally be cleared.
d) reflecting upon the adequacy of the information supplied as to the general description of the tree or trees and the character of the locality	The vegetation on site forms part of a larger complex within the Byford locality. The small portion to be removed is not considered to impact upon the overall complex and landscape character. A landscaping plan has also been proposed and intends to vegetate key areas of the site as reflected in the LSP. Amendments have been sought to this Landscaping Plan through a condition of approval, to ensure appropriate landscaping within these key areas occurs to maintain the landscape characteristics of the Scarp.



TPS2 Clause 7.12.6 Criteria for Assessing an Application for Tree Removal	
Criteria	Officer Comment
e) giving effect to any proposals made for replacement of trees removed, for planting or replanting generally, and any comprehensive proposal for landscaping	The proposed Landscaping Plan seeks to vegetate the south, west and internal areas of the site meeting the intent of the LSP, seeking to improve the overall visual appearance of the development. The plan also seeks to manage visual appearance of the development as viewed from the surrounding streetscapes. Officers however have recommended an amended Landscaping Plan. This focuses on increasing the density of species along the revegetation areas.
f) preservation of the existing and future amenity of the adjoining land and the natural environment of the locality	Through the LSP the vegetation is intended to be removed broadly across the subject site. The vegetation forms part of a larger complex in the locality, specifically the residential area of the Scarp. As a result, the removal is not considered to impact upon the amenity and the broader environmental features of the locality.
g) minimising the effect of removing trees and naturally growing vegetation on the environment and in particular erosion and salination effects	

In summary, Officers consider that the proposed removal of vegetation will not adversely impact upon amenity and/or the environment. This proposed Landscaping Plan provided as part of the application, meets the intent of the LSP. Also, the removal of the existing vegetation is considered as a small portion of the existing vegetation within the Byford area as seen below:



Officers recommend a condition requiring a waste management plan be provided ensuring that the bin store areas are constructed in accordance with the Shire's Local Health Law. Also, this plan would need to be demonstrated suitable screening of the bin collection areas from public view on collection day.

**Bushfire Management Plan**

The subject site lies within a bushfire prone area and as such is required to have a Bushfire Management Plan (BMP) prepared achieving compliance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7) and the associated Guidelines for Planning in Bushfire Prone Areas (Guidelines). A BMP has been submitted demonstrating that a BAL rating of BAL-29 is able to be achieved for the development. The BMP demonstrates consistency with the provisions and elements of the Guidelines relating to Siting, Location, Access and Water.

DFES also commented that no Bushfire Emergency Evacuation Plan (BEEP) has been provided by the application. Officers consider that due to the built-up nature of the site and close access to South Western Highway, effective evacuation of the site is capable. However, this should be formalised in a BEEP, which makes each tenant aware of their responsibilities and evacuation points, considering customers may be at the site where they are not familiar with their surroundings. The BEEP is therefore recommended by way of a condition.

Local Planning Policy No 24 - Designing Out Crime (LPP24)

Clause 67 of the *Deemed Provisions*, namely (n) requires consideration of impacts of the development to the amenity of the locality including any social impacts of the development. Officers consider that this coincides with a number of submissions raised by community members, in that there are concerns the proposal could lead to an increase in crime or antisocial behaviour. LPP24 provides provisions and principles relating to Crime Prevention Through Environmental Design (CPTED). This is the notion that people's behaviour is influenced by the design of the environment, including the built form.

LPP24 provides principles that inform CPTED considerations and guide Officers in considering the potential for antisocial activities at the site. The relevant provisions have been considered in the below table:

LPP24 Assessment Table	
Surveillance	
Ensure clear sightlines to public realm areas from adjacent buildings.	The development site is to have a generally open layout. There are limited enclosed or hidden spaces. This would enable lighting of the site to ensure clear sightlines can be maintained. The current building facades have limited windows, which does not promote passive surveillance or clear sightlines of the car park from tenancies. It is recommended that the applicant provide amended elevation plans as a condition of determination including more substantial windows on individual tenancies to address this.
Light primary pedestrian routes.	Officers have recommended a condition of this determination to provide a lighting management plan to this effect.
Ensure level changes do not obscure public places.	There are several significant level changes at the site due to the topography of the land. Though they do not obscure between public and private places due to the access ramps, stairs and internal vehicle access to the different levels of the site.



LPP24 Assessment Table	
Surveillance	
Front boundary fencing should be visually permeable.	There is no fencing proposed to the South Western Highway boundary.
Access Control	
Secure access against offenders with gates and defining structures.	Development on the site will be defined between tenancies and carparks. Roller doors are proposed at the rear of tenancies.
Ramps and steps can create effective local access controls.	The site features slopes and contours. There are ramps and steps near to service areas, 'back of house' areas and separating land uses, creating access controls.
Changes of ground level delineate ownership or use changes.	Changes in levels are used to delineate the showroom from the fast food tenancies.
Territorial Reinforcement	
Clearly define private ownership by structures and surface materials.	The development by way of form and design is clearly commercial development, meaning it is easily understood that the buildings are privately owned.
Avoid ambiguity of ownership and responsibility.	The site will have clearly defined ownership areas, compared to the nearby residential area to the south.
Management and Maintenance	
Establish effective maintenance plans for public spaces.	Landscaping Plan to be maintained in an ongoing manner.

Officers consider the general open lot layout promotes good internal passive surveillance, opportunities for lighting and CCTV cameras to ensure anti-social behaviour is not encouraged. The natural features of the land, landscaping and the inclusion of retaining walls ensures private and public areas are clearly defined, further discouraging anti-social behaviour through passive design.

As discussed in the table above, Officers note the lack of windows across the development site would not contribute to passive surveillance across the site. Indeed, when discussing surveillance LPP24 states that, "*Barriers such as blank walls or building facades without windows that reduce visual permeability can make it difficult to observe non-desirable activities.*" It is considered that this element of the development is crucial to promoting a positive design outcome and discouraging negative behaviours across the site.



In that instance the minimal windows on building facades and expansive car park led to a low level of natural passive surveillance. Officers consider that by amending the proposed development to include more windows on internal building facades, the provisions and objectives of LPP24 can be met. This forms a recommended condition of determination.

Public Art

The objectives of LPP 1.6 - Public Art is to facilitate public 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. A condition should be imposed requiring the applicant to contribute towards public art in accordance with the policy in the event of an approval.

Other Infrastructure

It is necessary as part of this application to realign the footpath on the western side of this development site which currently traverses the property boundary. This will be required to occur as a condition of approval in conjunction with MRWA.

Options and Implications

Option 1

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Development Assessment Panel APPROVES the development application for 21 Showroom Tenancies and five Fast Food/Takeaway Tenancies at Lot 806 South Western Highway, Byford as contained within **attachment 1**, subject to the following conditions:
 - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of its consent.

Plans and Specification	Development Plans submitted dated November 2022; Revised Traffic Impact Assessment dated January 2023; Landscaping Plan dated January 2023; Environment Assessment dated March 2018; Stormwater Management Plan dated September 2022; Waste Management Plan dated September 2022; Environmental Noise Impact Assessment dated September 2022; and Bushfire Management Plan dated September 2022.
-------------------------	--

- b. Prior to issue of a Building Permit, amended Development Plans must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. Amended elevations of the western facades of the 'Fast Food 01' and 'Fast Food 02' buildings to the west of site. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
 - ii. Amended elevations of the western face of 'Development 02' building. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;



- iii. Amended development plans shall be provided including staggering and rendering treatments to the retaining wall on the west boundary of the site, to the satisfaction of the Shire of Serpentine Jarrahdale;
 - iv. A screening fence on top of the retaining wall to the south of site. This screening fence shall provide a visual screen to the rear of the 'Development 04' and 'Development 05' buildings. The screening fence should include a mixture of wooden cladding, metal cladding and creeper vegetation, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;
 - v. Amended elevations of the southern facades of the 'Development 04' and 'Development 05' buildings. This shall include elements of wooden panelling, face brick and metal cladding to the top of the building, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;
 - vi. Amended elevation plans of the showroom buildings shall be provided to include more windows on all showroom tenancies, in order to achieve passive visual surveillance within the site;
 - vii. Amended site plan showing the incorporation of a roundabout at the internal four-way intersection north of the existing proposed roundabout, to the satisfaction of the Shire of Serpentine Jarrahdale;
 - viii. Amended site plan should be provided to realign the existing footpath on the western lot boundary. The realigned footpath shall be located outside of the site, in the South Western Highway road reserve, to the satisfaction of Main Roads Western Australia and the Shire of Serpentine Jarrahdale.
- c. Prior to lodgement of a Building Permit, an amended Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. This must include the following:
- i. Details of suitable treatment and filtration of captured stormwater onsite prior to its release into the South Western Highway drainage system.
- d. The vehicle parking areas, accessways, internal roads and crossover must:
- i. Be designed in accordance with the relevant Australian/New Zealand Standard;
 - ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
 - iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.
- Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a Building Permit. The works are to be completed prior to operation of the development, and thereafter maintained.
- e. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.



- f. Prior to occupancy, an updated Environmental Noise Assessment be submitted to include modelling of noise associated with specific details of mechanical plant, once these have been finalised. The acoustic assessment must include recommendations to further reduce noise from mechanical plant. Recommendations must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a building permit and implemented prior to occupancy.
- g. Prior to lodgement of Building Permit, an updated Waste Management Plan must be submitted demonstrating the design of the bin store area to the satisfaction of the Shire of Serpentine Jarrahdale. The design and specifications of the waste area must be designed in accordance with the Shire of Serpentine Jarrahdale Health Local Law and be appropriately screened from view.
- h. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- i. Prior to lodgement of a Building Permit, an amended Landscaping Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. A planting regime and an increased density of vegetation shall be provided the Wilaring Street and South Western Highway boundaries to the satisfaction of the Shire of Serpentine Jarrahdale;
 - ii. A maintenance schedule of the proposed landscaping areas; and
 - iii. Landscaping within verge areas of Wilaring Street.
- j. Prior to the issue of a Building Permit, a Bushfire Emergency Evacuation Plan shall be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. This shall be prepared by a suitably qualified bushfire consultant.
- k. Prior to the issue of a Building Permit, a Parking Management Plan shall be provided detailing the proposed installation and location of directional signage, disabled bays and EV charging bays (minimum of four) to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to the issue of a Building Permit, an amended Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. Details of how water will be treated for contaminants when within the proposed stormwater management system, including the addition of drainage swales internal to the site;
 - ii. A maintenance schedule to detail any recommended upgrades or maintenance necessary to the South Western Highway drainage system, to ensure the stormwater can be discharged effectively from site as proposed within the Stormwater Management Plan; and
 - iii. Details of how the capacity of the proposed stormwater management system will be suitable to account for repeated storm events and how it will be cleaned and drained.
- m. Prior to occupancy of individual tenancies, a Signage Strategy shall be prepared and submitted to the Shire of Serpentine Jarrahdale. The Signage Strategy shall comply with the requirements of Local Planning Policy 4.11 - Advertising to the satisfaction of the Shire of Serpentine Jarrahdale.
- n. Prior to lodgement of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan



shall demonstrate how traffic management measures will be employed during the construction of the roundabout at Wilaring Street, ensuring there are no impacts to the accessibility of the residential area to the south.

- o. Prior to issue of a Building Permit, the applicant shall prepare a Section 195 Easement in Gross covering:
 - i. the through-road being available and accessible to the public at large without restriction and at all times; and
 - ii. the road at the front of the subject land connecting to the northern property being available and accessible to the public at large for connectivity without restriction and at all times, to facilitate future development of that land consistent with the adopted structure plan.

This Easement in Gross is to be prepared by the Shire's Solicitors at the cost of the applicant, and provide for public access at all times along the driveway.

- p. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale and Main Road Western Australia, depicting the following:
 - i. The full realignment and construction of Wilaring Street and associated roundabout; and
 - ii. A central island treatment and acceleration lane north bound at the of South Western Highway and Wilaring Street intersection.

Once approved, the works shall be undertaken prior to occupancy.

- q. Prior to issue of a Building Permit, the applicant undertaking a subdivision application of the subject site in order to construct and excise the road reserve requirements for the realigned Wilaring Street and associated infrastructure, to be available as a public road in perpetuity, to the satisfaction of the Shire. The road reserve shall then be ceded to the Shire of Serpentine Jarrahdale.
- r. Prior to the issue of a Building Permit, a Landscape Plan depicting the upgrade of the enlarged public open space on the southern side of realigned Wilaring Street and South Western Highway, is to be submitted to and approved by the Shire. Once approved, the applicant shall undertake all upgrade works to the satisfaction of the Shire prior to occupancy of the development.
- s. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- t. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Option 2

That Council RESOLVES the following Responsible Authority Report Recommendation:

- 1. That the Metro Outer Joint Development Assessment Panel REFUSES the development application for 21 Showroom Tenancies and five Fast Food/Takeaway Tenancies at Lot 806 South Western Highway, Byford, as contained within **attachment 1**, for the following reasons:
 - a. The development is considered to represent an adverse impact on the existing road environment, due to the size and intensity of development relying on a single main access point from the highway.



- b. The development is considered to represent an adverse amenity impact, associated with increased noise impacts on sensitive receptors surrounding the land.
- c. The development is considered to represent a form of development that is not in keeping with the existing residential interface to the south.

Option 1 is recommended.

Conclusion

The proposed development provides significant investment, commercial interest and employment opportunities within the Byford area. Officers are satisfied that key issues of traffic, noise and stormwater management are able to be managed appropriately. The form of the development itself is capable of support through amendments to landscaping, colours and materials and the inclusion of windows, which form conditions of determination. Officers recommend Council endorses the RAR supporting the development.

Attachments (available under separate cover)

- **10.1.5 - attachment 1** - Responsible Authority Report (E23/2913)
- **10.1.5 - attachment 2** - Development Plans (E23/2914)
- **10.1.5 - attachment 3** - Summary of Submissions (E22/15024)
- **10.1.5 - attachment 4** - Clause 67 Assessment (E23/3151)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 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 1.3.3	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
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

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

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

Voting Requirements: Simple Majority

Officer Recommendation

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Development Assessment Panel APPROVES the development application for 21 Showroom Tenancies and five Fast Food/Takeaway Tenancies at Lot 806 South Western Highway, Byford as contained within **attachment 1**, subject to the following conditions:
 - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of its consent.

Plans and Specification	Development Plans submitted dated November 2022; Revised Traffic Impact Assessment dated January 2023; Landscaping Plan dated January 2023; Environment Assessment dated March 2018; Stormwater Management Plan dated September 2022; Waste Management Plan dated September 2022; Environmental Noise Impact Assessment dated September 2022; and Bushfire Management Plan dated September 2022.
-------------------------	--

- b. Prior to issue of a Building Permit, amended Development Plans must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:



- i. Amended elevations of the western facades of the 'Fast Food 01' and 'Fast Food 02' buildings to the west of site. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
 - ii. Amended elevations of the western face of 'Development 02' building. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
 - iii. Amended development plans shall be provided including staggering and rendering treatments to the retaining wall on the west boundary of the site, to the satisfaction of the Shire of Serpentine Jarrahdale;
 - iv. A screening fence on top of the retaining wall to the south of site. This screening fence shall provide a visual screen to the rear of the 'Development 04' and 'Development 05' buildings. The screening fence should include a mixture of wooden cladding, metal cladding and creeper vegetation, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;
 - v. Amended elevations of the southern facades of the 'Development 04' and 'Development 05' buildings. This shall include elements of wooden panelling, face brick and metal cladding to the top of the building, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;
 - vi. Amended elevation plans of the showroom buildings shall be provided to include more windows on all showroom tenancies, in order to achieve passive visual surveillance within the site;
 - vii. Amended site plan showing the incorporation of a roundabout at the internal four-way intersection north of the existing proposed roundabout, to the satisfaction of the Shire of Serpentine Jarrahdale;
 - viii. Amended site plan should be provided to realign the existing footpath on the western lot boundary. The realigned footpath shall be located outside of the site, in the South Western Highway road reserve, to the satisfaction of Main Roads Western Australia and the Shire of Serpentine Jarrahdale.
- c. Prior to lodgement of a Building Permit, an amended Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. This must include the following:
- i. Details of suitable treatment and filtration of captured stormwater onsite prior to its release into the South Western Highway drainage system.
- d. The vehicle parking areas, accessways, internal roads and crossover must:
- i. Be designed in accordance with the relevant Australian/New Zealand Standard;
 - ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
 - iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

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



- e. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
- f. Prior to occupancy, an updated Environmental Noise Assessment be submitted to include modelling of noise associated with specific details of mechanical plant, once these have been finalised. The acoustic assessment must include recommendations to further reduce noise from mechanical plant. Recommendations must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a building permit and implemented prior to occupancy.
- g. Prior to lodgement of Building Permit, an updated Waste Management Plan must be submitted demonstrating the design of the bin store area to the satisfaction of the Shire of Serpentine Jarrahdale. The design and specifications of the waste area must be designed in accordance with the Shire of Serpentine Jarrahdale Health Local Law and be appropriately screened from view.
- h. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- i. Prior to lodgement of a Building Permit, an amended Landscaping Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. A planting regime and an increased density of vegetation shall be provided the Wilaring Street and South Western Highway boundaries to the satisfaction of the Shire of Serpentine Jarrahdale;
 - ii. A maintenance schedule of the proposed landscaping areas; and
 - iii. Landscaping within verge areas of Wilaring Street.
- j. Prior to the issue of a Building Permit, a Bushfire Emergency Evacuation Plan shall be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. This shall be prepared by a suitably qualified bushfire consultant.
- k. Prior to the issue of a Building Permit, a Parking Management Plan shall be provided detailing the proposed installation and location of directional signage, disabled bays and EV charging bays (minimum of four) to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to the issue of a Building Permit, an amended Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. Details of how water will be treated for contaminants when within the proposed stormwater management system, including the addition of drainage swales internal to the site;
 - ii. A maintenance schedule to detail any recommended upgrades or maintenance necessary to the South Western Highway drainage system, to ensure the stormwater can be discharged effectively from site as proposed within the Stormwater Management Plan; and
 - iii. Details of how the capacity of the proposed stormwater management system will be suitable to account for repeated storm events and how it will be cleaned and drained.



- m. Prior to occupancy of individual tenancies, a Signage Strategy shall be prepared and submitted to the Shire of Serpentine Jarrahdale. The Signage Strategy shall comply with the requirements of Local Planning Policy 4.11 - Advertising to the satisfaction of the Shire of Serpentine Jarrahdale.
- n. Prior to lodgement of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan shall demonstrate how traffic management measures will be employed during the construction of the roundabout at Wilaring Street, ensuring there are no impacts to the accessibility of the residential area to the south.
- o. Prior to issue of a Building Permit, the applicant shall prepare a Section 195 Easement in Gross covering:
 - i. the through-road being available and accessible to the public at large without restriction and at all times; and
 - ii. the road at the front of the subject land connecting to the northern property being available and accessible to the public at large for connectivity without restriction and at all times, to facilitate future development of that land consistent with the adopted structure plan.

This Easement in Gross is to be prepared by the Shire's Solicitors at the cost of the applicant, and provide for public access at all times along the driveway.

- p. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale and Main Road Western Australia, depicting the following:
 - i. The full realignment and construction of Wilaring Street and associated roundabout; and
 - ii. A central island treatment and acceleration lane north bound at the of South Western Highway and Wilaring Street intersection.

Once approved, the works shall be undertaken prior to occupancy.

- q. Prior to issue of a Building Permit, the applicant undertaking a subdivision application of the subject site in order to construct and excise the road reserve requirements for the realigned Wilaring Street and associated infrastructure, to be available as a public road in perpetuity, to the satisfaction of the Shire. The road reserve shall then be ceded to the Shire of Serpentine Jarrahdale.
- r. Prior to the issue of a Building Permit, a Landscape Plan depicting the upgrade of the enlarged public open space on the southern side of realigned Wilaring Street and South Western Highway, is to be submitted to and approved by the Shire. Once approved, the applicant shall undertake all upgrade works to the satisfaction of the Shire prior to occupancy of the development.
- s. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- t. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

**MOTION**

Moved Cr Strautins, seconded Cr Coales

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Development Assessment Panel APPROVES the development application for 21 Showroom Tenancies and five Fast Food/Takeaway Tenancies at Lot 806 South Western Highway, Byford as contained within **attachment 1**, subject to the following conditions:
 - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of its consent.

Plans and Specification	Development Plans submitted dated November 2022; Revised Traffic Impact Assessment dated January 2023; Landscaping Plan dated January 2023; Environment Assessment dated March 2018; Stormwater Management Plan dated September 2022; Waste Management Plan dated September 2022; Environmental Noise Impact Assessment dated September 2022; and Bushfire Management Plan dated September 2022.
-------------------------	--

- b. Prior to issue of a Building Permit, amended Development Plans must be submitted to and approved by the Council of the Shire of Serpentine Jarrahdale. This must include the following:
 - i. Amended elevations of the western facades of the 'Fast Food 01' and 'Fast Food 02' buildings to the west of site. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
 - ii. Amended elevations of the western face of 'Development 02' building. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
 - iii. Amended development plans shall be provided including staggering and rendering treatments to the retaining wall on the west boundary of the site, to the satisfaction of the Shire of Serpentine Jarrahdale;
 - iv. A screening fence on top of the retaining wall to the south of site. This screening fence shall provide a visual screen to the rear of the 'Development 04' and 'Development 05' buildings. The screening fence should include a mixture of wooden cladding, metal cladding and creeper vegetation, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;
 - v. Amended elevations of the southern facades of the 'Development 04' and 'Development 05' buildings. This shall include elements of wooden panelling, face brick and metal cladding to the top of the building, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;
 - vi. Amended elevation plans of the showroom buildings shall be provided to include more windows on all showroom tenancies, in order to achieve passive visual surveillance within the site;



- vii. Amended site plan showing the incorporation of a roundabout at the internal four-way intersection north of the existing proposed roundabout, to the satisfaction of the Shire of Serpentine Jarrahdale;
- viii. Amended site plan should be provided to realign the existing footpath on the western lot boundary. The realigned footpath shall be located outside of the site, in the South Western Highway road reserve, to the satisfaction of Main Roads Western Australia and the Shire of Serpentine Jarrahdale.
- c. Prior to lodgement of a Building Permit, an amended Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. This must include the following:
 - i. Details of suitable treatment and filtration of captured stormwater onsite prior to its release into the South Western Highway drainage system.
- d. The vehicle parking areas, accessways, internal roads and crossover must:
 - i. Be designed in accordance with the relevant Australian/New Zealand Standard;
 - ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
 - iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a Building Permit. The works are to be completed prior to operation of the development, and thereafter maintained.
- e. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
- f. Prior to occupancy, an updated Environmental Noise Assessment be submitted to include modelling of noise associated with specific details of mechanical plant, once these have been finalised. The acoustic assessment must include recommendations to further reduce noise from mechanical plant. Recommendations must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a building permit and implemented prior to occupancy.
- g. Prior to lodgement of Building Permit, an updated Waste Management Plan must be submitted demonstrating the design of the bin store area to the satisfaction of the Shire of Serpentine Jarrahdale. The design and specifications of the waste area must be designed in accordance with the Shire of Serpentine Jarrahdale Health Local Law and be appropriately screened from view.
- h. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- i. Prior to lodgement of a Building Permit, an amended Landscaping Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:



- i. A planting regime and an increased density of vegetation shall be provided the Wilaring Street and South Western Highway boundaries to the satisfaction of the Shire of Serpentine Jarrahdale;
- ii. A maintenance schedule of the proposed landscaping areas; and
- iii. Landscaping within verge areas of Wilaring Street.
- j. Prior to the issue of a Building Permit, a Bushfire Emergency Evacuation Plan shall be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. This shall be prepared by a suitably qualified bushfire consultant.
- k. Prior to the issue of a Building Permit, a Parking Management Plan shall be provided detailing the proposed installation and location of directional signage, disabled bays and EV charging bays (minimum of four) to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to the issue of a Building Permit, an amended Stormwater Management Plan shall be submitted to an approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. Details of how water will be treated for contaminants when within the proposed stormwater management system, including the addition of drainage swales internal to the site;
 - ii. A maintenance schedule to detail any recommended upgrades or maintenance necessary to the South Western Highway drainage system, to ensure the stormwater can be discharged effectively from site as proposed within the Stormwater Management Plan; and
 - iii. Details of how the capacity of the proposed stormwater management system will be suitable to account for repeated storm events and how it will be cleaned and drained.
- m. Prior to occupancy of individual tenancies, a Signage Strategy shall be prepared and submitted to the Shire of Serpentine Jarrahdale. The Signage Strategy shall comply with the requirements of Local Planning Policy 4.11 - Advertising to the satisfaction of the Shire of Serpentine Jarrahdale.
- n. Prior to lodgement of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan shall demonstrate how traffic management measures will be employed during the construction of the roundabout at Wilaring Street, ensuring there are no impacts to the accessibility of the residential area to the south.
- o. Prior to issue of a Building Permit, the applicant shall prepare a Section 195 Easement in Gross covering:
 - i. the through-road being available and accessible to the public at large without restriction and at all times; and
 - ii. the road at the front of the subject land connecting to the northern property being available and accessible to the public at large for connectivity without restriction and at all times, to facilitate future development of that land consistent with the adopted structure plan.

This Easement in Gross is to be prepared by the Shire's Solicitors at the cost of the applicant, and provide for public access at all times along the driveway.
- p. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale and Main Road Western Australia, depicting the following:
 - i. The full realignment and construction of Wilaring Street and associated roundabout; and



- ii. A central island treatment and acceleration lane north bound at the of South Western Highway and Wilaring Street intersection.

Once approved, the works shall be undertaken prior to occupancy.

- q. Prior to issue of a Building Permit, the applicant undertaking a subdivision application of the subject site in order to construct and excise the road reserve requirements for the realigned Wilaring Street and associated infrastructure, to be available as a public road in perpetuity, to the satisfaction of the Shire. The road reserve shall then be ceded to the Shire of Serpentine Jarrahdale.
- r. Prior to the issue of a Building Permit, a Landscape Plan depicting the upgrade of the enlarged public open space on the southern side of realigned Wilaring Street and South Western Highway, is to be submitted to and approved by the Shire. Once approved, the applicant shall undertake all upgrade works to the satisfaction of the Shire prior to occupancy of the development.
- s. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- t. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- u. The applicant shall ensure that the design and ongoing management of the development enables conversion of the Future Development Site (as depicted in Figure 9 on page 77 of the Agenda), and thereafter once developed, similar sized car parking area to function for community uses on Sundays, as they may be proposed, at no cost to those community groups proposing them.

OCM045/03/23**AMENDMENT**

Moved Cr Mack, seconded Cr Strautins

Amend condition i. to include:

A new point iv: All trees shall have a minimum height of two meters upon establishment in the area between Wilaring Street and the southern walls of the adjoining showrooms, and be suitable to the location given proximity to the public road of Wilaring Street and associated verge area.

A new point v: where site conditions and earthworks permit, the retention of existing vegetation to be maximised and preferred.

CARRIED UNANIMOUSLY 9/0

OCM046/03/23**COUNCIL RESOLUTION**

Moved Cr Strautins, seconded Cr Coales

That Council RESOLVES the following Responsible Authority Report Recommendation:

- 1. That the Metro Outer Development Assessment Panel APPROVES the development application for 21 Showroom Tenancies and five Fast Food/Takeaway Tenancies at Lot 806 South Western Highway, Byford as contained within attachment 1, subject to the following conditions:**



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

Plans and Specification	Development Plans submitted dated November 2022; Revised Traffic Impact Assessment dated January 2023; Landscaping Plan dated January 2023; Environment Assessment dated March 2018; Stormwater Management Plan dated September 2022; Waste Management Plan dated September 2022; Environmental Noise Impact Assessment dated September 2022; and Bushfire Management Plan dated September 2022.
--------------------------------	---

- b. Prior to issue of a Building Permit, amended Development Plans must be submitted to and approved by the Council of the Shire of Serpentine Jarrahdale. This must include the following:
- Amended elevations of the western facades of the 'Fast Food 01' and 'Fast Food 02' buildings to the west of site. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
 - Amended elevations of the western face of 'Development 02' building. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
 - Amended development plans shall be provided including staggering and rendering treatments to the retaining wall on the west boundary of the site, to the satisfaction of the Shire of Serpentine Jarrahdale;
 - A screening fence on top of the retaining wall to the south of site. This screening fence shall provide a visual screen to the rear of the 'Development 04' and 'Development 05' buildings. The screening fence should include a mixture of wooden cladding, metal cladding and creeper vegetation, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;
 - Amended elevations of the southern facades of the 'Development 04' and 'Development 05' buildings. This shall include elements of wooden panelling, face brick and metal cladding to the top of the building, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;
 - Amended elevation plans of the showroom buildings shall be provided to include more windows on all showroom tenancies, in order to achieve passive visual surveillance within the site;
 - Amended site plan showing the incorporation of a roundabout at the internal four-way intersection north of the existing proposed roundabout, to the satisfaction of the Shire of Serpentine Jarrahdale;
 - Amended site plan should be provided to realign the existing footpath on the western lot boundary. The realigned footpath shall be located outside of the site, in the South Western Highway road reserve, to the satisfaction of Main Roads Western Australia and the Shire of Serpentine Jarrahdale.



- c. Prior to lodgement of a Building Permit, an amended Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. This must include the following:
 - i. Details of suitable treatment and filtration of captured stormwater onsite prior to its release into the South Western Highway drainage system.
- d. The vehicle parking areas, accessways, internal roads and crossover must:
 - i. Be designed in accordance with the relevant Australian/New Zealand Standard;
 - ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
 - iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a Building Permit. The works are to be completed prior to operation of the development, and thereafter maintained.
- e. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
- f. Prior to occupancy, an updated Environmental Noise Assessment be submitted to include modelling of noise associated with specific details of mechanical plant, once these have been finalised. The acoustic assessment must include recommendations to further reduce noise from mechanical plant. Recommendations must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a building permit and implemented prior to occupancy.
- g. Prior to lodgement of Building Permit, an updated Waste Management Plan must be submitted demonstrating the design of the bin store area to the satisfaction of the Shire of Serpentine Jarrahdale. The design and specifications of the waste area must be designed in accordance with the Shire of Serpentine Jarrahdale Health Local Law and be appropriately screened from view.
- h. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- i. Prior to lodgement of a Building Permit, an amended Landscaping Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. A planting regime and an increased density of vegetation shall be provided the Wilaring Street and South Western Highway boundaries to the satisfaction of the Shire of Serpentine Jarrahdale;
 - ii. A maintenance schedule of the proposed landscaping areas; and



- iii. Landscaping within verge areas of Wilaring Street.
- iv. All trees shall have a minimum height of two meters of the establishment in the area between Wilaring Street and the southern walls of the adjoining showrooms, and suitable to the location given proximity to the public road of Wilaring Street and associated verge area.
- v. Where site conditions and earthworks permit, the retention of existing vegetation to be maximised and preferred.
- j. Prior to the issue of a Building Permit, a Bushfire Emergency Evacuation Plan shall be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. This shall be prepared by a suitably qualified bushfire consultant.
- k. Prior to the issue of a Building Permit, a Parking Management Plan shall be provided detailing the proposed installation and location of directional signage, disabled bays and EV charging bays (minimum of four) to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to the issue of a Building Permit, an amended Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. Details of how water will be treated for contaminants when within the proposed stormwater management system, including the addition of drainage swales internal to the site;
 - ii. A maintenance schedule to detail any recommended upgrades or maintenance necessary to the South Western Highway drainage system, to ensure the stormwater can be discharged effectively from site as proposed within the Stormwater Management Plan; and
 - iii. Details of how the capacity of the proposed stormwater management system will be suitable to account for repeated storm events and how it will be cleaned and drained.
- m. Prior to occupancy of individual tenancies, a Signage Strategy shall be prepared and submitted to the Shire of Serpentine Jarrahdale. The Signage Strategy shall comply with the requirements of Local Planning Policy 4.11 - Advertising to the satisfaction of the Shire of Serpentine Jarrahdale.
- n. Prior to lodgement of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan shall demonstrate how traffic management measures will be employed during the construction of the roundabout at Wilaring Street, ensuring there are no impacts to the accessibility of the residential area to the south.
- o. Prior to issue of a Building Permit, the applicant shall prepare a Section 195 Easement in Gross covering:
 - i. the through-road being available and accessible to the public at large without restriction and at all times; and
 - ii. the road at the front of the subject land connecting to the northern property, being available and accessible to the public at large for connectivity without restriction and at all times, to facilitate future development of that land consistent with the adopted structure plan.



This Easement in Gross is to be prepared by the Shire's Solicitors at the cost of the applicant, and provide for public access at all times along the driveway.

- p. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale and Main Road Western Australia, depicting the following:
- i. The full realignment and construction of Wilaring Street and associated roundabout; and
 - ii. A central island treatment and acceleration lane north bound at the of South Western Highway and Wilaring Street intersection.

Once approved, the works shall be undertaken prior to occupancy.

- q. Prior to issue of a Building Permit, the applicant undertaking a subdivision application of the subject site in order to construct and excise the road reserve requirements for the realigned Wilaring Street and associated infrastructure, to be available as a public road in perpetuity, to the satisfaction of the Shire. The road reserve shall then be ceded to the Shire of Serpentine Jarrahdale.
- r. Prior to the issue of a Building Permit, a Landscape Plan depicting the upgrade of the enlarged public open space on the southern side of realigned Wilaring Street and South Western Highway, is to be submitted to and approved by the Shire. Once approved, the applicant shall undertake all upgrade works to the satisfaction of the Shire prior to occupancy of the development.
- s. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- t. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- u. The applicant shall ensure that the design and ongoing management of the development enables conversion of the Future Development Site (as depicted in Figure 9 on page 77 of the Agenda), and thereafter once developed, similar sized car parking area to function for community uses on Sundays, as they may be proposed, at no cost to those community groups proposing them.

CARRIED 5/4

Councillor Byas, 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.*

Reason for difference to Officer Recommendation

To assist the developer attend to their responsibility of representing community and families that live in the area, so that their health and wellbeing and natural vegetation is further considered.



10.1.6 - Proposed Child Minding Centre - Lot 51, 116 Warrington Road, Byford (PA22/972)	
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:	Burgess Design Group
Owner:	Macromax Pty Ltd
Date of Receipt:	3 November 2022
Lot Area:	1.9778ha (Planning Parcel: 2262m 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 'Child Minding Centre' at Lot 51, 116 Warrington Road, Byford. The development includes the construction of a Child Minding Centre building, associated outdoor play areas, landscaping and car parking.

An objection was received during the advertising process relating to the provision of car parking spaces and landscaping. The application is presented to Council as Officers do not have delegated authority to determine development applications that vary Local Planning Policies or 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 objectives of LPP4.24 and the planning framework and is recommended for approval.

The site in question was previously approved for a Child Minding Centre use, however this new proposal represents a physical layout and design, which requires a new merits based assessment. The land use, however, has been approved for the site per the previous decision of Council.

**Relevant Previous Decisions of Council**

Ordinary Council Meeting - 15 February 2021 - OCM016/02/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council, in response to the s31 Request for Reconsideration issued by the State Administrative Tribunal, AMENDS as detailed following its decision made at the 21 September 2020 Ordinary Council Meeting pertaining to the Child Minding Centre at Lot 51 (116) Warrington Road, Byford:

- a. Condition d(iii) being deleted;*
- b. Condition (f) being modified to read as follows:*

Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans received on 10 December 2020 and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.

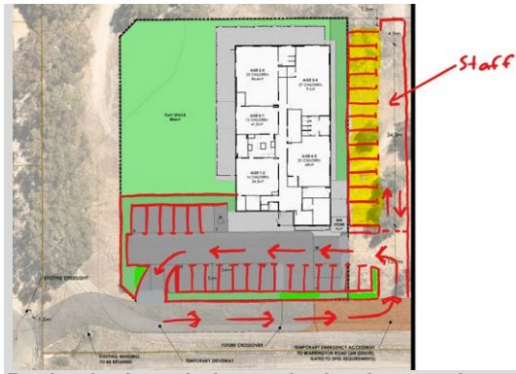
Ordinary Council Meeting - 21 September 2020 - OCM286/09/20 - COUNCIL RESOLUTION / Officer Recommendation

- 1. That Council APPROVES the development application for the construction of a 'Child Minding Centre' as contained within attachment 1 at Lot 51, 116 Warrington Road, Byford subject to the following conditions:*

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

<i>Plans and Specifications</i>	<i>Development Plans received at the Shire Offices on 22 May 2020; Traffic Impact Statement prepared by KCTT, dated 4 May 2020; Acoustic Assessment prepared by Lloyd George Acoustics, dated 29 May 2020; and Bushfire Management Plan prepared by Integrated Consulting, dated 21 May 2020.</i>
---------------------------------	---

- b. The maximum number of children on the premises at any one time shall not exceed 100.*
- c. Operating hours are to be restricted to a drop off time of no earlier than 6:30am and a pick up time of no later than 6:30pm Monday to Friday, unless otherwise approved by the Shire of Serpentine Jarrahdale.*
- d. Plans submitted for a building permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:*
 - i. In terms of elevations, the external colour and material scheme being modified to reduce the reliance on face brick through the addition of new stone and timber materials that help ground the development through mimicking the natural tones of the surrounding landscape;*
 - ii. In terms of elevations, the specific addition of vertical articulation treatments on the southern and western building faces which utilise natural timbers and stone work to blend with the character of the rural landscape and contrast against the face brick;*
 - iii. In terms of site plan and layout, the customer drop off and pick up car parking area being modified to provide a one way traffic flow, and a separate staff car parking area comprising 15 bays, as depicted in red as follow.*



Revised plans being submitted to and approved by the Shire of Serpentine Jarrahdale prior to the submission of a Building Permit application.

- e. The application for building permit shall demonstrate the development incorporating all design and operational recommendations as specified within the Acoustic Assessment prepared by Lloyd George Acoustics (dated 29 May 2020), to the satisfaction of the Shire of Serpentine Jarrahdale.*
- f. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, 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 (1) car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bays shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.*
- h. Prior to occupation of the development, a Landscaping Management Plan, showing all areas of retained vegetation and proposed additional planting, shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Management Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.*
- i. 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.*
- j. Prior to issuing 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.*
- k. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.*
- l. Prior to issuing of a Building Permit or commencement of works (whichever comes first), the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2 (Local Government).*
- m. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through the amendment (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.*



Background

Existing Development:

The subject site is just under 2ha in area, and is zoned 'Urban Development' under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2). It adjoins the existing Beenyup Grove Primary School and is designated 'Residential' under the Doley Road Precinct Local Structure Plan (LSP). The site is bound by Warrington Road to the east, which provides the current access point to the site. The current extent of Shepparton Boulevard abuts the site as a temporary cul-de-sac at the south-western corner of the lot and this road will ultimately extend eastwards to connect to Warrington Road.

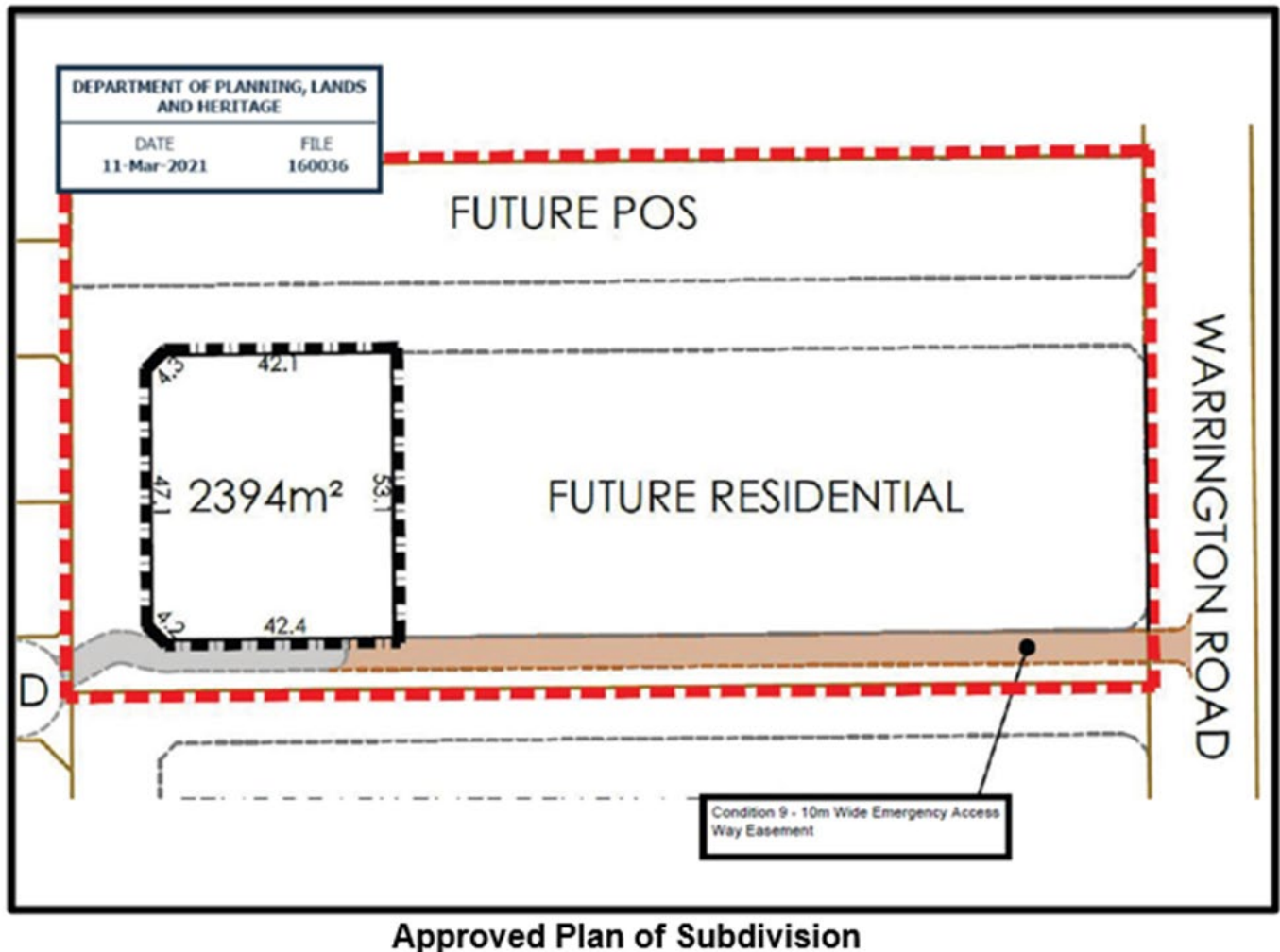
The site has been developed for residential purposes and features a 'Single House' located to the north-eastern corner of the lot and incidental development including a shed and water tank. The remainder of the site is undeveloped. The surrounding land comprises of large lots intended for future residential development.



Aerial View of Subject Site and Surrounds

The site is subject to an existing approval for a Child Minding Centre, approved by Council at its 21 September 2020 Ordinary Council Meeting. The applicant initially sought to amend the existing approval however, as several changes were proposed, including an increase in children, a new application was required as the amendments were considered to materially depart from the initial approval.

The site is also subject to a two-lot subdivision approval which is still undergoing condition clearance with the Shire and the Western Australia Planning Commission. The approved plan of subdivision is as follows, which also shows the area to be dedicated for public open space and the road requirements for Shepparton Boulevard as reflected within the LSP. Note that the site plan for the Child Minding Centre development shows a lot size of 2262m² while the approved subdivision lot size is 2394m² and therefore the plans will need to be amended in the future to show the final lots size.

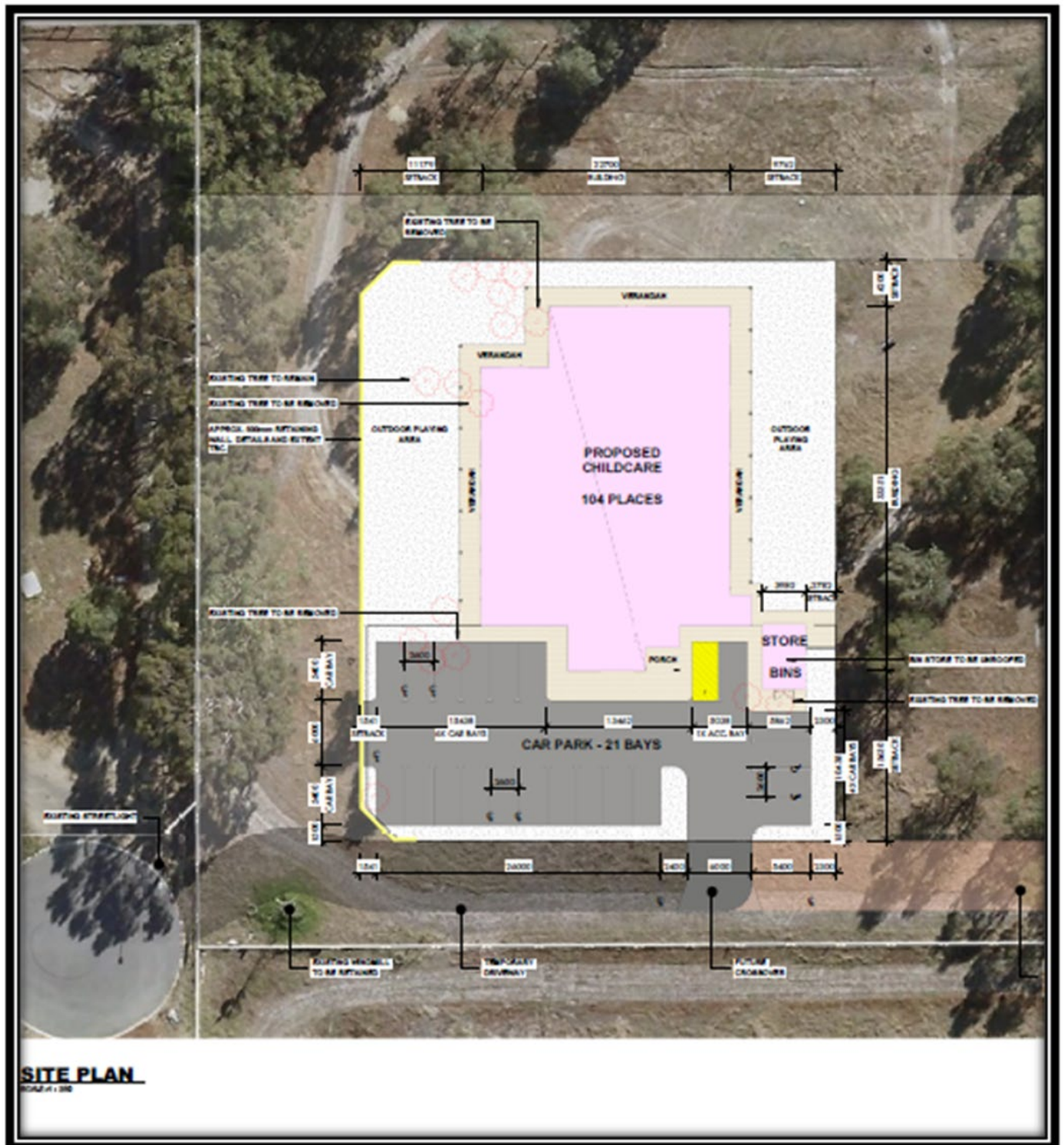


Proposed Development / Site Context

The application seeks approval for the construction of a Child Minding Centre, which would be located to the south-western corner of the subject lot, adjacent to the recently constructed Byford South East Primary School. The proposed development would occupy 2,262m² of the lot and includes:

- A single storey building comprising five activity rooms, a kitchen, office/staff room, foyer with reception, two cot rooms, laundry/drying area, bathrooms and store rooms;
- A fenced outdoor play area;
- A car parking area with 22 bays;
- Construction of an access road from Shepparton Boulevard to the west.

The proposed Child Minding Centre is designed to accommodate a maximum capacity of 104 children and is intended to operate between the hours of 6:00am - 6:30pm Monday to Friday. The proposed Child Minding Centre is expected to employ up to a maximum of 18 staff across the operations in varying shift times. Full details of the proposal are contained within **attachment 1** and the proposed site plan is depicted below:



Site Plan



Community / Stakeholder Consultation

The application was advertised to landowners within a 500m radius of the site for a period of 21 days, in accordance with Local Planning Policy 1.4 - Public Consultation on Planning Matters Policy (LPP1.4). During the advertising period a total of three submissions were received with two supporting the proposed development and one objection.

One submission of support states that there is a need for more Child Minding Centres in the local area while the other was from the Department of Education which supports the proposal subject to a condition requiring the submission and approval of Construction Management Plan (CMP) which is recommend as a condition of approval.

The objection to the proposal was for the following reasons:

- Car Parking - *"The proposed number of car bays (22) while meeting TPS2 requirements, does not meet TPS3 requirements. Based on the proposal, considering the staffing level of 18 and 104 children, the required car bays under TPS3 will be 29 representing a shortfall of seven car bays in the proposal.*

Further, the proposed ratio of Kindy-age children (60) to toddlers (20) and babies (24) is very high, unrealistic, and inconsistent with industry norms and likely to be changed once the centre is operational. If the ratio was more in line with industry norms, having more baby and toddler-age relative to kindy-age children, it would require more staff and therefore the shortfall of car bays under TPS3 would be more than seven".

- Landscaping - *"The proposed landscaping area, despite including the car park hardstand area, still falls short of the requirements and is inadequate".*
- Proximity of other Child Minding Centres - *"Clause 4.2 of the proposal lists the closest childcare centres to the proposed site. The list overlooks the childcare centre at 4 Warrington Road".*

Officer Comment

The car parking and landscaping concerns are discussed in the planning assessment section of this report. A full copy of the submissions with the applicant's response and Officer comment is contained within **attachment 2**.

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 for Plot 3;
- The APZ is located outside of the future lot once subdivision occurs;
- BMP and plans to be updated to show the provision of a driveway to Warrington Road.

Statutory Environment

Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Environmental Protection (Noise) Regulations 1997;*

State Government Policies

- State Planning Policy 7.3 - Planning in Bushfire Prone Areas



- WAPC Planning Bulletin 72/2009 - Child Minding Centres

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Draft Local Planning Scheme No.3
- Local Planning Strategy
- Local Planning Policy 1.4 - Public Consultation on Planning Matters Policy
- Local Planning Policy 1.6 - Public Art for Major Developments
- Local Planning Policy 4.11 - Advertising Policy
- Local Planning Policy 4.16 - Landscape and Vegetation Policy
- Local Planning Policy 4.24 - Child Minding Centres

Planning Assessment

A comprehensive assessment has been undertaken in accordance with section 67 of the *Planning and Development Regulations 2015*. The assessment can be viewed as part of **attachment 3**. For the purpose of this report, discussion is confined to the policy variations or where Council is required to exercise discretion.

Land Use

The proposed development falls within the 'Child Minding Centre' land use under TPS2, which is defined as:

'Child Minding Centre' - 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.'

This has been approved by virtue of the previous decision of Council. It remains a land use consistent with the objectives of the 'Urban Development' zone, and LSP. Given the changes in physical form and layout of the proposal, a new application for development approval is required.

Town Planning Scheme No. 2 (TPS2)

Development Standards and Site 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.

Within the 'Residential' zone under Table II, a Child Minding Centre is required to retain a 20m frontage and achieve a 7.5m front setback, 3m side setback and 7.5m rear setback. The development must also achieve a minimum plot ratio of 0.5:1, maximum site coverage of 30% and minimum landscaped area of 50%. The variations proposed to TPS2 are assessed as follows:



Standard	Requirement	Proposed	Comments
Rear setback	7.5m	4.2m	Refer to the LPP4.24 assessment section of the report.
Site Coverage	30%	39%	Variation to this requirement is considered reasonable given the site will be located on a corner and the verge fronting Shepparton Boulevard and a portion of the verge fronting the west boundary will be planted as shown on the submitted landscape plan prepared by 'Ecoscape'. Overall, sufficient setbacks and outdoor play areas have been provided to ensure the development positively contributes to the open space character of the local area.
Landscaping	50%	45.1%	Refer to the LPP4.24 assessment section of the report.

The requirements under clause 7.10 of TPS2 contain provisions that relate specifically to landscaping around car parking areas. Clause 7.10.2 requires a minimum landscaping strip width of 1.5m or 2m between a street boundary and car parking area. The proposed development would provide a landscaping strip between the street and car parking area of only 1.5m in width and would not comply. A condition has been recommended, requiring a Landscaping Plan prior to occupation to ensure the proposal contributes positively to the locality and the streetscape.

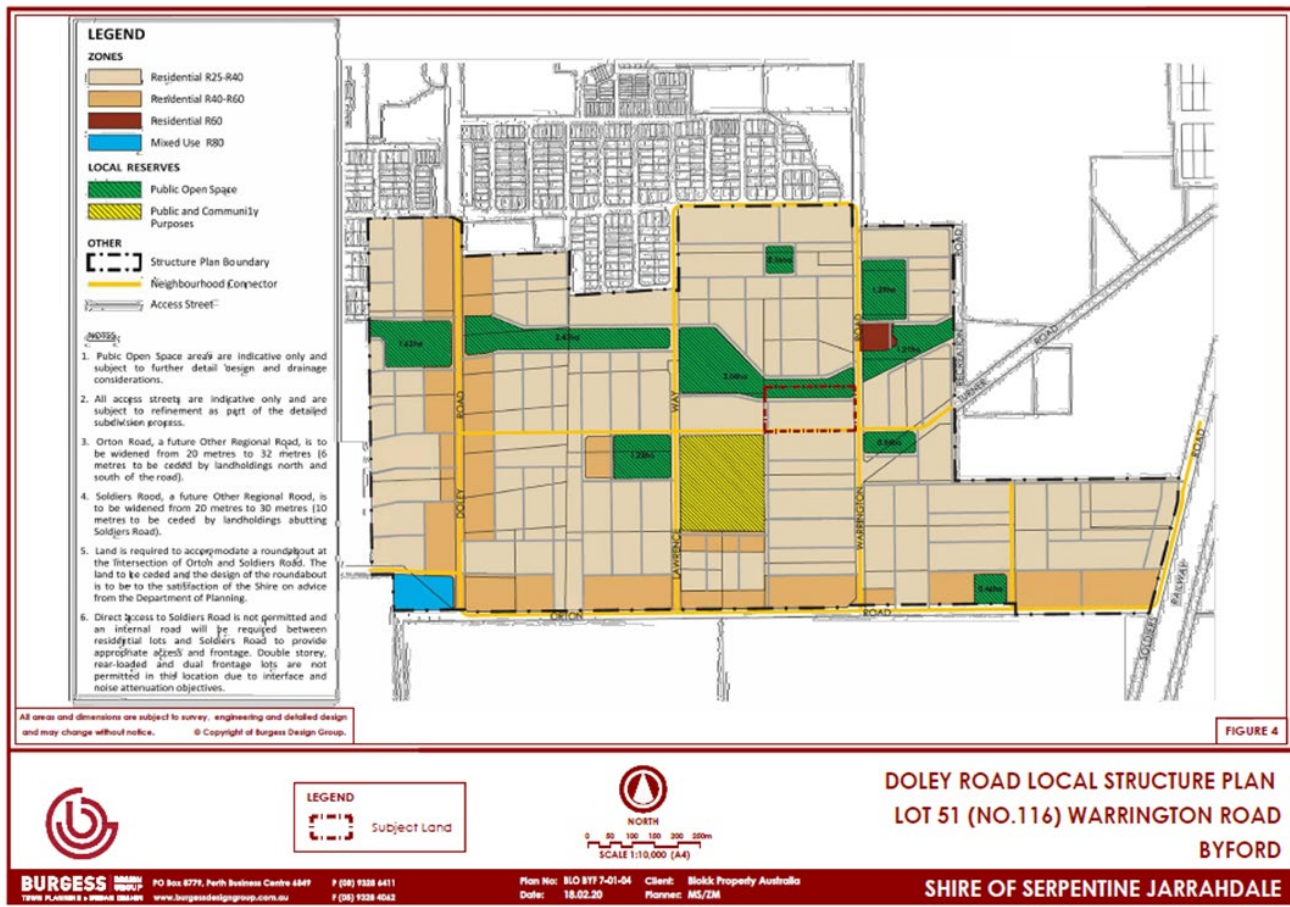
Car Parking

The proposed development will provide a total of 22 car parking bays. The parking requirements under Table V - Parking Requirements of TPS2 for a 'Child Minding Centre' requires one space for five children accommodated. The proposal seeks a maximum accommodation of 104 children, which would equate to a minimum requirement of 20.8 parking bays and therefore the proposal exceeds this requirement.

Under LPS3, the parking provisions are slightly different, a 'Child Care Premises' requiring one bay per 10 children accommodated under maximum occupancy, and one bay per employee. Under these provisions, the development would require variable car parking rates given variable staffing numbers apply depending on the number and age mix of children cared for. While a maximum upper level of 28 parking bays could be required, the applicant advises that the operational intent of the centre is to see the mix of staff and children not exceed the maximum requirement of 22 parking bays. Given the Child Minding Centre will only operate with the maximum staff capacity during the peak hours of 10.00am to 3.00pm, which avoids the peak morning and late afternoon child drop off / pick up periods, the proposal at 22 bays is considered acceptable.

Local Structure Plan

The subject site lies within the Doley Road Local Structure Plan where the subject land is identified 'Residential' with a density of R25 - R40. The northern portion of the lot is designated for Public Open Space and Shepparton Boulevard is proposed to be extended eastwards to connect to Warrington Road also within the northern portion of the subject site. The Structure Plan is depicted following:



The approved subdivision plan for the site has been prepared on the basis of the LSP and the proposed development has been designed to reflect the new boundaries of the site acknowledging the extension of Shepperton Road east towards Warrington Road, the Public Open Space requirements to the north. Officers consider that the development is generally consistent with the LSP. Officers also note the nearby location of the school and future public open space, which support an effective design and service provision.

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, which classifies Child Minding Centres as 'vulnerable' land uses requiring the submission of a Bushfire Management Plan (BMP) to be jointly endorsed by the local government and the Department of Fire and Emergency Services (DFES). As previously stated, DFES has provided a submission requiring modifications to be made to the submitted BMP. An assessment against the elements of the Guidelines for Planning in Bushfire Prone Areas (Guidelines) in relation to DFES submission follows.

Location, Siting and Design:

The BMP identifies that the site would achieve a BAL rating of BAL-29 subject to the maintenance of an asset protection zone (APZ). DFES has queried the classification of vegetation within Plot 3 of the BMP, stating that the photographic evidence provided requires substantiating. DFES has commented that should the vegetation be classified as Forest and not Class B Woodland as stated on the BMP, the BAL rating could be higher. Officers have undertaken further assessment of the vegetation including the canopy cover and foliage and are satisfied that the correct classification has been used within the BMP.



DFES has also raised that once the land is subdivided, the APZ would fall outside of the subject lot boundary and as such, there is no way of enforcing that the APZ would be maintained in perpetuity. The APZ is imperative to ensure that the BAL rating is maintained at BAL-29 and without this, the development would be inconsistent with SPP3.7. Officers consider that due to the land to the north and west being designated as public open space and road reservation, this would be maintained to an appropriate APZ standard by the Shire. The land to the east would be developed for residential purposes and as part of the subdivision process, would be required to have a BMP prepared and the eventual development would be required to achieve compliance with the Guidelines. Based on this, it is reasonable to assume that the future development in accordance with the Structure Plan would ensure that an appropriate BAL rating is maintained for the Child Minding Centre.

Vehicular Access:

The Guidelines require for development to have two-way access from a site in case of a bushfire. Once Shepparton Boulevard has been extended and connected to Warrington Road this will be achieved. Until Shepparton Boulevard is fully constructed to connect with Warrington Road, an emergency accessway through the existing lot to Warrington Road will be required. It is recommended as a condition of approval that the BMP is updated to show the emergency accessway and ensure it complies with the relevant construction standards. DFES has also commented that the BMP should be updated in this regard.

Local Planning Policy 4.24 - Child Minding Centres

The development of Child Minding Centres is guided by LPP4.24 the objectives of which 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.*

The LPP sets out acceptable and performance based criteria for Child Minding Centres. Development that falls within 'acceptable' will generally be supported. Where development is 'performance based' demonstration of its acceptability is required.

The variations to the acceptable standards are detailed in the table below:

Acceptable Development	Performance Based	Comments
Amenity		
<i>Outdoor play areas located in a safe place within the site, providing adequate shade, and separated from noise sensitive premises</i>	<i>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.</i>	The play areas are considered to be located so as to not have an adverse noise impact while the requirement for an acoustic barrier (fence) will further mitigate amenity impacts.



Acceptable Development	Performance Based	Comments
<i>Waste service areas appropriately screened from public areas</i>	N/A	The unroofed bin store area is located to the front (south east) of the Child Minding Centre and is not appropriately screened. The applicant has advised that the bin store is intended to incorporate public art rather than be screened. A Waste Management has been recommended by way of a condition and it is considered that the screening of the bins can be addressed through this measure.
<i>Setbacks to side and rear boundaries and the orientation of openings to indoor play areas located to minimise noise impacts</i>	<i>Noise levels are demonstrated to be consistent with the level of amenity currently afforded to an area.</i>	The Acoustic Assessment concludes that the Child Minding Centre can achieve compliance with the Noise Regulations and can meet a level of amenity intended for the future residential area.
<i>Hours of operation 7:00am to 7:00pm Monday to Friday.</i>	<i>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.</i>	The proposed hours of operation are 6.00am to 6.30pm from Monday to Friday. The Acoustic Assessment demonstrates that this additional hour would not result in an adverse amenity impact by way of noise - refer to Noise section of the report.
Landscaping		
<i>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</i>	<i>A reduction in the on-site landscaping requirement is associated with additional verge landscaping.</i>	Table II- Site Requirements of TPS2 requires a Child Minding Centre to have 50% of the site for landscaping while only 45.1% of the site has been set aside for potential landscaping. While the variation is considered reasonable given landscaping of the verge, both the Site Plan and Landscaping Plan do not detail how the entire site will be landscaped. Therefore, it is recommended that a detailed Landscaping Plan be provided through the imposition of a condition.

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

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

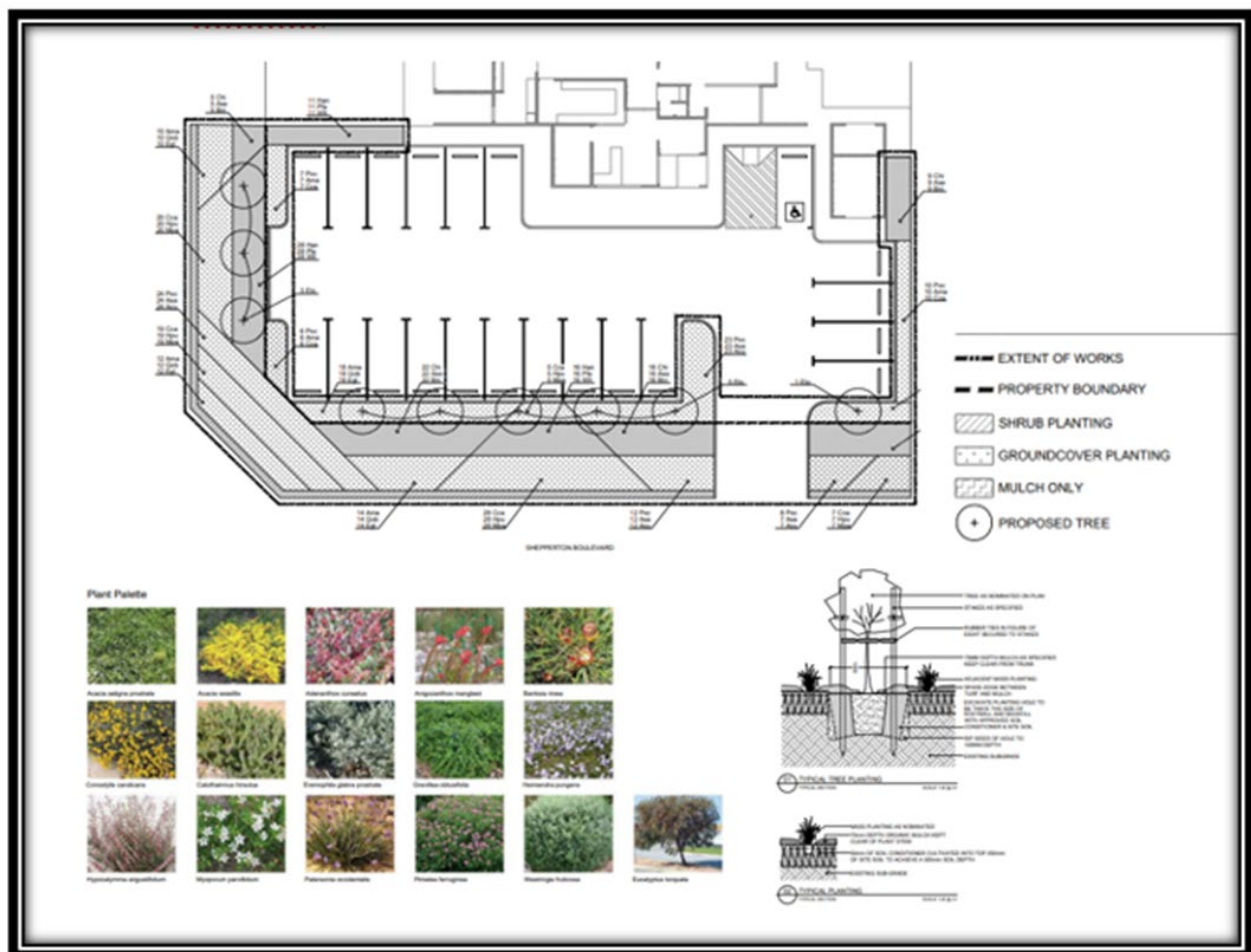
Local Planning Policy 4.11 - Advertising Policy

The proposed development is a generally a type that involves the provision of signage to identify the use and branding of the development. The proposed development plans have not demonstrated the content of any signage. To ensure any proposed development complies with the Shire's standards for signage, a condition has been recommended for a strategy to be submitted and approved by the Shire.

Local Planning Policy 4.16 - Tree Retention and Planting

The proposed development is subject to landscaping requirements under TPS2 and subsequently the provisions of LPP4.16. A Landscaping Plan has been submitted which includes planting within the adjoining verge/s and a small section in the frontage around the car parking area but not across the entire site. A condition requiring a Landscaping Plan has been recommended, which will allow the detailed design of landscape areas to be refined prior to operation.

In respect of depicting the intended landscaping approach, this is shown in the following concept provided by Ecoscape:

**Landscape Concept**



Development Contributions (DCA1)

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

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

Traffic

The application was submitted with an accompanying Traffic Impact Statement (TIS), prepared by KCTT. The TIS indicates the development would generate approximately 452 trips per day, comprising 83 trips over the AM peak and 73 trips over the PM peak. The conclusions of the TIS indicate that the surrounding road network will be extensively upgraded and other surrounding roads would absorb significantly less traffic and the proposed Child Minding Centre will not have a negative impact on the surrounding road network.

The majority of residential development within the area is located to the north and west of the subject site, resulting in a low likelihood of these roads being used to access the subject site, primarily where access to the site is only available from Shepparton Boulevard at the western side of the lot.

As the surrounding area continues to develop the connectivity of the local road network and associated upgrades will occur concurrently. Officers are satisfied that the traffic impacts of the proposed development are not unreasonable and will not impact upon the functionality of the local road network in the short or long term. A condition has been recommended to ensure temporary access to the site is constructed to the entrance of the development prior to the use occurring to the satisfaction of the Shire. Plans and specifications of the access road are to be submitted to the Shire prior to the lodgment of a building permit.

Amenity

Visual

In terms of the visual impacts of the development, the proposed building covers an area of 671m² and the design incorporates habitable elements intended to reflect residential development. The design elements include: a verandah and awning, pitched roof and windows addressing the street and future residential development to the east. The proposal has orientated the larger outdoor play area away from nearest future residential lots to the east and also includes 742m² of landscaping around the building and car parking area to mitigate the visual impacts of the development. A condition has been recommended requiring a Landscaping Plan to ensure appropriate landscaping is provided.

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. Further, the proposed built form is considered to meet the LPP4.24 design policy requirements as the development has the appearance of natural materials with a combination of prefinished / timber look CFC (fibre cement) and trimdek metal wall cladding and avoiding the use of facebrick. The design is also enhanced contrasting horizontal patterns with more fine grained



Building perspective

Noise:

The application was submitted with an accompanying Acoustic Assessment which uses modelling to predict the noise emissions from the development at all nearby sensitive receptors as depicted below:

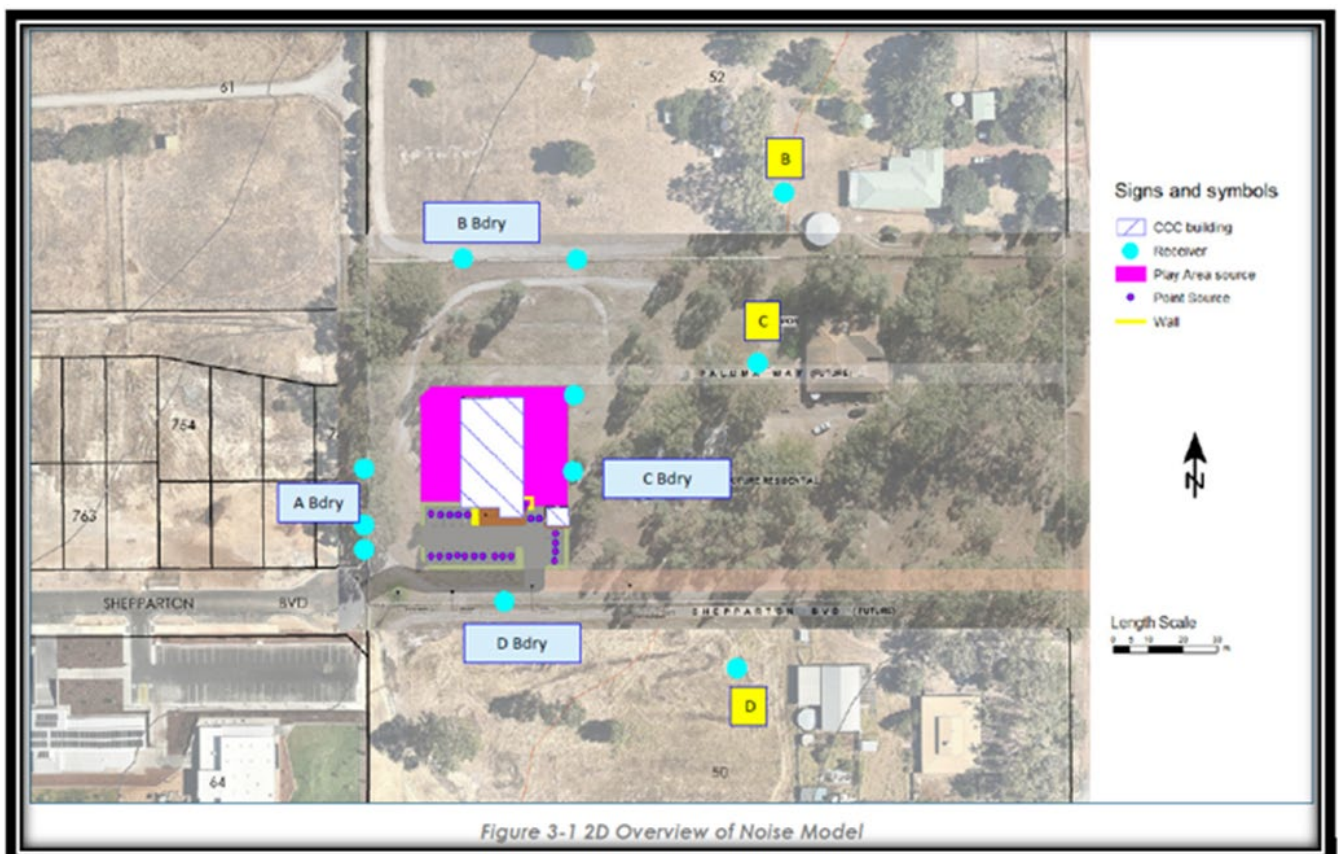


Figure 3-1 2D Overview of Noise Model

Noise Model Plan Showing Location of Receptors



An assessment against outdoor play noise levels (considered to be the greatest noise source level) is shown in the table below:

Table 5-1 Assessment of Outdoor Child Play Noise Levels, dB LA10			
Receiver	Assigned Noise Level*	Predicted Level	Exceedence*
A. Lots 757/758 (West Boundary)	60 (45)	46	Complies, (+1)
B. Lot 52 (#110) Warrington Road (Residence)	45	37	Complies
B. Lot 52 (#110) Warrington Road (Boundary)	60 (45)	45	Complies
C. Lot 51 (#116) Warrington Road (Residence)	45	44	Complies
C. Lot 51 (#116) Warrington Road (Boundary)	60 (45)	59	Complies, (+14)
D. Lot 50 (#124) Warrington Road (Residence)	45	36	Complies
D. Lot 50 (#124) Warrington Road (Boundary)	60 (45)	43	Complies

* Where a boundary receiver has the potential to be highly noise sensitive in the event of future development, the assigned level (and exceedence) would be as shown in brackets.

Predict Noise Levels for Each Receiver

The Environmental Noise Assessment concludes that compliance with the *Environmental Protection (Noise) Regulations 1997* will be achieved in the short term, prior to the surrounding area being subdivided for residential development.

The results do however indicate exceedances once the immediate area has been developed. The Acoustic Assessment provides recommendations for the future to ensure the development remains compliant once this occurs. These recommendations include the construction of solid noise barriers around the outdoor play areas and AC plant and exhaust fans and also restrictions to the use of certain parking bays before 7am. Officers have recommended a condition of approval requiring a Noise Management Plan to be submitted to include the recommendations of the Acoustic Assessment and ensure compliance with the Noise Regulations in perpetuity.

Options and Implications

Option 1

That Council APPROVES the development application for a 'Child Minding Centre' at Lot 51, 116 Warrington Road, Byford as contained in **attachment 1**, subject to the following conditions:

- 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 P5 received at the Shire's offices on 2 February 2023 Traffic Impact Statement prepared by KCTT, dated September 2022 Rev B
--------------------------	--



	Environmental Noise Assessment prepared by Lloyd George Acoustics, dated 10 February 2023 Rev C Bushfire Management Plan prepared by Envision Bushfire Protection, dated 4 January 2023
--	--

- b. The maximum number of children on the premises at any one time shall not exceed 104.
- c. Operating hours are restricted to a drop off time of no earlier than 6:00am and a pick up time of no later than 6:30pm, Monday to Friday.
- d. Plans submitted for a building permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:
 - i. Site Plan to show the bin store appropriately screened from public areas;
 - ii. Schedule of colours and materials for external wall cladding and roof that elevate the rural and natural character of the Shire.

Revised plans being submitted to and approved by the Shire of Serpentine Jarrahdale prior to the submission of a Building Permit application.

- e. The application for building permit shall demonstrate the development incorporating all design and operational recommendations / conclusions as specified within the Environmental Noise Assessment prepared by Lloyd George Acoustics (dated 10 February 2023 Rev C), to the satisfaction of the Shire of Serpentine Jarrahdale.
- f. Prior to commencement, a Noise Management Plan that incorporates the recommendations of the Environment Noise Assessment dated 10 February 2023 Rev C must be submitted to the Shire's satisfaction.
- g. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans received on 2 February 2023 and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- h. A minimum of one (1) car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bays shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
- i. Prior to occupation of the development, a Landscaping Plan, showing all areas of retained vegetation, additional planting and location of shade sails shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
- j. 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.
- k. Prior to issuing 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.
- l. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.



- m. Prior to issuing of a Building Permit or commencement of works (whichever comes first), the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2 (Local Government).
- n. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through the amendment (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.
- o. The landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2. (Local Government).
- p. Prior to the commencement of the development, a Waste Management Plan must be submitted and approved by the Shire. Once approved, development must be in accordance with the approval Waste Management Plan.
- q. Prior to the commencement of the development, a Construction Management Plan must be submitted and approved by the Shire. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during the peak periods of the nearby school located on Shepparton Boulevard. Once approved, the Construction Management Plan shall be adhered to in its entirety.
- r. Prior to lodgement of a Building Permit, an updated Bushfire Management Plan shall be submitted detailing the emergency accessway to Warrington Road to the satisfaction of the Shire of Serpentine Jarrahdale.
- s. Prior to the submission of a Building Permit, detailed design of the access road to be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved the access road must be constructed to the satisfaction of the Shire.
- t. The temporary access road arrangement is to be removed once the Shepparton Boulevard east road extension has been constructed.

Option 2

Council resolves to REFUSE the application, due to the potential for adverse noise and traffic impacts resulting from the proposed development.

Option 1 is recommended.

Conclusion

The proposed Child Minding Centre is considered to align with the current planning framework and would be capable of approval. Notwithstanding the objection, the proposed development is considered to be appropriate within the context in which its proposed. Officers support the proposed development and recommend Council approve the application.

Attachments (available under separate cover)

- **10.1.6 - attachment 1** - Development Plans (E23/2166)
- **10.1.6 - attachment 2** - Summary of Submissions (E22/16467)
- **10.1.6 - attachment 3** - Technical Assessment (E23/1764)



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

OCM047/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strautins

That Council **APPROVES** the development application for a 'Child Minding Centre' at Lot 51, 116 Warrington Road, Byford as contained in attachment 1, subject to the following conditions:

- 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 P5 received at the Shire's offices on 2 February 2023
---------------------------------	--



	Traffic Impact Statement prepared by KCTT, dated September 2022 Rev B Environmental Noise Assessment prepared by Lloyd George Acoustics, dated 10 February 2023 Rev C Bushfire Management Plan prepared by Envision Bushfire Protection, dated 4 January 2023
--	--

- b. The maximum number of children on the premises at any one time shall not exceed 104.
- c. Operating hours are restricted to a drop off time of no earlier than 6:00am and a pick up time of no later than 6:30pm, Monday to Friday.
- d. Plans submitted for a building permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:
- i. Site Plan to show the bin store appropriately screened from public areas;
 - ii. Schedule of colours and materials for external wall cladding and roof that elevate the rural and natural character of the Shire.
- Revised plans being submitted to and approved by the Shire of Serpentine Jarrahdale prior to the submission of a Building Permit application.
- e. The application for building permit shall demonstrate the development incorporating all design and operational recommendations / conclusions as specified within the Environmental Noise Assessment prepared by Lloyd George Acoustics (dated 10 February 2023 Rev C), to the satisfaction of the Shire of Serpentine Jarrahdale.
- f. Prior to commencement, a Noise Management Plan that incorporates the recommendations of the Environment Noise Assessment dated 10 February 2023 Rev C must be submitted to the Shire's satisfaction.
- g. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans received on 2 February 2023 and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- h. A minimum of one (1) car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bays shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
- i. Prior to occupation of the development, a Landscaping Plan, showing all areas of retained vegetation, additional planting and location of shade sails shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
- j. 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.
- k. Prior to issuing 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.

- l. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.**
- m. Prior to issuing of a Building Permit or commencement of works (whichever comes first), the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2 (Local Government).**
- n. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through the amendment (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.**
- o. The landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2. (Local Government).**
- p. Prior to the commencement of the development, a Waste Management Plan must be submitted and approved by the Shire. Once approved, development must be in accordance with the approval Waste Management Plan.**
- q. Prior to the commencement of the development, a Construction Management Plan must be submitted and approved by the Shire. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during the peak periods of the nearby school located on Shepparton Boulevard. Once approved, the Construction Management Plan shall be adhered to in its entirety.**
- r. Prior to lodgement of a Building Permit, an updated Bushfire Management Plan shall be submitted detailing the emergency accessway to Warrington Road to the satisfaction of the Shire of Serpentine Jarrahdale.**
- s. Prior to the submission of a Building Permit, detailed design of the access road to be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved the access road must be constructed to the satisfaction of the Shire.**
- t. The temporary access road arrangement is to be removed once the Shepparton Boulevard east road extension has been constructed.**

CARRIED UNANIMOUSLY 9/0



Councillor Atwell declared a Financial Interest in item 10.1.7 and left the Meeting at 9:10pm prior to this item being discussed.

10.1.7 - Proposed 'Radio, TV and Communications Installation' (Telecommunications Tower and Associated Infrastructure) - Lot 116, 245 Keirnan Street, Whitby (PA22/611)	
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:	Telstra Corporation Ltd
Owner:	I and K Ritchie
Date of Receipt:	11 July 2022
Lot Area:	2.64ha
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 telecommunication facility to include a 35m high monopole at Lot 116, 245 Keirnan Street, Whitby.

Council, at its 20 February 2023 Ordinary Council Meeting (OCM), revoked its decision made at the 21 November 2022 meeting to approve the development application subject to an increased front setback. Upon revocation of that decision, the matter was then deferred by Council to the March 2023 meeting, pending further investigation into issues raised by neighbouring residents. This report thus deals with the merits based assessment of the application, and includes investigation of further issues raised by neighbouring residents.

The proposed development includes variations to Local Planning Policy 4.6 - Telecommunications Infrastructure (LPP4.6) and has also received four objections during the original consultation process.

Officers do not have delegated authority to determine development applications which vary Local Planning Policies in accordance with Delegated Authority 12.1.1 – Determination of Development Applications or where objections have been received that cannot be satisfied through amendments or imposition of conditions.



For the reasons detailed in the report, Officers consider the proposed development to be consistent with the objectives of the planning framework and recommend that Council approve the application as originally proposed, subject to conditions.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 February 2023 – OCM010/02/23 - COUNCIL RESOLUTION / Councillor Recommendation

Part 1

That Council REVOKES decision OCM269/11/22 made at the November 2022 Ordinary Council Meeting.

Ordinary Council Meeting - 20 February 2023 – OCM011/02/23 - COUNCIL RESOLUTION

Part 2

That Council DEFER consideration of the development application to the March Ordinary Council Meeting pending investigation into issues raised by neighbouring residents.

Ordinary Council Meeting - 21 November 2022 - OCM269/11/22 - COUNCIL RESOLUTION

That Council APPROVES the development application for proposed telecommunications tower and associated infrastructure at Lot 116, 245 Keirnan Street, Whitby, as contained within attachment 4, subject to the following conditions:

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

<i>Plans and Specifications</i>	<i>P1-P5 received at the Shire's Offices on the 11 July 2022</i>
---------------------------------	--

- b. *The development is to be setback a distance of 170m from Keirnan Street, within the cleared southwest corner on the subject land. In being relocated, the development is to maintain a minimum 5m setback from the western property boundary and 10m setback from the southern property boundary.*

Background

The subject site is located to the west of Whitby within an area originally subdivided and developed for rural residential purposes. Strategically, the area forms part of the broader Mundijong Whitby urban area, that will result in a transition to become a major urban node of more than 15,000 dwellings, and 40,000 people.

In respect of the subject site, the railway line is located to the west and the first stages of the Whitby Structure Plan to the north east, as depicted following. The site is currently developed with a single house and outbuildings, with good levels of mature trees that create filtered views into the site.



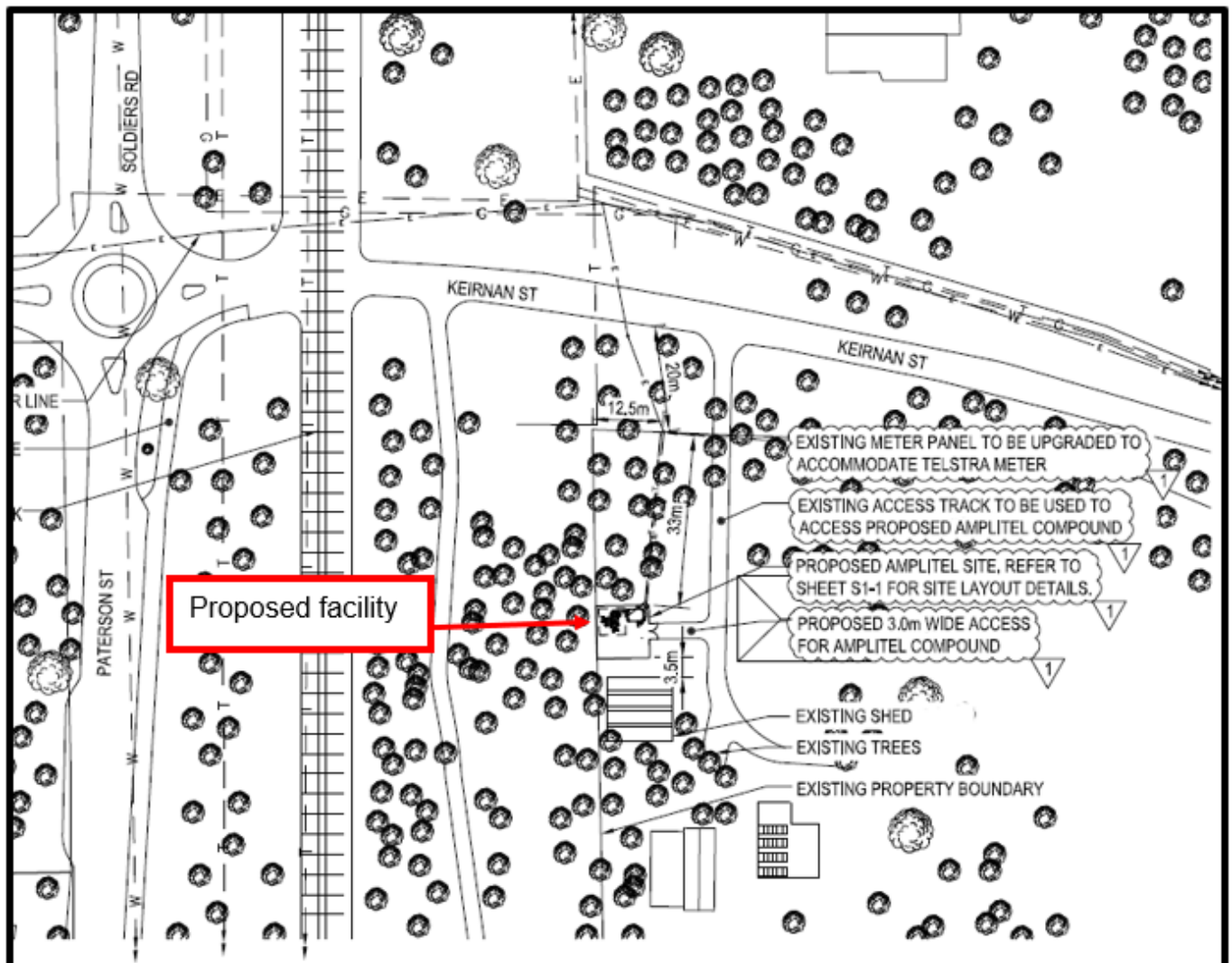
Proposed Development

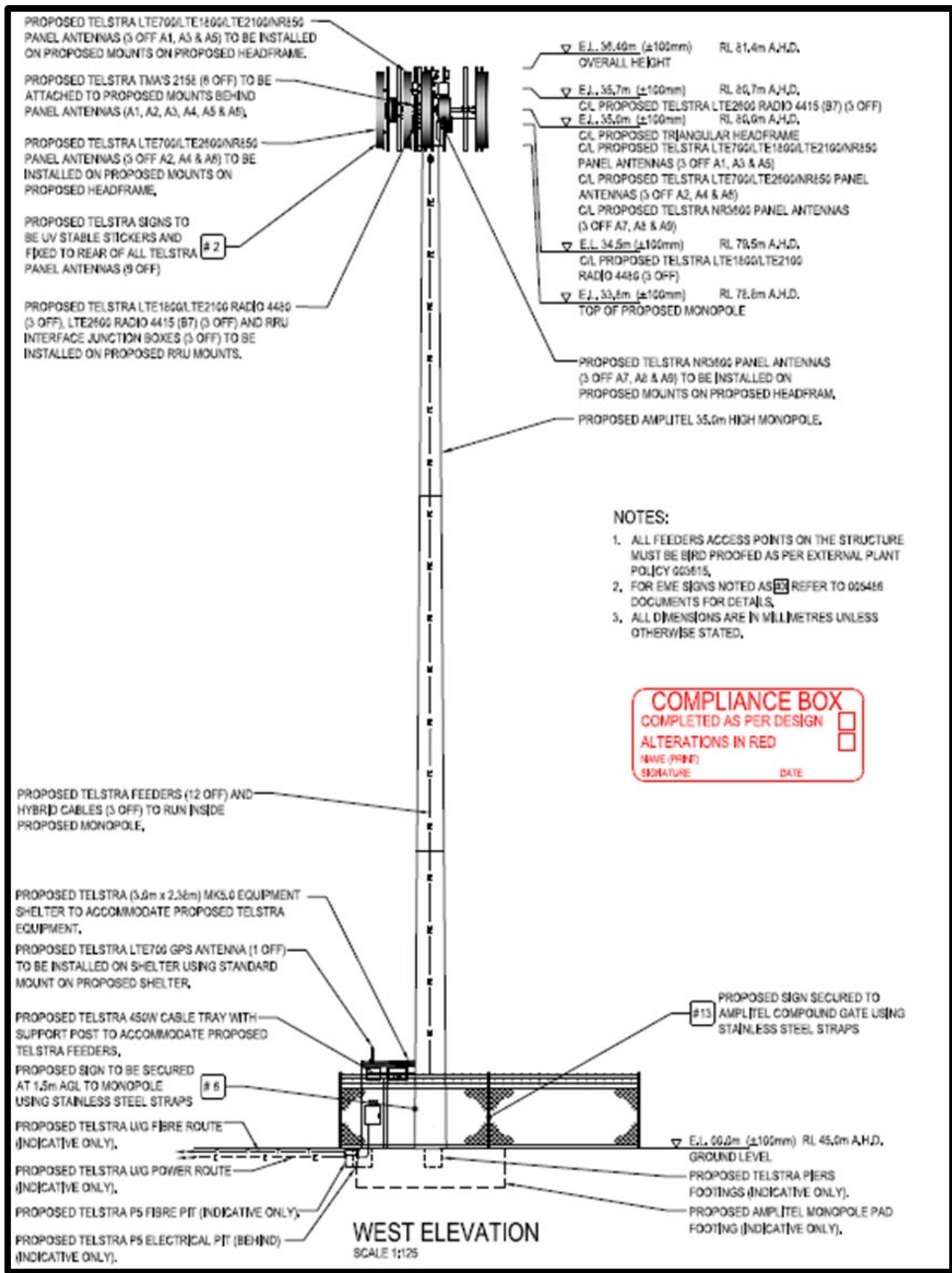
The application seeks approval for a telecommunications facility comprising of the following:

- one 35m high monopole;
- one triangular headframe;
- nine new panel antennas (no greater than 2.8m in length);
- one Telstra Equipment Shelter that is not more than 3m high with a base area of not more than 7.5m² at the base of the aforementioned tower;
- associated ancillary cabling and equipment; and
- 8m x 11m chain-link fence with a 3m wide gate.

The development is proposed to be set back 33m from the front property boundary, which is approximately 53m from the edge of the Keirnan Street road pavement (due to the large verge that exists in the area). The application outlines that the proposal forms part of the Telstra 4G and 5G network solution to the Whitby and Mundijong localities, which currently suffer from poor levels of mobile phone coverage. It will deliver mobile services as well as live video calling, video-based content and high-speed wireless internet. Current services levels in the locality are known to be inadequate, and continued growth in the locality will further impact service levels if not supplemented by additional infrastructure.

The site plan and elevation of the monopole are depicted following. Full details of the proposal are contained within **attachment 1**.







Community / Stakeholder Consultation

The application was advertised to surrounding landowners within a 500m radius for a period of 28 days, in accordance with LPP1.4 - Consultation for Planning Matters, between 8 August 2022 and 5 September 2022. The applicant also displayed a sign on site advertising the proposal for 28 days and the application details were made available on the Shire's website.

During the consultation period, 17 submissions were received, 13 in support of the proposal and four objecting. The reasons for objecting are addressed within the relevant headings of the report and include the following:

- Health;
- Visual Impact;
- Reduction in property prices.

Submissions of support for the proposal, indicate the current inadequacies of digital infrastructure to support the locality.

A full copy of the submissions and the Officers comments are contained within **attachment 2**.

Officers note that at the February 2023 Council meeting, a nearby resident delivered a public statement to the Council meeting, of which was recorded in the Minutes of that meeting as per standing orders.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 5.2 - Telecommunications Infrastructure

Local Planning Framework

- Draft Local Planning Scheme No. 3 (LPS3)
- Local Planning Strategy
- Local Planning Policy 4.6 - Telecommunications Infrastructure

Planning Assessment

A comprehensive assessment has been undertaken in accordance with section 67 of the *Planning and Development Regulations 2015*, the assessment can be viewed within **attachment 3**. For the purpose of this report, discussion is confined to the areas of concern or where Council is required to exercise discretion.

Land Use

The application relates to a Telstra telecommunications facility, which falls within the land use classification of 'Radio, TV and Communications Installation', which is defined under TPS2 as:



The proposed development is considered to utilise a location which has a number of residential development constraints, namely associated with it adjoining the existing rail corridor. Future residential development would need to be setback from this rail corridor, meaning that the telecommunications infrastructure would include a degree of separation as a result. For this reason, it is considered a suitable location that will support the planned urbanisation of the area and address current infrastructure deficiencies in the mobile network.

State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2)

SPP5.2 seeks to balance the need for infrastructure with the potential amenity impacts generally associated with this type of development. It states that it should be located to avoid detracting from a significant view of a heritage item or place, a landmark, streetscape, vista or panorama. The SPP sets out requirements in relation to visual impact, location/co-location, siting and design and the need for services. In this regard, the location adjoins an existing rail corridor, which does not have intensive development currently, or planned, along it. Also, being setback 53m from Keirnan Street road pavement (33m from the property boundary) and set amongst existing trees on the subject land, creates further layers of filtered screening that assists in maintaining acceptable amenity outcomes. On this basis the development is considered to be consistent with the SPP as proposed by the applicant.

Local Planning Policy 4.6 - Telecommunications Infrastructure (LPP4.6)

In addition to SPP5.2, LPP4.6 supplements the SPP and seeks to protect the character and amenity of areas within the Shire and ensure telecommunications infrastructure is located appropriately and with minimal impact. For the reasons explained under the SPP section above, the development is considered to align with the LPP. This is explained following:

Location:

LPP4.6 states that this type of development “*should not be located within 200 metres of land zoned Urban or Urban Deferred in the Metropolitan Region Scheme*” (MRS) unless there are special circumstances such as a physical buffer between the development and the residential area. As mentioned above, this applies to the subject land given the proposed location adjoins an existing rail corridor, which will cause future residential development to be separated from it. This affords a physical buffer, in addition to the increased setback to Keirnan Street that provides for filtered screening of the development.

Visual Impact

The policy framework acknowledges that telecommunication infrastructure is generally located in prominent positions where they are more likely to be visible to the public in order for them to be effective. However, SPP5.2 states that telecommunication infrastructure should be sited and designed to “*minimise visual impact*” and where possible be located where such will not detract from a streetscape where viewed from public or private land, under provision 5.1.1(11)(b).

The proposed location of the development is separated from development to the west by the railway and Paterson Street. Existing screening is established through mature vegetation in this location, as depicted following. In addition, the subject site has established vegetation along the eastern boundary and within the site to screen views of the tower from immediate neighbours to the east and south.



The monopole is considered to be only marginally visible from the street and neighbouring properties, where proposed at the setback of 33m from the property boundary and 53m from the Keirnan Street road pavement.

In order to address the ground level infrastructure that may be more visible, further landscaping should be included to reduce its visual impact on the streetscape and the neighbour to the north at the pedestrian level, consistent with the SPP. This has been recommended as a condition. Relocation of the development is not considered to be warranted, given the extensive setback already proposed from Keirnan Street.

Overall, it is considered that the proposal balances both the need for infrastructure within the locality and the potential amenity impacts, subject to further landscaping to the front of the site. The proposal is considered to meet the objectives of the planning framework.

Health and Safety

It is noted that residents raised objections in relation to impact of telecommunications infrastructure on human health. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) provide standards for limits of exposure which must be complied with by all installations. The limits for electromagnetic energy (EME) exposure given in the standard are intended to provide protection for people of all ages and medical conditions when exposed 24 hours a day seven days a week. A report has been provided as part of the application detailing information in relation to levels of radiofrequency (RF) and EME. The report shows that the highest EME exposure level of the tower is 2.27% of the ARPANSA standard exposure limit. This is very low and represents nil risk.



Additional Consideration

At the 20 February 2023 OCM, following Council's decision to revoke the existing approval granted at its 21 November 2022 OCM, the matter was deferred "*pending investigation into issues raised by neighbouring residents*". Officers have reviewed all information received from neighbouring residents, with a particular focus to issues raised in such (including issues raised in the public statement made at the February 2023 meeting). Officers advise as follows:

1. The original application, which proposed the setback of 33m from the property boundary, was advertised for public comment in accordance with the requirements of TPS2 and Local Planning Policy 1.4 - Consultation for Planning Matters. All surrounding landowners were sent identical letters and details of the application.
2. With regard to the public statement made at the February 2023 meeting, this appears to raise issues in respect of not having the opportunity to comment on the position approved by Council at the 21 November 2022 meeting. As Council approved the development subject to an increased setback, there was no further opportunity for public comment to take place.
3. Upon revocation of that decision, this report presents the merits based assessment of the application, and recommends that the development be approved at the location proposed by the application.
4. Further to the public statement at the February 2023 meeting, Officers met with Mr and Mrs Heley on 7 March 2023 and provided them a copy of Council Policy 5.3.5 - Complaints Resolution. This sets out how a formal complaint can be made.

Options and ImplicationsOption1

That Council APPROVES the development application for proposed telecommunications tower and associated infrastructure at Lot 116, 245 Keirnan Street, Whitby, as contained within **attachment 4**, subject to the following conditions:

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

Plans and Specifications	P1-P5 received at the Shire's Offices on the 11 July 2022
--------------------------	---

- b. Prior to issue of a Building Permit, a Landscape Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. This Plan is to demonstrate the provision of a suitable screening belt of landscaping on the north side of the compound, within five metres of the compound area. The width of landscaping is to reflect the width of the compound, comprise two rows of landscaping. Species should be selected which are native and which will provide a block screening outcome, between ground level and two metre height. Once approved, the Landscaping Plan shall be implemented and maintained.

Option 2

That Council REFUSES the development application, as contained in **attachment 4**, for proposed telecommunications tower with associated infrastructure at Lot 116, 245 Keirnan Street, Whitby, for the following reasons:

- a. The development is considered to pose an unacceptable visual amenity impact on the surrounding locality.



Option 1 is recommended.

Conclusion

The proposal seeks approval for a telecommunications facility to include a 35m high monopole and associated infrastructure. In balancing the services provided by the infrastructure and the impact on the character and amenity of the area, it is considered that the proposed location and siting would minimise the visual impact of the development, consistent with the planning framework. The application is therefore recommended for approval.

Attachments (available under separate cover)

- **10.1.7 - attachment 1** - Application Details (E22/13309)
- **10.1.7 - attachment 2** - Summary of Submissions (E22/10411)
- **10.1.7 - attachment 3** - Clause 67 Checklist (E22/13310)
- **10.1.7 - attachment 4** - Plans for Councils Determination (E22/13311)

Alignment with our Strategic Community Plan

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

Financial Implications

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 refusing the application, which may result in an appeal to the State Administrative Tribunal	Valid reasons for refusal that reflect planning matters	Financial	Possible	Insignificant	LOW	Should Council refuse for reasons other than Option 2, it is important that such reasons be based on relevant planning matters.

Voting Requirements: Simple Majority

OCM048/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strautins

That Council **APPROVES** the development application for proposed telecommunications tower and associated infrastructure at Lot 116, 245 Keirnan Street, Whitby, as contained within attachment 4, subject to the following conditions:

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

Plans and Specifications	P1-P5 received at the Shire's Offices on the 11 July 2022
--------------------------	---

- b. Prior to issue of a Building Permit, a Landscape Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. This Plan is to demonstrate the provision of a suitable screening belt of landscaping on the north side of the compound, within 5m of the compound area. The width of landscaping is to reflect the width of the compound, comprise two rows of landscaping. Species should be selected which are native and which will provide a block screening outcome, between ground level and 2m height. Once approved, the Landscaping Plan shall be implemented and maintained.

CARRIED 4/4

The Presiding Member used her casting vote and voted FOR the motion



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

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

Councillors Byas, Coales, Dagostino and Strautins voted AGAINST the motion.

Councillor Atwell returned to the Chambers at 9:32pm.

Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.1.7.

OCM049/03/23

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Duggin

In accordance with clause 11.1(c) of the *Standing Orders Local Law 2002 (as Amended)* that the Council now adjourn for a period of 10 minutes at 9:33pm.

CARRIED 8/1

Officers assisting the Meeting stopped the recording of the Meeting.

Presiding Member, Councillor Rich reconvened the meeting at 9:40pm, with following in attendance:

Councillors: M Rich.....Presiding Member
D Atwell
M Byas
R Coales
M Dagostino
T Duggin
S Mack
L Strange
D Strautins

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

Officers assisting the Meeting resumed the recording of the Meeting.

**10.1.8 - Local Planning Policy 3.5 (Byford Town Centre Public Realm Guidelines) and Local Planning Policy 3.8 (Byford Town Centre Built Form Guidelines) - Review of submissions and consideration to proceed with policies (SJ2663 and SJ2666)**

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

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

Proponent:	Shire of Serpentine Jarrahdale
Owner:	Various
Lot Area:	Various
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 on draft Local Planning Policy 3.5 (Byford Town Centre Public Realm Guidelines) and Local Planning Policy 3.8 (Byford Town Centre Built Form Guidelines), following public advertising being completed. The draft policies seek to update their content and applicability to the Byford Town Centre, noting the recent Town Centre Structure Plan changes.

Based on the review of submissions received, there are minor modifications recommended that respond to submissions and improve the draft policies. Based on this, it is recommended that Council proceed with the policies, with modifications.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 19 September 2022 - OCM223/09/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. That Council, pursuant to Clause 4 of the Deemed Provisions, RESOLVES TO ADVERTISE the amended Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines, as contained within attachment 1, and the amended Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines, as contained within attachment 2, for a period of 21 days after the day on which the notice is first published.*



Background

Local Planning Policies perform a function in the Local Planning Framework to guide planning decisions and ensure that a consistent approach and direction is provided to Officers, the community and developers. Policies seek to ensure consistency in the exercising of discretion, to help shape positive built form and public realm outcomes.

Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines (LPP3.5) and Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines (LPP3.8) were prepared in 2015, to assist with the implementation of the first version of the Byford Town Centre Local Structure Plan. The purpose of these Local Planning Policies was to ensure that both high quality built form and high quality public realm areas are provided for within the Byford Town Centre.

An amended Local Structure Plan for the Byford Town Centre has since been advanced and approved, responding to a number of changes occurring within the Byford Town Centre precinct. The amended Byford Town Centre Local Structure Plan was approved by the Western Australian Planning Commission (WAPC) on 15 February 2022. The amended Byford Town Centre Local Structure Plan has been updated substantially, with major changes pertaining to the layout of residential, commercial, mixed use and community purpose land uses, multiple use corridors and road layout. In addition, an updated inclusion to the Local Structure Plan is the provision of the Metronet Station Precinct situated along the existing railroad corridor, between the Old Town Centre and the New Town Centre areas. These approved changes to the Local Structure Plan required amendments to be undertaken to the associated Local Planning Policies 3.5 and 3.8 to ensure consistency. The amended Local Structure Plan, as approved in February 2022, is shown in Figure 1 following:

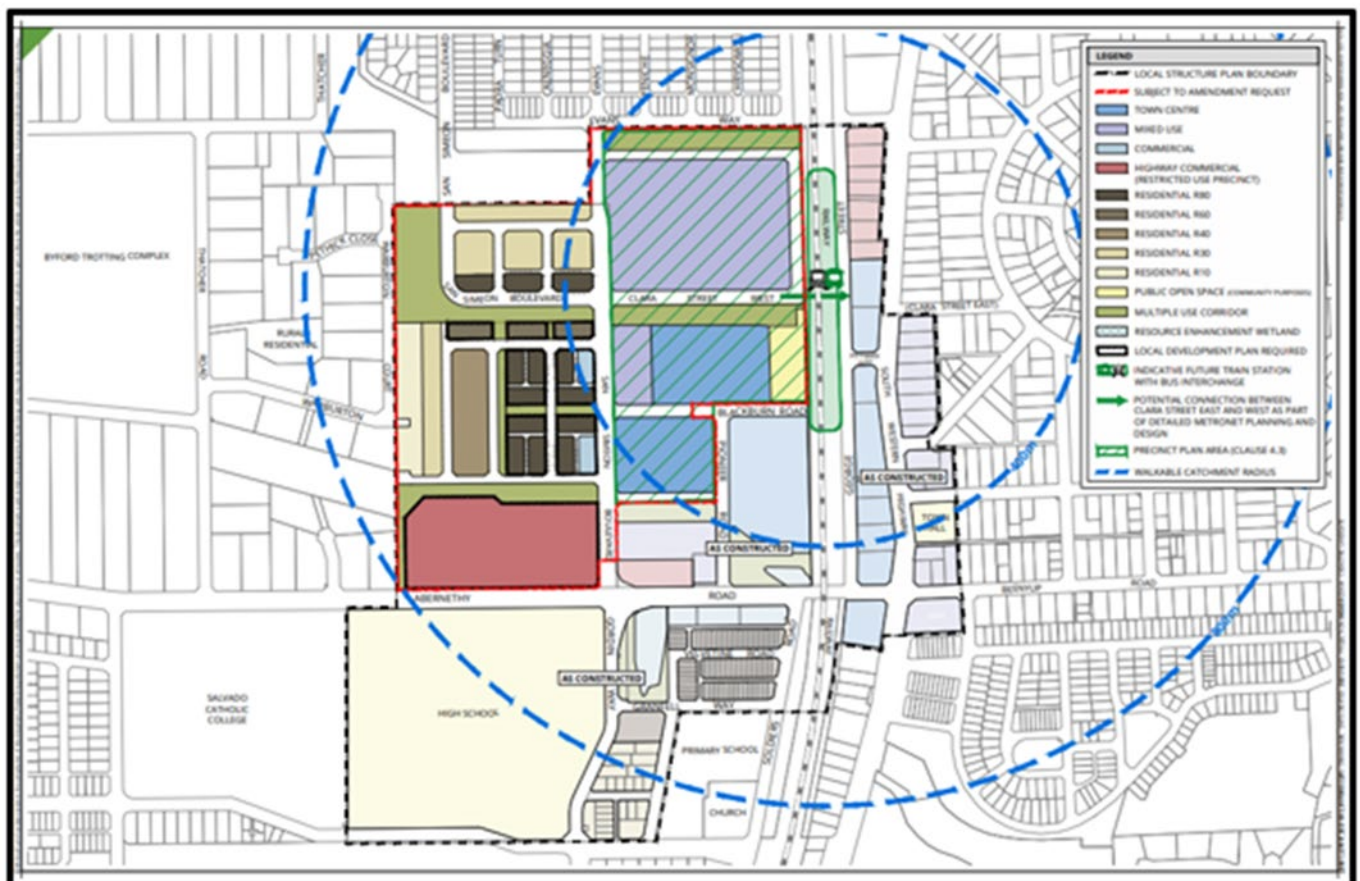


Figure 1: Current Byford Town Centre Local Structure Plan



Of further background note, the outcomes of the 2021 Byford Activity Centre Forum created several recommendations to progress the planning of the Byford Town Centre in an integrated manner. A number of actions were recommended from the Byford Activity Centre Forum and noted by the Council decision at the February 2022 Ordinary Council Meeting, which has additionally led to the review of the two Local Planning Policies.

At the Ordinary Council Meeting held on 19 September 2022, Council resolved to advertise the proposed amendments to LPP3.5 and LPP3.8 for Government agency and public comment.

Community / Stakeholder Consultation

Draft LPP3.5 and Draft LPP3.8 were publicly advertised for comment pursuant to Clause 4 of the Deemed Provisions of the Scheme, from 6 October 2022 to 28 October 2022. A total of three submissions were received. The full Summary of Submissions is contained within **attachment 3**. A detailed submission was received from the Public Transport Authority (PTA), which will be discussed in greater detail in the Planning Assessment section of this report. The consultation included letters to impacted landowners/businesses, a newspaper advertisement and the draft Local Planning Policies being placed on the 'Your Say SJ' website.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy suite

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Byford District Structure Plan
- Byford Town Centre Local Structure Plan
- Local Planning Policy suite

Planning Assessment

Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines

The Byford Town Centre Public Realm Guidelines have been developed to create a vibrant and integrated district centre, comprising of an identifiable character and distinct sense of place. The policy has been developed based on context analysis and contextual interpretation to assist in identifying unique elements of Byford, in order to orient the Town Centre around the community. Understanding the context around the Byford Town Centre is important for developing a sense of place and an active public realm to generate a vibrant Town Centre.

General policy provisions relate to urban ecology, streetscape, shared streets and civic spaces, greenways and public open space and are focussed on generating safe pedestrian and transit-oriented spaces that make use of Byford's natural assets.



To ensure that Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines aligns with the Byford Town Centre Local Structure Plan, a number of changes were made to the policy, which was approved for the purposes of advertising at the Ordinary Council Meeting of 19 September 2022. The amendments undertaken to the policies prior to advertising are listed below:

- Amendment of precincts to reflect the changes in the layout of land uses, including the addition of the Metronet Station Precinct. The Policy now includes four precincts including Commercial Precinct, Residential Precinct, Metronet Station Precinct and the South Western Highway Precinct.
- References to the planning policy framework have been updated to reflect the current planning policy framework in place.
- Maps and diagrams throughout the Policy have been updated to ensure that they reflect the new Local Structure Plan layout.
- The streetscape provisions have been amended so that the requirements of street design, widths to road reserves and footpaths all align with the requirements set out in Liveable Neighbourhoods to ensure consistency throughout the Shire.
- Precinct Policy Provisions have been reviewed and updated to align with the updated precincts outlined in the first point, including a review of the provisions to align with the requirements of the Byford Town Centre Local Structure Plan.

Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines

The Byford Town Centre Built Form Guidelines have been prepared to facilitate and coordinate the Shire's desired built form and development outcomes within the Byford Town Centre area. The Policy has been developed from a vision, principles and a built form concept that has been informed by context identification, analysis and interpretation. It focuses on creating a vibrant and integrated District Centre, an identifiable character and sense of place, a safe pedestrian and transit oriented space, and a place that capitalises on natural assets.

The Policy applies to all development applications within the Byford Town Centre Local Structure Plan area and guides the provision of infrastructure and assessment of applications regarding built form. The Policy addresses matters including setbacks, building height, articulation, materials, orientation and character, privacy, parking, outdoor amenities, signage, crime prevention, public space, stormwater management and urban ecology.

In order to align the Local Planning Policy 3.8 with the amended Byford Town Centre Local Structure Plan, a number of changes were made to the policy which was approved for the purposes of advertising at the Ordinary Council Meeting of 19 September 2022. The amendments undertaken to the policies are listed below:

- Amendment of precincts to reflect the changes in the layout of land uses, including the addition of the Metronet Station Precinct.
- References to the planning policy framework has been updated.
- Addition of a parking provision to ensure a balance of parking is provided within the Town Centre area. This reflects the parking ratio that was originally adopted as part of the first version of the Byford Town Centre Structure Plan. The new parking provision is as follows: *"The minimum parking requirement for non-residential uses within the LSP is one bay for every 20m² gross leasable area (GLA), less any on-street parking adjoining the site".*



- Clarification on policy provisions relation to signage requirements to remove ambiguity about what is required in the built form.
- Precinct Policy Provisions being reviewed and updated to align with the precincts outlined in the first point, including a review of the provisions to align with the requirements of the Byford Town Centre Local Structure Plan and align with orderly and proper planning throughout each precinct.

As mentioned above, the Shire received three submissions within the advertising period. These comprised of two from Government Agencies and one from the community.

The submission from the community highlighted the need for future development and areas of the public realm to consider people with varying abilities for accessibility and emphasised the need for incorporation of safe and universal access.

The two Government Agency submissions were received from the Department of Water and Environmental Regulation (DWER) and the Public Transport Authority. Key matters raised include the following:

- DWER raised the matter of it being noted within LPP3.5 for the requirement of stormwater being managed in line with water sensitive urban design principles consistent with *Decision process for stormwater management in WA (DoW 2016)*, the *Stormwater Management Manual for Western Australia (DoW 2004-2007)* and *New Water Ways - Carpark developments/retrofits*. A modification to LPP3.5 has been proposed to address this.
- PTA is supportive of LPP3.5 and LPP3.8 in providing the necessary guidance for development in the Byford Town Centre. PTA notes that consistency between the LPPs and the Byford Rail Extension (BRE) Project Precinct Plans is important to deliver coordinated outcomes. Officers have consulted with the Department of Planning, Lands and Heritage (DPLH) Metronet Team to ensure consistency.
- The PTA have highlighted the importance for shared streets and the built form to be designed to integrate a bus route network. This has included street cross-sections to be designed to accommodate buses and for various design elements to allow for the safe use of buses throughout the Byford Town Centre. This includes outdoor eating areas; bus stops and streets being designed to safely accommodate buses.
- PTA have requested that some diagrams and maps be annotated more clearly, and some minor modifications have been proposed to amend various layouts.
- PTA raised important elements for safe access in their submission, including the need for safe and universal access in and around bus routes to increase the accessibility of buses in the Town Centre. In addition, their submission highlighted the importance of safety around bus stops through ground treatments and principles of Crime Prevention Through Environmental Design being incorporated.
- The PTA submission has also included bus shelters to be considered within the Policies and for the Policies to refer to the PTA's Bus Shelters Buyers Guide for the development of the correct and appropriately designed bus shelters for the Byford Town Centre.



Modifications

In response to the submissions received, Officers recommend the following modifications to LPP 3.5 to address the submissions:

1. Include provision for Water Sensitive Urban Design to be incorporated where possible and for carparks to be designed and stormwater managed in line with Water Sensitive Urban Design Principles.
2. Include a provision that the final road reserve design will be subject to future detailed design prior to construction.
3. Modification to change 35m road reserves for Abernethy Road and San Simeon Boulevard to be 30m road reserves.
4. Remove the 35m road reserve cross section.
5. Include a provision for all streets, including shared streets, to be subject to further detailed design. Where shared streets are proposed together with bus routes, consultation with PTA is required.
6. Modification to diagram 3 to better reflect the rail corridor.
7. Include a provision for projects/developments in the vicinity of the Byford Station to be encouraged to have regard for the METRONET BRE Public Art and Interpretation - Public Art Plan.
8. Include a provision requiring accessible and safe pedestrian road crossings to allow for ease of access around future bus routes and existing bus routes.
9. Include a provision that if the Shire does not wish for bus stops to have PTA's default paving design, that the Shire must consult PTA.
10. Amend the bus stop design provision to clearly refer to the "Urban" range of the PTA's Bus Shelters Buyers Guide.

Officers recommend the following modifications to LPP 3.8 to address the submissions:

1. Modify Figure 3 to clearly show the bus interchange and train station as being places of attraction.
2. Include a provision that future development and subdivision applications will require an acoustic assessment in accordance with State Planning Policy 5.4 Road and Rail Noise and are to be undertaken by a suitably qualified professional.
3. Include a provision to require fencing along railway reserves to be installed to the satisfaction of the PTA.
4. Insert text to ensure that outdoor dining furniture does not conflict with the PTA's Bus Stop Design Guidelines indicative exclusion zones.
5. Modify the distance weather protection devices can extend from 600 to 700 millimetres from the road kerb.
6. Include a new provision for the design of bus shelters to be in accordance with the PTA's Bus Stop Design Guidelines.
7. Include a provision for the Planning Guidelines: Safer Places by Design - Crime Prevention Through Environmental Design to be considered in development applications.



8. Amend parking provision 5.3.1.5 to state “*any parking facilities in the rail reserve will be subject to PTA approval*”, as PTA legislation does not allow for reciprocal parking arrangements.

Options and Implications

Option 1

That Council:

1. Pursuant to Clause 4(3) of the Deemed Provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, resolves to PROCEED with Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines and Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines with modifications as contained in **attachment 4** and **attachment 5**.
2. Pursuant to Clause 4(4) of the Deemed Provisions of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, PUBLISH notice of Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines and Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines in accordance with Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Option 2

That Council resolves NOT TO PROCEED with Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines and Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines.

Option 1 is recommended.

Conclusion

The Byford Town Centre Local Structure Plan has been recently amended in 2022. Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines and Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines are proposed to be amended to respond to the updated Local Structure Plan. The Policies have also been updated to reflect the opportunities associated with new development within the town centre. Officers recommend that policies be approved subject to modifications relating to bus stop design, bus shelters, shared streets, cross sections, accessibility, acoustic mitigation measures and crime prevention through environmental design, in order to address submissions received during the advertising.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** - Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines (E21/9336)
- **10.1.8 - attachment 2** - Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines (E21/9341)
- **10.1.8 - attachment 3** - Summary of Submissions (E22/13654)
- **10.1.8 - attachment 4** - LPP 3.5 Schedule of Modifications (E23/2511)
- **10.1.8 - attachment 5** - LPP 3.8 Schedule of Modifications (E23/2513)



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 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.2	Support local emergency services
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 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district
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

Financial Implications

There are no long-term financial implications resulting from this 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	There is no risk associated with Option 1.						
2	If Council resolves not to proceed with the Local Planning Policies, there is a risk of ad hoc development by having policies which are inconsistent with the approved structure plan.	Planning Framework	Social Community Outcomes /	Possible	Moderate	MODERATE	Nil

Voting Requirements: Simple Majority

OCM050/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Byas

That Council:

1. Pursuant to Clause 4(3) of the Deemed Provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, resolves to PROCEED with Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines and Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines with modifications as contained in attachment 4 and attachment 5.
2. Pursuant to Clause 4(4) of the Deemed Provisions of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, PUBLISH notice of Local Planning Policy 3.5 - Byford Town Centre Public Realm Guidelines and Local Planning Policy 3.8 - Byford Town Centre Built Form Guidelines in accordance with Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED UNANIMOUSLY 9/0



Councillor Atwell declared a Financial Interest in item 10.1.9 and left the Meeting at 9:46pm prior to this item being discussed.

Councillor Duggin declared an Impartiality Interest in item 10.1.9.

10.1.9 - West Mundijong Industrial Area - Outcomes to Discussion Paper and Forum (SJ4112)	
Responsible Officer:	Acting Manager Economic Development and Promotions
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 item is for Council to consider a report which responds to the following 2022/2023 KPI:

Present to Council for consideration a report on the future options for the development of the West Mundijong Industrial area and the role of the Shire, by March 2023.

This report presents future options, following a process of landowner, community, and stakeholder engagement. The recommended options consider an initial set of short term actions, with a future report recommended to return to Council to consider longer term actions once clarity has been reached in respect of Westport landside logistics outcomes.

It is recommended this approach be adopted by Council.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 21 November 2022 - OCM274/11/22 - COUNCIL RESOLUTION That Council:

1. *ENDORSES the discussion paper and accompanying questions as provided in attachment 1 SUBJECT TO the following changes:*
 - a. *Modifying part 5 of the discussion paper to list a further risk as follows:*

"There is also a potential risk that the project may not proceed based on competition in the industrial land market, that is growing in the southeast corridor of Perth. This could result in pressure being placed on the Shire to explore various incentives (or even disincentives) to drive development, such as differential rating. It would be important to consider how best to manage such levers in a way which creates flexibility but also certainty for the project in attracting investment."
 - b. *Inserting a new Question 5a of the discussion paper as follows:*



"In order to promote development taking place, would you consider differential rating methodologies to be an appropriate lever in which the Shire could utilise? For example, providing an incentive for land to be developed (improved) versus land sitting undeveloped/unimproved? Yes / No and please provide reasons for your answer."

2. *ENDORSES the discussion paper and accompanying questions as provided in attachment 1 SUBJECT TO the following changes:*

c. Modifying part 6 of the discussion paper to list a further partnering stakeholder of 'Environmentally Friendly Suppliers':

3. *ADD the following possible answers below to the questions proposed in the original Officer's recommendation:*

Question 1 - Yes if my preferred options following are adopted.

Question 2 - Leading the inclusion of sustainable energy supply towards net zero carbon emission.

Question 3 - The Shire will be able to reduce rate burden on rate payers via the gaining of energy supply income.

Question 4 - The Shire will contribute to global warming unless the Shire works towards a net zero emission Industrial Area.

Question 6 - Engage with innovative sustainable energy supply organisations to supply and manage towards net zero emission and income for the Shire.

Question 7 - Information on how net zero emissions are being achieved.

4. *Once the discussion paper is modified in accordance with Part (1), ENDORSES the following engagement processes:*

a. Your Say SJ page to promote community and stakeholder engagement for a period of 60 days;

b. Specific focus group forum to be delivered in collaboration with the Peel Development Commission, with current landowners within the West Mundijong structure plan area.

5. *AMENDS the 2022/23 statutory budget to undertake two new infrastructure projects (Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road roundabout upgrade) to a value of \$150,000 as follows:*

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expenditure	Mundijong/Kargotich Road Roundabout Upgrade - Capital Purchase	90,000	
6400-NEW-5033-0000	Increase Revenue	Mundijong/Kargotich Road Roundabout Upgrade - Transfer from Reserve - Road Asset Management Reserve		90,000
6400-NEW-6600-0000	Increase Expenditure	Mundijong Road Pavement Dip Rehabilitation - Capital Purchase	60,000	
6400-NEW-5033-0000	Increase Revenue	Mundijong Road Pavement Dip Rehabilitation - Transfer from Reserve - Road Asset Management Reserve		60,000

Reason: Funds required for to undertake two new infrastructure projects: Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road interim roundabout upgrade.

This is to be funded from the Road Asset Management Reserve.



6. *REQUESTS the Chief Executive Officer to write to the subdivider of WAPC reference 159480, seeking a \$45,000 contribution to be able to undertake the Mundijong Road pavement dip rehabilitation and Mundijong Road/Kargotich Road interim roundabout upgrade.*

Ordinary Council Meeting - 13 December 2021 - OCM363/12/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ENDORSES the West Mundijong Industrial Area Business Case as attached at attachment 1.*
2. *NOTES the Business Case will be used to advocate for funding for this development of the West Mundijong Industrial Area including future Building Better Region Fund application rounds.*
3. *AUTHORISES the Chief Executive Officer to submit this project to future Building Better Region Fund application rounds.*

Background

The West Mundijong Industrial Area is a State significant key industrial site and has the potential to be a major economic and enterprise area, and a south eastern gateway for greater Perth. The development of the West Mundijong Industrial Area will generate significant economic impact by providing access to industrial land within the Shire. The Shire has planned for the development of the West Mundijong Industrial Area since 2008, with the recent completion and approval of rezoning, development contribution arrangements, district and local structure plans for the area.

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

At the November 2022 meeting, Council endorsed the approach to undertake landowner, community and stakeholder engagement in order to help inform a response to the Organisational KPI, looking at strategic opportunities associated with the West Mundijong Industrial Area. This report presents Council the findings of this research and analysis, and provides a recommendation for Council consideration.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	27 February 2023
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Duggin, Cr Coales, Cr Mack, Cr Dagostino, Cr Strautins, Cr Byas

A presentation was provided to Councillors outlining the findings of the completed engagement processes.



Discussion Paper - Your Say SJ

The discussion paper was advertised for comment via the Shire's Your Say SJ website page from 7 December 2022 to 7 February 2023 with the addition of a survey questionnaire. There was not a huge response rate, which Officers have considered may indicate a low level of broader community awareness of the West Mundijong Industrial Area. At the conclusion of the consultation, three responses to the survey were received.

Stakeholder Forum

A half day stakeholder Forum was held on 24 February 2023. This delivered an engagement process with landowners, the Shire and the Peel Development Commission, each of who has a key interest in the West Mundijong Industrial Area. The intent of the Forum was to obtain a range of inputs and views as to what roles stakeholders consider could be potentially considered for the Shire to take, and the reason for this. It was also an opportunity to share thoughts on current and future issues and opportunities, and what a collective vision for the future would be. The Forum was attended by:

- 18 landowners
- Two elected members
- Westport General Manager
- Four Shire staff members
- Peel Development Commission Officer

Statutory Environment

Legislation

- *Local Government Act 1995*

Local Planning Framework

- West Mundijong Industrial Area Structure Plan

Comment

Investment Attraction

The Shire doesn't control the investment decisions of the private sector, however it continues to support a business environment that aims to make the Shire a local government of choice to invest. This has been created and maintained through a positive customer service approach, as well as strong local and regional networks of various businesses to support future investment, such as into the West Mundijong Industrial Area.

Officers have played a role in attraction and promotion, to facilitate outcomes and influence the future growth and development of the West Mundijong Industrial Area. This included proactive reaching out to industrial land developers, superannuation funds and private investment companies. A current developer in West Mundijong shared feedback at the Forum that they were pleased with investing in the Shire, noting a strong and collaborative commitment to working through issues and focussing on outcomes. This developer is now undertaking the first major subdivision, with an eight industrial lot development underway with sizes varying from 1.5 – 6.5 hectares. Officers are continuing to promote the area to support business relocation and future investment.



Officers consider there still to be the opportunity to attract an anchor tenant to the area. The value of an anchor tenant includes the industrial presence such creates, and also the associated supply chain relationships such forges with future smaller and medium sized industrial enterprises. Officers have, for example, previously approached the brickworks which is proximate to the growing urban area of Byford, to make them aware of the potential advantages that a strategic relocation to West Mundijong could provide. This however has not, at this stage, proceeded to further consideration.

Discussion Paper Analysis - Survey Questionnaire

The purpose of the discussion paper / survey questionnaire was to enable public engagement to explore and inform what future role the Shire should take in respect of the West Mundijong Industrial Area (beyond the regulatory role). Feedback was sought from the community in response to:

- what needs to be done to realise the vision of the Industrial Area;
- what are the differing priorities for such things that still need doing; and
- what still needs to be done that the Shire can get involved in.

At the conclusion of the consultation for the online questionnaire, three survey responses were received. There were a variety of views on what roles the Shire should consider being involved in. Respondents identified a preferred role for the Shire as project advocate, particularly in bringing interested parties together and facilitating cross agency collaboration.

In respect to opportunities and advantages presented to the Shire, most respondents felt that these were economic development, bringing new investment, the Shire being able to drive the process and assisting in going from a long-term dormitory area to being a significant local and regional industrial area. In terms of risks by not providing further assistance, respondents expressed this would impact on facilities and programs receiving funding, broader cost to the economy and Shire and residents not gaining the benefit in rates and economic development.

The respondents expressed their reasons for the Shire to allocate resources to realise the vision for the precinct where local government can influence transformation. The key priority highlighted was for the Shire to collaborate with industrial developers / key development stakeholders to market the growth of the precinct.

Focus Group Forum

The major undertakings on the day of the Forum included presentations from Shire Officers, Peel Development Commission and Westport which the following key discussion items included:

Discussion	Key Messages
Overview of Local Government role to date for West Mundijong Industrial Area and case studies / strategic context	<ul style="list-style-type: none">• History of West Mundijong Industrial Area;• Job Creation challenges (grow economic and enterprise activity, address employment capacity, self-sufficiency, and self-containment);• Local Structure Plan and Development Contribution Plan advanced and completed.
Strategic Importance of West Mundijong Industrial	<ul style="list-style-type: none">• State Projects such as Tonkin Highway and freight rail re-alignment acting as key catalysts;



Discussion	Key Messages
Area - Peel Development Commission	<ul style="list-style-type: none">• Future need to consider role of Mundijong Road to become State Road (connecting between Freeways and Highways);• Thomas Road Duplication;• Shire Owned Site at 10 (Lot 500 Lampiter Drive, Mardella) - Potential DFES Training Academy site;• Metronet;• Employment Generator.
Shared vision setting and identify key objectives	<ul style="list-style-type: none">• All residents desired certainty in terms of process and timing as it relates to land required for public purposes (freight rail deviation);• Significant strategic opportunities associated with inward State Infrastructure investment (Tonkin Highway, Freight Rail Deviation, possible intermodal facility).
Stakeholder needs analysis exercise	<ul style="list-style-type: none">• Attract economic investment;• Ongoing communication and regular and owner meetings;• Work with all levels of government agencies;• Funding and advocacy from State Government.
Presentation by Westport	<ul style="list-style-type: none">• 90% of everything comes through ports (supply chain);• Alternative needed to Fremantle port due to traffic considerations / long term development;• Intermodal site at West Mundijong Industrial Area (long term strategic possibility);• Decisions regarding the intermodal and routes are to be finalised by the fourth quarter 2023.

Outcomes and Next Steps

The insights from the Forum highlighted several key themes and issues. An important issue was the presentation from Westport, that highlighted a piece of strategic work currently underway pertaining to landside logistics solutions. The timing associated with this, and that one of the options includes West Mundijong, generated discussions as to how this may impact timing of the West Mundijong area.

Another key issue included the concerns regarding servicing and utility provision, and how to avoid the estate remaining isolated from either traditional or innovative servicing solutions.

Other key themes discussed included:

1. Those waiting for their land to be acquired for public infrastructure purposes (freight rail deviation);
2. Those wanting to develop their land in accordance with the new zoning;
3. Those wanting to sell their land for development, but still having thoughts and a clear vision for the future of the area.

Upon reflection of the results of the Forum, there appear to be two streams of thought:



1. A set of short term actions that relate to addressing short term issues which are generally known, and which are not affected by future issues associated with Westport decision making; and
2. A set of longer term actions, that are less known, and that will potentially be affected by Westport decision making.

The following table shows the range of potential actions discussed, and the likely timeframe that could be considered (some actions already being underway). The potential actions were grouped according to landowner perspectives, being (1) early property disposition; (2) waiting for the right time to develop and; (3) landholding with a view to long term development positional.

(1) Actions relevant to early property disposition	Timeframe
(1) Freight Rail Alignment	
a) Work with State Government to establish milestones and timeframes on final alignment and report back to residents.	Short term
b) Deep dive into any holdups and develop strategies to expedite within the Shire's control.	Long term
(2) Timing of Acquisitions	
a) Relay any information discovered to affected residents.	Short term
b) Collect detailed concerns and build a picture on the effect of the delays to inform an advocacy position within State Government.	Long term
(3) Communications	
a) Meet with all affected landowners individually and/or in small groups.	Short term
b) Schedule bi-annual whole group face to face meetings with an agenda distributed.	Short term
c) Establish a webpage, marketing and investment attraction.	Long term
d) Assign and promote a single contact for the project.	Complete
e) E-Newsletter.	Long term

(2) Actions relevant to waiting for the right time to develop	Timeframe
(1) Advocacy Platform	
a) Prepare an advocacy platform document for use with State and Federal Government to include projects such as the Tonkin Highway extension and potential resumption of selected roads in the Shire.	Partially complete
(2) Strategic Investment Attraction	
a) Prepare an election commitment requests for State and Federal Governments.	Underway
b) Prepare a Business Case to Infrastructure Australia.	Previous business case prepared
c) Utilise or recruit an agency to package up an investment portfolio to be promoted nationally and internationally.	Long term
d) Establish a Working Group of owners / developers	Short term



(2) Actions relevant to waiting for the right time to develop	Timeframe
(3) Marketing Materials	
a) As part of the investment attraction package and models, prepare marketing material both digital and print for distribution to potential investors.	Long term
b) Establish place identity to compete with other Industrial Hubs.	Long term

(3) Actions relevant to landholding with a view to long term development positional	Timeframe
(1) Visioning	
a) Establish a local vision for the area set by key stakeholders and government agencies.	Partially complete
(2) Built Form Guidelines	
a) Ensure planning guidelines achieve a common vision for the area.	Partially complete
(3) Land uses	
a) Types of Industry should be carefully considered.	Complete
b) Allows land uses that are conducive to the vision and objectives of the area.	

Of these, a number of short term priorities were deduced by Officers. These being potential actions that could occur, without strategic implication upon future decision making associated with Westport. These being:

Connect landowners impacted by future public works to connect with relevant state agencies to understand land acquisition processes;

Host twice yearly meetings with landowners to listen to any issues, update landowners regarding timings and manage landowner expectations.

Utility issues

As discussed above, servicing solutions were a concern to the potential delays they could represent for the project. While Water Corporation have identified a water and sewer servicing strategy for the greater Mundijong area, inclusive of West Mundijong, the major cost of this impacts the likely timing of such infrastructure for the area. This has the potential to impact adversely West Mundijong, if current economic investment windows are missed.

As part of the first stage of approved subdivision, for example, this was designed based on a dry lot industry, which requires each lot to be self-sufficient in respect of water provision and effluent disposal. Upon reflection of this approach, there are potential opportunities (if scaled up) in respect of researching for an estate level self-sufficient energy and utility solution. This could be based upon:

- District heating and cooling provided by geothermal;
- Electricity by combination of geothermal / hydrogen / solar / wind / battery storage / blockchain technologies;



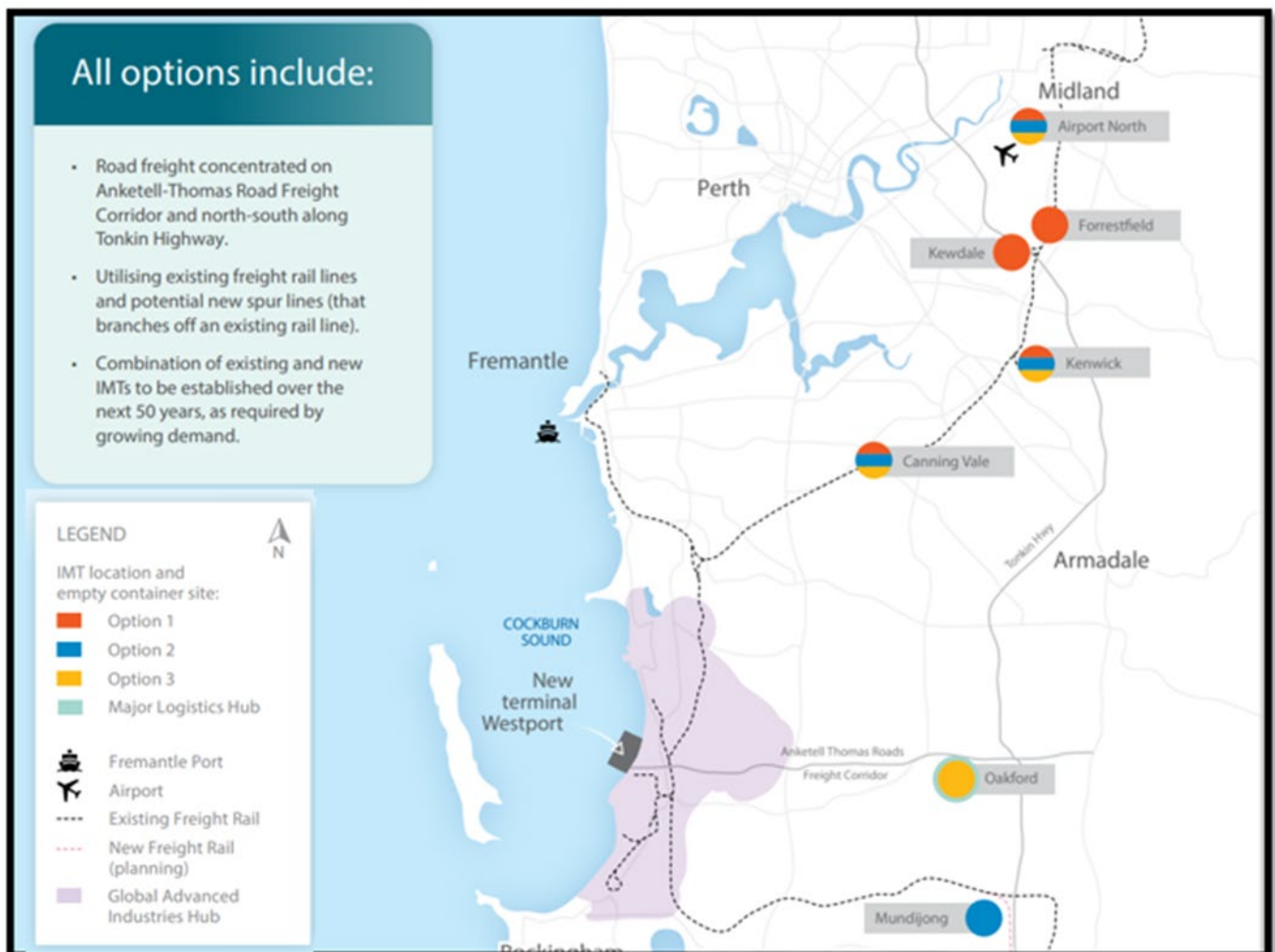
- Packaged wastewater treatment which treats all effluent from the estate to a safe standard for re-use in wet industries, export to the adjoining rural hinterland for agricultural application (biosolids) and other non-potable water needs;
- Potable water sourced through district level rainwater capture/storage and distribution (buildings, carparking, hardstands etc.);
- 3rd pipe reticulation systems.

For this to be properly considered, a research project would need to be undertaken. Given the Shire also owns a piece of land directly south of West Mundijong (Lot 500 Webb Road), there could also be synergies in considering innovative servicing solutions especially if they could be broadened to open a full range of opportunities to benefit the community, on Lot 500. This forms a recommended action to be listed for budget consideration.

Westport

As part of the Westport presentation, there is a large component of work currently underway associated with landside logistics. In this regard, Westport's Landside Logistics Opportunities Study shortlisted landside supply chain network options. This included road and rail corridors, intermodal terminals (IMTs), associated infrastructure and land for the development of complementary land uses.

Three shortlisted landside logistics options have been identified, as follows:





Westport advises that the options will be further tested by Westport's Supply Chain Integrated Design project, which may reconfigure or identify new solutions. This will form a key part of the Westport business case due to Government in mid-2024.

One of the options impacts West Mundijong, being Option 2. There is also a previously unknown option in Oakford, termed major logistics hub, which appears approximately west of Kargotich Road and south of the new Anketell Road / Thomas Road freight freeway.

Given the strategic implications associated with a Westport solution that could include West Mundijong, there is a need to consider what implications this could pose. For example, selection of a West Mundijong solution for landside logistics would change all aspects such as vision, strategic partnerships, marketing and promotion, infrastructure coordination, industrial attraction and the like.

In light of this, Officers recommend deferring strategic longer-term actions, pending the outcomes regarding the Westport landside logistics study. This forms the basis of the Officer recommendation, and recommends a future report back to Council on the outcomes of the Westport study and what, if any, changes to the strategic actions would be warranted.

Options and Implications

Option 1

That Council, in response to the 2022/2023 Organisational KPI No. 7 (West Mundijong):

1. ADOPTS the table of actions referenced as 'Short Term' in this report as the initial 'options and opportunities' for the West Mundijong Industrial Area.
2. REQUESTS for budget consideration, a project to research the potential for servicing solutions for the West Mundijong Industrial Area and the Shire's Lot 500 Webb Road property.
3. REQUESTS the Chief Executive Officer to provide a future report back to Council following completion of the Westport Supply Chain Integrated Design project, and how the outcome of this influences strategic longer term actions (those not identified as Short Term in the table in this report) for the West Mundijong Industrial Area.
4. NOTES the value that a significant anchor tenant will provide the estate, and that attracting an anchor tenant is an important consideration.

Option 2

As per Option 1, but with additional short term actions added by Council to Part 1 of the recommendation.

Option 1 is recommended.

Conclusion

The Shire undertook a survey and held a successful West Mundijong Industrial Area Forum on 24 February 2023. This has provided valuable input to the recommended options and actions for the future role of the Shire in respect of promoting the West Mundijong Industrial Area. It has also revealed the importance of awaiting the outcome of the Westport Landside Logistics Study, to define a final set of strategic outcomes for the area. This forms the basis of the Officer recommendation.



Attachments (available under separate cover)

- **10.1.9 - attachment 1** - West Mundijong Industrial Area Discussion Paper - Survey Results (E23/2772)
- **10.1.9 - attachment 2** - West Mundijong Industrial Area Outcomes Report - Engage WA (E23/2869)

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.

Financial Implications

Undertaking the short term actions do not currently include any additional costs beyond those of salary costs of Officers. Strategic actions however will attract additional costs, but these are yet unknown given the uncertainty associated with Westport Landside Project. Finally, it is recommended a project for a servicing study be listed for budget consideration, which is expected to cost in the vicinity of \$30,000.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

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	The risk is that additional actions may be added that do not reflect key outcomes of the engagement process.	Nil	Organisational Performance	Possible	Moderate	MODERATE	Ensure actions are based upon outcomes of Forum and engagement processes



Voting Requirements: Simple Majority

Officer Recommendation

That Council, in response to the 2022/2023 Organisational KPI No. 7 (West Mundijong):

1. **ADOPTS** the table of actions referenced as 'Short Term' in this report as the initial 'options and opportunities' for the West Mundijong Industrial Area.
2. **REQUESTS** for budget consideration, a project to research the potential for servicing solutions for the West Mundijong Industrial Area and the Shire's Lot 500 Webb Road property.
3. **REQUESTS** the Chief Executive Officer to provide a future report back to Council following completion of the Westport Supply Chain Integrated Design project, and how the outcome of this influences strategic longer term actions (those not identified as Short Term in the table in this report) for the West Mundijong Industrial Area.
4. **NOTES** the value that a significant anchor tenant will provide the estate, and that attracting an anchor tenant is an important consideration.

OCM051/03/23

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Byas

That Council, in response to the 2022/2023 Organisational KPI No. 7 (West Mundijong):

1. **ADOPTS** the table of actions referenced as 'Short Term' in this report as the initial 'options and opportunities' for the West Mundijong Industrial Area.
2. **REQUESTS** for budget consideration, a project to research the potential for servicing solutions for the West Mundijong Industrial Area and the Shire's Lot 500 Webb Road property.
3. **NOTES** the value that a significant anchor tenant will provide the estate, and that attracting an anchor tenant is an important consideration.
4. **REQUESTS** the Chief Executive Officer write to the Westport CEO and Chair, requesting they deliver an update briefing to Council at the earliest opportunity, to advise Council regarding all aspects of the Freight and Logistics Landside Study that was commenced in October 2022. In making this request, the Council seeks a briefing on the following questions:
 - i. would the progression of Option 3 negate completely or delay significantly the need for an intermodal terminal at West Mundijong Industrial Area?
 - ii. what are some examples that can be used to understand the scale of a logistics hub as is currently being investigated as Option 3, particularly in terms of land area required, nature and density of employment generated, level of utility services and transport network requirements to adequately support this option?
 - iii. what are the options the State is investigating in terms of planning and land assembly requirements associated with Option 3?
 - iv. what, if any, investigations are currently being undertaken in relation to the future of Rowley Road in terms of its future function and associated design specifications?

CARRIED 6/2



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

Councillors Rich, Byas, Duggin, Mack, Strange and Strautins voted FOR the motion.

Councillors Coales and Dagostino voted AGAINST the motion.

Reason for difference to Officer Recommendation

To gain a greater appreciation of Option 3 of the Westport Landside Logistics opportunities and the associated potential impacts for the local community at the earliest possible opportunity.

Councillor Atwell returned to the Chambers at 9:59pm.

Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.1.9.



10.1.10 - Draft Shire of Serpentine Jarrahdale Cat Local Law 2023 (SJ1066)	
Responsible Officer:	Coordinator Community Safety
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is to enable Council to consider the advertising of the Shire of Serpentine Jarrahdale Cat Local Law 2023. If supported, the Cat Local Law 2023 will be progressed according to the compliance requirements and Local Law Process and Procedures.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The *Local Government Act 1995* offers the power for WA Local Governments to make local laws required to adequately govern the district in relation to community needs.

Currently, the *Cat Act 2011* (the Act) includes certain controls but does not extend into additional areas of considered importance to the Shire. The Act allows for the implementation of a Local Law to cover matters including, nuisance, health and environmental factors.

The Shire receives complaints from time to time regarding cats wandering, creating a nuisance, cat hoarding (excessive cat numbers), health matters relating to faeces or spraying and attacking wildlife, domestic animals and humans. Currently, these matters cannot be actioned by the Shire as there is no legislation requiring the control of cats pertaining to these issues.

Unlike the *Dog Act 1976*, the *Cat Act 2011* does not require cats to be contained, or to not trespass on private property. The Shire currently offer customers the option to (humanely) trap cats on their own property and the Shire will impound such cats. Once the cat has been registered, desexed and microchipped by the owner, there is very little recourse if the cat continues to wander or trespass. In addition to the lack of legislation power, the likelihood of trapping a cat a second time diminishes substantially.

The Cat Act also does not have any legislative power in relation to cats defecating or spraying private property or public places. Furthermore, if a cat is to attack a person or animal, the only penalty under the *Cat Act 2011* is to destroy and dispose of the cat, which is not likely to be enforced on a family pet.

The *Cat Act 2011* allows for a Local Law to implement a limit on cat numbers at a property and implement permits (for numbers) above the specified number, whereby the Local Government can implement containment requirements for the cats on the property.



These matters form the basis of those being contemplated by the Cat Local Law.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	5 September 2022
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Dagostino, Cr Duggin, Cr Strange, Cr Strautins

Process of Community Engagement

The Shire will engage with the community as to the proposed local law through a community engagement plan provided. This includes details as to why the law is being proposed (to ensure correct information), what is being proposed (to clearly explain the intent), and a detailed list of expected questions.

As required by the *Local Government Act 1995*, prior to making a local law, the proposed local law is required to be advertised for public comment, should it be supported by Council. This advertising must be for a period of no less than six weeks, be made accessible to the public for written feedback and comment, and a copy be sent to the Minister for Local Government, and relevant stakeholders.

Statutory Environment

A local government may make local laws using the process set out in section 3.12 of the *Local Government Act 1995*. A local government may make local laws relating to cats as detailed in Section 79 of the *Cat Act 2011*.

Section 3.12 of the Act establishes the procedure for making local laws. This procedure requires the local government to give local public notice stating:

- *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
- *a copy of the proposed local law may be inspected or obtained at any place specified in the notice;*
- *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given. As soon as the notice is given, the local government must give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

Following the notice period, any submissions received are presented to Council who may then, by Absolute Majority, consider formally making the local law.

**Comment**

The Cat Act 2011 does not currently provide the legislative requirements of cat owners to prevent their cats from being a nuisance, a health hazard or detrimental to the environment in relation to both flora and fauna.

Key effects of the proposed Cat Local Law (refer **attachment 1**) are:

- Provisions pertaining to the numbers of cats permitted to be kept on a premise(s) or property;
- Provisions pertaining to the application to keep more than two (2) cats on a property or premise(s) or within a cat management facility or cattery, and the conditions in which cats are to be kept;
- Enhanced provisions pertaining to the control of nuisance and trespassing cats;
- Provisions pertaining to damaging land and property or the predation of native wildlife species, including but not limited to the attacking, injuring or killing of any native species of animal or bird;
- Enhanced provisions pertaining to the containment of cats, and the prohibition of cats on public land in certain environmentally sensitive areas;
- Provisions pertaining to the rights of appeal regarding notices, directions or enforcement proceedings undertaken under the provisions of the Local Law.

The Proposed Local Law is consistent with the context, intent and meaning of the Western Australia Local Government Association's model local law.

Currently, the Town Planning Scheme (TPS) 2 has provisions for the prohibition and restriction of cats in environmentally sensitive areas, for example, the Chestnuts Estate, Jarrahdale, and certain properties on Beenyup Road that back onto Wungong Regional Park. This Scheme will be replaced with the new Local Planning Scheme 3, whereby no such provisions are carried across, given that animal management controls pertaining to cats are more appropriately dealt with by a local law made under the Cat Act.

The Cat Local Law can only prohibit cats on limited public places, which has a similar affect to the intent of the current Scheme controls that prohibit cats. That is, the prohibition of cats in the environmentally sensitive areas was to essentially ensure cats did not venture into environmentally sensitive areas, particularly Conservation Reserves and the State Forrest. Being public places, the local law, if advanced, will still enable powers to prohibit cats from such sensitive areas, but will provide new opportunity for responsible cat ownership to occur within the areas that were previously subject to a blanket prohibition. Officers consider that responsible cat ownership should be an afforded opportunity to all residents, and this will be possible based on the current Draft Local Planning Scheme being finalised without prohibitions in place.

Schedule 3 of the Draft Local Law lists prohibited areas, currently as follows:

Official/Common Site Name	Subject Land Information	Site Description	Status
Lot 2857 Linton Street North	Shire Land - Lot 2857 Linton Street North	Shire Bush land	Prohibited
Lot 4490 King Jarrah Circle	Shire land - Lot 4490 King Jarrah Circle	Shire Bush land	Prohibited



Official/Common Site Name	Subject Land Information	Site Description	Status
Chestnuts Estate, Jarrahdale	Chestnuts Estate Shire land Lot 156, 163, 4426, 4488, 4490, 4495, 4504, 4522, 4890, 4891, 5028, 5029, 5035, 8001	Shire land	Prohibited
Woodland Plot, Jarrahdale	Lot 199 Jarrahdale Road, Jarrahdale. AMD 179 GG18/12/15	Special Use	Prohibited
Brickwood Reserve	Lot 5567 Turner Road, Byford (Reserve 17490)	Conservation Reserve (Type 3R)	Prohibited
Brickwood Reserve	Lot 111 Turner Road, Byford (Reserve 17490)	Conservation Reserve (Type 3R)	Prohibited
Lowlands Reserve	Lots 300 & 301 Lowlands Road,	Conservation Reserve (Type 3R)	Prohibited
Elliott Road & Yangedi Road South, Conservation Reserves	Lot 77 Yangedi Road South and Lot 1 Elliott Road, Keysbrook	Bush Forever site 77	Prohibited

The Proposed Local Law has been reviewed by McLeods, Barristers and Solicitors, which covered aspects of the *Local Government Act 1995* and the *Cat Act 2011*, with McLeods recommendations being implemented in the proposed Local Law (**attachment 1**). As such, the advice letter from McLeods Barristers and Solicitors review is included as **CONFIDENTIAL attachment 2**.

Legal review supports the draft Local Law with the minor amendments implemented as per **attachment 1**.

The proposed Local Law will also consolidate the “Cattery” aspect of the Shire’s Kennel and Cattery Establishments Local Law into one local law.

An investigation into other Local Government Cat Local laws has been undertaken. Key features of the in place Cat Local Laws are detailed in **attachment 3**.

Of final interest is control on cat numbers. In this regard, under the Draft Local Law, Section 3.2 states:

3.2 Cats for which a permit is required

(1) Subject to subclause (2) a person is required to have a permit to –

- (a) keep more than two (2) cats, but not more than six (6) on any premises; or
- (b) use any premises as a cattery or cat management facility.



For a landowner to propose more than three cats, and up to six cats, a permit is required under the Local Law. This permit process includes factors that will need to be considered in making a determination. These are prescribed under Section 3.5, and include:

- (a) the reasons and justification provided for the request;*
- (b) the physical suitability of the premises for the proposed use;*
- (c) the suitability of the zoning of the premises under any local planning scheme which applies to the premises for the proposed use;*
- (d) the environmental sensitivity and general nature of the location, surrounding the premises for the proposed use;*
- (e) the structural suitability of any enclosure in which any cat is to be kept;*
- (f) the likelihood of a cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;*
- (g) the likely effect on the amenity of the surrounding area of the proposed use;*
- (h) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the use;*
- (i) any submissions received under subclause (2) within the time specified in subclause (2); and*
- (j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.*

A cat management facility or cattery is dealt with under both the planning framework and the local law and may propose more than six cats.

Options and Implications

Option1

That Council:

1. In accordance with section 3.12 of the *Local Government Act 1995*, AUTHORISE the Chief Executive Officer to give public notice stating that:
 - a. It is proposed to make a *Cat Local Law 2023* as per **attachment 1**, and a summary of its purpose and effect; being:
 - i. The purpose of the Local Law is to provide a current and relevant statutory environment, with up to date and relevant management and enforcement processes in respect to the keeping and control of cats and cat facilities within the Shire of Serpentine Jarrahdale for the safety, wellbeing, convenience and amenity for the residents, visitors and the general community.
 - ii. The effect of this Local Law is to provide clarity and consistency with current legislation, and is considered to meet the current and future needs, and the expectations of the community, and for the residents in the Shire, as well as Shire staff, and is consistent with contemporary local laws with similar purposes across Western Australia.
 - b. The proposed Local Law may be inspected at the Shire offices during normal opening times.
 - c. Submissions regarding the proposed Local Law may be made to the Shire within a period of not less than six weeks after the notice is given.



2. In accordance with section 3.12(3)(b) of the Act, as soon as the notice is given, REQUESTS the Chief Executive Officer to give a copy of the Local Law to the Minister for Local Government.
3. In accordance with section 3.12(3)(c) of the Act, NOTES a copy of the proposed Local Law be supplied to any person requesting it.
4. NOTES that any submissions received will be presented to Council for consideration following the conclusion of the period stated in the notice.

Option 2

That Council resolves NOT to advertise the *Shire of Serpentine Jarrahdale Cat Local Law 2023*, as per **attachment 1**.

Option 1 is recommended.

Conclusion

The proposed Local Law will implement varied provisions that meet the expectations and needs of the Serpentine Jarrahdale Shire community, wildlife, Shire staff and the environment that the *Cat Act 2011* does not currently meet. The Local Law will provide clarity in aspects of the *Cat Act 2011* while consolidating the “Cattery” aspect of the Kennel and Cattery Establishment Local Law.

Attachments (available under separate cover)

- **10.1.10 - attachment 1** - Proposed Cat Local Law (E22/8054)
- **10.1.10 - CONFIDENTIAL - attachment 2** - McLeods, Barrister and Solicitors legal advice (IN22/12531)
- **10.1.10 - attachment 3** - Metro council Cat Local Law key features (E22/8056)
- **10.1.10 - attachment 4** - Engagement Plan Cat Local Law 2023 (E22/8995)
- **10.1.10 - attachment 5** - Maps of prohibited areas (E22/10433)

Alignment with our Strategic Community Plan

Strategy 1.1.2	Provide a healthy community environment
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the 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
Outcome 4.2	A strategically focused Council

Financial Implications

The cost will involve advertising the Local Law in accordance with legislation. This can be accommodated within existing budget provisions.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There is no risk with option 1						
2	That Council NOT approve the Shire of Serpentine Jarrahdale Cat Local Law 2023, and the new Local Planning Scheme No. 3 comes in to affect without any cat prohibition controls that were previously in place. This potentially causes difficulties in managing the impact of cat control.	Cat Act with limited provisions that meet community needs	Organisational Performance	Possible	Moderate	MODERATE	Nil



Voting Requirements: Simple Majority

OCM052/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Byas

That Council:

- 1. In accordance with section 3.12 of the *Local Government Act 1995*, AUTHORISE the Chief Executive Officer to give public notice stating that:**
 - a. It is proposed to make a *Cat Local Law 2023* as per attachment 1, and a summary of its purpose and effect; being:**
 - i. The purpose of the Local Law is to provide a current and relevant statutory environment, with up to date and relevant management and enforcement processes in respect to the keeping and control of cats and cat facilities within the Shire of Serpentine Jarrahdale for the safety, wellbeing, convenience and amenity for the residents, visitors and the general community.**
 - ii. The effect of this Local Law is to provide clarity and consistency with current legislation, and is considered to meet the current and future needs, and the expectations of the community, and for the residents in the Shire, as well as Shire staff, and is consistent with contemporary local laws with similar purposes across Western Australia.**
 - b. The proposed Local Law may be inspected at the Shire offices during normal opening times.**
 - c. Submissions regarding the proposed Local Law may be made to the Shire within a period of not less than six weeks after the notice is given.**
- 2. In accordance with section 3.12(3)(b) of the Act, as soon as the notice is given, REQUESTS the Chief Executive Officer to give a copy of the Local Law to the Minister for Local Government.**
- 3. In accordance with section 3.12(3)(c) of the Act, NOTES a copy of the proposed Local Law be supplied to any person requesting it.**
- 4. NOTES that any submissions received will be presented to Council for consideration following the conclusion of the period stated in the notice.**

CARRIED UNANIMOUSLY 9/0

**10.2 Infrastructure Services reports:**

Councillor Atwell declared an Impartiality Interest in item 10.2.1.

Shire President, Councillor Rich declared an Impartiality Interest in item 10.2.1.

10.2.1 – Keirnan Park Recreation Precinct - Management Order amendments	
Responsible Officer:	Manager Major Projects
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

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
Legislative	Includes adopting local laws, local planning schemes and policies.

Report Purpose

The purpose of this report is to seek council approval to amend the Keirnan Park Management Order to include Agriculture and Community Use to the existing "Recreation and Sporting Complex" use. This proposed change to the Management Order would allow Shire to save direct costs of approximately \$500 per hectare per annum which would equate to \$30,000 per year for the entire land being undeveloped. The change to management order will also allow for the establishment of a Men's Shed on this site.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The whole of Reserve 7125 was previously under the management of Department of Health (Mental Health Commission) and the purpose of the Reserve was for Health (Hospital and Allied services). A portion of the Reserve, being Lot 4359, was relinquished by MHC and the Management Order transferred to the Shire on 13/06/2018. The purpose of the reserve was changed from Hospital to its current purpose of Recreation and Sporting Complex only.

The Management order contains conditions to be observed. With power to lease for any term not exceeding 21 years, subject to the consent of the Minister of Lands.

The Shire of Serpentine Jarrahdale is the Management Body for a portion of Reserve 7125 known as Lot 4359 totalling some 63 Hectares, the purpose of which is Recreation and Sporting Complex only. The land is identified on the plan in **attachment 1** and Certificate of Title in **attachment 2**.



Leasing the Land

The Department of Justice had a historical lease on Lot 4395, Keirnan Street, Whitby. On 15 August 2018, the Shire gave approval to the Department of Justice for their continued access to the site to complete the harvesting process for the current oat crop until 31 October 2018.

A new lease was proposed for the Keirnan Park site at an annual rental of \$1.00 negotiated in accordance with Council Policy 5.1.3 Lease and Licence Management and in principle approval was sought from the Department of Planning, Lands and Heritage (DPLH).

The Department of Planning, Lands and Heritage (DPLH) had no objection to the Shire charging a nominal consideration to the Department of Justice on the basis this lease was only being granted to allow the yielding of crops by Karnet Prison Farm.

The Department of Justice remained on the land by means of a lease for a 12-month term, renewable annually, until September 2022 when they vacated the land due to the imminent commencement of development of the site. Department of Justice were invited to continue their lease during the time that Keirnan Park was being developed, however they declined due to safety risk of having prisoners working in proximity of a construction area and the interface with public.

Since then, Officers had endeavoured to find another potential lessor and contacted Murdoch University who declined the offer.

COMMUNITY USE

The Keirnan Park Masterplan adopted by Council in March 2021 showed a potential location for a Men's Shed in the northern part of the site adjacent to Keirnan Street. In addition, developer contribution funds are being collected for a youth centre at Keirnan Park. These activities would not be in keeping with the existing management order for Recreation and Sporting Complex.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 41 of the Land Administration Act 1997 (LAA) provides that the Minister may set aside Crown land as reserve for a particular purpose in the public interest. Every such reservation has a land description and designated purpose registered on a Crown Land Title (CLT) and is graphically depicted on a plan or diagram held by Landgate (refer **attachment 2**).

Once created, a reserve is usually placed under the care, control and management of a management body, typically a state government department, local government or incorporated community group by way of a Management Order registered on the relevant CLT(s).

In order to amend the purpose of a reserve, the Department Planning Land and Heritage requires the following information:

- A completed CLEF form (Crown Land Enquiry Form);
- Details of the land, i.e. Reserve number;
- Proposed change of purpose, reasoning and any other supporting information.

Following the provision of the above, the Department will initiate its own due diligence investigations. Assuming no major concerns or issues are raised, then the Department will be in a position to make a decision about amending the management order and reserve's purpose.

A Council resolution is not required by the Department for an amendment to a reserve purpose.



There is no administration fee charged by Landgate to amend the land title.

Comment

The Shire intends to develop the land in accordance with this purpose however due to the size of the land, development will need to be undertaken in a staged manner over several years.

Due to the staged nature of the proposed development, there will be a requirement to proactively manage the whole landholding to comply with bush fire regulations. This will require the undeveloped portion of the land to be kept weed free, vegetation generally at a low level and maintain fire breaks. The costs involved in maintaining the land have been identified and are approximately \$500 per hectare per annum. This cost allows for seasonal weed spraying and if required, localised slashing prior to the fire season. As such the Shire wishes to explore flexibility in options regarding site maintenance.

To lease the undeveloped portion of land for agricultural purposes during the staged development to mitigate the cost burden to the Shire and ensure that the land is maintained and consequently the fire risk reduced.

In considering Agricultural purpose, this would be limited to growing of crops rather than keeping livestock due to the existing poor condition of the rural fencing surrounding the site and significant coordination challenges of managing livestock during the construction stages.

Accordingly, by engaging a third party to maintain the undeveloped portions of the site over the course of project life, Shire would be saving direct maintenance costs of approximately \$500 per hectare per year. It is recommended to engage a third party at an annual rental of \$1.00 for a mutual beneficial arrangement. For this to occur, Department of Planning, Lands and Heritage (DPLH) requires the Management Order to be changed to include Agriculture.

In addition, the management order needs to be changed to include Community Use to allow flexibility for the potential planned developments, such as a Youth centre and a Men's Shed. The inclusion of Community Use allows the Shire additional flexibility to address the diversity of community needs that can be catered for Keirnan Park site.

Changing a management order is a relatively simple matter in lodging the CLEF form with the DPLH. The risk to the Shire is minimal and the benefit is more flexibility in strategic planning on how Keirnan Park is to be developed and managed.

Regarding leasing the land for Agriculture, DPLH have mentioned that they are opposed to commercial ventures making profit out of Crown land but also understand how it could offset the use of rate payers' funds to maintain the land.

Attachments 3 and 4 indicate the future stages of the sporting complex development and the undeveloped areas available to be leased for agriculture respectively. This project will be delivered over the long term and therefore ensuring the correct management order is in place on the land title would be considered good governance. **Attachment 4** explains the areas available for cropping over the coming years whilst project staging is under way. It is expected that a degree of coordination will be required between contractors, public and leasing tenant over the life of the project. This coordination will be actively managed by the Shire project team.

In amending the management order for Agriculture, a time limit could be stipulated, should it be considered that the sporting complex will be fully developed over approximately 10 to 20 years. Thereafter, the Agricultural use would no longer be required.



DPLH could refuse the change to the management order but this would be unlikely as both purposes are to the benefit to the community and the long-term development of a regional sporting complex.

Attachment 4 denotes the various site areas that will be made available for cropping over the life of the project. It is anticipated that there will be a physical barrier (rural or temporary fencing) between construction site and balance of area. Prior to commencing each year, coordination between Shire and the tenant will be required to plan the logistical access and egress matters and any other interface issues. Priority will be given to site safety. Leasing agreement would allow for the tenant to operate undisturbed during the growing season. Refer to **attachment 4** for further demarcation of the land availability for cropping.

Options and Implications

Option 1

That Council:

1. NOTES the report on amending the Keirnan Park Management Order; and
2. REQUESTS the Chief Executive Officer submits the Crown Land Enquiry Form (CLEF) application to the Department of Planning Lands and Heritage for amendment to the existing management order to include Agriculture and Community Use.

Option 2

That Council:

1. NOTES the report on amending the Keirnan Park Management Order;
2. REQUESTS amending the management order to include Agriculture only.

Option 3

That Council:

1. NOTES the report on amending the Keirnan Park Management Order;
2. REQUESTS amending the management order to include Community only.

Option 4

That Council NOTES the report on amending the Keirnan Park Management Order.

Option 1 is recommended.

Conclusion

Adding Agriculture and Community Use to the existing Management Order would allow the Shire to manage the leasing portion of the site for cropping whilst the balance of site is in construction phase and make provisions for future community facilities such as a Youth Centre and Men's Shed. By updating the Management Order, the Shire would be saving direct costs of approximately \$500 per hectare per year on maintenance of the site. This cost is estimated to be \$30,000 per year for the entire site, currently without any developments.



Attachments (available under separate cover)

- **10.2.1 - attachment 1** – Keirnan Park Recreation Precinct – Reserve 7125 - Site Plan Aerial View (E23/3053)
- **10.2.1 - attachment 2** – Keirnan Park Recreation Precinct - Certificate of Land Title – 5 Keirnan Street – Reserve 7125 (E23/3055)
- **10.2.1 - attachment 3** – Keirnan Park Recreation Precinct – Site Staging Plan (E23/3056)
- **10.2.1 – attachment 4** - Keirnan Park Recreation Precinct – Reserve 7125 - potential areas to lease for agriculture purpose (E23/3057)

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
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
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 4.2.2	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

There are no financial implications in amending the Keirnan Park Management Order.

If the management order is not amended regarding Agriculture, there would be ongoing maintenance cost to the Shire to remove weeds and upkeep fire breaks in the region of \$60,000 per annum without any development taking place, including staffing and resources. This cost will decrease over time as the site is developed in a staged manner.

Note: There is a likelihood that not all areas of land may be able to be leased which may result in the Shire having to maintain the parcels of land not leased.



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 Department may not agree with amending the Management order.	The Shire is presently maintaining the site at its own cost.	Organisational Performance	Rare	Insignificant	LOW	Accept Officer's recommendation
2	The Management order is not amended to include Community Use	This element can be delayed as future staged development will not be implemented for several years	Financial	Likely	Moderate	LOW	Accept Officer's recommendation
3	The Management order is not amended to include Agriculture Use	This element can be delayed as future staged development will not be implemented for several years	Social / Community Outcomes	Unlikely	Moderate	LOW	Accept Officer's recommendation
4	Nil	The Shire is presently maintaining the site at its own cost.	Organisational Performance	Rare	Insignificant	LOW	Accept Officer's recommendation



Voting Requirements: Simple Majority

OCM053/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Strautins

That Council:

- 1. NOTES the report on amending the Keirnan Park Management Order; and**
- 2. REQUESTS the Chief Executive Officer to submit the Crown Land Enquiry Form (CLEF) application to the Department of Planning Lands and Heritage for amendment to the existing management order to include Agriculture and Community Use.**

CARRIED UNANIMOUSLY 9/0

**10.3 Corporate Services reports:**

10.3.1 - Confirmation of Payment of Creditors – February 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 February 2023 to 28 February 2023 is provided in **attachment 1**.

Options and ImplicationsOption1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 February 2023 to 28 February 2023, totalling \$4,145,624.36.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 February 2023 to 28 February 2023, totalling \$4,145,624.36.

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 28 February 2023 (E23/2886)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 December 2022 to 29 January 2023 – Redacted (E23/2887)

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 February 2023 to 28 February 2023 totalled \$4,145,624.36.

**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

OCM054/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Duggin

That Council **RECEIVES** the Schedule of Accounts as paid under delegated authority from 1 February 2023 to 28 February 2023 totalling \$4,145,624.36 as contained in attachment 1.

CARRIED UNANIMOUSLY 9/0

**10.3.2 - Monthly Financial Report – January 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 31 January 2023.

Relevant Previous Decisions of Council

Special Council Meeting – 25 July 2022 – SCM026/07/22 - COUNCIL RESOLUTION – extract

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

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

Whichever is greater.

In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at a point in time.

Community / Stakeholder Consultation

Nil.



Statutory Environment

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

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

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of 31 January 2023.

The municipal surplus as at 31 January 2023 is \$19,664,924 which is favourable, compared to a budgeted surplus for the same period of \$16,881,446. 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

Unfavourable variance of \$59,656 due primarily to:

- Receiving less overdue interest on rates than anticipated - \$40,702.

Other Revenue

Favourable variance of \$201,246 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 - \$109,829.

Profit on Asset Disposal

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

Operating Expenses

Employee Costs

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

Materials and Contracts

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%.

Profit/Loss on Disposal of Assets

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

Other

Contributions/Grants for the Construction of Assets

Favourable variance of \$1,433,714 due primarily to:

- Byford DCP - \$514,047
- Community Infrastructure DCP - \$179,679
- West Mundijong DCP - \$840,974

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

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

Transfers to/from Cash Backed Reserves (Restricted Assets)

Variance in Transfer to Reserve of \$1,535,417 due primarily to:

- Byford DCP - \$514,047
- Community Infrastructure DCP - \$179,679
- West Mundijong DCP - \$840,974.

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 January 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 January 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 January 2023 (E23/2799)

Alignment with our Strategic Community Plan

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

Financial Implications

As at 31 January 2023, the Shire's respective cash position was as follows:

Municipal Fund: \$14,878,036

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

OCM055/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Dagostino

That Council **RECEIVES** the Monthly Financial Report for January 2023 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.

CARRIED UNANIMOUSLY 9/0



10.3.3 – Statutory Budget Review (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

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 Statutory Budget Review for the 2022/23 Budget as at 31 December 2022. This review includes proposed budget variations, which results in no change in projected net current assets as at 30 June 2023.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 February 2023 – OCM033/02/23 – COUNCIL RESOLUTION - extract

That Council:

2. *NOTES an amount of \$6,000 is currently allocated in account 4300-15702 (Anzac Day) and that the delivery of the Shire's 2023 Anzac Day ceremony at Mundijong will require an additional \$6,000 and a budget adjustment will be addressed as part of the Quarter 2 budget review process to cater for larger crowds and increases in costs.*

Special Council Meeting – 25 July 2022 – SCM026/07/22 – COUNCIL RESOLUTION - extract
The Council:

7. *ADOPTS, in accordance with section 6.2 of the Local Government Act 1995, the municipal Fund Budget as contained in attachment 1, Statutory Statements and Notes (including supplementary information for the year ending 30 June 2023 incorporating amendments as per the following table:*

<i>Description</i>	<i>Expenditure Type</i>	<i>Savings</i>
<i>Project: 80407 REDUCE "Kinsella Avenue Playground Upgrade – Lot 8011"</i>	<i>Municipal Funding – Reduce line item from 244,000 to 150,000</i>	<i>94,000</i>
<i>Project: 80398 AMENDS "Youth Services – Facilities and Safety Upgrades" to "Youth Services – Facilities and Critical Safety Upgrades and Facilities Planning"</i>	<i>Municipal Funding – Reduce line item from 101,000 to 21,682</i>	<i>79,318</i>



Project: 80414 DELETE "Abernethy Road Roundabouts, Median Trees and Rain Gardens"	Municipal Funding – Reduce line item from 73,000 to 0	73,000
FTE RETAIN existing staffing levels and arrangements for Youth Development Team, Provide \$25000 to provide for additional casual wages to ensure sufficient staffing levels to meet increasing demand for youth service provision.	Municipal Funding	19,546
Project: 80218 DELETE new spending against "New Bus Shelter Program" Note: RETAIN Carryover funds for 80218	Municipal Funding	27,000
REDUCE parks and gardens maintenance		50,000
REDUCE road safety initiatives		50,000
TOTAL:		392,864

Background

This is a statutory review of the budget, undertaken, in accordance with the *Local Government Act 1995* and Regulation 33 of the *Local Government (Financial Management) Regulations 1996*. The purpose of this review is to identify significant variations from the Annual Budget and to recommend any amendments that may be necessary.

Changes to the Annual Budget are required during the year, as circumstances change from when the annual Budget was adopted by Council at the beginning of the financial year. Amendments to the Annual Budget will ensure that tight fiscal control is maintained on the Shire's finances.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires that:

- "(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required



(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”

Comment

The mid-year review of the 2022/2023 Budget has been completed and includes any budget adjustments required as part of this review.

Forecast Financial Position

The following is a summary of the Shire's forecast financial position as at 31 December 2022.

Operating Revenue

Rates

Over budget \$59,639, favourable, immaterial permanent difference.

This is due to higher than anticipated interim rates during the first half of the 2022/23 Financial year.

Operating Grants, Subsidies and Contributions

Over budget \$105,349, favourable, immaterial timing difference.

This is primarily as a result of:

- Recognition of the Bushfire Mitigation grant funding \$71,438.
- Annual contribution received for \$24,188 for King Road pavement deterioration cost.

Fees and Charges

Over budget \$51,933, favourable, immaterial permanent difference.

This is primarily as a result of an increase in Strategic Planning Subdivision and Structure Planning Fees, with the Shire anticipating a continued favourable trend for the remainder of the year.

Interest Earnings

Under budget \$45,033, unfavourable, material timing difference.

Officers are comfortable with forecast income.

Other Revenue

Over budget \$202,059, favourable, material permanent difference.

This is primarily as a result of:

- 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 - \$102,752.

Officers are comfortable with the current forecast position.

Operating Expenses

Employee Costs

Under budget \$241,536, favourable, immaterial permanent difference.



This is due to various vacancies throughout the organisation. The quantum of variance is not reflective of the amount of staff vacancies the Shire is experiencing due to cost of living adjustment being provided to staff in December 2022 as well as higher than anticipated Workers Compensation Insurance Premiums, however it is forecast that this favourable trend will continue.

Materials and Contracts

Under budget \$1,648,359, favourable, combination of material timing and material permanent difference.

The timing variance is primarily due to:

- Less than anticipated spends on ongoing strategic projects in the first half of the year. The Shire anticipates works to commence or continue on these projects in the second half of the financial year and will review the phasing of the budget of these projects to better reflect the expected delivery times. The most significant being:
 - Mundijong Activity Centre Structure Plan - \$180,000
 - Jarrahdale Trails Town related projects - \$175,600
 - Organisational Development Road Map - \$95,600
 - Community Infrastructure Grants Program - \$75,000
 - FOGO Feasibility Study - \$50,000
 - Reconciliation Action Plan - \$45,000
 - Gravel Pit Investigations - \$43,000
 - Electrical, HVAC inspection and renewal report - \$25,000
 - Environmental Impact Study - \$25,000

The permanent variances is primarily due to:

- Less than anticipated spend in consultancy which will be considered for amendment below.

Officers are comfortable with the forecast expenditure.

Utility Charges

Under budget \$36,447, favourable, immaterial permanent difference.

The Shire's primary utility costs relate to street lighting. The Shire's forecast utility expenditure aligns with actual expenditure year to date and Officers are comfortable with forecast expenditure.

Depreciation on Non-Current Assets

Under budget \$234,695, favourable, immaterial timing difference.

The Shire's forecast depreciation is reasonable. As required, Officers review annually the useful lives and depreciation of its assets to ensure the appropriateness of same.

Insurance Expenses

Over budget \$16,474, unfavourable, immaterial permanent difference.

The Shire's forecast insurance expenditure aligns with actual expenditure year to date and Officers are comfortable with forecast expenditure.

**Other Expenditure**

Under budget \$18,854, favourable, immaterial permanent difference.

The Shire's forecast Other Expenditure aligns with actual expenditure year to date and Officers are comfortable with forecast expenditure.

Interest Expenses

Over budget \$86, unfavourable, immaterial timing difference.

The Shire's forecast Interest expenditure aligns with actual expenditure year to date and Officers are comfortable with forecast expenditure.

Operating Budget Adjustments

The 2022/2023 Operating Budget has been reviewed and approval is sought for the following budget operating budget adjustments for the reasons specified.

These adjustments result in additional funding requirements of \$456,368 which will be funded from savings in the Shire's Capital budgeted.

Account Number	Type	Account Description	Debit \$	Credit \$
4700-10301-6059-0000	Increase Expenditure	Occupational Health & Safety - Workers Comp Insurance	251,825	
Reason: Additional funds required for the 2020-21 and the 2021-22 Performance Based Adjustment for the Shire's workers compensation insurance due to claims for those years exceeding the contribution paid. With the new WHS team in place taking a more proactive approach to reducing hazards and injury prevention and management, this has seen a reduction of Workers Compensation claims from 9 to only 1 over the last 4 months and the Shire has been injury free for over 4 months.				
2100-12504-6326-0000	Increase Expenditure	Legal fees - Town Planning	150,000	
Reason: Increase in legal fees expenditure due to an increase in appeals to State Administrative Tribunal which include the following cases: <ul style="list-style-type: none">• Heslington v Shire - 846 Rowley Road Oakford• Wormall Cardup Pty Ltd v Shire of Serpentine Jarrahdale• Austral Bricks (WA) Pty Ltd v Shire of Serpentine Jarrahdale• Karrakup Springs Pty Ltd v Shire of Serpentine Jarrahdale				
3810-Various-6150-0000	Increase Expenditure	Various Vehicles - Fuel	130,000	



Ordinary Council Meeting Minutes Monday, 20 March 2023

Account Number	Type	Account Description	Debit \$	Credit \$
Reason: Fuel costs have significantly risen over the last 12 months and as at December 2022, the Shire has almost exhausted the full years fuel budget. As such a further \$130,000 budget is require across the Shire's fleet for the remainder of the financial year.				
3610-40020-6395-0000	Increase Expenditure	Drainage - Traffic Management	50,000	
3610-40020-6392-0000	Increase Expenditure	Drainage - External Contractors	50,000	
The Shire's extensive drainage system in Byford area is currently not maintained appropriately due to the lack of resources. The Maintenance team is only equipped to clear open drains (spoon drains) and ditches. The request for the additional funding is to cover the contractors' cost, including traffic control, for clearing the underground (piped) drainage system, predominately in the Byford area. This increase in budget is partially offset by a decrease in Drainage Renewal Capital budgets of \$90,000 (see Capital Budget Adjustments table).				
3410-60168-6392-0000	Increase Expenditure	Kiernan Reserve - External Contractors	48,000	
Reason: Funds required to maintain the land at the site of the Kiernan Park development which includes slashing.				
4700-NEW-6160-0000	Increase Expenditure	Furniture Replacement and Renewal - Minor Equipment Purchases	40,000	
Reason: The Shire currently does not have a specific budget for purchases of replacement furniture and equipment. Recently an ergonomic review was undertaken, and it was found that several pieces of furniture require replacement due to them being unsafe due to broken parts or did not meet ergonomic requirements under Australian Standards. Furthermore, the chairs located in one of the Shire's meeting rooms which is used for external as well as internal meetings were also determined to be unsafe and require replacements with plastic outdoor chairs currently being used as a temporary solution.				
5300-17510-6230-0000	Increase Expenditure	Asset Management - Consultancy	30,000	
Reason: Additional funds required to complete the Infrastructure revaluation to ensure the continuation of the integrity of asset data.				
3220-13100-6160-0000	Increase Expenditure	Project Design - Minor Equipment	21,000	



Ordinary Council Meeting Minutes

Monday, 20 March 2023

Account Number	Type	Account Description	Debit \$	Credit \$
3220-13100-6365-0000	Increase Expenditure	Project Design – Software Subscription & Licences	4,000	
Reason: The current ICT equipment is insufficient for the additional workload required to be undertaken by the Infrastructure Design team, therefore 3 x laptops with improved operating speeds. Furthermore, Officers require a Civils 3D software licence to replace existing Civil site design.				
4100-16000-6230-0000	Increase Expenditure	Communications - Consultancy	11,200	
Reason: Improving communications with the community has been identified by the CEO and Councillors, this has also been identified as a priority by the community through the 2022 Community Perception Scorecard report. Current resourcing in the Communications team do not exist to deliver an increased level of communications required, therefore Shire funding is required to engage an external consultant to perform the works.				
4300-15702-6392-0000	Increase Expenditure	ANZAC Day - External Contractors	6,000	
Reason: As per 20 February 2023 OCM – Resolution # OCM033/02/23, additional funding required to deliver Shire's 2023 Anzac Day ceremony at Mundijong.				
5200-17101-6374-0000	Increase Expenditure	Members of Council - Elections/Rolls	32,561	
5200-17101-6903-0000	Decrease Expenditure	Members of Council - Attendance Fees		10,117
5200-17101-6904-0000	Decrease Expenditure	Members of Council - ICT Allowance		2,064
Reason: The North Ward Fresh Election was held in October 2022 in accordance with section 4.15 of the <i>Local Government Act 1995</i> with the final cost of the election being \$32,561. These costs are partially offset by savings in Councillor Remuneration due to vacant positions leading up to the Fresh Election.				
3220-13100-6230-0000	Decrease Expenditure	Project Design-Consultancy		90,000
3140-13004-6230-0000	Decrease Expenditure	Strategic Projects - Consultancy		50,000
4000-15100-6230-0000	Decrease Expenditure	Internal Audit - Consultancy		40,000

**Ordinary Council Meeting Minutes
Monday, 20 March 2023**

Account Number	Type	Account Description	Debit \$	Credit \$
4700-10301-6230-0000	Decrease Expenditure	Occupational Health and Safety - Consultancy		40,000
Reason: Officers have identified savings of \$230,000 in Consultancy due to work being either conducted in house or, in the case of the Internal Audit, sufficient budget available in the Governance business unit to carry out required works.				
4300-30068-4570-0000	Increase Income	Serpentine Jarrahdale Recreation Centre - Profit share		52,000
Reason: Amendment to recognise annual profit share received for the Serpentine Jarrahdale Community Recreation Centre.				
2200-12500-4304-0000	Increase Income	Strategic Planning - Subdivision Fees		17,000
2200-12500-4308-0000	Increase Income	Strategic Planning - Structure Plan Fees		10,000
Reason: The Shire is currently receiving more income for subdivision fees than anticipated, this increase is forecasted to continue throughout the year.				
3500-13203-6610-0000	Decrease Expenditure	Electrical, HVAC inspection and renewal report - Carryforward Expenditure		25,000
Reason: This project has been carried forward several years however, internal investigation indicates that the funds will be insufficient to carry out works. Officers recommend this be considered in future budgets when the scope of works is better determined.				
5200-17103-6326-0000	Decrease Expenditure	Invalidity Complaint - Legal expense		20,000
Reason: In the 2022/23 Budget setting process, an amount of \$40,000 was allocated to legal fees associated with the Invalidity Complaint. However, the majority of the legal fees related to the Invalidity Complaint occurred in the 2021/22 financial year, as such this full budget is no longer required.				
4000-15010-6610-0000	Decrease Expenditure	Jarrahdale Oval Master Plan - Carryforward expenditure		11,800



Ordinary Council Meeting Minutes

Monday, 20 March 2023

Account Number	Type	Account Description	Debit \$	Credit \$
Reason: The Jarrahdale Oval Master Plan was completed under budget.				
5300-17302-5239-0000	Increase Transfer to Reserve	Reserve Transfers - Trf to Reserve - Waste Reserve	50,000	
3230-13406-6383-0000	Decrease Expenditure	Watkins Rd Waste Transfer Station Survey and Planning - Non-Recurrent		50,000
Reason: This survey is largely dependent on the outcome of the Operations Review that is currently being undertaken. Officers do not foresee this project being completed in the 2022/23 and recommend the funds be transferred to the Waste Reserve to be drawn upon at such time that the project can be undertaken.				
2100-12504-5230-0000	Increase Transfer to Reserve	Town Planning - Transfer to Reserve - Public Art	40,000	
2100-12504-4903-0000	Increase Income	Town Planning - Contributions - Public Art		40,000
Reason: Recognition of Public Art Contributions received year to date as well as the corresponding transfer to Reserve.				
3230-13407-6131-0000	Increase Expenditure	Waste Education Program - Program Activities	19,908	
3230-13407-4139-0000	Increase Revenue	Waste Education Program - Grant - Operating - DWER		19,908
Reason: The Shire has received a Waste Sorted Grant to run the SJ Plastic Free living program. This program includes a series of free community waste education workshops, culminating in a Plastic Free Forum event in July 2023.				
5300-17300-4562-0000	Increase Revenue	General Purpose Funding - Discounts		237
Reason: Higher than anticipated discounts received on early payment of creditor invoices which has resulted in additional income in excess of budget.				



Capital Expenditure

The expenditure year to date is \$6,288,872, which is 17.40% of the overall Capital Works budget. Please refer to the Capital Works Expenditure detailed in **attachment 1** for further information with regard to Capital Works.

The following Capital projects have been identified as requiring adjustments to the current budget and with the result of this adjustment being a savings of \$456,368 which will be reallocated to facilitate the shortfall in funding required for Operating Projects:

Account Number	Type	Account Description	Debit \$	Credit \$
6410-80423-6600-0000	Increase Expenditure	Parks and Playground Renewals - Capital Purchases	200,000	
6500-80407-6600-0000	Decrease Expenditure	Kinsella Avenue Playground Upgrade - Capital Purchases		150,000
6500-80299-6610-0000	Decrease Expenditure	Claire Morris Reserve – Carry forward		50,000

Reason:

As per SCM026/07/22, rec. No. 10, a local playground improvement plan was to be presented to Council prior to funds being expended on Kinsella Avenue. The improvement plan will not be able to be completed in time to expend this budget on an upgrade per an improvement plan, as the Shire is still awaiting to completion of the Audit.

Officers recommend the budget of \$150,000 to be transferred to Parks and Playground renewals (currently \$20,000 budgeted) to deliver the more urgent/highest priority playground repairs with works to be prioritised by the Operations teams. This will address some of the Community survey feedback.

The Claire Morris Reserve fencing project is also being reprioritised to Parks and Playground renewals.

6410-80203-6600-0000	Increase Expenditure	Footpath Renewal - Capital Purchases	80,000	
6410-80201-6600-0000	Decrease Expenditure	Gravel Re-sheet - Capital Purchases		80,000

Reason:

The Shire has received a large number of unpredicted CRMs related to footpath defects.

These are urgent matters as they present trip hazards, which lead to liability issues. In order to minimise the risk and provide safety to pedestrians, the proposal is to allocate some funds from the roads re-sheeting budget to footpath upgrade activities. This will leave \$120,000 remaining for the gravel re-sheet program.



Ordinary Council Meeting Minutes

Monday, 20 March 2023

Account Number	Type	Account Description	Debit \$	Credit \$
6400-80412-4816-0000	Increase Income	Kingsbury Drive Australian Government Black Spot Project (SLK 7- SLK 10) - Federal Black Spot Funding		173,311
Reason: Adjustment to reflect Federal Black spot funding that has been secured for this project that was previously anticipated to be funded from municipal funding.				
6400-80313-4816-0000	Increase Income	Mundijong Road (SLK7.32- SLK9.50) - Grant - Capital - Black Spots - Federal		66,000
6400-80286-4819-0000	Increase Income	Rowley Rd Rehabilitation - Grant - Capital - RRG		36,499
Reason: Additional grant funding received upon completion of the project.				
6410-80202-6600-0000	Decrease Expenditure	Drainage Renewal - Capital Purchases		90,000
Reason: A reduction of budget for drainage renewal as the Shire has identified that there is an increased need for drainage maintenance (see Operating Budget Adjustments table).				
6400-80352-4826-0000	Increase Income	Culvert Replacement - Karnup Road - Grant - Capital - DRFA		50,558
Reason: The Shire has secured \$50,558 in Disaster Recovery Federal Assistance funding to help recover some of the costs associated with the repairs of the Karnup Road Culvert. The Shire is applying for further Disaster Recovery Federal Assistance funding opportunities in regards to this project but has not received confirmation on whether this has been secured as yet.				
6400-80405-6600-0000	Decrease Expenditure	Hella Kipper Drive - Capital Purchases		40,000
Reason: This project will not be delivered as the adjacent owner is progressing a process to close and acquire the road reserve from the State.				
6000-89000-4908-0000	Increase Income	Byford Developer Contributions - Capital Contributions - Byford DCP	514,047	



Account Number	Type	Account Description	Debit \$	Credit \$
6000-89000-5204-0000	Increase Transfer to Reserve	Byford Developer Contributions - Transfer to Reserve - Byford DCP		514,047
6000-89001-4909-0000	Increase Income	Community Infrastructure DCP Contributions - Capital Contributions - Community Infrastructure DCP	179,679	
6000-89001-5210-0000	Increase Transfer to Reserve	Community Infrastructure DCP Contributions- Transfer to Reserve - Community Infrastructure Reserve		179,679
6000-89003-4912-0000	Increase Income	West Mundijong DCP Contributions - Capital Contributions - West Mundijong DCP	840,974	
6000-89003-5242-0000	Increase Transfer to Reserve	West Mundijong DCP Contributions- Transfer to Reserve - West Mundijong DCP Reserve		840,974

Reason:

Recognition of Developer Contributions funds received in the second quarter of the 2022/23 Financial Year as well as the corresponding transfer to Reserve.

Options and ImplicationsOption 1

That Council:

- ADOPTS the 2022/2023 Statutory Budget Review report as per **attachment 1** and APPROVES the schedule of variations as contained within this report.
- REQUESTS the Chief Executive Officer to submit a copy of the review and determination to the Department of Local Government, Sport and Cultural Industries.

Option 2

That Council:

- DOES NOT ADOPT the 2022/2023 Statutory Budget Review report as per **attachment 1** and DOES NOT APPROVE the schedule of variations as contained within this report.
- DOES NOT REQUEST the Chief Executive Officer to submit a copy of the review and determination to the Department of Local Government, Sport and Cultural Industries.

Option 1 is recommended.



Conclusion

The formal review of the 2022/2023 budget has been completed. A list of budget variations requiring approval has been identified.

Some of the amendments proposed as part of this report directly address issues raised in the recent Community Perceptions survey.

Attachments (available under separate cover)

- **10.3.3 - attachment 1 – 2022/2023 Budget Review (E23/3265)**

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

As part of the budget review Officers have looked at the potential impact on ratios based on the performance year to date and the proposed amendments.

Officers do not foresee material changes to the ratios which effect the financial health indicators and believe that a Financial Health Indicator over 70 is achievable.



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 risk associated with Council adopting the quarterly budget review and proposed amendments.						
2	Council DOES NOT adopt budget adjustments leading to poor fiscal management resulting in financial risk due to overspending as wellbeing non-compliance with Financial regulations.	The organisation undertakes a quarterly finance and costing review prior to making council recommendation. Law restricts expenditure when expenditure from municipal fund not included in annual budget unless authorised by resolution.	Financial	Unlikely	Moderate	MODERATE	Accept Officer recommendation (Option 1)



Voting Requirements: **Part 1:** Absolute Majority (*Regulation 33A of the Local Government (Financial Management) Regulations 1996*)
 Part 2: Simple Majority

OCM056/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Atwell

That Council:

- 1. ADOPTS the 2022/2023 Statutory Budget Review report as per attachment 1 and APPROVES the schedule of variations as contained within this report.**

Account Number	Type	Account Description	Debit \$	Credit \$
4700-10301-6059-0000	Increase Expenditure	Occupational Health & Safety - Workers Comp Insurance	251,825	
2100-12504-6326-0000	Increase Expenditure	Legal fees - Town Planning	150,000	
3810-Various-6150-0000	Increase Expenditure	Various Vehicles - Fuel	130,000	
3610-40020-6395-0000	Increase Expenditure	Drainage - Traffic Management	50,000	
3610-40020-6392-0000	Increase Expenditure	Drainage - External Contractors	50,000	
3410-60168-6392-0000	Increase Expenditure	Kiernan Reserve - External Contractors	48,000	
4700-NEW-6160-0000	Increase Expenditure	Furniture Replacement and Renewal - Minor Equipment Purchases	40,000	
5300-17510-6230-0000	Increase Expenditure	Asset Management - Consultancy	30,000	
3220-13100-6160-0000	Increase Expenditure	Project Design - Minor Equipment	21,000	
3220-13100-6365-0000	Increase Expenditure	Project Design – Software Subscription & Licences	4,000	
4100-16000-6230-0000	Increase Expenditure	Communications - Consultancy	11,200	
4300-15702-6392-0000	Increase Expenditure	ANZAC Day - External Contractors	6,000	
5200-17101-6374-0000	Increase Expenditure	Members of Council - Elections/Rolls	32,561	



Account Number	Type	Account Description	Debit \$	Credit \$
5200-17101-6903-0000	Decrease Expenditure	Members of Council - Attendance Fees		10,117
5200-17101-6904-0000	Decrease Expenditure	Members of Council - ICT Allowance		2,064
3220-13100-6230-0000	Decrease Expenditure	Project Design- Consultancy		90,000
3140-13004-6230-0000	Decrease Expenditure	Strategic Projects - Consultancy		50,000
4000-15100-6230-0000	Decrease Expenditure	Internal Audit - Consultancy		40,000
4700-10301-6230-0000	Decrease Expenditure	Occupational Health and Safety - Consultancy		40,000
4300-30068-4570-0000	Increase Income	Serpentine Jarrahdale Recreation Centre - Profit share		52,000
2200-12500-4304-0000	Increase Income	Strategic Planning - Subdivision Fees		17,000
2200-12500-4308-0000	Increase Income	Strategic Planning - Structure Plan Fees		10,000
3500-13203-6610-0000	Decrease Expenditure	Electrical, HVAC inspection and renewal report - Carryforward Expenditure		25,000
5200-17103-6326-0000	Decrease Expenditure	Invalidity Complaint - Legal expense		20,000
4000-15010-6610-0000	Decrease Expenditure	Jarrahdale Oval Master Plan - Carryforward expenditure		11,800
5300-17302-5239-0000	Increase Transfer to Reserve	Reserve Transfers - Trf to Reserve - Waste Reserve	50,000	
3230-13406-6383-0000	Decrease Expenditure	Watkins Rd Waste Transfer Station Survey and Planning - Non-Recurrent		50,000
2100-12504-5230-0000	Increase Transfer to Reserve	Town Planning - Transfer to Reserve - Public Art	40,000	
2100-12504-4903-0000	Increase Income	Town Planning - Contributions - Public Art		40,000
3230-13407-6131-0000	Increase Expenditure	Waste Education Program - Program Activities	19,908	



Account Number	Type	Account Description	Debit \$	Credit \$
3230-13407-4139-0000	Increase Revenue	Waste Education Program - Grant - Operating - DWER		19,908
5300-17300-4562-0000	Increase Revenue	General Purpose Funding - Discounts		237
6410-80423-6600-0000	Increase Expenditure	Parks and Playground Renewals - Capital Purchases	200,000	
6500-80407-6600-0000	Decrease Expenditure	Kinsella Avenue Playground Upgrade - Capital Purchases		150,000
6500-80299-6610-0000	Decrease Expenditure	Claire Morris Reserve - Carryforward		50,000
6410-80203-6600-0000	Increase Expenditure	Footpath Renewal - Capital Purchases	80,000	
6410-80201-6600-0000	Decrease Expenditure	Gravel Re-sheet - Capital Purchases		80,000
6400-80412-4816-0000	Increase Income	Kingsbury Drive Australian Government Black Spot Project (SLK 7- SLK 10) - Federal Black Spot Funding		173,311
6400-80313-4816-0000	Increase Income	Mundijong Road (SLK7.32- SLK9.50) - Grant - Capital - Black Spots - Federal		66,000
6400-80286-4819-0000	Increase Income	Rowley Rd Rehabilitation - Grant - Capital - RRG		36,499
6410-80202-6600-0000	Decrease Expenditure	Drainage Renewal - Capital Purchases		90,000
6400-80352-4826-0000	Increase Income	Culvert Replacement - Karnup Road - Grant - Capital - DRFA		50,558
6400-80405-6600-0000	Decrease Expenditure	Hella Kipper Drive - Capital Purchases		40,000
6000-89000-4908-0000	Increase Income	Byford Developer Contributions - Capital Contributions - Byford DCP	514,047	
6000-89000-5204-0000	Increase Transfer to Reserve	Byford Developer Contributions - Transfer to Reserve - Byford DCP		514,047



Account Number	Type	Account Description	Debit \$	Credit \$
6000-89001-4909-0000	Increase Income	Community Infrastructure DCP Contributions - Capital Contributions - Community Infrastructure DCP	179,679	
6000-89001-5210-0000	Increase Transfer to Reserve	Community Infrastructure DCP Contributions- Transfer to Reserve - Community Infrastructure Reserve		179,679
6000-89003-4912-0000	Increase Income	West Mundijong DCP Contributions - Capital Contributions - West Mundijong DCP	840,974	
6000-89003-5242-0000	Increase Transfer to Reserve	West Mundijong DCP Contributions- Transfer to Reserve - West Mundijong DCP Reserve		840,974

2. REQUESTS the Chief Executive Officer to submit a copy of the review and determination to the Department of Local Government, Sport and Cultural Industries.

CARRIED UNANIMOUSLY 9/0

**10.3.4 - Changes to Method of Valuation used for Rating Purposes post consultation**

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 this report is to request that Council approve an application to the Minister for a 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 of rates for 19 properties detailed under **attachment 1** from Unimproved Value (UV) to Gross Rental Value (GRV) as the predominant use of the land for these properties has been determined by Officers to be non-rural.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 20 February 2023 – OCM30/02/23 – COUNCIL RESOLUTION
That Council:*

- 1. Having reviewed the attachments to this report and noted the content therein REQUESTS the Chief Executive Officer submits the application contained in attachment 4 to the Minister for a 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 properties detailed under attachment 1 from Unimproved Value (UV) to Gross Rental Value (GRV) from 1 July 2023 as the predominant use of the land for these properties have been determined to be non-rural.*
- 2. APPROVES the proposed letter in response to the rating strategy consultation as contained in attachment 8 and attachment 9 to be sent to identified landowners.*
- 3. REQUESTS the Chief Executive Officer to bring a further report to Council following additional consultation with properties identified in attachment 7.*

*Ordinary Council Meeting – 12 December 2022 – OCM311/12/22 – COUNCIL RESOLUTION /
Officer Recommendation*

That Council:

- 1. APPROVES commencement of Rural Valuation Review as per rating strategy (attachment 1) and flow chart (attachment 2).*
- 2. APPROVES the proposed consultation letter as per attachment 3.*



3. *ADOPTS the communication plan as per attachment 4.*
4. *NOTES attachment 5.*

*Special Council Meeting – 15 June 2022 – SCM010/06/22 – COUNCIL RESOLUTION / Officer Recommendation – **extract***

4. *ADOPTS the Rating strategy as per attachment 1.*

Background

In June 2022, Council approved a revised rating strategy (contained in **attachment 3**). In December 2022, Council approved the implementation of a Rural Valuation Review as per that strategy, which identified 662 landowners for review. In February 2023, Council requested the CEO make an application to the Minister to change the method of valuation of land to be used by a local government as the basis for a rate for 623 properties from Unimproved Value (UV) to Gross Rental Value (GRV) from 1 July 2023 as the predominant use of the land for these properties were determined to be non-rural. Council requested additional consultation with the remaining 39 identified properties.

The Department of Local Government, Sport and Cultural Industries has provided an Operational Guideline Flowchart for “Changing Methods of Valuation of Land”. This document outlines a step-by-step process to follow in achieving a change of valuation methodology and is contained in **attachment 4**. Officers are utilising the One Stage Review.

The required steps are listed below, Flow chart wording is detailed in italics below with Officers responses:

1. *Obtain Council resolution to commence review.*

Resolution was obtained 12 December 2022

2. **Covering letter** which clearly indicates:

- (a) *That the local government is reviewing the current land use of the property*
- (b) *That the local government intends to apply to the Minister to change the property's valuation method to GRV if the review concludes that the land is no longer used for rural purposes*
- (c) *The likely financial impact on their rates bill (either using existing valuations or via estimates using comparable properties)*
- (d) *Specifying a date (no less than 4 weeks) by which the ratepayer can submit the land-use form and any other submissions they wish to make regarding land use.*

Council's approved letters were mailed out on 16 December 2022 and the Consultation period was from 19 December 2022 to 27 January 2023 with consultation letters containing applicable information distributed to each identified property owner who may benefit from a change in valuation methodology.

3. *Results of review and copies of all submissions are presented to Council for a final decision to apply to the Minister for change of valuation.*

This report provides compliance with this requirement.

4. *Staff prepare and submit application to the Minister for commencement 1 July 2023.*

Application is contained in attachment 5 and will be submitted following Council Resolution.



Community / Stakeholder Consultation

The Rural Valuation Review Consultation period commenced on 19 December 2022 and concluded on 27 January 2023. Consultation letters containing expected rate reduction and a Land Use Declaration form were sent to all identified landowners. Within the consultation period landowners had the opportunity to return the Land Use Declaration form to the Shire and make comment through either the Your Say SJ page or by writing to the CEO. Responses from Land Use Declaration forms, the Your Say SJ page and comments were presented to Council on 20 February 2023.

A letter was sent to the Office of Hugh Jones MLA on 20 January 2023 to advise of the rating strategy consultation.

Further consultation was conducted with 39 landowners who had identified in the Land Use Declaration forms the properties predominant use was for rural purposes to confirm the predominant use of the land and if they support a proposal to change the method of valuation from UV to GRV. Responses from Land Use declaration forms have been collated and are contained in **attachment 6** (due to file size, this attachment has been divided into two parts for distribution and publication).

Statutory Environment

Section 6.28 of the Local Government Act 1995

6.28 Basis of Rates

(1) The Minister is to –

(a) Determine the method of valuation of land to be used by a local government as the basis for a rate; and

(b) Publish a notice of the determination in the Government Gazette.

(2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be –

(a) Where the land is used predominantly for rural purposes, the unimproved value of the land; and

(b) Where the land is used predominantly for non-rural purposes, the gross rental value of the land.

(3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.

Comment

Officers contacted 39 landowners via telephone or email who identified through their Land Use Declaration form that their property was being used for predominantly rural purposes to discuss further. After further consultation:

- 19 landowners confirmed they supported a change in method of valuation from UV to GRV
- 14 landowners confirmed and they did not support a change in method of valuation from UV to GRV
- 6 landowners could not be contacted



It is now Council's role to review each submission and make a recommendation to the Minister to change the method of valuation.

The Minister, in making his determination, will adhere to the following Policy guidance as detailed in Rating Policy - Department of Local Government and Communities – **attachment 7**.

Policy wording is detailed below in italics with Officer's responses.

The Minister's determination under section 6.28(1) of the *Local Government Act 1995* will be made in line with the key values of objectivity, fairness and equity, consistency, and transparency and administrative efficiency. To that end, the Minister will not determine a change in the method of valuation based on an application under this Policy (**the application**) unless the Minister is satisfied of the following matters.

Objectivity

- *The request for change of method of valuation of the land is based on its predominant use.*

Demonstrated by reviewing size of land and requesting owners to complete and return a Land Use Declaration form. Officers also reviewed scale of use and made comparisons to other similar properties within the Shire by review of aerial maps. Officers further consulted with landowners to discuss predominant use of land.

- *The local government has provided evidence of the current predominant land use. This may be via an aerial image, site visit information, building information or land use declaration form from the occupier (or a combination of these). In the case of a new subdivision, a deposited plan must have been issued and approved by the Western Australian Planning Commission.*

Officers have provided aerial maps, Land Use Declaration forms and subdivision plans as attachments to this report (**attachment 1, attachment 2 and attachment 5**). (Whilst maps show entire subdivision areas, individual properties will need to be identified by seeking lot numbers).

- *Lot numbers are defined.*

Lot numbers are defined in **attachment 1, attachment 2 and attachment 5**.

- *Where the land is being used for non-rural purposes, the application is to convert the method of valuation from UV to GRV.*

Application provided at **attachment 5**.

- *Where the land is being used for rural purposes, the application is to convert the method of valuation from GRV to UV (where applicable).*

Not Applicable

- *The local government has provided a clear description of the land by the following method:*
 - *Landgate approved plan, such as a deposited plan*
 - *aerial image which clearly identifies the lot numbers and plan number, or*
 - *a combination of both.*

Officers have provided a combination of both contained in **attachment 1, attachment 2 and attachment 5**.



- *The Valuer General's Office has provided an indication of the new notional values (or the basis for otherwise estimating the value is sound).*

Officers used the valuations provided by the Valuer General to calculate the probable effect of rating changes.

Fairness and equity

- *Unless the application is initiated by the landowner, the owner was informed in writing by the local government of:*

- *the reason for seeking the change in method of valuation*
- *the likely impact on the annual rates payable for that property*

and was given at least 28 days after receiving that information to make a submission to the local government on whether the assessment of predominant use is correct.

The ratepayer's submissions, if any, and the local government's response to each ratepayer's submission (as recorded in the minutes of the council meeting at which the response was adopted) have been provided to the Minister.

The Rural Valuation Review Consultation period commenced on 19 December 2022 and concluded on 27 January 2023. Consultation letters providing a reason for seeking the change which contained expected rate reduction and a Land Use Declaration form were sent to all identified landowners. Within the consultation period, landowners had the opportunity to return the Land Use Declaration form to the Shire and make comment through either the Your Say SJ page or by writing to the CEO. Responses from Land Use Declaration forms, the Your Say SJ page and comments received by email from landowners were collated and presented to Council on 20 February 2023.

Consistency

- *Similar properties that are used for same purpose are treated in the same way. If not, a reason is provided.*

Officers made comparisons to other similar properties within the Shire by reviewing aerial maps. Further, it is considered a large number of properties, approximately 2,400, will need to change but as per Council's adopted Rating Strategy contained in **attachment 3**, Officers are conducting this review in a staged approach.

- *The local government has considered whether a split valuation is appropriate if a significant proportion of the land will continue as rural use.*

All properties are less than 5 hectares in area therefore a split valuation is not considered appropriate.

Transparency and Administrative Efficiency

- *The council of the local government has resolved to change the method of valuation and the resolution is recorded in council minutes (not required for subdivisions, see below).*

This report addresses this requirement.

- *The council of the local government has:*
 - *considered each ratepayer submission (if any)*

All submissions were presented to council 20 February 2023.



- *given consideration to phasing in changes for properties where the change in method of valuation will have a significant impact on the rates payable.*

It is expected that all affected ratepayers will experience a rate reduction therefore phasing is not recommended.

Following further consultation, the following information is provided.

Officers contacted by phone any landowners that originally self-identified as being used predominantly for rural purposes from the Land Use Declaration forms for further consultation. Officers discussed the current predominant use of the land and the proposed financial impact of the rate change with the landowners, confirming if they supported an application to change the method of valuation from UV to GRV.

There are 39 properties in this category:

- 19 landowners confirmed they supported a change in method of valuation from UV to GRV and will be recommended for change
- 14 landowners confirmed they did not support a change in method of valuation from UV to GRV and will be invited to participate in next year's review
- 6 landowners could not be contacted and will be invited to participate in next year's review.

If Council agrees to the approach proposed, draft letters to the landowners have been prepared for Council's consideration in **attachment 8** and **attachment 9**.

Officers will provide an application to the Minister requesting to change 19 identified properties from UV to GRV valuation methodology as per the above review.

The proposed changes from UV to GRV valuation methodology is likely to result in a reduced rate debt, therefore no phasing will be applied and the application to the Minister will seek to apply new valuations from 1 July 2023.

Options and Implications

Option 1

That Council:

1. Having reviewed the attachments to this report and noted the content therein, REQUESTS the Chief Executive Officer submits the application contained in **attachment 5** to the Minister for a 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 properties detailed under **attachment 1** from Unimproved Value (UV) to Gross Rental Value (GRV) from 1 July 2023 as the predominant use of the land for these properties have been determined to be non-rural.
2. APPROVES the proposed letter in response to the rating strategy consultation as contained in **attachment 8** and **attachment 9**.
3. NOTES properties identified in **attachment 2** will be included in next year's review.

Option 2

That Council DOES NOT make an application to the Minister to change the valuation methodology for the properties contained in **attachment 1**.

Option 1 is recommended.



Conclusion

In accordance with Council's previous resolution further consultation was conducted with identified landowners. The result of this consultation informs the draft submission to the Department which is presented to Council for consideration.

Attachments (available under separate cover)

- **10.3.4 – attachment 1** – Individual property details and recommendations – Change from UV to GRV (E23/3227)
- **10.3.4 – attachment 2** – Individual property details and recommendations – Remain UV (E23/3229)
- **10.3.4 – attachment 3** – Rating Strategy (E22/7299)
- **10.3.4 – attachment 4** - Flow chart (IN22/23118)
- **10.3.4 – attachment 5** – Valuation of Land Application Form (E23/3230)
- **10.3.4 – attachment 6** – Consolidation of responses from landowners (E23/3232 and E23/3233)
- **10.3.4 – attachment 7** – Rating Policy (IN23/3246)
- **10.3.4 – attachment 8** – Proposed response letter recommendation for application (OC23/4731)
- **10.3.4 – attachment 9** – Proposed response letter – no change (OC23/4732)

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.

Financial Implications

No immediate financial implications are associated with this paper. However, if Council opted not to proceed there would be significant implications associated with the Long Term Financial Plan.



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	Residents whose properties will be changing rating category maybe concerned about the financial implications of the change in rating category	Nil	Reputation	Unlikely	Minor	LOW	Writing to individual landowners to advise them of the next steps
2	Inequitable rate burden not in keeping with the "ability to pay" basis of rates	Nil	Financial	Likely	Moderate	SIGNIFICANT	Accept Officer Recommendation

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. Having reviewed the attachments to this report and noted the content therein, REQUESTS the Chief Executive Officer submits the application contained in attachment 5 to the Minister for a 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 properties detailed under attachment 1 from Unimproved Value (UV) to Gross Rental Value (GRV) from 1 July 2023 as the predominant use of the land for these properties have been determined to be non-rural.
2. APPROVES the proposed letter in response to the rating strategy consultation as contained in attachment 8 and attachment 9.
3. NOTES properties identified in attachment 2 will be included in next year's review.



OCM057/03/23

COUNCIL RESOLUTION**Moved Cr Coales, seconded Cr Duggin****That Council:**

1. Having reviewed the attachments to this report and noted the content therein, **REQUESTS** the Chief Executive Officer submits the application contained in attachment 5 to the Minister for a 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 properties detailed under attachment 1 from Unimproved Value (UV) to Gross Rental Value (GRV) from 1 July 2023 as the predominant use of the land for these properties have been determined to be non-rural.
2. **APPROVES** the proposed letter in response to the rating strategy consultation as contained in attachment 8 with the following amendments:

Delete:

The last sentence in paragraph 4 of the proposed letter which states “Refer to our prior letter dated 16 December 2022 for an estimate of the likely impact of this change”

Insert:

The below is an estimate of the potential impact on your rates if the change of methodology were to be approved. Please note this is an estimate only. If the Minister were to accept the request to amend the method of valuation, all affected properties would be subject to a new valuation:

Current Rates (2022-23 Billing Year)	Rating Estimate (Based on Estimated GRV)
«Billing»	«Estimate»

3. **APPROVES** the proposed letter in response to the rating strategy consultation as contained in attachment 9.
4. **NOTES** properties identified in attachment 2 will be included in next year’s review.

CARRIED UNANIMOUSLY 9/0*Reason for difference to Officer Recommendation**To give some certainty to the ratepayers.*

**10.3.5 – Corporate Business Plan Performance Report – October to December 2022 (SJ940-3)**

Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Director Corporate 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

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

Report Purpose

The purpose of this report is to provide Council with a performance report against the 2022-26 Corporate Business Plan (CBP) for the period 1 October to 31 December 2022 and an amended CBP for consideration.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 21 November 2022 – OCM284/11/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 July to 30 September 2022 as contained in this report and attachment 1.*
- 2. ADOPTS the amendments to the Corporate Business Plan 2022-26 as outlined in this report and attachment 2.*

Background

On 15 August 2022, Council adopted the Shire of Serpentine Jarrahdale Corporate Business Plan 2022-26 (OCM199/08/22) and subsequently adopted amendments on 21 November 2022 (OCM284/11/22).

The Corporate Business Plan 2022-26 is the Shire of Serpentine Jarrahdale's four-year delivery program, aligned to the Shire's Integrated Planning and Reporting Framework (i.e. Strategic Community Plan, Annual Budget, Long Term Financial Plan and other supporting strategies). The purpose of the plan is to operationalise the Community's vision and the Shire's strategic objectives through the establishment of actions that address each strategy contained within the Strategic Community Plan.

The Shire of Serpentine Jarrahdale has established periodic performance reporting against the 2022-26 Corporate Business Plan to provide Council and the Community with an update towards the achievement of these actions, such as the delivery of key projects and the successful implementation of service level changes.



Community / Stakeholder Consultation

Nil.

Statutory Environment

Local governments have a statutory obligation under s5.56(1) of the *Local Government Act 1995* (WA) ('the Act') to plan for the future of their district. Regulations have been made under s5.56(2) of the Act to briefly outline the minimum requirements to achieve this.

Regulations 19C and 19DA of the *Local Government (Administration) Regulations 1996* (WA) ('the Regulations') require a local government to ensure that a Strategic Community Plan and Corporate Business Plan are made for its district. Any amendments to a Corporate Business Plan must be adopted by absolute majority (Regulation 19DA(6)).

Guidelines for the monitoring and reporting against the Corporate Business Plan are outlined in the Integrated Planning and Reporting Framework and Guideline September 2016 issued by the Department of Local Government and Communities. The Guideline states, "*it is open to local governments to design complementary means of reporting progress and outcomes to the community*".




Comment

The Shire of Serpentine Jarrahdale has completed a performance report against the 2022-26 Corporate Business Plan for the period 1 October to 31 December 2022 ('the Report'). The Report is contained in **attachment 1** for the Council to note.



As this report relates to the period up to 31 December 2022, changes to projects that have occurred in the period from 1 January 2023 will be reflected in subsequent reports.

Report Structure

Grouped under each key objective area of the Strategic Community Plan (People, Place, Prosperity, Progressive), the Report provides a narrative update against each respective action of the CBP's Delivery Program. To ensure consistency and to enable summary reporting, each action is also allocated a traffic light status in accordance with the following key:

Status	Selection Criteria
 On Track or Complete	Action is complete or on target.
 At Risk or Behind Target	Minor issues have put achievement of the project due date or level of service at risk. or Minor issues have put the project/service behind target. The causes for this are being managed by routine procedures and the issues are likely to be resolved by the next reporting period.
 Critical	Major issues have prevented the service/project from commencing or continuing. The causes for this do/will require significant action to rectify and the issues are likely to be ongoing into future reporting periods



Status	Selection Criteria
 On hold	Work is unable to commence due to a dependency (e.g. awaiting grant funding or completion of another project).
 Deferred or Not Proceeding	<p>Action is no longer proceeding within its planned year of the Corporate Business Plan but will be occurring within a future year of the Corporate Business Plan.</p> <p>Or</p> <p>Action is no longer proceeding within the timeframe of the current Corporate Business Plan. This may be due to a change in direction caused by external factors (e.g. loss of grant funding / change of government) or a change of direction by Council.</p>

Report Summary

The Report provides an update against 115 actions in the Corporate Business Plan. Statistics this period show:

- **83%** are on track or complete (95/115);
- **15%** are at risk or behind target (18/115);
- **0%** are critical (0/115);
- **0%** are on hold (0/115); and
- **2%** are deferred or not proceeding (2/115).

Key achievements and highlights this reporting period are as follows:

- Delivery of 16 events and activities to engage in arts, culture and heritage, with a combined total of 4,375 attendees.
- Delivery of Seniors Week 2022 including a bus excursion to a high tea event at Peel Manor House, a luncheon with live music and a Mad Hatters High Tea.
- Delivery of a Community BBQ in Darling Downs.
- Delivery of the Annual Christmas Street Party and Food Truck Fiesta held in Mundijong.
- Delivery of the Christmas Lights competition, with winners across three categories: Business, Rural and Residential.
- Delivery of an in-person Fresh Election for the North Ward.
- Adoption of the Equine Facilities Master Plan.
- Implementation of an Equine Emergency Preparedness Program.
- Appointment of the Director Community Engagement.
- Implementation of a Managers Leadership Development program.
- Managed 50 compliance site inspections and 12 new complaints in relation to unauthorised development.
- Determined 136 development applications, collectively valued at \$14M.



- Watkins Road Re-use Shop diverted 11.6 tonnes from landfill.
- Watkins Road Transfer Station diverted 40.6 tonnes of recyclables from landfill.
- Published 16 engagement projects to the Your Say SJ page, including:
 - Ward and Representation Review
 - Proposed *Dog Local Law 2022*
 - Clem Kentish Reserve Master Plan; and
 - Disability Access and Inclusion Plan.
- Installation of street lighting by Western Power at the intersection of King and Coyle Roads, Oldbury.
- Completion of Keirnan Street Upgrade (State Blackspot).
- Completion of Karnup Road and Yangedi Road renewal.
- Completion of the Business Case for Lot 814/815 Millars Road, Jarrahdale.
- Tender award for the following services and projects:
 - Tree Pruning Services
 - Traffic Management Services
 - Bulk Bin Services at Watkins Road Transfer Station
 - Cleaning Services
 - Senior Project Manager
 - Byford Skate Park – Stage 2 (Design and Construct)



The **18** actions identified as **at risk or behind target** are:

- Drainage Material Disposal
- Community Activation Strategy
- Reconciliation Action Plan
- Mundijong Town Centre Precinct Structure Plan
- Building Services
- Environmental Health
- Marcora Trail Upgrades
- Equine Priority – Awareness Campaign
- Heritage Park Business Case
- Depot Accommodation Upgrades
- Keirnan Park Recreation Precinct
- Kargotich Road Upgrade
- Orton Road Upgrade



- Soldiers Road Upgrade
- FOGO Processing Facility Feasibility Plan
- Kingsbury Drive Upgrade
- Watkins Road Waste Transfer Station Survey and Planning
- Scrivener Road – Gravel Pit

Commentary pertaining to these actions is provided below.

Action 1:	<u>Drainage Material Disposal</u>	Status			
		Q1	Q2	Q3	Q4
	Find a disposal solution for the drainage material produced from operations (as opposed to disposal at landfill).				
Comment:	Short term solutions to process existing stockpiles is underway. A screening contractor was engaged in October and approximately 1,000 cubic metres of stockpile over 5 days has been processed. A request for quotation is being prepared to process remaining stockpile of approximately 8,000 cubic metres. A long-term solution will be considered as part of the Operations Centre Structure Review underway.				
Remedial Action:	Extend the due date of the project to align with the review underway as part of the mid-year Corporate Business Plan review.				

Action 2:	<u>Community Activation Strategy</u>	Status			
		Q1	Q2	Q3	Q4
	Development of a strategy providing clear direction and targeted outcomes for the Community based on community feedback, demographic trends and best practice models.				
Comment:	In consideration of the projects continued business justification, the project is to be recommended for removal. There are several other strategies already in place to guide community activation service delivery, including the review of the Strategic Community Plan currently underway. It is appropriate that resources are reinvested into higher priority projects, such as the actions to improve community engagement and actual delivery of services to ensure tangible products are visible to the community. Outcomes from the work completed on the document to date (such as actions and data) can be utilised to inform service delivery and the major review of the Corporate Business Plan, in consideration also of the new strategic community plan and recent community perceptions survey.				
Remedial Action:	Recommend the project for removal in the mid-year review of the Corporate Business Plan.				



Ordinary Council Meeting Minutes Monday, 20 March 2023

Action 3:	<u>Reconciliation Action Plan</u> Develop a Reconciliation Action Plan.	Status			
		Q1	Q2	Q3	Q4
Comment:	The planned Procure Cultural Awareness Training did not occur due to staff turnover and vacancies in the reporting period and as such the progress is behind target for Q2. Overall, the project to develop a RAP is still achievable by 30 June 2026.				
Remedial Action:	Recommend amendment to project milestones as part of the half-yearly corporate business plan review.				

Action 4:	<u>Mundijong Town Centre Precinct Structure Plan</u> Develop a Mundijong Town Centre Precinct Structure Plan	Status			
		Q1	Q2	Q3	Q4
Comment:	As a result of receiving no responses to the request for quotation (RFQ) process, Officers recommended to Council in November that the project be deferred to next financial year and that the due date for engaging the consultant be extended to 30 June 2023 (OCM275/11/22). Feedback from the market has indicated that there is no current capacity to undertake this large and complex project.				
Remedial Action:	The schedule of the project within the Corporate Business Plan will be aligned to Council's resolution as part of the Q2 Performance Report.				

Action 5:	<u>Building Services</u> Provide efficient and effective building compliance services	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>The average percentage of certified building permits determined (within the 10-day statutory time frame) dropped from 97% in the last quarter to 91.3% in this quarter. This is less than the KPI of 100%. As a result, the building application fees of the remainder 8.7% will have to be refunded.</p> <p>The average of 7.34 days taken to process certified building applications in this quarter is less than the KPI of 10 days.</p> <p>The average percentage of uncertified building permits determined (within the 25-day statutory time frame) dropped from 98.33% in the last quarter to 94.33% in this quarter. This is less than the KPI of 100%. As a result, the building application fees of the remainder 5.67% will have to be refunded.</p> <p>The average of 19.44 days taken to process uncertified building applications in this quarter is less than the KPI of 25 days.</p> <p>It is expected that the trend of number of building permit applications of this and the previous quarter will continue in the next quarter and additional staff resources are needed to meet the KPIs of 100%.</p>				



Remedial Action:	The team regains some stability from staff absences in Q3 to alleviate the current pressures. The Trainee Building Surveyor role in the organisational structure will need budget consideration.
-------------------------	--

Action 6:	<u>Environmental Health</u> Provide efficient, effective, compliant environmental health services	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>For the majority of this quarter the team had a shortfall of both Development Services Support Officer positions, placing additional burden on technical Officers to complete administrative tasks in addition to core duties. In addition, in late December the team had a shortfall of 0.8 FTE Environmental Health Officer.</p> <p>Despite this, the team was able to complete 101 health premise inspections. A large amount of work was spent in the area of public event assessment for the season and significant Officer involvement in health compliance investigations. The team continued to receive a consistently high volume of health applications and customer enquiries during this period.</p>				
Remedial Action:	Currently resources are being analysed to determine what short and medium-term solutions can be developed to help manage the increasing workload. This will remain closely monitored in the coming quarter.				

Action 7:	<u>Marcora Trail Upgrades</u> Trails upgrades to Marcora Trail (Carpark Improvements and maintenance works on the trail).	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>Given current resourcing challenges and pending announcement regarding Peel Trail funding, recommendation to hold Marcora project indefinitely with a priority focus on partnership projects that have DBCA resources committed.</p> <p>Should resourcing in the future allow, this project could be reinstated.</p>				
Remedial Action:	Consider the project in line with the Shire's Project Management Framework and principles and provide a recommendation to Council on how to proceed.				

Action 8:	<u>Equine Priority – Awareness Campaign</u> Run an awareness campaign to educate people on how horses and other vehicles can safely interact on trails and roads.	Status			
		Q1	Q2	Q3	Q4
Comment:	All campaign assets have been developed and finalised for the campaign, including four videos showcasing local equine residents promoting equine road safety messages. A communications plan has been developed for the launch and implementation of the equine awareness campaign. It is proposed to delay				



	the launch the campaign until May 2023, to coincide with Road Safety Month and have a bigger impact for the campaign.
Remedial Action:	Launch the Equine Priority Awareness Campaign in May 2023.

Action 9:	<u>Heritage Park Business Case</u> Development of Heritage Park Business Case.	Status			
		Q1	Q2	Q3	Q4
Comment:	Mulloway Studio has been contracted to develop the Heritage Park Business Case. Officers presented Mulloway with the documentation and brief about the project in details and conducted a site visit. The aim for the initiation phase was to ensure that the Business Case was developed within the contemporary context given by the broader Jarrahdale Trail Town project, including ensuring synergy with the future Lot 814 development.				
Remedial Action:	As advised in Q1 report, the project schedule will be updated at the mid-year corporate business plan review.				

Action 10:	<u>Depot Accommodation Upgrades</u> Refurbishment to the current Depot Accommodation.	Status			
		Q1	Q2	Q3	Q4
Comment:	Significant work on this project has been completed including the decommission of the old building, temporary relocation of staff and fabrication of the new toilet block and building underway. Delays with the contractor's supply chain has resulted in the delivery of the new transportable now estimated for April 2023. Following this, time will be required to commission the building and relocate the staff.				
Remedial Action:	A formal request for time extension to May 2023 will be made in accordance with the Shire's Project Management Framework.				



Action 11:	<u>Keirnan Park Recreation Precinct</u> Construct Stage 1A of the Keirnan Park Sports Recreation Precinct – AFL/Cricket Ovals, Pavilion and supporting infrastructure (FAA with Dept. LG).	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>Project's planning phase is coming to end to make way for the tender and construction phases.</p> <p>Detailed design drawings have been completed by the consultant teams and the project team is currently reviewing this design to assist progression into the tender phase.</p> <p>A source of ground water is still a critical issue. Approval to drill another four bores was given by DWER, which will be concluded by end of January 2023.</p>				







	<p>The project team had noted a cash flow issue due to delay of FAA2 funding agreement and advised Council at the December Council Meeting. This issue risked the completion of the planning and design phase. Officers are pleased to advise that as of 11 January 2023, additional funds of \$1.5M have been supported by the Minister to assist with close out of the planning and design phase. Officers are currently awaiting the formal variation for execution.</p> <p>The following project issues as communicated to Council at the December Meeting remain under close management by the project team:</p> <ol style="list-style-type: none"> 1. The delay of the second funding agreement is preventing the project from proceeding to the tender and construction phase. 2. The Clearing Permit for site is a 12-month process which has not yet started. 3. Water Source - should the second set of bores return an unsuccessful result for irrigation water; the matter will need to be escalated at Ministerial level for an exemption option.
Remedial Action:	<p>Additional \$1.5M funds requested under the existing FAA1 Funding agreement. This has now been supported and will assist with design and planning phase close out.</p> <p>FAA2 - funding timing unknown: Shire team to request updates from DLGSCI. Shire to confirm clearing permit process can re-commence.</p>

Action 12:	<u>Kargotich Road Upgrade</u>	Status			
		Q1	Q2	Q3	Q4
	Upgrade section of Kargotich Road between Bishop Road and Rowley Road.				
Comment:	<p>A status update on the Kargotich Road Upgrade project is as follows:</p> <ul style="list-style-type: none"> - Stage 1 (Rowley Road to Thomas Road): design is completed and procurement process for construction to be started soon. - Stage 2 (Thomas Road to Bishop Road): design is 50% complete and as detailed in Q1, the design and detailed investigation has revealed that extensive vegetation clearing, service relocation and land acquisition at the intersections will be required. The preliminary works including land acquisition and service relocation will delay the construction and require significant additional funding. <p>As advised at the February Council Meeting, Stage 2 of Kargotich Road Upgrade will be a reduced scope and as such, the description of this project will be updated in the CBP. Negotiations are underway with the funder to consider re-allocation of funding between Kargotich, Orton and Soldiers Road.</p>				
Remedial Action:	Negotiate with the funder to consider re-allocation of funding between Kargotich, Orton and Soldiers Road.				







Action 13:	<u>Orton Road Upgrade</u>	Status			
		Q1	Q2	Q3	Q4
	Rehabilitate the existing pavement on Orton Road between Hopkinson Road and King Road.				
Comment:	<p>Orton Road upgrade design is 100% complete. As detailed in the Q1 report, the design has identified a substantial shortfall in funding to deliver the full scope of works as initially intended (\$6.7M vs available \$4.2M).</p> <p>As advised at the February Council Meeting, Stage 2 of Orton Road Upgrade is likely to be a reduced scope pending negotiations that are underway with the funder to consider re-allocation of funding between Kargotich, Orton and Soldiers Road.</p>				
Remedial Action:	Negotiate with the funder to consider re-allocation of funding between Kargotich, Orton and Soldiers Road.				



Action 14:	<u>Soldiers Road Upgrade</u>	Status			
		Q1	Q2	Q3	Q4
	Rehabilitate the existing pavement and improve intersections.				
Comment:	<p>The Soldiers Road design is 85% complete and as detailed in Q1, extensive vegetation clearing, and service relocation will be required. The preliminary works including service relocation will add to the construction timeframe and will require additional funding over and above the approved budget.</p> <p>As advised at the February Council Meeting, Soldiers Road Upgrade is likely to be a reduced scope pending negotiations that are underway with the funder to consider re-allocation of funding between Kargotich, Orton and Soldiers Road.</p>				
Remedial Action:	Negotiate with the funder to consider re-allocation of funding between Kargotich, Orton and Soldiers Road.				

Action 15:	<u>FOGO Processing Facility Feasibility Plan</u>	Status			
		Q1	Q2	Q3	Q4
	Develop a feasibility study on the proposed FOGO processing facility.				
Comment:	Work on this project is progressing, including the appointment of consultants to undertake the feasibility. Based on the consultant's timeline, it is estimated recommendations will be presented to Council in April/May.				
Remedial Action:	A revised due date of 30 June 2023 will be recommended through the mid-year review of the Corporate Business Plan.				



Action 16:	<u>Kingsbury Drive Upgrade</u>	Status			
		Q1	Q2	Q3	Q4
	Kingsbury Drive SKL7-SLK10 Shoulder Widening (Federal Blackspot).				
Comment:	Following the completion of detailed design, the Officers have revised the project scope and cost estimate for the implementation of the project in light of the recent cost escalation and Shire's newly awarded annual supply contract rates. The revised cost estimate revealed that the current approved budget of \$896,689 is inadequate to deliver the full scope of the project as per the initial brief. In order to rationalise the project scope and budget, the scope of works is proposed to be reduced, project grant funding increased and extension of time to complete project requested from the funding body.				
Remedial Action:	<p>A request has been sent to the grant funding body (Australian Blackspot Programme) for a variation in scope, cost and time and comprises of the following items:</p> <ul style="list-style-type: none"> • Additional fund of \$173,311. • Change to the scope by reducing the road length to be treated by 900m. • Extension of time (EoT) 12 months to complete the project by end of June 2024. Following this a formal change request will be considered in accordance with the Project Management Framework. 				

Action 17:	<u>Watkins Road Waste Transfer Station Survey and Planning</u>	Status			
		Q1	Q2	Q3	Q4
	Masterplan for transfer station to inform long term capital development				
Comment:	This project is on hold pending the outcome of the Operations Centre Structure Review.				
Remedial Action:	It is recommended the funds for this project are returned to the Waste Reserve, until such time it can be delivered.				

Action 18:	<u>Scrivener Road – Gravel Pit</u>	Status			
		Q1	Q2	Q3	Q4
	Investigation of gravel pit at Scrivener Road for Shire use				
Comment:	During the reporting period, only one submission to the request for quote was received and this submission was assessed by the panel as being unsuitable.				
Remedial Action:	Officers will revisit the project justification and scope, and report back to Council on the next steps next reporting period.				



The **2** actions identified as **Deferred or Not Proceeding** this reporting period are:

Action 1:	<u>Nettleton Road Upgrade</u>	Status			
		Q1	Q2	Q3	Q4
	Nettleton Road Rehabilitation SLK 3.82 to SLK 4.9 (MRRG, Federal Blackspot and Shire Renewal Program).				
Comment:	As recommended to Council at the December Council Meeting, this project is not proceeding this financial year as it has not been approved by MRWA as a grant funded project. Officers propose to re-apply for grant funding to deliver this project in 2024/25 financial year. The works on Nettleton Road that will be completed this financial year is an upgrade between 240m west of Millars Road and 200m north of the disused railway line.				

Action 2:	<u>Bishop Road Upgrade</u>	Status			
		Q1	Q2	Q3	Q4
	Bishop Rd SLK2.0 to SLK3.86 Shoulder Sealing (State Blackspot).				
Comment:	As recommended to Council at the December Council Meeting, this project is no longer proceeding due to the need to relocate a high-pressure gas pipeline that if relocated, would reduce the cost benefit ratio of the project rendering it non-viable and ineligible to receive Black Spot grant funding.				

Details of the **6** actions **complete** and **89** actions **on track** this reporting period are outlined in **attachment 1**.

Corporate Business Plan Amendments

To uphold the principle of an Integrated Planning and Reporting Framework and to ensure the Corporate Business Plan (CBP) remains aligned to the Shire's Annual Budget and other supporting strategies, Officers recommend Council amend the CBP following each quarterly budget review and corporate business plan performance reporting process. Conscious of the requirement to uphold the integrity of reporting against the CBP Key Performance Indicators, the following principles are applied when considering whether to amend the CBP:

1. If there is a Council resolution, projects may be amended to match. This can include amendments to project descriptions, start and finish dates, and milestones. It can also include the removal of a project and the addition of a project.
2. If the project has not commenced for a planned reason (such as awaiting grant funds, recruitment of a resource or the completion of another project), once this dependency is no longer the project can be updated to reflect its new timeline.
3. Any amendments made as a result of quarterly budget reviews are to be reflected.

In line with the above-mentioned principles, the following amendments to the Corporate Business Plan are proposed:

Under Principle One:

- Removal of a portion (Pavement Rehabilitation) of the Nettleton Road Upgrade Major Capital Project as it has not been approved by MRWA as a grant funded project for the 2022-23



financial year. Addition of a separate Major Capital Project reflecting the upgrade of Nettleton Road between 240m west of Millars Road, and 200m north of the disused railway line, as the Federal Blackspot and MRRG carry-forward components (OCM306/12/22).

- Hopkinson Road Upgrade Major Capital Project funding increased by \$145,067 for Road A (OCM306/12/22).
- Keirnan Street Upgrade Major Capital Project funding increased by \$214,000 (OCM306/12/22).
- Removal of Bishop Road Upgrade Major Capital Project (OCM306/12/22).
- Street Lighting Capital Works Program increased by \$3,000 (OCM274/11/22).
- Roads to Recovery Reseal Capital Works Program increased by \$29,000 for Tonkin Street (OCM274/11/22).
- Shire Road Reseal Capital Works Program reduced by \$100,000 (OCM274/11/22):
 - Addition of \$20,000 for Richardson Street, \$18,000 for Hardy Street, \$15,000 for Chestnut Road, \$22,000 for Lefroy Street.
 - Removal of \$95,000 for Tuart Road and \$80,000 for King Road.
- Metropolitan Regional Road Group Renewal Capital Works Program increased by \$28,000 for Briggs Road Rehabilitation (OCM274/11/22).
- Minor Road Renewals Capital Works Program increased by \$60,000 to incorporate the Mundijong Road Pavement Dip Rehabilitation (OCM274/11/22).
- Addition of a Minor Road Upgrades Capital Works Program of \$90,000 allocated for the Mundijong / Kargotich Road roundabout (OCM274/11/22).
- Removal of Nature Play Splash Park Strategic Operating Project and insertion of the Bike Pump Track Feasibility Strategic Operating Project (OCM258/10/22).
- Removal of Masterplan of Trail Centre Strategic Operating Project as this will not progress unless it is determined to be an election priority (OCM325/12/22).
- Project milestones and delivery date for Mundijong Town Centre Precinct Structure Plan Strategic Operating Project amended to align with CEO KPI (OCM275/11/22).
- Updates to the project description, milestones and funding of Kargotich Road Upgrade Major Capital Project, to align with the tender award of stage 1 and reduced scope of stage 2 (OCM024/02/23).
- Project milestone for Keirnan Park Recreation Precinct Major Capital Project to reflect tender is subject to execution of funding agreement, and water source solution (OCM307/12/22).

Under Principle Two:

Nil.

Under Principle Three:

As outlined in the October to December 2022 Budget Review at agenda item 10.3.3 of the March 2023 Ordinary Council Meeting:

- The removal of the Watkins Road Waste Transfer Station Survey and Planning Strategic Operating Project.



- The reallocation of funding from the Kinsella Avenue Playground Upgrade project to other priority projects within the Parks and Gardens Renewal Capital Works Program (no change to total funding).
- Increase of Footpath Renewal by \$80,000 and reduction of Gravel re-sheeting by \$80,000 within the Capital Works Program.
- Increase of grant funding of \$173,000 (and reduction of Shire funding of \$173,000) for Kingsbury Drive Upgrade Major Capital Project and extension of the delivery date to 30 June 2024 (as approved by funding body).
- Reallocation of \$90,000 from the Drainage Renewal Capital Works Program to drainage maintenance works.
- The removal of the Claire Morris Reserve project from the Parks and Gardens Renewal Capital Works Program.
- The removal of the Hella Kipper Drive project from the Road Renewal Capital Works Program.

Mid-year review:

As advised in the Q1 report, a mid-year review of the Corporate Business Plan has been undertaken, following the recruitment of the Director Community Engagement, to ensure timeframes for strategic projects are realigned to organisational capacity. Additionally, significant challenges in recruiting staff in a tough and competitive labour market, combined with the capacity and cost increases from consultants, sub-contractors and suppliers to provide materials and undertake work for the Shire, has resulted in updates to some milestones and/or project finish dates. A summary of the amendments proposed to the Corporate Business Plan as a result of the mid-year review are as follows:

- Project milestones for Mundijong Road and King Road Intersection Major Capital Project updated to reflect procurement and construction will occur in 2023/24 financial year in accordance with the funding already allocated in the long-term financial plan.
- Delivery date for the Depot Accommodation Upgrades Major Capital Project updated to 30 June 2023 (was 30 December 2022), due to delays with the contractor's supply chain and to allow time to commission the building and relocate staff.
- Project milestones for the Administration Accommodation Major Capital Project updated to reflect the current project plan. Council can expect a separate report on this project at a future Council meeting.
- Project milestones and delivery date for the Heritage Park Business Case Strategic Operating Project extended to 30 September 2023 (was 31 December 2022) as advised in the Q1 report.
- Project milestones and delivery date for Equine Priority – Awareness Campaign Strategic Operating Project extended to 30 June 2023 (was 31 December 2022) as advised in the Q2 report.
- Removal of the Community Activation Strategy Strategic Operating Project, in consideration of the projects continued business justification as advised in the Q2 report.
- Project milestones for the Reconciliation Action Plan Strategic Operating Project, to align with resource capacity as advised in the Q1 and Q2 reports.
- Project milestones and delivery date for the FOGO Processing Facility Feasibility Plan Strategic Operating Project, to align with consultant's timeline as advised Q2 report.



- Updated the Directorate and business unit references within the Service Plan Summary to align with organisational structure review.

These amendments are detailed in tracked changes at **attachment 2**.

Corporate Business Plan Key Performance Indicators

The Corporate Business Plan 2022-26 contains the following Key Performance Indicators:

1. 80% of strategic operating projects are completed by their due date
2. 80% of road projects planned to be constructed are delivered
3. Improvement is seen in all key result areas of the community perceptions survey
4. Improvement is seen in the Performance Index Score of the Employee Scorecard Survey
5. Financial Sustainability – maintain a financial health indicator above 70.

A progress update on each KPI, including a projected end of year result, is provided below for the Council to note.

KPI 1: 80% of strategic operating projects are completed by their due date

Projected Result: 94% (16/17)

Comment:

The Corporate Business Plan 2022-26 contains 20 Strategic Operating Projects due between 1 July 2022 to 30 June 2023. As at 31 December 2022, 6 are on track, 1 is yet to commence, six (6) are flagged as 'at risk / behind schedule' and 7 have been completed on time.

The projected result for this KPI is 94% (16/17), which assumes:

- The proposed amendments within this report are adopted resulting in:
 - the removal of four (4) strategic operating projects and the addition of one (1) strategic operating project.
 - updated timeframes to five (5) strategic operating projects moving them from 'at risk' to 'on track' next quarter.
- The one (1) project identified as 'at risk or behind target' in this report (Scrivener Road – Gravel Pit) does not get back on track.
- The 12 projects reported on track in this report, remain on track and are completed by their due dates.

Note - the following Strategic Operating Projects that have been completed by their due dates are:

- Byford Town Teams (due 30 September 2022, completed 19 September 2022)
- Equine Priority - Funding Opportunity Resource (due 30 September 2022, completed 11 August 2022)
- Serpentine Jarrahdale Community Recreation Centre Operation and Management Arrangement (due 30 September 2022, completed 19 September 2022)
- Equine Priority – Emergency Preparedness (due 31 December 22, completed 31 December 2022).



- Commercial Feasibility of developing Lot 814 (due 31 December 2022, completed 12 December 2022).
- Equine Facility Masterplan (due 31 December 2022, completed 12 December 2022).
- Local Heritage Survey (due 31 December 2022, completed 31 October 2022).

KPI 2: 80% of road projects planned to be constructed are delivered

Projected Result: 100% (19/19)

Comment:

The projected result for this KPI is 100% (19/19), which assumes:

- The proposed amendments within this report are adopted resulting in:
 - The removal of one (1) Major Capital Project (Bishop Road).
 - The removal of two (2) Road Reseal Projects (Tuart Road and King Road).
 - The addition of two (2) Minor Road Renewal / Upgrades (Mundijong Road Pavement Dip Rehabilitation and Mundijong/Kargotich Road Roundabout Upgrade) and the removal of one (1) Minor Road Renewal (Hella Kipper Drive).
 - The extension of one (1) Major Capital Road Project (Kingsbury Drive Upgrade) moving it into next financial year.

There are five (5) major capital road projects and 14 minor capital road projects due to be constructed by 30 June 2023. Of these, 17 are 'on track' and the following two (2) are complete:

- Keirnan Street Upgrade major capital project.
- Rowley Road Temporary Resurfacing road renewal project.

KPI 3: Improvement is seen in all key result areas of the community perceptions survey

Comment: The results of the community perceptions survey completed in November 2022 were provided to Council at a Special Council Meeting in February 2023. Unfortunately, Performance Index Scores across the four (4) focus areas of Vision, Liveability, Governance and Rates Value show a decline in each area since the last community perceptions survey was last completed in November 2020.

The 'Overall Performance Index Score' is a combined measure of the Shire as a 'place to live' and as a 'governing organisation' which the Shire scored 51/100 in November 2022 (14 index points below the industry standard for Western Australia), compared to a result of 58/100 in November 2020 (7 index points below the industry average for Western Australia).

Whilst significant planning has been carried out to deliver community infrastructure to meet the requirements of the growing community, delivery of these projects has not been able to keep up at the pace required, which reflects in these results.

These results will be used to inform the development of the Shire's new Strategic Community Plan, of which a major review is currently underway. Additionally, 12 community driven priorities identified through the survey, seen Officers collate the current status and actions of each priority, as well as additional actions for Council consideration during the 2023-24 Integrated Planning and Reporting processes, as presented at the Special Council Meeting in February 2023.



KPI 4: Improvement is seen in the Performance Index Score of the Employee Scorecard Survey

Comment: The staff engagement survey was released to staff in September 2022 and completed in November 2022. The 'Overall Workplace Index Score' is 63, down 2 points from the last survey conducted in 2019 where the overall score was 65. The Overall Performance score, which rates the organisation positively as a place to work is 90% in 2022, a drop of 2% from 2019. The priorities identified from the survey this year are access to equipment and resources, fair pay, staff retention, team spirit, policies, systems and processes.

The number of responses to the survey increased in 2022, with a total of 147 responses received, in comparison to 98 responses received in 2019. The Infrastructure directorate showed significant increase in response rate, with 53 staff responding to the survey, in comparison to 22 respondents in 2019. This is due to a more active response rate from the Operations outdoor workforce.

A majority of directorates showed significant improvements in either the overall workplace index score or the organisation as being a positive place to work. Where there is decline in satisfaction scores, retention of staff is the primary concern raised, which is reflective of the current labour market crisis.

In response to the feedback received from the 2022 survey, an action plan has been implemented which includes workshops and surveys that are accessible to all staff for contribution. The key focus areas cover purpose and values, employee benefits and wellbeing, and innovative ways of working, with a review of systems and work styles to enable increased performance, productivity and work life balance.

KPI 5: Financial Sustainability – maintain a financial health indicator above 70

Comment: A projected result will be provided in the 2022-23 Q4/End of Year Report (approximately September 2023).

Options and ImplicationsOption 1

That Council:

1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 October to 31 December 2022 as contained in this report and **attachment 1**.
2. ADOPTS the amendments to the Corporate Business Plan 2022-26 as outlined in this report and **attachment 2**.

There are no implications associated with this option.

Option 2

That Council:

1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 October to 31 December 2022 as contained in this report and **attachment 1**.
2. DOES NOT ADOPT the amendments to the Corporate Business Plan 2022-26 as outlined in this report and **attachment 2**.

Refer to Risk Implications for the implications associated with this option.

Option 1 is recommended.



Conclusion

The performance reporting against the Corporate Business Plan this reporting period details 20 key achievements and of the 115 actions reported against, 15% are currently 'at risk or behind target' and 83% are on track or complete. Revision of the Capital Roads Program, as adopted at the December 2022 Ordinary Council Meeting, combined with a mid-year review of the Corporate Business Plan following the appointment of the Director Community Engagement, has triggered numerous amendments to the Corporate Business Plan, to ensure timeframes for projects are practical and realigned to organisational capacity. Capital projects behind target are being worked through in line with the Shire's Project Management Framework and Council can expect to receive separate reports on these matters at future meetings. The recruitment of staff in a tight and competitive labour market continues to present significant challenges.

Attachments (available under separate cover)

- **10.3.5 - attachment 1** – Corporate Business Plan 2022-26 Performance Report 1 October 2022 to 31 December 2022 (E23/3255)
- **10.3.5 - attachment 2** – Corporate Business Plan 2022-23 Quarter Two Review – Tracked Changes (E23/3042)

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

There are no financial implications associated with the Officer Options.

Risk Implications

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with Option 1.						
2	If Council do not adopt the CBP, this will result in documents that are not aligned with the annual budget. This will create a fragmented environment for the Shire to operate in.	Existing Corporate Business Plan 2022-26 2022-23 Annual Budget	Organisational Performance	Unlikely	Moderate	MODERATE	Nil.



Voting Requirements: Absolute Majority (Regulation 19DA(6) of the *Local Government (Administration) Regulations 1996*)

OCM058/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Atwell

That Council:

- 1. NOTES the performance report against the 2022-26 Corporate Business Plan for the period 1 October to 31 December 2022 as contained in this report and attachment 1.**
- 2. ADOPTS the amendments to the Corporate Business Plan 2022-26 as outlined in this report and attachment 2.**

CARRIED UNANIMOUSLY 9/0



10.3.6 – Arrangements for the 2023 Ordinary Local Government Election (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 seeking the written agreement of the Western Australian Electoral Commissioner under section 4.20(4) of the *Local Government Act 1995* to conduct the 2023 Ordinary Local Government Election, if Council wishes to amend its 2018 determination that all elections up to 31 December 2023 will be postal elections and instead, subject to first obtaining the written agreement of the Western Australian Electoral Commissioner, determine that the election shall be a voting in person election.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 26 November 2018 – OCM128/11/18 - COUNCIL RESOLUTION That Council:

- 1. In accordance with section 4.20(4) of the Local Government Act 1995, declares by an absolute majority, that the WA Electoral Commissioner be responsible for all Local Government Elections for the Shire of Serpentine Jarrahdale together with any other elections or polls which may be required between now and 31 December 2023;*
- 2. In accordance with section 4.61(2) of the Local Government Act 1995, determines by an absolute majority, that the method of conducting all elections for the Shire of Serpentine Jarrahdale between now and 31 December 2023 will be as postal elections;*
- 3. Notes that resolutions 1 and 2 above are not a binding contract with the WA Electoral Commissioner and nothing shall prevent Council from revoking the decision at any time before 31 December 2023.*



Background

The 2023 Ordinary Local Government election will be held on Saturday 21 October 2023. On 3 February 2023, the Minister for Local Government wrote to local government CEOs (**attachment 1**) advising that the State Government is continuing to work to implement election reforms ahead of the October 2023 Ordinary Elections.

On 23 February 2023, the *Local Government Amendment Bill 2023* was read into Parliament. This legislation confirms that the alternative electoral pathway for the Shire if the Local Government Advisory Board's submission is not accepted will involve an election for eight Councillors plus the Shire President with no wards implemented through a full spill at the 2023 ordinary local government election.

The reforms propose to introduce Optional Preferential Voting for all local government elections. The State Government's proposal is similar to preferential voting used in State and Federal Elections, and for local government elections in every other Australian state. Under this approach electors can preference as many or as few candidates as they decide, and there will be no transfer of preferences other than the preferences electors mark on their ballot paper.

The reforms also extend the election period for one week with close of enrolments and the nomination period moving back one week.

As part of the correspondence, the Minister has noted that the change brings about greater complexity associated with election count activities including the mandatory use of CountWA software. The legislation also proposes reforms to various countback provisions that will make election counts more complex in future years.

The degree that these reforms complicate count activities on election night should not be underestimated.

As such the Minister has asked local governments to make arrangements with the Western Australian Electoral Commission (WAEC) to either appoint the WAEC as the Returning Officer under section 4.20 of the *Local Government Act 1995* (the Act) or otherwise contract the WAEC to licence the CountWA software.

At the 26 November 2018 Ordinary Council Meeting, Council resolved that the WAEC would serve as the Returning Officer in all elections up to December 2023 via the method of postal voting. Following the determination in the Magistrates Court in 2022 that the 2021 local government election in the Shire's North Ward was invalid, Council resolved that the fresh election held under section 4.81 of the Act, would be conducted as an in-person election.

Council may wish to consider writing to the WAEC requesting that elections including the 2023 Ordinary Local Government election are conducted via the in-person voting method. If Council does not make a resolution in this matter, the 2023 Ordinary Local Government election will be conducted by the WAEC as a voting by post-election.

In accordance with Council's resolution at the 30 January 2023 Special Council Meeting regarding the Ward and Representation Review, a submission was lodged with the Local Government Advisory Board on 3 February 2023. On 6 February 2023, the Department of Local Government, Sport and Cultural Industries advised that they had received the Shire's submission and it would be considered by the Advisory Board at a future date.

Community / Stakeholder Consultation

Officers have had preliminary discussions with the WAEC to inform the preparation of this report.



Statutory Environment

Section 4.20 of the Act provides that the CEO is the Returning Officer in a local government election unless written approval is first obtained from the Western Australian Electoral Commissioner.

Section 4.61 of the Act provides that elections can be held either as a postal election or a voting in person election. Under 4.61(4) of the Act, only the WAEC may conduct a postal election.

Electronic voting is not an option provided for in the legislation. In the most recent correspondence on the matter the Minister for Local Government identified that electronic voting was not being pursued at this time owing to failures of the approach in other states.

Comment

Because of the timing of the Advisory Board's decision and the Minister's electoral reform program, it is not possible to advise Council at this time of the parameters of the 2023 Ordinary Local Government Election.

Council's recommendation made at the 30 January 2023 Special Council Meeting to the Local Government Advisory Board of a configuration of six Councillors plus the directly elected President which would result in the following positions being available at the 2023 Ordinary Local Government Election:

Ward	Positions available
Entire district	1 x Shire President
North Ward	No vacancies
North West Ward	1 x Councillor
South Ward	1 x Councillor

If the Shire's submission from the Ward and Representation Review is not supported by the Local Government Advisory Board, the Shire will enter the electoral reform pathway. The electoral reform pathway in the *Local Government Amendment Bill 2023* would see reduction of one Council office position with the insertion of a direct election President. The 2023 local government election would involve a full spill the eight Councillor position plus a directly elected President with no wards:

Ward	Positions available
Entire district	1 x Shire President 8 x Councillors

If the legislative reforms do not proceed, the composition of Council would continue to be nine Councillors across three wards plus the directly elected Shire President. In this unlikely scenario, the positions available at the 2023 Ordinary Local Government Election will be the following:

Ward	Positions available
Entire district	1 x Shire President
North Ward	1 x Councillor
North West Ward	2 x Councillors
South Ward	2 x Councillors



Overall, the decision whether to hold an election in-person or via postal method rests on the relative importance of two competing aspects:

- accessibility (which achieves greater participation); and
- confidence in electoral system (the degree of confidence that each vote cast was valid).

As will be explored further below, a postal election will result in a much greater participation rate regardless of the marketing and communication strategy. The barrier to completing a postal vote is low, all it requires is an elector to return it via a post box.

However, there is no control though of the process from the point of issuing the ballot up until that ballot is received and counted (although legislation provides that the Court can declare an election invalid in the event that someone is dissatisfied with the result).

That risk of electoral misconduct may be considered to be acceptable to achieve greater accessibility.

Looking into the issue more holistically, Officers have identified five factors that may be considered relevant to Council in making a determination regarding the method of election being:

- participation rate
- election integrity
- cost
- complexity
- logistics.

As a postal election would inherently involve less change the discussion of these factors focuses on what would occur in the event that Council opts to proceed with an in-person election.

Participation rate

The participation rate for voting in person elections are lower than those of postal elections. The fresh election held in the North Ward had a participation rate of 7.49% being 560 ballot papers received from a total of 7,472 electors.

As direct comparison, the 2021 local government election in the North Ward had a participation rate of 29.72% and the 2019 local government election had a participation rate of 24.10%.

In comparison to other metropolitan local governments that have held voting in person elections recently, the Shire's fresh election had a higher participation rate. The City of Swan's Extraordinary Election for the Altona Ward has a turn out rate of 2.4% with 528 ballot papers received from 21,269 electors while the participation rate at a Town of Cambridge extraordinary election was 4.6%. All these elections were conducted in 2022.

Access to an in-person election is constrained compared to a postal election. People with limited mobility and the elderly, for example, may have diminished access to a voting in person election when compared to a postal election.

Voting in a postal election does not require the knowledge of the existence of the election prior to receiving the election package. For a voting in person election, the elector must know when the election is taking place and where to vote. While promotion and marketing can increase awareness it would be likely that the reach of this marketing and promotion would not inform all electors of the details, especially when past elections have been held by postal ballot.



For electors unable to attend a polling place, a facility is provided in the form of the postal voters register. Under Regulation 40 of the *Local Government (Elections) Regulations 1996* an elector may apply to receive a postal ballot in any in-person elections. Again, whether this option provides sufficient opportunity for all electors to have an equal opportunity to participate is questionable. Even with marketing it seems conceivable that an in-person election would result in some electors not participating that otherwise would.

Election integrity

The events of the 2021 local government election in the North Ward have demonstrated the importance of maintaining the integrity of the electoral system. Neither postal voting nor in person voting are immune entirely to fraud.

That said postal voting appears to be more susceptible to being compromised by deliberate attempts to commit electoral fraud through theft and voter impersonation or general mischief resulting from the theft or destruction of voting materials that could prevent electors from casting a ballot. With postal voting it is possible for an individual or group of people to compromise the conduct of an election for the purposes of altering the outcome or generally causing mischief. While the opportunity exists for an elector who has not received an election package to request a replacement, limitations apply.

The opportunity for widespread electoral fraud through tampering with mailed election packages is significantly reduced with an in-person election. The challenge associated with this type of compromised election is that it can be very difficult to establish if and to what extent an election has been compromised and the only recourse available is through the Courts through an invalidity complaint and the holding of a fresh election.

Officers have concerns that the events of the North Ward election have tarnished confidence in the postal voting method to the extent that even an uncompromised election may be perceived to be compromised by allegations of misconduct. Proving that election misconduct has not occurred is perhaps more difficult than proving that misconduct it has. In this environment, Officers note that a voting in-person election provides significantly greater certainty in ensuring electoral integrity.

Cost

In February 2023, the WAEC wrote to local governments advising of the anticipated costs of the election based on a postal ballot involving five councillor vacancies (**attachment 2**). This cost estimate did not take into account the proposed electoral reforms or Council's decision to change the method of electing the Shire President.

Accordingly, as the configuration for the 2023 ordinary local government election is unknown at this time, Officers requested that the WAEC provide additional information regarding costs.

The WAEC has provided revised cost estimates in **attachment 3**.

These are summarised as follows:

Scenario	Postal Election	Voting In-Person
Per submission to the Local Government Advisory Board being <ul style="list-style-type: none">1 x Shire President (Entire District)1 x Councillor North West Ward1 x Councillor South Ward	\$124,000	\$105,000



Scenario	Postal Election	Voting In-Person
Local Government electoral reform pathway being: <ul style="list-style-type: none">• 1 x Shire President (Entire District)• 8 x Councillors (no wards)	\$130,000	\$108,000
In the event that neither the Shire's submission to the Local Government Advisory Board or the Local Government Amendment Bill 2023 is enacted being: <ul style="list-style-type: none">• 1 x Shire President (Entire District)• 2 x Councillors North West Ward• 2 x Councillors North Ward• 1 x Councillor South Ward	\$126,000	\$105,000

The WAEC cost estimates are based on one supplied WAEC staff member during the early voting period. Officers propose that if Council opts for the in-person method that the WAEC supply additional staff members so that one WAEC Electoral Officer is at every polling place for the duration of the election. This is considered to be important to assist electors with questions regarding optional preferential voting and ensure that any complaints / queries regarding electoral matters can be responded to immediately.

This would be at additional cost to the quote above and could be several thousand dollars. Depending on Officer availability too the provision of polling places outside normal work hours may necessitate additional staff costs.

As noted above, the overall direct costs for a voting-in person election are less than the costs of a postal election. However, because of the lower turnout from a voting in person election, on a per elector/vote basis a voting in person election is more costly than a postal election.

For example, based on an estimate of 21,275 electors and a participation rate of 30% for a postal election and 7.5% for a voting in person election the cost per returned ballot paper would be approximately:

- Postal election - \$19.40 per completed ballot paper
- In person election - \$65.80 per completed ballot paper.

In addition to the WAEC's direct costs, the holding on an in-person election would involve additional costs for promotion. Prior to the fresh election held in the North Ward promotion occurred through a social media campaign, physical banners and variable message boards. This was at the cost of approximately \$8,600. The full costs of promotion are proposed to be presented in a communication strategy for Council's consideration at a later date as described below.

As such when taken as the full costs of conducting the election, caution should be used in making a determination of election method solely based on the WAEC's cost estimates.

Complexity

An important consideration is the complexity of Optional Preferential Voting. With the complexity of Optional Preferential Voting, it is conceivable that there will be an increase in informal ballot papers being submitted. In a postal voting scenario, the volume of informal ballot papers may be greater than an in person voting method because electors would receive instructions on how to complete the ballot in a valid manner immediately prior to completing their ballot paper from the Issuing Officer.



Likewise, if an elector identifies that they have marked the ballot incorrectly prior to casting their vote, this can be easily corrected through the issuing of a new ballot by an Issuing Officer at the polling place.

Logistics

From a logistical perspective an in-person election is challenging but is not entirely impractical.

Section 4.62 of the Act states that:

- “(1) For every election in a district or a ward the returning officer is to ensure that there will be at least one polling place in the district that is open between 8 a.m. and 6 p.m. on election day.*
- (2) For a voting in person election in a district that is divided into wards, the returning officer is to ensure that there will be at least one polling place in each ward that is open between 8 a.m. and 6 p.m. on election day unless the returning officer determines that, in respect of a particular ward, it is not necessary or not practicable —*
- (a) to open a polling place in that ward on election day; or*
- (b) for there to be a polling place in that ward that is open all the time between 8 a.m. and 6 p.m. on election day.”*

Venues for in-person election on election day, 21 October 2023

Assuming that the current ward configuration is maintained for the election in 2023, section 4.62 provides that a polling place is made available on election day on Saturday 21 October 2023 between 8am and 6pm in each of the Shire’s three wards.

Under legislation it is the role of the Returning Officer to set the polling place locations. In practice, the WAEC takes guidance from the local government in such circumstances.

While there is no requirement for the polling place to be a Shire facility, in practice local government facilities tend to be used and are recommended because they provide guaranteed access, are logistically the simplest and provide an association to the local government.

Officers have identified locations which could be used as a polling place on election day on 21 October 2023 in each of the Shire’s wards being:

- 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)

In respect to the North Ward, the Serpentine Jarrahdale Recreation Centre located in the Shire’s North Ward operated successfully from a logistical standpoint in the recent in-person election.

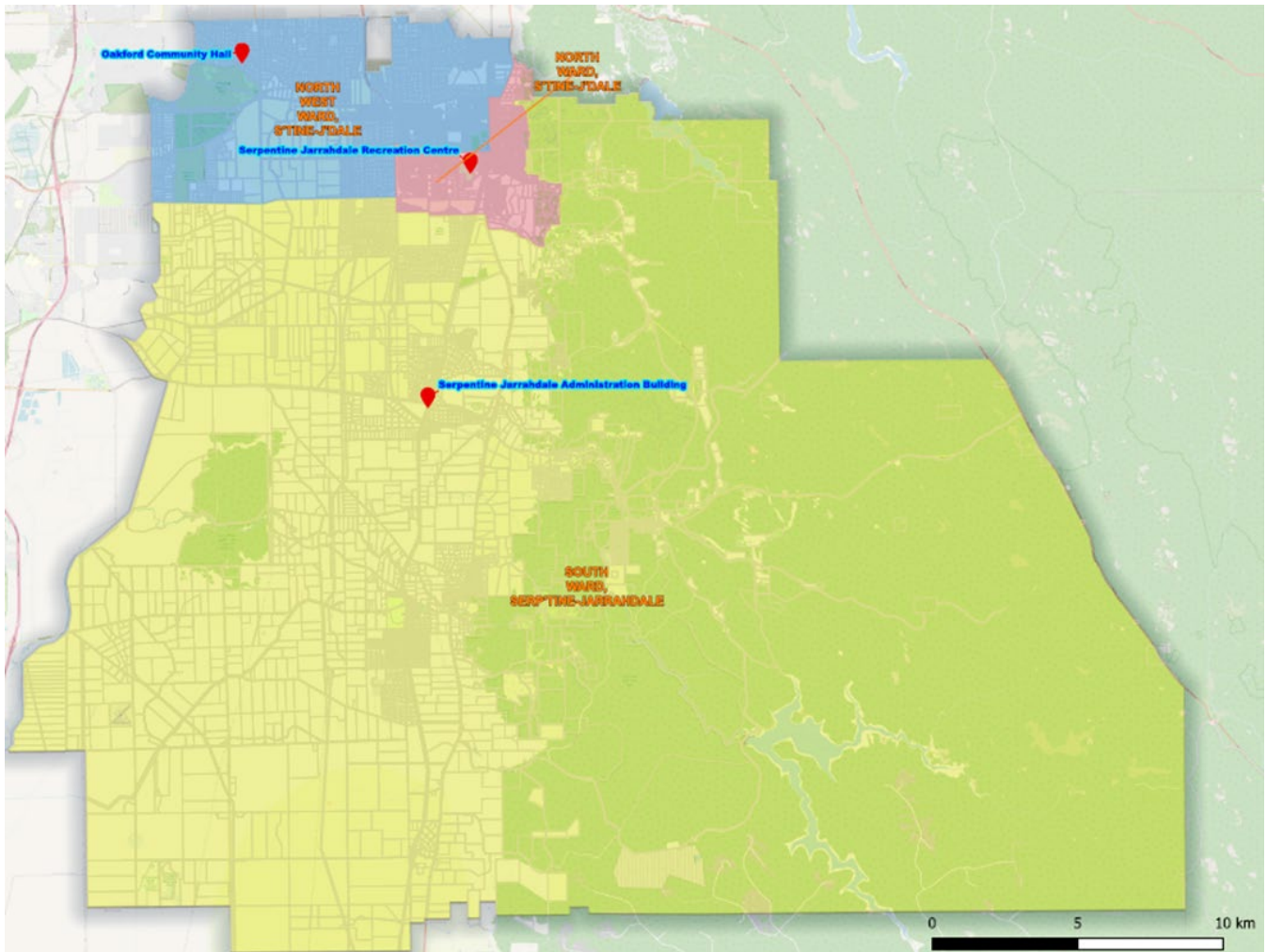
In respect to the North West Ward, identifying an appropriate polling place in the Shire’s North West Ward is challenging owing to the largely decentralised population of the ward. However, the Oakford Community Hall in Oakford provides a suitable facility in the North West Ward that is available and can be used for this purpose. The option of Bill Hicks Pavilion has also been explored but this is not considered to be practical because the use of the Bill Hicks Pavilion would displace community users and lack of off-street parking.

In respect to the South Ward, the Serpentine Jarrahdale Civic Centre is recommended due to its availability, logistics such as parking and association with local government.

It should be noted that electors can attend any polling place to vote on election day regardless of what ward they reside in.



The proposed venues for a polling places for an in-person local government election on election day are shown in the map below and in **attachment 4**.



Venues for in-person early voting

While there is no requirement in legislation to provide a location for early voting in each ward, Officers recommend that if an in-person election was pursued by Council then early voting locations are provided in each ward.

These are recommended as follows:

- Co-Working Space Room, Serpentine Jarrahdale Library, 858 South Western Highway, Byford (North Ward)
- Oakford Community Hall, 53 Foxtan Drive Oakford (North West Ward)
- Serpentine Jarrahdale Administration Building, 6 Paterson Street Mundijong (South Ward)

As with locations for the polling place on election day, locations for early voting, legislation requires these locations to be set by the Returning Officer. In practice, the WAEC takes guidance from the local government in such circumstances.

Early voting locations are staffed by Shire Officers who have been sworn-in and trained as Electoral Officers by the WAEC. When not issuing early voting materials these Officers perform their administrative duties. It is proposed to make these early voting locations open and available from the date that the Statewide public notice is issued in accordance with the



Local Government Act 1995. Currently this is no later than 19 days before the election which would be 2 October 2023. Under the Local Government Amendment Bill 2023 this period would be extended by one week and commence on Monday, 26 September 2023.

It is proposed that early voting would be available at the following times:

Venue	Times
Co-Working Space Room, Serpentine Jarrahdale Library	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm
Oakford Community Hall	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm
Serpentine Jarrahdale Administration Building	Weekdays 9:00am – 5:00pm Saturday 9:00am – 12:00pm

This timing has been considered with the aim of reducing impact of other uses while increasing access to the election. This is especially the case for the Oakford Community Hall which has a user of the facility on a weekday from 4:30pm.

Venue for count

As in previous years it is proposed that the Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong is used for the election night count. With the use of CountWA software using a facility with readily available information technology is especially important. The Civic Centre has the necessary information technology required to support count activities.

Communication strategy

It is recommended that if Council opts to seek that the WAEC conduct the 2023 ordinary election in-person that it considers adopting a communication strategy when Council formally resolves the method to conduct the election.

The objective of the communication strategy would be to advise the community of the change of method for the 2023 local government election and alert electors to the opportunity to vote at polling places prior to the election day through early voting, the opportunity to apply for a postal ballot and the location and time of the election day.

The communication strategy could incorporate methods including:

- a physical mail out to all electors;
- variable message boards; and
- social media.

As noted above implementation of the communication strategy will involve expenditure. The extent of that expenditure would be dependent on the options selected and further detail would be provided to Council when it was asked to make a decision on this matter.

Recommended method

In 2021 Officers recommended that the fresh election to be held in the North Ward be conducted by the in-person voting method. This was because of the importance of restoring confidence in the electoral process following the compromised election conducted by the postal method in the North Ward in 2021.



Officers regard the conduct of the in-person election successful acknowledging that any in-person election's participation rate is going to be lower than one conducted by the postal method.

Postal voting provides greater ease and accessibility to the democratic processes but as demonstrated in 2021 can seemingly also be easily compromised leading to significant damage to the organisation as a civic authority.

Officers conclude that on balance the voting in person method provides assurance of the fair and sound conduct of the election and recommend that Council pursue the voting in person method for the 2023 ordinary local government election subject to:

- the provision of a polling place in each ward; and
- marketing and promotion per a communication strategy to be resolved by Council at a future meeting.

This approach should ensure community confidence in the election while attempting to maximise accessibility.

Alternatives to the WAEC

Legislation provides that the only entities that can act as Returning Officer to conduct an election is the WAEC, the CEO or another entity with the agreement of the WAEC (but it has been the position of the WAEC consistently that it will not approve an entity other than the WAEC to conduct an election). Only the WAEC is permitted to conduct postal elections.

Officers most strongly do not recommend pursuing the option of the CEO acting as Returning Officer.

Conducting an election of the scale of that in Serpentine Jarrahdale is a complex exercise complicated by tasks such as administering postal ballots (which are still required in an in-person voting election for electors who select the postal method) which is further complicated by the introduction of Optional Preferential Voting. Officers do not have expertise in this regard and recent experience at metropolitan local government that attempted to conduct its own election did not go well. Such an approach could put Officers in a difficult position in the event that complaints are received regarding candidate conduct. It would also require the Shire to licence CountWA from the WAEC at cost to the Shire. If Council wished to pursue this option a restructure of roles in the related work units is required and the acquiring of specialist skills and experience in the day to day conduct of elections (as opposed to oversight) is required.

Options and Implications

Option 1

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 Administration Building, 6 Paterson Street Mundijong (South Ward)
6. RESOLVES that the Shire's recommended availability for early voting will be from the date of the Statewide public notice at the following times:

Venue	Times
Co-Working Space Room, Serpentine Jarrahdale Library	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm
Oakford Community Hall	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm
Serpentine Jarrahdale Administration Building	Weekdays 9:00am – 5:00pm Saturday 9:00am – 12:00pm

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 on an Electoral Officer would be at cost above that in the provided quote.
8. NOTES that a communication strategy will be prepared for Council consideration when the Western Australian Electoral Commission's response is received.
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.

Option 2

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. NOTES 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
3. NOTES that a future report on arrangements for the 2023 Ordinary Local Government Election will be presented at a future meeting of Council.

Option 1 is recommended.



Conclusion

In response to the Minister's request for local governments to commence discussions with the WAEC as soon as practicable given the complexities of the 2023 local government ordinary election, this report which recommends that Council commence a process to pursue an in person election method is presented for Council's consideration.

Attachments (available under separate cover)

- **10.3.6 - attachment 1** – Correspondence from the Minister for Local Government regarding electoral reforms dated 3 February 2023 (IN23/3153)
- **10.3.6 - attachment 2** – Correspondence from the Western Australian Electoral Commission regarding electoral costs dated 9 February 2023 (IN23/3271)
- **10.3.6 – attachment 3** - Correspondence from the Western Australian Electoral Commission regarding revised electoral costs dated 24 February 2023 (E23/2661)
- **10.3.6 – attachment 4** – map of proposed polling places for in-person election on election day (E23/2667)

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 various costs of the scenarios are described above.

Officers note that the WAEC's costs for conducting elections have increased since 2021. In 2021 the WAEC's estimated costs for a postal election were \$95,000, compared to the 2023 estimated costs which range from \$124,000 to \$130,000.

In their correspondence on the matter the WAEC attributes this increase in costs to include increases arising from inflation in recent years affecting salaries for Returning Officers and other staff, printing and packaging costs as well as the increase in postage announced by Australia Post. Additional costs from the Commission have been included arising from improved processing procedures and additional resources to supplement the Commission's education, complaints management, investigation and legal efforts.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There is a reputation risk associated with the lower participation rate from the in person election method	Effective promotion of the change in method	Reputation	Possible	Moderate	MODERATE	
2	That the decision to hold a postal election may result community concern relating to the integrity of the election.	Nil	Reputation	Possible	Moderate	MODERATE	

**Voting Requirements:** Simple Majority

Officer Recommendation

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 Administration Building, 6 Paterson Street Mundijong (South Ward)
6. RESOLVES that the Shire's recommended availability for early voting will be from the date of the Statewide public notice at the following times:

Venue	Times
Co-Working Space Room, Serpentine Jarrahdale Library	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm
Oakford Community Hall	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm
Serpentine Jarrahdale Administration Building	Weekdays 9:00am – 5:00pm Saturday 9:00am – 12:00pm

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 on an Electoral Officer would be at cost above that in the provided quote.
8. NOTES that a communication strategy will be prepared for Council consideration when the Western Australian Electoral Commission's response is received.
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.



OCM059/03/23

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Atwell

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)
 - Bill Hicks Reserve Lot 8007 Plaistowe Boulevard, Byford (North West Ward)
 - Oakford Community Hall, 53 Foxton Drive Oakford (North West Ward)
 - Serpentine Jarrahdale Civic Centre, 6 Paterson Street Mundijong (South Ward)
 - Bruno Gianatti Hall, Munro St, Jarrahdale WA (South Ward)
 - Clem Kentish Hall, 24 Wellard St, Serpentine (South Ward)
- 5. RESOLVES** that the Shire's recommended locations for the issuing of early ballots are:
 - Serpentine Jarrahdale Recreation Centre, 38 Mead Street Byford (North Ward)
 - Bill Hicks Reserve Lot 8007 Plaistowe Boulevard, Byford (North West Ward)
 - Oakford Community Hall, 53 Foxton Drive Oakford (North West Ward)
 - Serpentine Jarrahdale Administration Building, 6 Paterson Street Mundijong (South Ward)
 - Serpentine Jarrahdale Civic Centre, 6 Paterson Street Mundijong (South Ward)
 - Bruno Gianatti Hall, Munro St, Jarrahdale WA (South Ward)
 - Clem Kentish Hall, 24 Wellard St, Serpentine (South Ward)
- 6. RESOLVES** that the Shire's recommended availability for early voting will be from the date of the Statewide public notice at the following times:

Venue Times.

 - Serpentine Jarrahdale Recreation Centre, 38 Mead Street Byford (North Ward) Saturdays 9:00am – 4:00pm
 - Bill Hicks Reserve Lot 8007 Plaistowe Boulevard, Byford (North West Ward) Saturdays 9:00am – 4:00pm



- Oakford Community Hall, 53 Foxton Drive Oakford (North West Ward) Saturdays 9:00am – 4:00pm
 - Serpentine Jarrahdale Administration Building, 6 Paterson Street Mundijong (South Ward) Weekdays 9:00am – 4:00pm
 - Serpentine Jarrahdale Civic Centre, 6 Paterson Street Mundijong (South Ward) Saturdays 9:00am – 4:00pm
 - Bruno Gianatti Hall, Munro St, Jarrahdale WA (South Ward) Saturdays 9:00am – 4:00pm
 - Clem Kentish Hall, 24 Wellard St, Serpentine (South Ward) Saturdays 9:00am – 4:00pm
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 on an Electoral Officer would be at cost above that in the provided quote.
8. REQUESTS that the Western Australian Electoral Commissioner make a record of the Electoral roll post-election and provide the Shire with the results of any double voting within a time frame to allow for an invalidity complaint to be lodged if needed.
9. NOTES that a communication strategy will be prepared for Council consideration when the Western Australian Electoral Commission's response is received.
10. 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.

MOTION LOST 4/5

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

Councillors Rich, Atwell, Byas and Strange voted FOR the motion.

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

OCM060/03/23

COUNCIL RESOLUTION

Moved Cr Mack, seconded Cr Dagostino

That the matter be DEFERRED to be presented at a Policy Concept Forum prior to being presented to Council.

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer Recommendation

To allow Councillor consultation to give proper consideration to the matter.



10.3.7 – Revised Electronic Meetings Policy (SJ526-02)	
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

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

Report Purpose

The purpose of this report is to enable Council to consider adopting amendments to Council Policy 3.3.7 – Electronic Meetings to ensure the currency of the policy following amendments to the *Local Government (Administration) Regulations 1996*.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 21 February 2022 – OCM027/02/2022 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. ADOPTS Council Policy 3.3.7 Electronic Meetings contained in attachment 1.*
- 2. RESOLVES in accordance with Regulation 14D of the Local Government (Administration) Regulations 1996 that Council and Committee meetings held up to 1 June 2022 will be conducted electronically in accordance with Council's Policy contained in attachment 1.*
- 3. RESOLVES that the proceedings of Council and Committee Meetings held electronically during this time will be recorded in accordance with the policy contained in attachment 1 with the recordings published on the Shire's website with the unconfirmed minutes of the meeting.*
- 4. RESOLVES that Q & A and Policy Concept Forums held up to 1 June 2022 will be conducted electronically.*
- 5. REQUESTS that future Development Assessment Panel meetings to be held up to 1 June 2022 in the Shire are conducted via a suitable electronic platform.*

Background

In 2020 amendments to the *Local Government (Administration) Regulations 1996* (Administration Regulations) were made that introduced the option for electronic meetings to be held and for Councillors to participate in meetings electronically in specific circumstances. These amendments were linked to the Public Health Directives at the time.

In February 2022 Council resolved to adopt Council Policy 3.3.7 – Electronic Meetings which provided a framework for the conduct of electronic meetings following the removal of Western Australia's hard border and associated COVID-19 wave.



The last electronic meeting held under the regulations occurred in May 2022. The last request to participate electronically in an in-person meeting occurred at the Special Council Meeting in June 2022.

In November 2022 amendments were made to the Administration Regulations following the end of the Public Health Declarations related to COVID-19. The amendments to the Administration Regulations provide new rules for the circumstances where an electronic meeting or electronic participation in a non-electronic meeting can occur.

Community / Stakeholder Consultation

Nil.

Statutory Environment

The statutory environment is described below.

Comment

Following the changes to the Administration Regulations, Council Policy 3.3.7 – Electronic Meetings is now out of date.

While based on recent history Officers do not anticipate that the provisions of the Administration Regulations will be required in the foreseeable future, amendments to the policy are proposed to ensure the policy continues to comply with legislation.

As before the draft policy deals with two types of meetings:

- in-person meetings with some electronic participants (Regulation 14C); and
- electronic meetings with all electronic participants (Regulation 14D).

In-person meetings with some electronic participants (Regulation 14C)

In respect to in-person meetings with some electronic participants (Regulation 14C), the amended policy reflects the changes to the Administration Regulations that allow a council or committee member to be approved to participate electronically if there is a public health emergency, state of emergency or natural disaster.

The Administration Regulations now also allow a member to be generally authorised to attend electronically without the regulation for a public health emergency, state of emergency or natural disaster.

In either case, legislation does not permit a member to attend more than half of the meetings electronically in the previous 12 months.

Following the new provisions in the legislation, the draft policy states that in deciding whether to authorise a member to attend by electronic means, the President or Council must have regard for:

1. suitable location; and
2. suitable equipment for the purposes of the remote location.

The legislation also now requires a member to make a declaration during the meeting that they can maintain confidentiality if the meeting is closed to the public under 5.23 of the *Local Government Act 1995*. This declaration is required to be recorded in the minutes.



Electronic meetings with all electronic participants (Regulation 14D)

The amendments to the Regulation 14D of the Administration Regulations expand the circumstances where an electronic meeting may be held. Under the new laws, not more than half of meetings are permitted to be held electronically but Council can determine to hold a meeting electronically for any reason, not only because of a public health emergency.

The amended regulations continue to provide exemptions from parts of the Regulations required to hold electronic meetings. One change is that for Band 1 and 2 Councils, like the Shire, there is now a requirement to broadcast an electronic meeting. The term 'broadcast' is not defined in the Regulations, but the *Local Government Amendment Bill 2023* includes a definition that broadcasting by way of the Internet or other electronic means and that Regulations can make provisions of broadcasting live or with a delay. This implies that the Shire's current approach of publishing the audio of Council meetings with the unconfirmed minutes could meet the broadcasting requirement and in any case, Council has indicated an intention to move to live streaming when logistics permit.

Other than bringing the policy into line with the new legislation no changes other changes to the policy as it applies to Regulation 14D meetings are proposed.

Options and Implications**Option 1**

That Council ADOPTS Council Policy 3.3.7 – Electronic Meetings as amended in **attachment 1**.

Option 2

That Council ADOPTS Council Policy 3.3.7 – Electronic Meetings as contained in **attachment 1** 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 3.3.7 – Electronic Meetings.

Option 1 is recommended.

Conclusion

While Officers are not aware of any plans to hold meetings electronically in the interests of ensuring the currency of Council policies with legislation, revisions to the policy are presented for Council's consideration.

Attachments (available under separate cover)

- **10.3.7 - attachment 1** – draft Council Policy 3.3.7 – Electronic Meetings (E23/2809)
- **10.3.7 - attachment 2** – draft Council Policy 3.3.7 – Electronic Meetings – track changes (E23/2808)

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 may not conform with legislation rendering the policy not useable	Nil	Organisational Performance	Unlikely	Minor	LOW	
3	If Council does not adopt the revised Policy, the Shire will continue to have out of date Policies 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	

Voting Requirements: Simple Majority

OCM061/03/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strange

That Council **ADOPTS** Council Policy 3.3.7 – Electronic Meetings as amended in attachment 1.

CARRIED 6/3

**10.3.8 – Council Policy Review – Election Signage, Crossovers and Fireworks (SJ526-02)**

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

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

Report Purpose

The purpose of this report is to enable Council to consider:

- approving revised Council Policy – Election Signage to be advertised for community engagement;
- adopting revised Local Planning Policy 4.11 – Advertising;
- approving revised Council Policy – Crossovers to be advertised for community engagement; and
- adopting revised Council Policy – Fireworks.

Relevant Previous Decisions of Council

*Special Council Meeting – 24 October 2022 – SCM028/10/22 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

That Council 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
- 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 three (3) Council Policies being:

- Election Signage
- Crossovers
- Fireworks.

Community / Stakeholder Consultation

Council Policy - Election Signage and Council Policy - Crossovers

This report recommends community engagement is undertaken for Council Policy – Election Signage and Council Policy – Crossovers as follows:

- Council Policy – Election Signage

The communication engagement plan at **attachment 3** recommends this Policy be advertised for a period of three (3) weeks on Your Say SJ, with two (2) Facebook posts. The key messages to the community are:

- Election signage is the responsibility of the party and/or individual participating in a State, Federal or Local Government election.
- The Shire maintains an apolitical position with regard to election signage.
- Prior consent to place election signage on public property is not required, providing compliance with the criteria as outlined in the revised Council Policy – Election Signage.
- The Shire will not intervene unless election signage poses a safety risk, is placed directly on or within Shire facilities or buildings and therefore may be interpreted as having endorsement of the Shire or otherwise impacts the apolitical conduct of the Shire's functions.
- As part of the review into election signage generally, the Shire has updated Local Planning Policy 4.11: Advertising to remove election signage as a category of sign.



- Council Policy – Crossovers

The communication engagement plan at **attachment 10** recommends this Policy be advertised for a period of three (3) weeks on Your Say SJ, with two (2) Facebook posts. The key messages to the community are:

- 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.

Council Policy - Fireworks

Targeted stakeholder engagement on Council Policy – Fireworks with the Department of Mines, Industry Regulation and Safety (DMIRS) and relevant Licensed Fireworks Contractors was undertaken between 14-28 February 2023. The outcomes of this engagement process is discussed within the comment section of this report.

Policy Concept Forum

Nil.

Statutory Environment

Review 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.

Council Policy – Election Signage

The following laws have been considered in the review of Council Policy – Election Signage:

- *Planning and Development (Local Planning Schemes) Regulations 2015* – provides that development approval is not required for election signage providing the conditions within the legislation are satisfied.
- *Main Roads Act 1930* and *Main Roads (Control of Advertising) Regulations 1996* – provides Main Roads WA with the power to regulate signage on Main Roads.
- *Electoral Act 1918 (Commonwealth)* and *Electoral Act 1907 (WA)* and subsidiary legislation – provides the Electoral Commission and WAEC with the power to regulate parliamentary elections and related purposes, including, but not limited to the content of election material.
- *Local Planning Policy 4.11 Advertising* – currently includes election signage as a category of sign.
- Various case law as referenced in the Western Australian Local Government Association (WALGA) Political Signage Guideline - provides examples where local governments regulatory powers to control election signage were tested against the Implied Constitutional Freedom of Political Communication within the Australian Constitution.



Council Policy – Crossovers

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.

Council Policy – Fireworks

The following laws have been considered in the review of Council Policy – Fireworks:

- *Dangerous Goods Safety Act 2004* and *Dangerous Goods Safety (Explosives) Regulations 2007* – provides the Department of Mines, Industry Regulation and Safety with the power to regulate the safe storage, handling and transport dangerous goods, including fireworks. Part 13, Division 4 of the Regulations outlines the application process for a fireworks event permit and requires fireworks contractors to notify the Police, FES Commissioner and local government of the event prior to applying for a permit. Regulation 148(6) provides the local government with the authority to respond to a fireworks event notice stating that it:
 - agrees to the proposed event; or
 - objects to it unless certain conditions specified in the response are met; or
 - objects to it on the grounds that the local government considers the event — (i) is not in the public interest; or (ii) will cause danger to the public or unintended damage to any property or to the environment.
- *Bush Fires Act 1954* and *Bush Fires Regulations 1954* – provides local governments and DFES with wide ranging powers to manage bush fire risk, including, but not limited to, the use of fireworks (refer s 27A (1)(a)(ii) of the Act and Regulation 39E).

Comment

Council Policy – Election Signage

The rules and conventions associated with election signage are complex and occasionally contentious. The Shire has an existing Policy in this regard, but elements of the current Policy are potentially unenforceable as they could be in contravention of the Implied Constitutional Freedom of Political Communication and common law rulings on the matter that have seen Councils that strictly apply signage rules having successfully had civil proceedings lodged by candidates and political parties.

The revised Policy contained in **attachment 1** has been redrafted to better support the implied freedom of political expression, whilst summarising the Shire's position and applicable conditions in relation to the placement of signs generally.

The revised Policy provides that the content and placement of election signage is the responsibility of the party and/or individuals participating in an election, and as such, providing the signage is compliant with the Shire's Local Laws, the Shire will not intervene with election signage placement unless the signage poses a safety risk, is placed directly on or within Shire



facilities or buildings or otherwise impacts the Shire's apolitical position. The revised Policy also provides that the Shire will explore avenues for candidates to rectify non-compliance with the Policy prior to any removal of non-compliant signage.

This would be consistent with the apolitical and pragmatic approach that the Shire has taken in recent elections at across tiers of Government where Officers work with candidates and political parties to resolve election signage complaints.

A tracked changes version of the Policy is available at **attachment 2**.

As the Shire receives several queries each election period from community members, candidates and parties regarding election signage rules, it is recommended Council approve the revised Council Policy – Election Signage to be advertised for community engagement for in accordance with the engagement plan at **attachment 3**. Following this, the revised Policy and consideration of feedback will be presented to Council at a future Council meeting.

Local Planning Policy 4.11 – Advertising

In the review of election signage generally, Officers have identified that Local Planning Policy 4.11 – Advertising (LPP4.11) requires a minor amendment to align it with legislation and the Implied Constitutional Freedom of Political Communication.

LPP4.11 sets out development standards for signage to ensure public safety is maintained as well as the character and amenity of the locality to which it is located. This LPP is implemented through the assessment of development applications. Currently, LPP 4.11 sets out that election signage is permitted within all zones subject to a set of development standards. However, following the gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), all election signage is exempt from the requirement to obtain development approval subject to the following provisions:

- a) *The advertisement is erected or installed in connection with an election, referendum or other poll conducted under the Commonwealth Electoral Act 1918 (Commonwealth), the Referendum (Machinery Provisions) Act 1984 (Commonwealth), the Electoral Act 1907, the Local Government Act 1995 or the Referendums Act 1983.*
- b) *The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll.*
- c) *The advertisement is not erected or installed until the writ or writs have been issued or, for an election, referendum or poll under the Local Government Act 1995, until the 36th day before the day on which the election, referendum or poll is to be held.*
- d) *The advertisement is removed no later than 48 hours after the election, referendum or poll is conducted.*
- e) *The advertisement is not erected or installed within 1.5 m of any part of a crossover or street truncation.*

Where there is an inconsistency between a Deemed Provision of the Regulations and a Local Planning Policy, the Deemed Provision prevails to the extent of that inconsistency. As such it is recommended that LPP4.11 is amended and reference to election signage removed as it is generally exempt under the Regulations. Additionally, the WALGA Political Signage Guidelines that evaluate the Implied Constitutional Freedom of Political Communication state "*local governments should not single out election signage as a class of sign under a local planning scheme or LPP's to which specific arbitrary constraints are attached.*"



In accordance with Schedule 2, Part 2, Clause 5 (2) of the Regulations, a Local Government may *“make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment”*. As the only amendments proposed in **attachment 4** is the removal of election signage as a category of sign to ensure the Policy is legislatively compliant, this Policy is presented to Council for adoption, as contained with **attachment 5**.

Council Policy – Crossovers

This revised Policy – Crossovers as contained in **attachment 6**, 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 8**, 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 change each financial year.

In summary, the revised Council Policy as contained in **attachment 6** 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 7** has been undertaken which includes revised Construction of Crossover Standard Drawings. This review brings the Shire’s existing specifications as contained in **attachment 9** 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.

As the Shire receives queries from residential landowners and contractors regarding the applicable standard and specifications regarding construction of crossovers, and eligibility for a crossover subsidy rebate, it is recommended Council approve the Council Policy – Crossovers to be advertised for community engagement in accordance with the engagement plan at **attachment 10**. Following this, the Policy, specifications and consideration of feedback will be presented to Council at a future Council meeting.

Council Policy – Fireworks

The revised Council Policy – Fireworks contained in **attachment 11** has been reviewed and refined as follows.

- The Policy includes a new section titled ‘Authority’ that provides the CEO with the authority to agree or object to a fireworks event providing it complies with the Policy. The CEO is authorised to either agree to a Fireworks Event, object to a Fireworks Event unless conditions consistent with the Policy are met, or object to a Fireworks Event for the reasons outlined in the Policy. If a licensed fireworks contractor is seeking an exemption to the Policy conditions, they may make a written request outlining the reasons, for this to be considered by Council. As the legislation that empowers the Shire to respond to a proposed event does not provide a head of power to delegate this function, a Council Policy that sets the principles to apply is a sensible approach to maintain business efficiency (e.g. it would be impractical for all Firework Event Notices to be considered by Council). It is also important to note that the Shire is not the approval body for firework events but must be consulted during the assessment by the Department of Mines, Industry Regulation and Safety as the regulator in this regard.
- Terminology and processes have been refined to ensure they reflect current practice and are consistent with legislation and the Firework Event Notice. For example, the previous policy referred to ‘application’ rather than ‘notice’ and ‘approval’ rather than ‘objection’. The revised Policy also now better aligns and integrates with the Shire’s public event application process.
- Minor amendments as a result of targeted engagement (refer below).

The criteria in the revised Policy largely mirrors those contained within the previous version with some additions, such as requiring an Event Risk Assessment and a Fire Management Plan.

A tracked changes version of the Policy is available at **attachment 12**.

Results of engagement

As the Policy concerns particular agencies, Council Policy – Fireworks was issued for targeted engagement with the Department of Mines, Industry Regulation and Safety (DMIRS) and three (3) Licensed Fireworks Contractors between 14-28 February 2023. DMIRS and one (1) licensed firework contractor responded to the engagement, providing feedback as summarised below:



- Having reviewed the revised Council Policy – Fireworks, both respondents confirmed they support the revised Policy.
- When requested to provide any further comments on the Policy, respondents answered:
 - Very good policy. I suggest adding under the heading "Legislation/Local Law Requirements" reference to other legislation quoted in your policy such as *Health (Miscellaneous Provisions) Act 1911*, *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
 - This Policy is similar to the policies of other Councils we work with. West Coast Fireworks are happy to work with the Shire of Serpentine Jarrahdale to facilitate safer fireworks displays.

In consideration of the feedback received, Officers have updated references to include the additional legislation.

Consideration of the matter

As this paper deals with several policies, Council may wish to consider employing Clause 10.6 of the Shire's Standing Orders which permits a question to be broken down and put to Council in several parts.

Options and Implications

Option 1

That Council:

1. APPROVES the advertising of Council Policy – Election Signage as contained within **attachment 1** for community engagement in accordance with the engagement plan contained within **attachment 3**.
2. ADOPTS Local Planning Policy 4.11 – Advertising as contained within **attachment 5**, in accordance with Schedule 2, Part 2, Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
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**.
4. ADOPTS revised Council Policy – Fireworks as contained within **attachment 11**.

Option 2

That Council:

1. APPROVES Council Policy – Election Signage as contained within **attachment 1** for community engagement in accordance with the engagement plan contained within **attachment 3** with the following amendments:
[Amendments to be specified by the Councillor moving the motion]
2. ADOPTS Local Planning Policy 4.11 – Advertising as contained within **attachment 5**, in accordance with Schedule 2, Part 2, Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



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** with the following amendments:

[Amendments to be specified by the Councillor moving the motion]

4. REQUESTS the CEO issue Council Policy – Fireworks as contained in **attachment 11** for community engagement as follows:

[Amendments to be specified by the Councillor moving the motion]

Option 3

That Council:

1. ADOPTS Council Policy – Election Signage as contained within **attachment 1** with the following amendments:

[Amendments to be specified by the Councillor moving the motion]

2. ADOPTS Local Planning Policy 4.11 – Advertising as contained within **attachment 5**, in accordance with Schedule 2, Part 2, Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3. ADOPTS Council Policy – Crossovers as contained within **attachment 6** and the Standard Specification for Construction of Crossover as contained within **attachment 7** with the following amendments:

[Amendments to be specified by the Councillor moving the motion]

4. ADOPTS Council Policy – Fireworks as contained in **attachment 11** with the following amendments:

[Amendments to be specified by the Councillor moving the motion]

Option 4

That Council:

1. ADOPTS Council Policy – Election Signage as contained in **attachment 1**, Council Policy – Crossovers as contained within **attachment 6**, Standard Specification for Construction of Crossover as contained within **attachment 7** and Council Policy – Fireworks as contained in **attachment 11**.

2. ADOPTS Local Planning Policy 4.11 – Advertising as contained within **attachment 5**, in accordance with Schedule 2, Part 2, Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Option 5

That Council:

1. DOES NOT ADOPT the revised Council Policy – Election Signage, Council Policy – Crossovers and Council Policy – Fireworks.
2. DOES NOT ADOPT minor amendments to Local Planning Policy 4.11 – Advertising as contained within **attachment 5**.

Option 1 is recommended.



Conclusion

Council Policy – Election Signage provides a balanced approach between respecting the Implied Constitutional Freedom of Political Communication and the Shire’s role as a regulator and property owner. Following community engagement, the revised Policy will be provided to Council for adoption at a future Council Meeting.

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 will be provided to Council for adoption at a future Council Meeting.

Council Policy – Fireworks outlines the Shire’s principles and conditions to apply if supporting a fireworks event. Feedback from targeted stakeholders indicates support of the new Policy.

Attachments (available under separate cover)

- **10.3.8 - attachment 1** – Council Policy – Election Signage (E23/1379)
- **10.3.8 - attachment 2** – Council Policy – Election Signs on Road Reserves and Shire Land – Tracked Changes (E23/1380)
- **10.3.8 - attachment 3** – Communication Engagement Plan – Council Policy – Election Signage (E23/2750)
- **10.3.8 - attachment 4** – Local Planning Policy 4.11 – Advertising – Tracked Changes (E23/2753)
- **10.3.8 – attachment 5** – Local Planning Policy 4.11 – Advertising (E23/2754)
- **10.3.8 – attachment 6** – Council Policy – Crossovers (E23/2810)
- **10.3.8 – attachment 7** – Standard Specification for Construction of Crossover (E23/2815)
- **10.3.8 – attachment 8** – Council Policy – Vehicle Crossings Subsidy (E23/2755)
- **10.3.8 – attachment 9** – Standard Specifications for Construction of a Crossover (E23/2756)
- **10.3.8 – attachment 10** – Communication Engagement Plan – Council Policy – Crossovers (E23/2818)
- **10.3.8 - attachment 11** – Council Policy – Fireworks (E23/1396)
- **10.3.8 – attachment 12** – Council Policy – Fireworks – Tracked Changes (E23/1397)

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, 3	Amendments made may not be informed by sufficient operational information.	Nil	Organisational Performance	Unlikely	Minor	LOW	Nil
3, 4	If community engagement is not undertaken on the Election Signage or the Crossovers Policy there may be complaints from interested stakeholders that they were not provided an opportunity to have a say.	Nil	Reputation	Unlikely	Minor	LOW	Nil.
5	If Council do not adopt the revised Policies, the Shire will continue to have out of date Policies 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:

1. APPROVES the advertising of Council Policy – Election Signage as contained within **attachment 1** for community engagement in accordance with the engagement plan contained within **attachment 3**.
2. ADOPTS Local Planning Policy 4.11 – Advertising as contained within **attachment 5**, in accordance with Schedule 2, Part 2, Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
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**.
4. ADOPTS revised Council Policy – Fireworks as contained within **attachment 11**.

OCM062/03/23

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Byas

That Council:

1. **Prior to the Council Policy – Election Signage being advertised (in accordance with the Engagement Plan contained within attachment 3), the matter be discussed at a Policy Concept Forum.**
2. **ADOPTS Local Planning Policy 4.11 – Advertising as contained within attachment 5, in accordance with Schedule 2, Part 2, Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
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.**
4. **ADOPTS revised Council Policy – Fireworks as contained within attachment 11.**

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer Recommendation

To allow Councillor review of the Council Policy – Election Signage prior to advertising.



**10.4 Community Engagement reports:
Nil reports.**



10.5 Executive Services reports:

Nil reports.



**10.6 Confidential reports:
Nil reports.**



Continued

Ordinary Council Meeting Minutes Monday, 20 March 2023

11. Urgent business:

Nil.

12. Councillor questions of which notice has been given:

Nil.

13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 10:58pm.

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 April 2023.

.....Presiding Member – Councillor Rich

.....01/05/2023.....Date