



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Agenda

7pm

Monday, 21 March 2022

Contact Us

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In Person

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



www.sjshire.wa.gov.au



Councillor Attendance Register

In accordance with Ordinary Council Meeting, 16 December 2019, Resolution OCM293/12/19, clause 5 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings and Policy Concept Forums”.

Council October 2021 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
28/02/22	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
21/02/22	OCM	✓	✓	A	✓	✓	✓	✓	✓	✓
07/02/22	PCF	✓	✓	✓	A	A	✓	✓	A	✓
13/12/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
06/12/21	SCM	✓	✓	A	✓	✓	✓	✓	✓	A
29/11/21	PCF	✓	✓	A	✓	✓	✓	✓	✓	✓
22/11/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
15/11/21	OCM	✓	✓	✓	✓	A	✓	✓	✓	✓
10/11/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
01/11/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
01/11/21	SCM	✓	✓	✓	✓	A	✓	✓	✓	✓
25/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
25/10/21	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



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The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that 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.



Dear Elected Member

The next Ordinary Council Meeting of the Shire of Serpentine Jarrahdale will be held electronically, in accordance with regulation 14D of the *Local Government (Administration) Regulations 1996* and Council Resolution, OCM027/02/22, on Monday, 21 March 2022, commencing at 7pm.

At the 21 February 2022 Ordinary Council Meeting, Council resolved that future Council and Committee meetings are to be held electronically up to 1 June 2022.

The procedures for holding meetings electronically set by Council are described in Council Policy 3.3.7 – Electronic Meetings.

Proceedings of meetings will be recorded and published with the unconfirmed minutes of the meeting on the Shire's website. Meetings are not open to the public at this time.

Public questions, statements and deputations received prior to 2pm on the meeting day will be presented to Council or the Committee as applicable with responses to public questions provided in writing and recorded in the minutes.

In accordance with Regulation 14E and the Shire's policy 3.3.7 Electronic Meetings, public questions received by 2pm on the meeting day (for committee meetings and Ordinary Council Meetings), the question and the response will be acknowledged at the meeting and recorded in the minutes but will not be physically read out at the meeting.

Public Statements received prior to 2pm of the meeting day will be provided to Councillors and recorded in the minutes, but not read out at the meeting.

Any Deputations approved for a meeting will be provided to Councillors and recorded in the minutes, if the text of that Deputation is provided prior to 2pm on the meeting day.

This change has been introduced to ensure the continuity of Council as Western Australia has moved to a high COVID caseload.

A handwritten signature in blue ink, appearing to read 'Paul Martin', enclosed within a blue oval.

Paul Martin
Chief Executive Officer

11 March 2022



Agenda

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

2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting – Monday, 21 February 2022

Questions asked by **Mr Darrel Wayne Herren** at the Ordinary Council Meeting, Monday, 21 February 2022. A meeting was held with Mr. Herren on 25 February, where these and other matters were discussed. Further discussions regarding the roads approvals were also held on site with the Infrastructure Directorate.

Question 2

Why was a meeting held on the Tuesday on site to approve the clearing, after my question on the Monday?

Response (Manager Strategic Planning)

The meeting of Officers on site with the developer was held to ensure that the development would comply with the requirements of the subdivision.

Question 3

The developers very first operation was to start clearing this native bush, is this normal practice?

Response (Manager Strategic Planning)

Following gaining the necessary approvals, the actions that the developer takes are a matter for the developer, in line with the conditions of the approval and depends on the sequence of events required for the project to progress.

Ordinary Council Meeting – Monday, 21 February 2022

Question asked by **Mrs Lee Bond** at the Ordinary Council Meeting, Monday, 21 February 2022. Correspondence was sent to Mrs Bond on 1 March 2022 (OC22/3665).

Question 2

Why does this Council support the \$30 Biodiversity payment when Cotton Bush and Cape Tulip are growing as prolific as an illegal cannabis crop right under the Shires nose and a member of SJ Landcare is part of the Shire Team re the environment and you have done nothing to control it?

Response (Director Infrastructure Services)

At the May 2018 Ordinary Council Meeting, Council gave in-principle support, but resolved to raise concerns regarding the implementation of the levy with the Department of Primary Industries and Regional Development (DPIRD) who are responsible for administering the levy and conducting works funded by the levy.

Council adopted the following motions at the 28 May 2018 Ordinary Council Meeting and 18 March 2019 Ordinary Council meetings respectively:



OCM052/05/18 - Alternative Councillor Motion (extract)

That Council:

- 1. Supports in principle the intention of the State Government to raise a Declared Pest Rate that would see landholders of property one hectare and over within the Shire of Serpentine Jarrahdale charged a rate of \$30 per annum;*
- 3. Requests the Shire President and Chief Executive Officer write to the Department of Primary Industries and Regional Development (DPIRD) as part of the formal submission process, expressing concern in regards to the lack of information provided to date regarding the Declared Pest Rate, the lack of detailed data on the number of landowners within the Shire who will be impacted by the Declared Pest Rate, and a desire to see further work undertaken on a comprehensive plan for delivery of services to be funded by the Declared Pest Rate.*

OCM042/03/19 - Council Resolution

That Council NOTES the response from Hon Alannah MacTiernan MLC Minister for Regional Development, Agriculture and Food provided as attachment 2.

In regard to the March 2019 Council Resolution, please find attached the letter to the Shire which is referred to in attachment 2. [This attachment was provided with the response sent to Mrs Bond].

As the Declared Pest Rate is a State Government imposed levy, please contact the Hon Alannah MacTiernan, MLC, Minister for Regional Development, Agriculture and Food, Minister.MacTiernan@dpc.wa.gov.au or 08 6552 6200.

Further information on the Declared Pest Rate is also available from the Peel Harvey Biosecurity Group, weeds@phbg.org or 0409 079 757.

2.2 Public questions:

3. Public statement time:

4. Petitions and deputations:

5. President's Report:

6. Declaration of Councillors and Officer's interest:

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

7.1 Ordinary Council Meeting – 21 February 2022

That the minutes of the Ordinary Council Meeting held on 21 February 2022 be CONFIRMED (E22/2429).



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

8.1 Audit, Risk and Governance Committee Meeting – 28 February 2022
Attachments (available under separate cover)

- **attachment 1 – Audit, Risk and Governance Committee Meeting Minutes – 28 February 2022 (E22/2644)**

Voting Requirements: Simple Majority

- 1. That Council RECEIVES the Unconfirmed Minutes of the Audit, Risk and Governance Committee Meeting held on 28 February 2022 (E22/2644).**
- 3. ADOPTS Audit, Risk and Governance Committee Resolution ARG006/02/22 and APPROVES the 2021 Compliance Audit Return for the period 1 January 2021 to 31 December 2021, as shown in attachment 1, as amended, with the word ‘unanimously’ removed from Question 1 under the Finance section; AUTHORISES the Shire President and Chief Executive Officer to certify the Compliance Audit Return; and AUTHORISES the certified 2021 Compliance Audit Return being submitted to the Department of Local Government, Sport and Cultural Industries.**
- 4. ADOPTS Audit, Risk and Governance Committee Resolution ARG007/02/22 and NOTES the results of the reviews conducted in accordance with Regulation 5 of the *Local Government (Financial Management) Regulations 1996* and Regulation 17 of the *Local Government (Audit) Regulations 1996*; ADOPTS the actions to be taken in response to the Regulation 5 and Regulation 17 reviews as contained within the audit reports at attachment 1 and 2 respectively; and REQUESTS the CEO provide the Audit, Risk and Governance Committee an update on the implementation of the actions at its November 2022 Committee Meeting.**
- 5. ADOPTS Audit, Risk and Governance Committee Resolution ARG008/02/22 and NOTES the Strategic Risk Register Review as contained within this paper; and ENDORSES the updated Strategic Risk Register as contained within attachment 1.**
- 6. ADOPTS Audit, Risk and Governance Committee Resolution ARG009/02/22 and RECEIVES the process, procedure and practice audit (attachment 1) and brigade facilities audit (attachment 2) and NOTES that one of the two Bushfire Mitigation Officer roles will be changed to a 12 month Work Health Safety Project Officer role, in order to implement the findings of the process, procedure and practice audit; and AGREES the items listed in this report represent the highest risk items of the facility audit; and NOTES that the CEO is preparing costings on these highest risk items and financial considerations including funding options will be presented when available.**



Continued

Ordinary Council Meeting Agenda
Monday, 21 March 2022

7. ADOPTS Audit, Risk and Governance Committee Resolution ARG010/02/22 and RECEIVES the Internal Audit Plan Update.

9. Motions of which notice has been given:



10. Chief Executive Officer reports:

10.1 Development Services reports

10.1.1 – Proposed Outbuilding – Lot 21, 13 Isma Court, Mundijong (PA21/1164)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Factory Direct
Owner:	Daniel B Lewis and Carolina M Herrera
Date of Receipt:	23 November 2021
Lot Area:	1045.701m 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 proposed outbuilding at Lot 21,13 Isma Court, Mundijong. The application seeks to vary the deemed-to-comply provisions of State Planning Policy 7.3 – Residential Design Codes (R-Codes) and the related Local Planning Policy 4.19 Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19). Such variations require an application for development approval to be submitted and assessed against the Design Principles of the R-Codes and the LPP.

The application is presented to Council as an objection was received during the advertising process. The objection relates to the colour and overall height of the proposed outbuilding. 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, Officers recommend that Council approve the development application subject to conditions.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background

Existing Development

The subject site, which is 1045.7m² in area, is located within the Mundijong District Structure Plan area. Access to the site is via a driveway from the cul-de-sac head of Isma Court at the southern corner of the site. The site is currently developed with a single dwelling, carport and an existing outbuilding which would be demolished to accommodate the new outbuilding as shown in Figure 1 below:

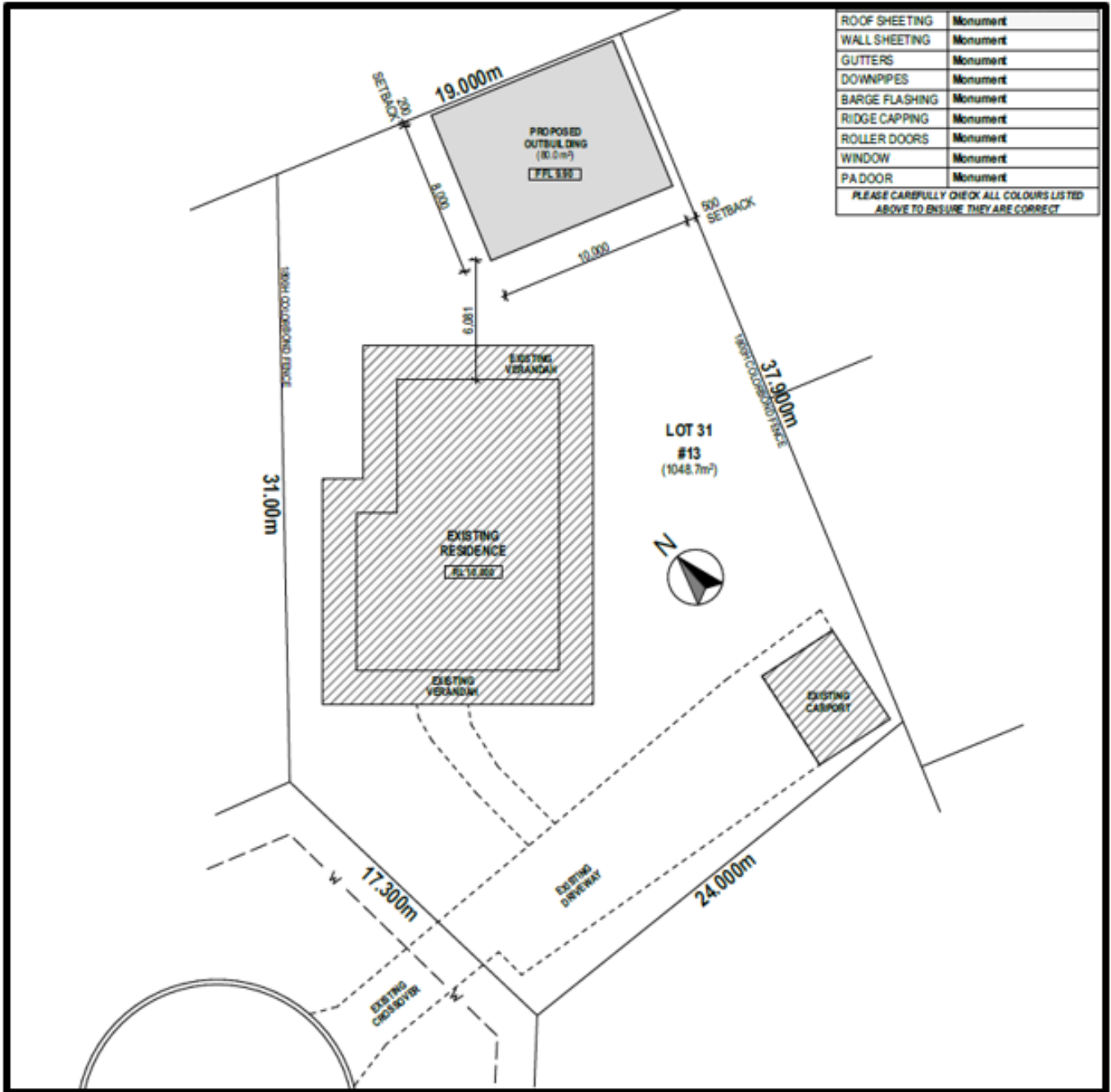


Figure 1: Aerial Photo

Proposed Development

The application seeks approval for a replacement outbuilding in the same location, to the rear of the dwelling. The applicant has provided information that the outbuilding would mainly be used for servicing and storage of personal vehicles, and general storage of household equipment associated with the 'Residential' land use.

The proposed outbuilding would have a floor area of 80m², a length of 10m and a width of 8m. It would have a wall height of 3.6m, a ridge height of 4.7m and be set back 0.5m from the eastern (side) boundary and 0.2m from the northern (rear) boundary. The outbuilding was initially proposed to be constructed entirely out of Monument coloured Colorbond (dark grey), but has since been amended to Rivergum (green/olive) coloured Colourbond, to match the existing boundary fence.



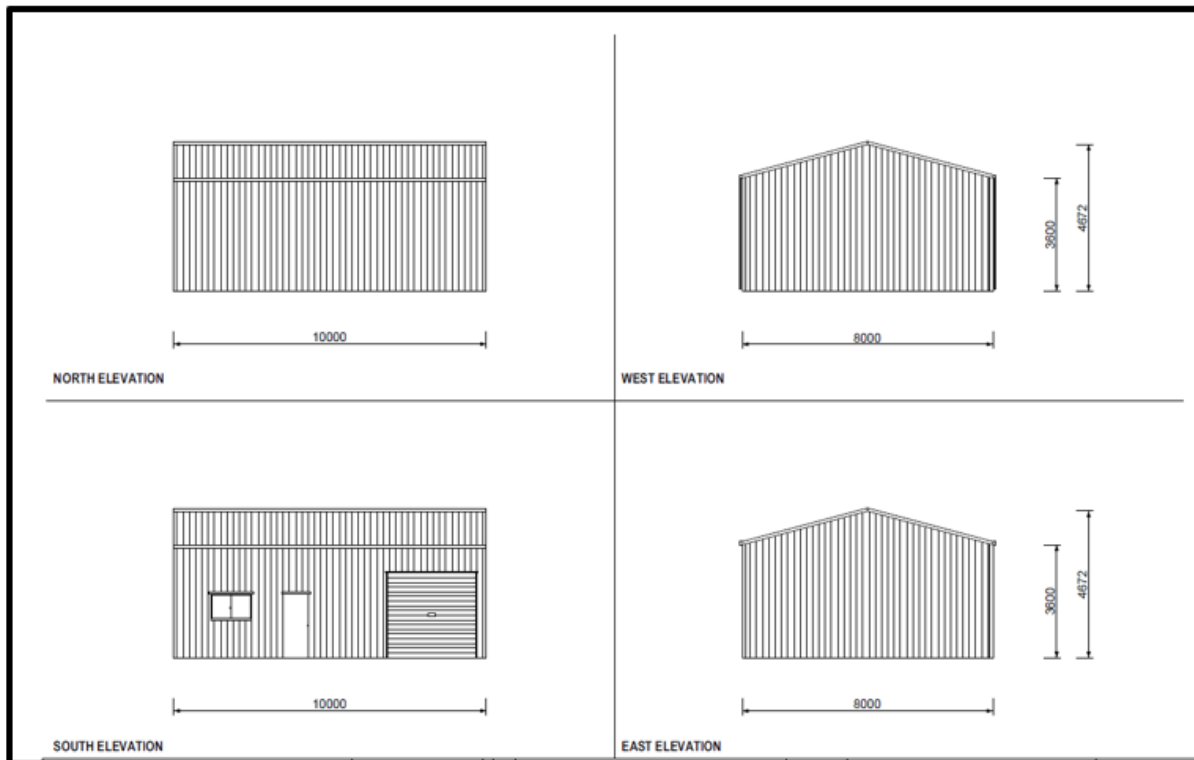


Figure 3: Elevations

Full details of the proposal are contained within **attachment 1**.

Community / Stakeholder Consultation

The application was advertised to adjoining landowners from 23 November 2021 to 7 December 2021, in accordance with the Shire's Local Planning Policy 1.4 - Public Consultation for Planning Matters. One submission was received objecting to the proposal for the following reasons:

- **Colour of outbuilding** – The submitter is concerned that, “*Monument Colour is not suitable in an existing rural area with natural environment colours around in our yards and beyond, also the reflection and the heat emitting from this colour will affect us all day as this shed backs directly into our backyard*”; and
- **Height of the outbuilding** –The submitter is concerned that, “*the proposed height will be another 2.8 meters above our already existing 1.8-meter fence line, which I think in a suburban block is too much to look at in our backyard*”.

As previously stated, following the objection, the applicant has amended the colour of the outbuilding from ‘Monument’ to ‘Rivergum’. It is considered that this has addressed this particular concern regarding colour and also lessens the degree to which sun light radiation will be absorbed and irradiated out as temperatures drop into the evening. Therefore, the report will focus on the height of the outbuilding which is addressed under the relevant heading of the report. A full copy of the submission with the applicant's response and Officer comments is contained within **attachment 2**.

Statutory Environment

Legislation

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



- Metropolitan Regional Scheme.

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2);
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3);
- Shire of Serpentine Jarrahdale Local Planning Strategy;
- Mundijong District Structure Plan (DSP);
- Local Planning Policy 1.4 – Public Consultation for Planning Matters;
- Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19).

Planning Assessment

A full Technical Assessment was carried out against the current planning framework in accordance with Clause 67, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, 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 currently zoned ‘Urban Development’ under TPS2. The site falls within precinct F2 of the 2020 Mundijong District Structure Plan (DSP), where it is designated ‘Low (Suburban) R20-35 Residential’. The proposal is for an outbuilding to be used in association with the existing ‘Residential – Single House’ land use. The land use of ‘Residential – Single House’ is a permitted use in the ‘Residential’ zone, as designated under the District Structure Plan. The use is therefore considered consistent with the planning framework.

Form of Development and Amenity

The proposal falls under the Large and Multiple Outbuildings category of the R-Codes. Based on the size of the subject land, the applicable density code for the subject site would be R10 (average lot size 1000sqm). The application seeks variations to the ‘deemed-to-comply’ requirements of the R-Codes in relation to the wall height, ridge height and lot boundary setbacks. The table below highlights the variations to which Council must determine whether the relevant ‘Design Principle’ has been met in accordance with Clause 2.1.4 of the R-Codes.

State Planning Policy 3.1 Residential Design Codes – Design Principle Assessment – Outbuilding		
Deemed-to-Comply Provision Outbuildings that:	Proposed Development	Design Principle
(i) individually or collectively does not exceed 60m ² in area or 10 per cent in aggregate of the site area (104.5m ²) whichever is lesser	A floor area of 80m ² is proposed.	P3 Outbuildings that do not detract from the streetscape or the visual amenity of



State Planning Policy 3.1 Residential Design Codes – Design Principle Assessment – Outbuilding		
Deemed-to-Comply Provision Outbuildings that:	Proposed Development	Design Principle
(ii) are setback in accordance with Tables 2a. Where the wall height is 3.5m or less with a length of 9m or less the required setback is 1.0m	A side setback of 500mm is proposed on the eastern (side) boundary. A rear setback of 200mm is proposed on the northern boundary	residents or the neighbouring properties.
(iii) does not exceed a wall height of 2.4m	A wall height of 3.6m is proposed.	
(iv) does not exceed a ridge height of 4.2m	A ridge height of 4.7m is proposed.	
(v) Not located within the primary or secondary street setback area	A street setback of approximately 30m is proposed.	
(vi) Do not reduce the open space and outdoor living area requirements in Table 1 (60%)	Open Space of 70% is achieved	

While the floor area varies the R-Codes, it is noted that LPP4.19 provides for a further local variation in deemed to comply outbuilding size, which is 100m² (from 60 m²) and as such the floor area of the proposal is compliant.

In order to determine whether the proposal meets the design principle P3, it can be considered within two key components:

- Outbuildings should not detract from the visual amenity of the streetscape; and
- Outbuildings should not detract from the visual amenity of the residents and neighbouring properties.

Impact on the Streetscape

The first provision requires an outbuilding to be set back behind the building line to the primary street. The outbuilding in this instance is set back approximately 30m from the primary street boundary, located towards the rear of the property, behind the existing dwelling. As depicted in the image below, Officers consider that the proposed outbuilding would not be visible from the street due to its location and being screened by existing vegetation and the dwelling. The proposal is therefore consistent with the first component of the Design Principle of the R-Codes.



Figure 4: View from the Streetscape

Visual Amenity

To satisfy the second provision, an assessment has been undertaken to determine the impact of the proposed outbuilding on the neighbouring properties. The objection, as previously stated, relates to the overall height of the outbuilding which is 4.7m.

In relation to the neighbouring property to the north, this property measures 2.26ha in area and has not yet been developed for residential purposes. The driveway of this property is located alongside its southern boundary. Given the lot size and the use of the land immediately abutting the subject site, it is considered that the height and setbacks of the outbuilding would not adversely impact upon the amenity of these residents.

With regard to the neighbour to the east, the applicant has proposed a 0.5m setback from the side lot boundary which results in a variation of 0.6m. In addition, a wall height of 3.6m is proposed in lieu of 2.4m and a ridge height of 4.7m in lieu of 4.2m. Officers consider that these variations will not represent such an impact that creates a level of visual amenity that is inconsistent with the reasonable expectations of the Residential zone. This position is explained following.

The applicant has provided information that setting back the outbuilding further away from this neighbouring property would result in the removal of a mature tree as shown in the picture below:



Figure 5: Photograph of subject site

Officers consider the outbuilding would be positioned in a logical and collective way, given the location of the existing outbuildings on adjoining properties. These are typically placed in the rear corners of properties, and particularly up against the northern side boundary of the adjoining undeveloped property. This is shown below:



Figure showing general setbacks of roofed structures to north

Furthermore, Officers are satisfied that there is sufficient mature vegetation that would screen and ameliorate the bulkiness of the outbuilding on the eastern boundary. The adjoining private outdoor living area to the east comprises a developed garden with trees and tall shrubs, which moderate the impact of the proposed outbuilding. Its alignment with structures on the land also help further moderate such. This is depicted below:



Figure 6: Approximation of the future outbuilding to the east

In addition, the proposed colour would be sympathetic and blend into the natural surroundings and thus softening the potential visual impact.

The applicant has provided information that additional trees will be planted along the common boundary to further address the concerns raised.

**Local Planning Policy 4.19 - Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19)**

In addition to consideration of the R-Codes design principles, LPP4.19 also sets out additional performance criteria for outbuildings. An assessment against this criterion is contained in the table below:

Provision	Officer Comments
Whether a size variation is required to satisfy specific needs of the owner/applicant	<p>The applicant has provided information that the height of the outbuilding would allow for a mezzanine floor for storage purposes. It is also required for putting a hoist in the shed to be able to lift cars for personal use.</p> <p>It is considered that the applicant has demonstrated the need for the height of the outbuilding.</p>
Whether a size variation is excessive, considering the character of the surrounding area	<p>Officers do not consider the proposed variations to be excessive or inconsistent with the character of the area. It is considered that the proposal would not adversely impact on the character or amenity of the locality or that of neighbouring properties, due to the careful placement and moderating effect of surrounding screen particularly to the east.</p>
Whether a size variation would reduce the amount of open space or outdoor living area required in accordance with the R-Codes	<p>The deemed-to-comply requirements of the R-Codes state that the subject property should have 55% of open space. The proposal would result in open space of 70%, in excess of the R-Code requirement.</p>
Whether the development is sited behind the front setback line for the dwelling, visible from the street or neighbouring properties	<p>The proposed outbuilding is located behind the existing dwelling and set back approximately 30m from the primary street, and therefore would not be visually intrusive within the streetscape.</p> <p>It would be set back 0.5m from the eastern lot boundary and 0.2m from the northern boundary. Although it would be visible from the neighbouring properties, it is considered that it would not have an adverse impact on the amenity.</p>
Whether non-reflective materials are proposed on the building	<p>The applicant has proposed a colorbond material for the walls and roof, which is considered generally non-reflective.</p>
Whether adequate screening exists, or has been proposed, from the road and/or neighbouring properties	<p>Due to the primary street setback, no screening to the front is considered to be required.</p> <p>It is considered that there is sufficient existing vegetation to reduce the visual impact of the outbuilding from the neighbouring property. The applicant is supportive of planting additional trees along the eastern boundary to further screen the outbuilding from view.</p>



Provision	Officer Comments
Consideration of comments from the affected adjoining landowners.	Notwithstanding the concerns raised by the adjoining neighbour, Officers consider that the proposal meets the relevant design principle of the R-Codes and LPP4.19 as detailed above.

Options and Implications

Option 1

That Council APPROVES the development application for the outbuilding at Lot 21, 13 Isma Court, Mundijong as contained within **attachment 1** subject to the following conditions:

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

Plans and Specifications	Plans P1-P3 received at the Shire's Offices on 23 November 2021
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- 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. The outbuilding shall not be used for any commercial purposes.
- d. The outbuilding shall be constructed of 'Rivergum Colorbond' material.
- e. A Landscape Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a Building Permit. This is to demonstrate additional planting along the eastern side boundary of the subject land, to help further screen the outbuilding when viewed from the east. Once approved, the Landscape Plan is to be implemented and maintained.

Option 2

That Council REFUSES the development application for an outbuilding at Lot 21, 13 Isma Court, Mundijong due to the size of the outbuilding creating an adverse visual amenity impact on the surrounding residential land.

Option 1 is recommended.

Conclusion

The application seeks approval for an outbuilding which varies the deemed-to-comply requirements of the R-Codes (as amended by LPP4.19) by way of height and lot boundary setbacks. Officers consider that the proposed outbuilding is consistent with the design principles of the R-Codes and LPP4.19 and would not adversely impact on the streetscape or the amenity of surrounding landowners.



Attachments (available under separate cover)

- 10.1.1 - attachment 1 – Development Plans (IN22/3381)
- 10.1.1 - attachment 2 – Summary of submissions (E22/1886)
- 10.1.1 - attachment 3 – Technical Assessment (E22/1934)

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 no risks associated with Option 1.						
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.	Reputation	Possible	Minor	MODERATE	Ensure that reasons for refusal are based on valid planning reasons.



Voting Requirements: Simple Majority

Officer Recommendation

That Council **APPROVES** the development application for the outbuilding at Lot 21, 13 Isma Court, Mundijong as contained within attachment 1 subject to the following conditions:

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

Plans and Specifications	Plans P1-P3 received at the Shire's Offices on 23 November 2021
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- 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. The outbuilding shall not be used for any commercial purposes.
- d. The outbuilding shall be constructed of 'Rivergum Colorbond' material.
- e. A Landscape Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a Building Permit. This is to demonstrate additional planting along the eastern side boundary of the subject land, to help further screen the outbuilding when viewed from the east. Once approved, the Landscape Plan is to be implemented and maintained.



10.1.2 – Proposed Child Minding Centre – Lot 102 (13) and Lot 103 (15) Beenyup Road, Byford (PA21/1340)

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Harley Dykstra
Owner:	Keyline Nominees Pty Ltd
Date of Receipt:	5 January 2022
Lot Area:	2,339.286m 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 endorsing the Responsible Authority Report (RAR) prepared for a development application for a proposed 'Child Minding Centre' at Lot 102 (13) and Lot 103 (15) Beenyup Road, Byford.

The applicant has opted in for the Metro Outer Joint Development Assessment Panel (MOJDAP) process to determine the application. The MOJDAP 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 Responsible Authority Report (RAR) to the MOJDAP, consistent with established delegations.

Council, at its Ordinary Council Meeting of 15 November 2021, previously refused an application for a Child Minding Centre on the subject land. That application had not opted for a MODAP process, and thus Council was the decision making authority. This application represents a new proposed design.

The proposal is considered to be consistent with the planning framework and as such the RAR (**attachment 1**) recommends that the application be approved subject to conditions.



Relevant Previous Decisions of Council

*Ordinary Council Meeting – 21 February 2022 – OCM005/02/22 – COUNCIL RESOLUTION
That Council:*

- 1. REQUESTS that the Chief Executive Officer investigate options to develop a new Local Planning Policy for Child Minding Centres within the Shire, which encourage such developments to achieve the following aspects:
 - a. Encouraging such developments to be located adjoining areas of public open space, or pathways that lead to public open space, with the aim of providing better connection to the natural environment for clients of such developments;*
 - b. Encouraging such developments to be located along good quality pedestrian pathways, that enable safe walking and cycling to such developments that helps manage traffic impacts;*
 - c. Encouraging such developments to be designed in a manner which reflects elements of natural character, expressed by the rural and natural areas of the Shire; and*
 - d. Report back to Council before end of May 2022.**

*Ordinary Council Meeting – 15 November 2021 – OCM302/11/21 – COUNCIL RESOLUTION
That Council REFUSES the development application for a Child Minding Centre for the following reasons:*

- 1. The application proposes an inadequate access arrangement for the development, insofar that it will intensify the amount of traffic at the adjoining intersection of Beenyup Road and Dundatha Drive, which is considered to create a safety issue for users;*
- 2. The application is considered to represent a size and scale which is inconsistent with the amenity of the surrounding residential locality.*

Background

Existing Development

The subject site comprises of two land parcels with a total area of approximately 2,338m² located at the entry to what is termed the 'Byford Old Quarter'. The site is bound by Beenyup Road to the north, Dundatha Drive to the west and by residential development to the east and south. The eastern lot (L103) is developed with a dwelling, while the western lot (L102) is vacant.

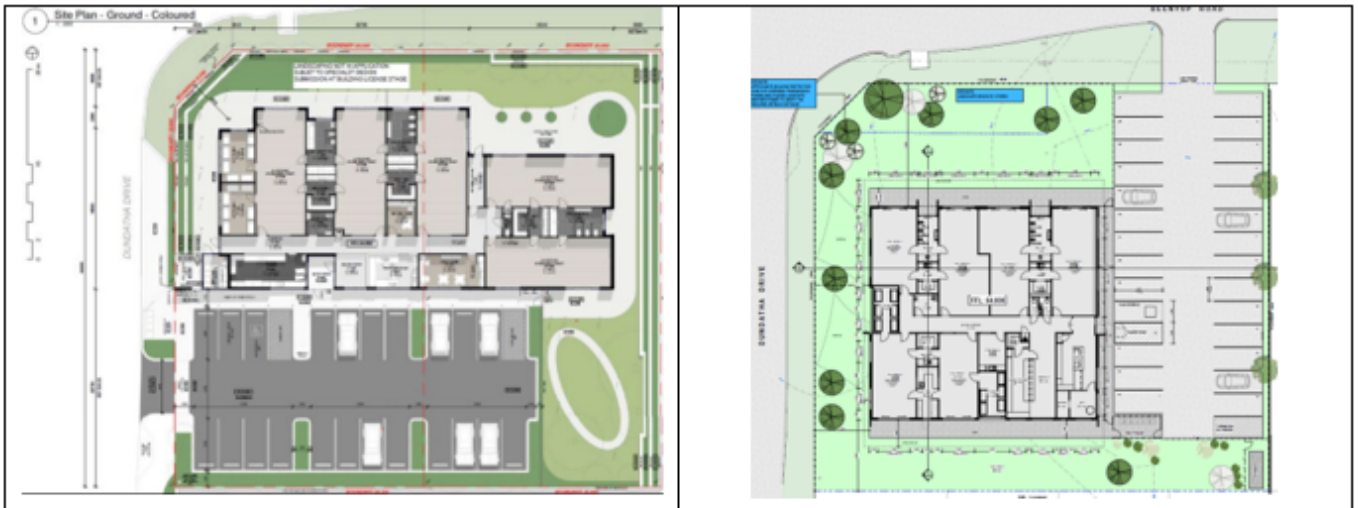
The subject site is located opposite the commercial development of the Byford Town Centre to the west; the older residential development of the 'Byford Old Quarter' to the north and east and; the newly developed residential area of 'The Brook at Byford' to the south. The site is located within 100m of South Western Highway.



Figure 1: Aerial Locality

Previous Application

Council, at its Ordinary Council Meeting of 15 November 2021, refused an application for a Child Minding Centre. This proposal represents a new design, and is subject to a merits based assessment pursuant to the planning framework. The comparison site plans are provided below:



Previous site plan versus new site plan



The key elements that have been modified are as follows:

Element of Proposal	Previous Development Application	Current Development Application
Car park access	Dundatha Drive	Beenyup Road
Onsite car parking bays	23 bays	27 bays
Offsite reciprocal arrangement car parking bays	6 bays	0 bays (not required)
Number of staff	20 staff	18 staff
Number of children catered for	100 children	90 children
Building floor area	701m ²	619.9m ²
Outdoor play area	721m ²	960.8m ²
Beenyup Road building setback	6m	13.86m
Dundatha Drive building setback	2.8m	6.2m

Proposed Development

The proposal seeks approval to construct a single storey 'Child Minding Centre' on Lot 102 and Lot 103 Beenyup, Byford. The proposed building would be constructed with a skillion roof design, bearing feature brick and rendered walls, with cladded elements. Vehicle access to the site is proposed via a crossover to the northern boundary of the subject site off Beenyup Road. This would provide for full movement access in to and out of the development.



Figure 2: Site Layout Plan

The centre would accommodate up to 90 children falling within the following age groups:

- 25 children aged less than 24 months old (7 staff educators);
- 31 children aged 24 to 36 months old (7 staff educators); and
- 34 children aged greater than 36 months old (4 staff educators).

Regarding the operation of the Child Care Centre itself, the key features would be:

- Operation hours of the centre proposed from 6:30am to 6:30pm, Monday to Friday; and
- Employment of up to 18 full-time staff members.



The design elements of the proposal comprise of the following:

- Demolition of the existing single dwelling and all structures on Lot 103;
- Construction of a 'Child Minding Centre' building with a floor area of 619.9m² across Lot 102 and Lot 103;
- The building comprising of five main play spaces, attached toilets, utility rooms, a kitchen, staff room, reception and a meeting room;
- Construction of a car park with 27 car parking bays, comprising of 25 standard parking spaces, one drop off / loading bay and one universal bay;
- A single turn around bay is provided at the end of the carpark;
- Construction of a crossover from Beenyup Road to provide access to the car parking area;
- Construction of a vertical bar fence along the perimeter of the site;
- Building set back 13.86m from the primary street (Beenyup Road) and 6.2m from the secondary street (Dundatha Drive);
- Construction of outdoor play areas with a total area of 960.8m² provided to the north, west and south portions of the subject site as shown in Figure 2 above;
- The removal of the existing vegetation on the site; and
- The proposed development incorporating new landscaping within the site.

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

Community / Stakeholder Consultation

The application was advertised for a period of 28 days from 27 January 2022 to 24 February 2022 to surrounding landowners within a 200m 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 site for the same period.

At the conclusion of the consultation, 23 submissions were received, consisting of 15 submissions either objecting or raising concerns with the proposal. Furthermore, eight submissions were received in support of the proposal.

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

- Potential noise from the 'Child Minding Centre';
- Potential noise impacts due to increased traffic movements on the road network;
- Sufficient Child-Minding Centres in the locality to cater the need;
- Peak period traffic from the proposal will cause congestion within the local road network;
- Potential for road network conflicts with nearby intersections and ensuing safety concerns; and
- A decrease in safety for pedestrians and vehicles in the locality.



The applicant has provided a response to these issues. A full list of the submissions received, including the applicant's response, can be found in **attachment 3**. Officers have also provided a response to the submissions within **attachment 3**.

Statutory Environment

Legislation

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

Local Planning Framework

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million;
- Planning Bulletin 72/2009 – Child Care Centres;
- State Planning Policy 5.4 – Road and Rail Transport Noise (SPP5.4);
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances.

Local Planning Policies

- Byford District Structure Plan 2020;
- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4);
- Local Planning Policy 1.6 – Public Art for Major Developments (LPP1.6);
- Local Planning Policy 2.4 – Water Sensitive Design (LPP2.4);
- Local Planning Policy 4.15 – Bicycle Facilities Policy (LPP 4.15);
- Local Planning Policy 4.16 – Landscape and Vegetation Policy (LPP4.16);
- Local Planning Policy 4.18 – Street Tree Policy (LPP4.18).

At the February 2022 meeting, Council considered a notice of motion pertaining to the location of child care centres. In response to this motion, Council resolved to request the Chief Executive Officer to investigate options to develop a new local planning policy for child minding centres within the Shire, which will guide considerations of design and location criteria. This will be reported back to Council's May 2022 meeting. The application is required to be assessed according to the planning framework as it presently exists.



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

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

The subject site is identified as 'Residential' within the Byford District Structure Plan 2020 (BDSP), and the Byford Townsite Detailed Area Plan (DAP) which provide the relevant land use permissibility and indicative land use designation applicable to the site. The proposed development can be considered within the designation within the Structure Plan and DAP.

Land Use

The proposal falls within the TPS2 definition of 'Child Minding Centre', which is defined as follows:

"Child Care 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".

The Child-Minding Centre' land use is an 'SA' land use in the 'Residential' zone, as designated under the Structure Plans, which means, "that Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions." An 'SA' land use requires the Shire to consider all submissions received and the broader planning framework in applying its discretionary powers to determine an application for approval (or in this case, make its recommendation via the RAR to MOJDAP).

In terms of the planning framework, the site falls within a unique position within the DAP and BDSP. Officers consider that the site is within a transitional position between the older and newer suburban area as well as the town centre designation to the west. As a result, the amenity of the area has evolved/changed over time. Moving away from the pattern of historic residential development and character elevated within the 'Byford Old Quarter'. In this regard, subsequent to an assessment and consultation being undertaken, Officers consider that the development, by way of scale, intensity and form of development is considered to not adversely impact upon the amenity of the area. Furthermore, its location on the edge of the Byford Old Quarter, with a more direct relationship to the western adjoining commercial development (by way of the position of the development further towards the west of the block) and key intersection, the development location is considered to be acceptable.

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

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



“means premises where –

(a) an education and care service as defined in the Education and Care Services National Law (Western Australia) Section 5(1), other than a family day care service as defined in that section, is provided; or

(b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided”.

The relevant objectives of the ‘Urban Development’ zone under LPS3 raise the importance of the need to provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. This has been undertaken through detailed structure planning within the Byford District Structure Plan and associated informing DAP.

Within the ‘Urban Development’ zone, the ‘Child Care Premise’ land use is a discretionary (‘A’) 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.

An ‘A’ land use requires the Shire to consider all submissions received and the broader planning framework in applying its discretionary powers to determine an application for approval (or in this case, make its recommendation via the RAR to MOJDAP).

Byford District Structure Plan 2020

The purpose of this Structure Plan is to provide a *“broad-district level planning framework for development”* which provides the basis for the subsequent preparation of Local Structure Plans. The subject site is designated as ‘Residential – Low (Suburban) R20-35’ under the BDSP.

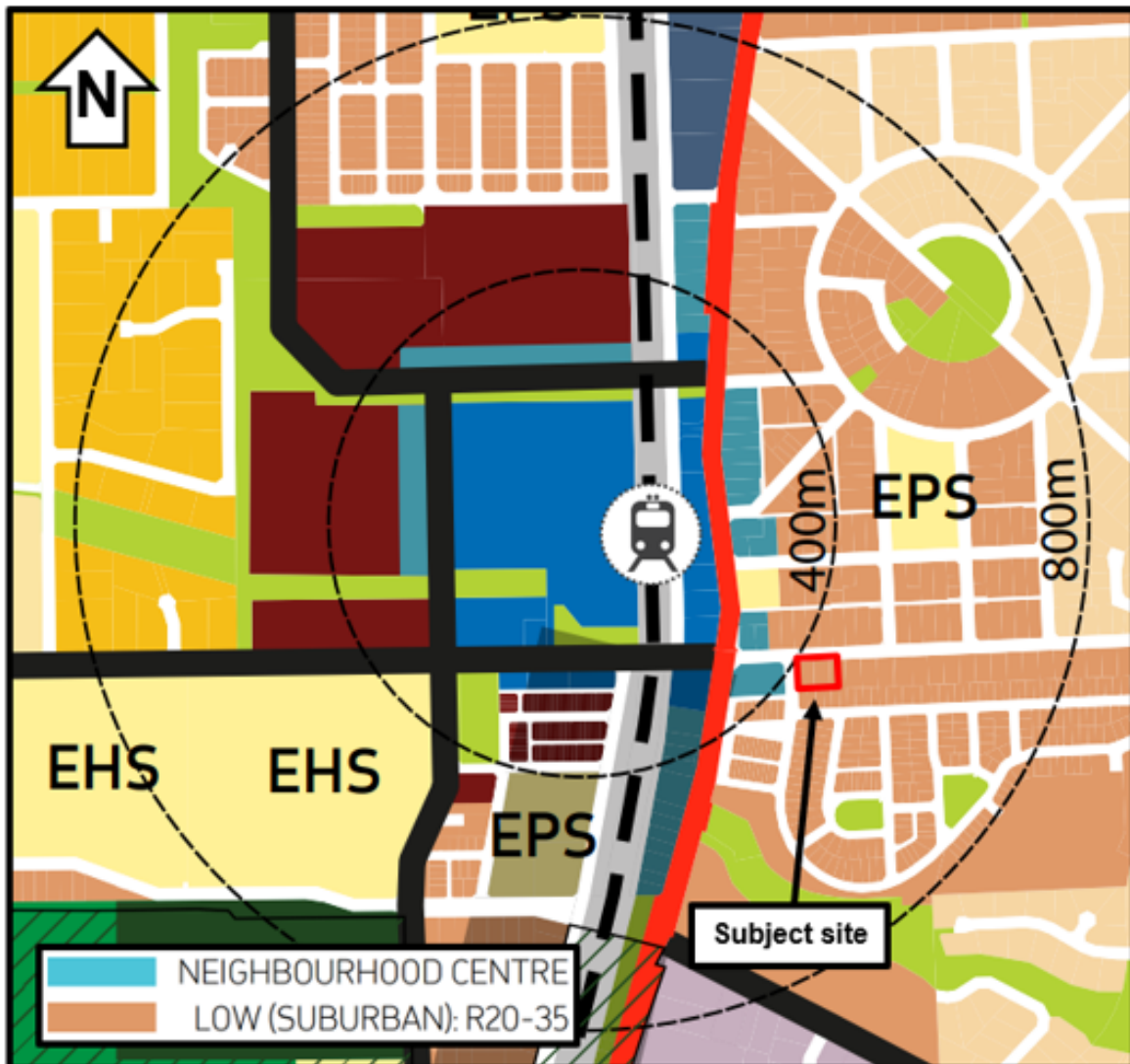


Figure 3: Byford District Structure Plan

The site is noted as being on the edge of the 400m walkable catchment to the Byford Town Centre and within 400m of the future Byford Metronet Station. The site is characterised by its prominent position at the cross point of the 'Byford Town Centre', 'Byford Old Quarter' older residential area, the 'Byford by the Brook' newer residential area and the future local structure planning areas as seen within Figure 5.

The site is therefore considered to be located within a transitional position, between older and newer suburban, as well as town centre designated land.

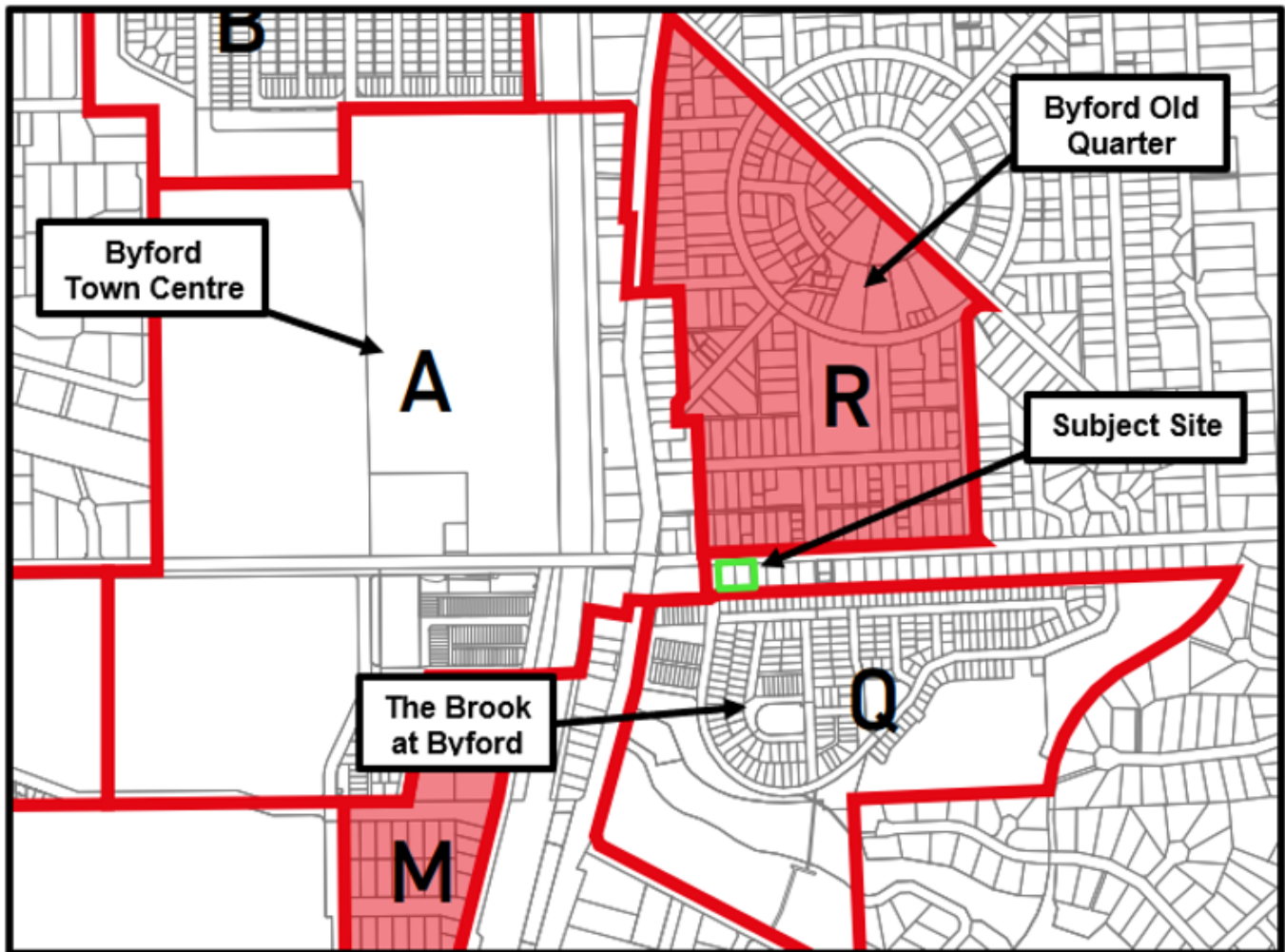


Figure 4: Local Structure Plan areas identified in the BDSP

Officers consider that the proposed 'Child Care Premises' is suitable in its location as it provides an interface between the commercial town centre and the residential character of the 'Byford Old Quarter'. Furthermore, the land use associated with the development is able to be considered within the 'Residential' zone. Officers therefore consider that the proposal is consistent with the BDSP.

Planning Bulletin 72/2009 – Child Care Centres

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

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



The bulletin states that childcare centres should be located to provide the maximum benefit to the community and should be within an easy walking distance and serviced by public transport. The proposal is located on the border of the Byford Town Centre. It is serviced by a Transperth bus route and would be located within a walkable 400m catchment of the future Byford Metronet Station. It is also noted that the catchment for customers to this development would likely include the recent 'The Brook at Byford' subdivision to the south. Officers consider there currently is walkable infrastructure available to enable these residents to walk to the subject site. As will be discussed further in this report, Officers will require an improvement to the pedestrian infrastructure by the applicant, which will also ensure consistency with this objective of the Bulletin.



Figure 5: The green area identifies the 400m walkable catchment area

The bulletin also states that it is crucial in limiting the impact a 'Child Minding Centre' may have on surrounding activities and amenity of existing residential areas. In regard to the level of impact the proposal may have on the amenity of the locality, Officers consider that the area the development is proposed to be located within is an area characterised by proximity to the commercial areas of the Byford Town Centre and South Western Highway – being on the edge threshold of this area. This site, as mentioned previously, is considered within a transitional position. Officers have undertaken an assessment process of the key impacts of this development, being noise and traffic, which are not considered to adversely impact upon the existing amenity of the area. This is addressed in the relevant sections further into this report.



During the consultation period, concerns were raised regarding the increasing number of 'Child Minding Centres' in the locality. The planning framework does not specifically limit the number of business types to an area, recognising competitive neutrality as an important component of a market led economy. While there are some narrow circumstances in which competition may be considered a relevant planning consideration, such circumstances do not relate to this proposal. Further to this, the growth projections for Byford depict a heightened future need for these services to be developed.

Components of population change

export reset

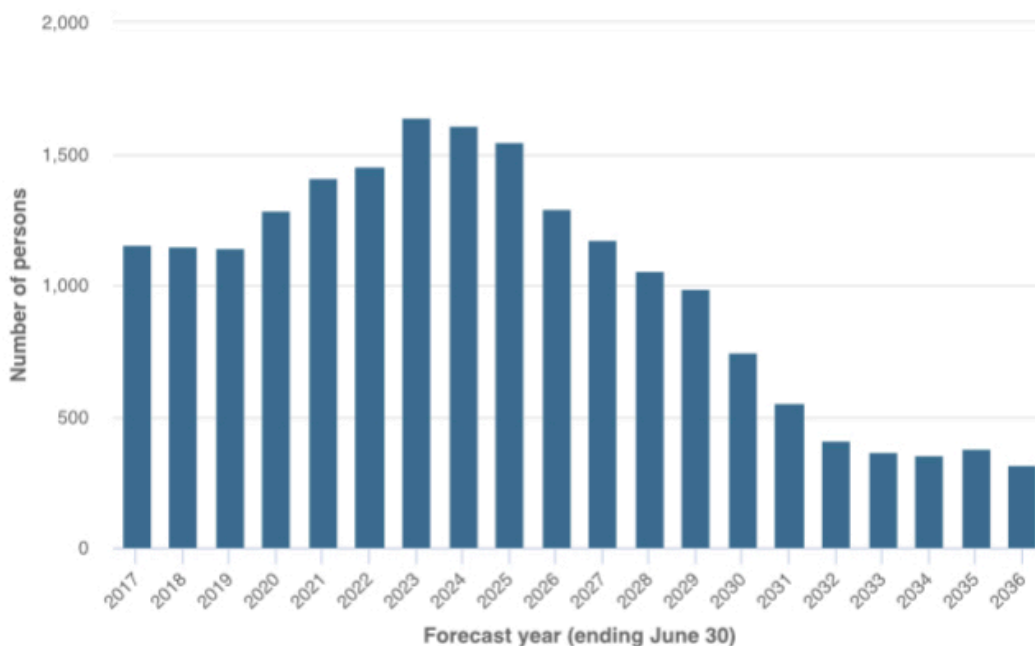
Byford area	Forecast period			
	2017 to 2021	2022 to 2026	2027 to 2031	2032 to 2036
Births	1,528	1,985	2,440	2,584
Change in persons in non-private dwellings	47	47	50	68
Deaths	241	323	415	492
Natural increase/decrease	1,287	1,662	2,025	2,092
Net migration	4,810	5,827	2,444	-334
Total population change	6,144	7,535	4,519	1,826

Source: Population and household forecasts, 2016 to 2036, prepared by .id (informed decisions), November 2017.

Forecast population change

export

Byford area



Source: Population and household forecasts, 2016 to 2036, prepared by .id (informed decisions), November 2017.



Car Parking

Table V of TPS2 sets out the parking requirements for different land uses. The minimum number of car parking bays for a 'Child Minding Centre' is one space per five children accommodated. Accordingly, as the proposal seeks to accommodate up to 90 children, a minimum of 18 parking bays would need to be provided. The proposal is compliant with this requirement as it incorporates a total of 27 bays, including 25 standard bays, one drop off / loading bay and one universal bay.

Officers note that although the parking requirements onsite meet the TPS2 requirements, the availability of these bays during AM/PM peak times are likely to be impacted upon by the take up of parking bays by the 18 employed staff, potentially leaving a reduced availability of on-site parking for patrons.

To address this, the applicant has submitted a Technical Memorandum by a traffic engineer providing parking utilisation details of the proposal (refer to **attachment 5**). Figure 6 shows the allocation of bays for staff and customers proposed.



Figure 6: Car Parking Allocations



The utilisation study identified that the AM/PM drop off and pick up activities associated with child care premises is typically modelled on seven minute average periods. When calculating on a seven-minute rate, if 12 standard bays onsite were allocated to patrons of the proposed development, then it would accommodate on average 102 vehicles per hour. The submitted Transport Impact Statement (TIS) projects that during peak periods of the child care premises, there would be at most 38 vehicles attending the site over the full three-hour peak AM period. This would generate 13 vehicles attending site on average per hour. Officers consider, that based on these traffic projections, 12 standard bays allocated to patrons onsite would be able to accommodate the peak period parking demands of the proposed development. The TIS can be viewed in **attachment 6**.

A further supportive factor relating to this site is that public transport is located conveniently nearby, with the 254 bus route running past the property and a number of other routes running along South Western Highway, in close proximity to the site. As previously identified, the site is within a walkable distance of the future Byford Metronet Station. This ties in with the overall objectives of the BDSP and Planning Bulletin to promote pedestrian walkability within proximity to the site. Officers consider that it is likely that a large portion of the catchment for this child minding premise would be located within the newly established 'The Brook at Byford' area to the south of the site. This leads Officers to consider that some customers may walk to the premises rather than drive.

An existing footpath links to the south corner of the site along Dundatha Drive, providing a base for a pedestrian link to the southern residential estate to be created. Officers consider that by requiring the applicant to provide pedestrian infrastructure in the road reserve surrounding the site (west and north boundaries), suitable pedestrian access can be achieved to the residential development to the south. Residential development to the north can receive suitable pedestrian access by the provision of a pedestrian crossing on the very north-east corner of the site. This would assist in slowing traffic down and providing a safe crossing for customers of the business. Officers consider that this would also address concerns raised in objection to the proposal that relate to concerns over pedestrian safety in the locality. Furthermore, it provides an additional supportive factor, reducing the overall reliance on vehicles attending site and therefore the reliance on car parking. A condition has been recommended in this regard.



Figure 7: Identifying the recommended footpath/pedestrian crossing location (blue) linking to the entry point to the site (red)

The pedestrian crossing infrastructure will namely include a suitably positioned ramp on both sides of Beenyup Road, so that safe crossing from the northern footpath to southern footpath (and vice versa) is possible.

Officers consider that the parking requirements have been met and that the technical documents give confidence that during peak hours, parking can be appropriately managed.

In terms of Draft LPS3, the parking requirements for the proposed development is one bay per 10 children accommodated, and one bay per employee. In this regard, 27 bays would need to be provided to comply with the Draft LPS3 requirement of which the application proposes and includes one drop off / loading bay and one universal bay. Officers are satisfied with the proposal in this regard.



Traffic

Clause 67 of the Deemed Provisions, specifically (s) and (t) relate to the ability of the development to manage access and egress arrangements, and also relate to whether the traffic generated by the proposal would be suitable considering the local road network. It is noted that a reason for refusal of the previous application related to potential impacts upon traffic safety due to the access location proposed. To address this, the applicant has submitted a Traffic Impact Statement (TIS) and altered the site's carpark access onto Beenyup Road, which has capacity for dealing with increased vehicle movements.

The TIS identifies that the category of vehicles associated with the proposed development will predominantly comprise of small passenger vehicles dropping off and picking up children, as well as similar staff and waste vehicles. Vehicle access to the subject site is proposed via a crossover on the northern lot boundary from Beenyup Road. This road is classified as a Local Distributor Road under the Main Roads Western Australia (MRWA) road hierarchy, being assigned a speed limit of 50 km/h.

The TIS identifies that the AM and PM peak periods for the early learning centre is between 7am to 10am and 3pm to 6pm, respectively. Based on a capacity of 90 children, the TIS projects the following peak hour trip generation volumes:

Trips Generated To/From the Site During Peak Times			
Time	Trips to the site	Trips out of the site	Total trips within period
AM Peak	38	34	72
PM Peak	30	33	63
Total Peak hour trips	68	67	135

These movements as reflected above, are significantly below the 100 vehicle an hour servicing threshold criteria established within the WA Planning Commission's Transport Impact Assessment Guidelines. This threshold provides an indication of the likelihood that a development may lead to traffic safety issues on the road network. Typically, where movements are below this, the network is considered adequate in servicing the development. Further to this, Beenyup Road is considered to be operating under full capacity, therefore, Officers consider the additional trips generated from the development will not lead to adverse traffic safety issues.

Regarding the site's access and egress, this is to be taken from Beenyup Road, to the north-east corner of the site. Officers consider that this is a suitable location from a safety perspective as it is sufficiently setback from the Beenyup Road/Dundatha Drive intersection removing potential conflict from vehicles using that intersection. Officers are therefore satisfied that the site access point would ensure vehicles attending or leaving the premises are able to do so in a safe manner.

The applicant is also proposing a full movement (left in/out and right in/out) configuration to access and egress the site. The proposed full movement access is to be located 58 metres (centre to centre) east of the Dundatha Drive intersection. Officers consider this can be facilitated without leading to traffic impacts due to the distance of the proposed full movement configuration from the adjoining intersection and the low speed environment resulting from the nearby merge point.

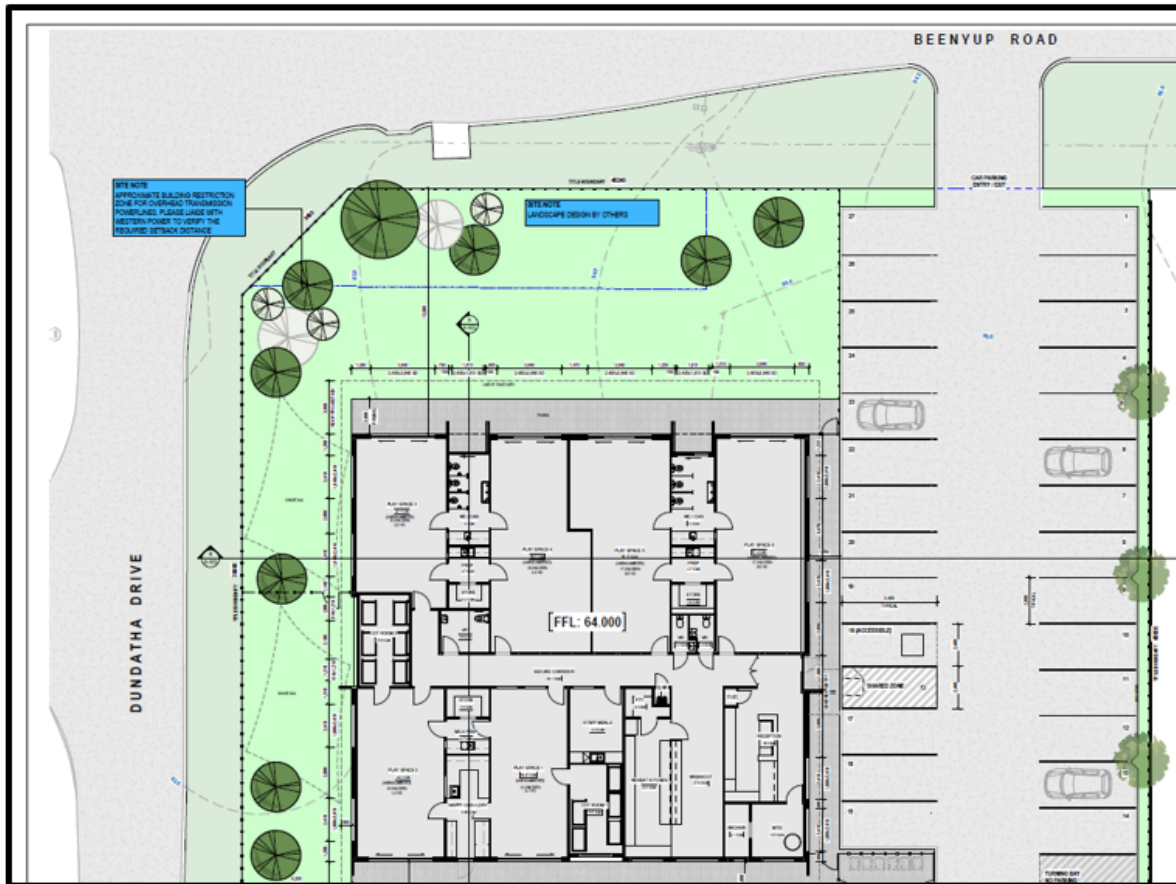


Figure 8: Site plan detailing the access point off Beenyup Road

Traffic signal operation

While not specific to this application, Officers have noted that the current traffic signals at the intersection of Beenyup Road/Abernethy Road and South Western Highway do not provide a dedicated right turn signal for westbound vehicles seeking to travel north along South Western Highway. With the completion of the recent road upgrades along Abernethy Road, there appears an opportunity to request Main Roads WA (MRWA) to review the traffic signal operation, and explore potential reconfiguration of the signal so that right turn movements under dedicated green arrows could be paped for both east bound and west bound traffic.



Figure 9: Possible intersection upgrade to Beenyup Road / South Western Highway



This may particularly assist with the early morning peak hour filtering and clearing of traffic. Officers recommend a formal request of MRWA to investigate this, as it is considered that it would assist with the throughflow of traffic at the intersection.

Form of Development:

Clause 67 of the Deemed Provisions, specifically (m) relates to the form of the development that is required to be assessed. It is noted that a reason for Council's refusal of the previous application was that the development was inconsistent with the scale and size of the existing residential development in the locality. In this regard, the applicant has made modifications to the built form of the development as part of this application. Officers therefore have considered the proposal against the relevant built form requirements.

TPS2 does not specifically set out development standards for development in the 'Urban Development' zone. Part VII of TPS2 does however provide general development standards.

The objective of provision 7.1 – General Appearance of Buildings and Preservation of Amenity seeks to ensure architectural style, height, bulk colour, use of materials and the general appearance of buildings are harmonious with existing buildings and the amenity of the locality.

Below are the elevations, as viewed from the north (Beenyup Road), west (Dundatha Drive) and north-west (intersection of the two roads).



Figure 10: Elevations of the building as viewed from Dundatha Drive (top) and Beenyup Road (bottom)

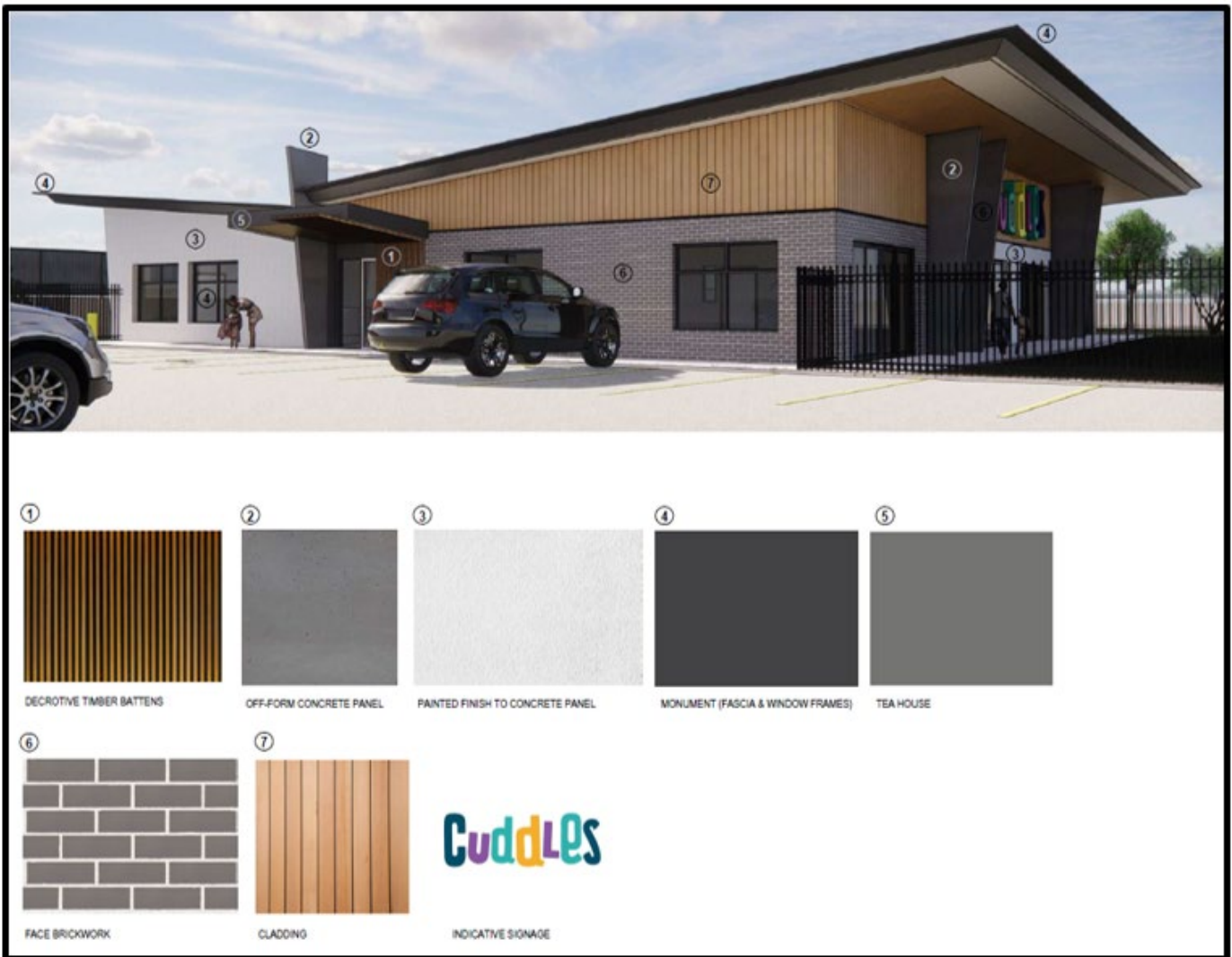


Figure 11: A colour schedule and elevation of the development from the car park

The material externality of the proposed 'Child Minding Centre', as shown in the images, feature a colourbond roof with an earthy toned brick and wooden cladded walls. Elements of earthy toned rendered walls are also employed. The form of development comprises modern design elements and features which reflect the existing forms of development within the 'Byford Old Quarter', such as the brick and wooden cladding material external of the building.

Officers consider the development reflects the evolving nature of the immediate locality, noting the site is located within a transitional area between the old and new area of Byford. It also adjoins a commercial development to the west. The development is therefore considered to achieve a balance between the existing forms of development within the area and considered to complement the existing streetscape.

Development Requirements:

Table 11 of TPS2 sets out site requirements for selected uses in the 'Residential' zone. As mentioned previously, although the property is zoned 'Urban Development' under TPS2, it is designated 'Residential' under the BDSP. The provisions relating to 'Child Minding Centre' proposals are assessed as follows:



Child Minding Centre	Required	Provided	Complies
<u>Setbacks</u>			
Front (Beenyup Road)	7.5m	13.86m	Yes
Rear (South lot boundary)	7.5m	8m	Yes
Side (Dundatha Drive and East lot boundary)	3.0m	West: 6.2m East: 19.1m	Yes Yes
Plot Ratio (ratio of the gross total of the areas of all internal floors of a building to the area of site)	0.5:1	0.264	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.348	No

The proposal is generally consistent with the development standards for this particular use in the Residential zone under to TPS2.

In terms of the site coverage however, the minor variation is not considered to present the development as bulky or overbearing when viewed from the street or adjoining properties. The immediate locality already comprises of a range of forms and scale of development. Development to the west comprises of large commercial buildings which presents as a large building mass on Beenyup Road. Development to the east, south and north are residential in nature. Officers consider that the scale and form of the proposal is considered moderately sized and that the minor variation does not impact upon the amenity of the area.

Byford Townsite Detailed Area Plan (DAP):

The subject site lies within Character Area A – Old Quarter of the DAP, which predominantly features single storey residential dwellings commonly constructed with face brick, and weather board with iron roofing. The relevant key characteristics of the ‘Old Quarter’ Character Area within the DAP are characterised as follows:

- The area rises gently from west to east at a rate of 4-5%.
- Modest, single storey dwellings are common, constructed of face brick, weatherboard and/or fibro, with tile or corrugated iron roofing.
- Some new dwellings, with the majority being in the order of 40 years old or more.
- Dwellings commonly have a front porch, verandah or window awnings.
- Roof pitch is approximately 25 degrees or more.
- Dwellings are set well back from the road with trees in the front and rear yards.

As discussed earlier in this report, the site’s position is located in a transitional point between the Byford Old Quarter and the Town Centre area. The DAP also sets out the aspirations of the future built form of the character area and as such, an assessment against the DAP provisions under Character A is contained in the table below, with consideration being given to the site-specific context of this proposal:



DAP Requirement	Proposed Development
<p>Lot sizes (infill) Lots shall conform with the Residential Design Codes of Western Australia (R-Codes) for R20 i.e. minimum 440m² average 500m². (Lots within 400m of the intersection of Beenyup Road and the South West Highway, may be permitted to develop to the R30 code.</p>	<p>Complies – The application does not propose any infill development. The application proposes to amalgamate the two lots if planning approval were secured.</p>
<p>Lot Configuration Where rear laneways adjoin a lot, at the time of subdivision, the laneway shall be widened to 10m total width with the widening being shared by lots on both sides of the laneway.</p>	<p>Complies - The site does not adjoin a laneway.</p>
<p>Building Setbacks All buildings shall conform with the requirements of the R Codes for the R20 Code fronting the existing streets shall be set back to achieve consistency within the streetscape.</p>	<p>Complies – The proposed development is set back 13.86m from Beenyup Road and 6.2m from Dundatha Drive. Despite this building not being a residential building and the site not being subject to the R20 requirements of the R-Codes, the proposal would satisfy these identified setback requirements.</p>
<p>Dwelling Placement and Orientation All dwellings shall front the street to maximise casual surveillance of the street or open space, at least one room shall face the street. They shall be orientated along a north–south or east–west axis to maximise solar access.</p>	<p>Complies – A dwelling is not proposed.</p>
<p>Scale, Proportion & Built Form (infill) The existing built form, as described above, is of modest, single storey homes with porches, verandahs and/or awnings and steep roof pitches. New development shall complement this character. All new dwellings and/or additions to existing dwellings shall have:</p> <ul style="list-style-type: none"> – a porch, verandah or fixed window awnings to the front of the dwelling (mandatory); – Roof pitch of no less than 25 degrees. 	<p>Complies – The design of the ‘Child-Minding Centre’ makes a minor attempt to mimic the existing architectural designs of the dwellings in the immediate vicinity. The roof is of skillion design with a low pitch of degrees. The building applies a more modern design, however, includes feature awnings and verandahs. The colour palette of the development, being earthy tones and materials enables a level of consistency with the rural theme of the Byford Old Quarter, the backdrop of the Scarp and the overall development aim of the town centre. Officers consider that the development is therefore considered to strike a balance with the overall modern architectural design found in the newer residential development to the south and</p>



DAP Requirement	Proposed Development
	the town centre to the west, while incorporating elements complimentary to the 'Byford Old Quarter' development to the north.
<p>Building Materials and Colour</p> <p>Colours that take inspiration from the local soils and vegetation are most appropriate. The following materials and colours are not supported:</p> <ul style="list-style-type: none"> – Walls of custom orb steel sheeting, or concrete tilt up panels. – Colours that are garish and/or sharply contrasting with neighbouring dwellings and the context of the dwelling. 	<p>Complies – The exterior of the building is proposed to be constructed of a combination of brick and cladded walls, with 'earthy toned' colours. Officers consider that this would be sympathetic to the general theme of the scarp and provisions of the DAP.</p>
<p>Corner Sites</p> <p>Due to their prominence in the neighbourhood, new dwellings situated on a corner lot must provide a frontage to both streets. This may be achieved by the use of feature windows, wrap-around verandahs, together with architectural detailing which reduces the visual impact of the façade. There should be no blank building facades facing either street.</p>	<p>Complies – The proposed development incorporates elements addressing both Beenypup Road and Dundatha Drive, including the pitch/overhanging of the roof and the awning/verandah that wraps around sections the building.</p>
<p>Servicing (bin storage, clothes drying areas, air conditioning units etc)</p> <p>Bin storage, clothes drying areas, air conditioning units, water heating systems and other plant and/or equipment are to be located such that they are not visible from the street, and all noisy plant and equipment shall be located and insulated to minimise noise impacts on neighbouring properties.</p>	<p>Complies – a provision for bin storage has been located to the rear of the site, which is screened by the proposed building.</p> <p>Air conditioning external fixtures are not located on the development plans provided by the applicant.</p>
<p>Landscaping</p> <p>Encouraging a more sustainable or environmentally friendly approach to development should be inclusive of the development of private gardens.</p>	<p>Complies – It is noted that the proposal involves the removal of approximately nine trees within the south east of the site.</p> <p>The applicant has proposed a Landscape Plan and Revegetation Plan as part of a condition of determination. The commercial nature of the land use generates the requirement for the large building to be proposed, though this site maintains a significant portion of open space, of which the applicant indicates 38.3% will be soft</p>



DAP Requirement	Proposed Development
	landscaped area. This is a considerable area in which landscape efforts can be made.
<p>Paving</p> <p>The hard landscape component comprises mainly surface treatments in the form of footpaths, kerbs and crossovers and of course the general road pavement.</p>	<p>Complies – The development will comprise of 7.7% of hard landscape area, including footpaths. The carpark will also see significant additional hard surface on the site.</p>
<p>Walls and Structures</p> <p>This incorporates public hard landscaping features, and features on private properties such as landscaping walls, steps, retaining walls, etc.</p> <p>Walls and structures should be constructed of appropriate materials.</p> <p>Limestone or limestone like constructions should not be permitted except where they are not visible from the street. Appropriate materials are timber, metal, red brick and granite or laterite rock constructions. These materials are consistent with the natural environment of the locality.</p>	<p>Complies – There is a large portion of the street view of the development that would be complimented by landscape screening and view of the building itself, which bears brick feature walls, a metal skillion roof design and cladding which are of earthy tones, consistent with the natural environment of the locality.</p>
<p>Street Trees</p> <p>Street trees are an integral part of Byford. Where subdivision occurs, street trees shall be planted by the developer at a rate of 10 per 100m, or proportional amount depending on the width of the subdivided lot. The type of street trees to be planted shall be determined by Council to ensure consistency within the street.</p>	<p>Complies – The proposed site plan from the applicant identifies the intended planting of more than ten (10) new street trees. A Landscape and Revegetation Plan shall be required as a condition of determination to provide more clarity.</p>
<p>Fences</p> <p>Front fences in Byford are not common, and therefore new front fencing is not encouraged.</p> <p>a) No fences over 1.2m high in front of the building setback.</p> <p>In the case of corner lots, fencing over 1.2m shall only be permitted in front of the secondary street building setback, as determined by Council and at its discretion.</p>	<p>Non-Compliant – Although the application proposes the construction of visually permeable fence with an approximate height of 1.8m with garrison bar style material, this is not considered to significantly depart from the intent of this provision. Officers consider the development will still provide for an unobstructed view of the development, when viewed from the road.</p> <p>Importantly it should be noted that, the proposed style of fence is required to ensure the safety of the children of the child minding premises. Therefore, an important requirement.</p>



DAP Requirement	Proposed Development
	<p>It should also be noted that the proposed fence would not be inconsistent with the overall character of the area, considering some properties on Beenyup Road have front fences higher than the 1.2 metres.</p> <p>Officers have recommended a conditions of approval requiring a transparent noise screen which is not considered to cause any impact upon the streetscape.</p>

Noise

During the consultation period, neighbouring residents raised concerns in relation to noise impacts of the proposal on the residential amenity of the area. Specific concerns relate to the level of noise that would result from the 'Child Minding Centre' itself and traffic related noise. One of the objectives of Planning Bulletin 72/2009 is to "*minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas.*"

The applicant submitted an Environmental Acoustic Assessment (EAA) as part of the development application, to demonstrate that the activities associated with the proposal comply with the *Environmental Protection (Noise) Regulations 1997* (the Regulations). The EAA can be viewed within **attachment 7**. The applicant, due to the proximity of the site to South Western Highway (being a transport corridor), also submitted a separate acoustic assessment to assess the proposal against *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. The acoustic assessment associated with noise from the transport corridor is discussed in the next section of the report.

In terms of noise generated from activities of the proposal, the submitted EAA assessed emissions from the outdoor child play area, mechanical plant (air conditioning units, plant/extraction fans) and car doors opening/closing activities against the assigned levels of the Regulations. The report identified that emissions from these activities received at the sensitive receptors to the north, south and east of the site, meet the assigned levels under the Regulations.

However, Officers note that although compliant, noise generated was at the higher end of the assigned level threshold for the closing/opening of car doors in the period (prior to 7am) to the north, east and south sensitive receptors. Similarly, noise generated from the outdoor play area during the day period to the north, east and south sensitive receptors were close to the assigned level. These matters were raised within a number of the submissions received. The location of the sensitive receptors pictured below:



Figure 12: Location of sensitive receptors

In relation to noise generated during the night period from car doors (opening and closing), it is noted that it would typically involve a short sharp noise as the door closes. The extracted model from the EAA below identifies the projected noise. As identified, the sensitive receptors to the north, east and south would receive noise levels close to the assigned level.

TABLE 6.10 – ASSESSMENT OF L_{Amax} NIGHT PERIOD NOISE LEVEL EMISSIONS CAR DOOR			
Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
North	56	58	Complies
East	56	58	Complies
South	51	58	Complies

Figure 13: Modelled Noise from Car Doors in the Night Period



In order to reduce noise received at the sensitive receptors to the north, the applicant has proposed to exclude the six parking bays located at the northern portion of the site for use before 7am, which effectively draws noise from this activity away from the sensitive receptors to the north. This, however, does not address the elevated noise received at the sensitive receptors to the east and south from this activity. No measures have been proposed by the applicant in this regard. Officers consider that an acoustic barrier or fence to be placed along the eastern and southern lot boundary would assist in reducing noise levels received from this activity. This will be required to form part of a Noise Management Plan (NMP) which will form a condition of approval. The NMP is to be prepared by a suitable qualified consultant.

Regarding noise generated from the outdoor play areas of the proposal, the applicant's noise report is modelled on worst case scenario. Therefore, noise generated from the development is modelled at the high end of the spectrum for this type of activities for child minding centres. This is generally to ensure compliance is achieved on a worst-case scenario. The development, in real time operations, will likely generate noise at lower decibels. The following is extracted from the applicants EAA:

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
North	46	48	Complies
East	42	48	Complies
South	44	48	Complies

Figure 14: Modelled Noise from Outdoor Play

In an attempt to manage noise from the sensitive receptors to the north, east and south, the applicant has proposed to not undertake outdoor play before 7am which will be included within an NMP. Officers note though that this would not reduce the impact to sensitive receptors during the day period (7am-7pm) for child play, which Figure 14 above models.

To address this, Officers have recommended the provision of a transparent noise screen (such as a Perspex design) to assist in reducing noise emissions to the north, while also maintaining passive surveillance and ensuring that there are no impacts upon the streetscape. This will need to be included within the NMP to be prepared by a suitably qualified professional. In relation to the sensitive receptors to the south and east as mentioned above, to reduce noise received at the sensitive receptors, Officers have recommended that an acoustic barrier or fence is positioned along the southern and eastern boundary of the site, details of which are to be provided in an NMP prepared by an acoustic consultant.

Further to this, the NMP will be required to address all activities associated with outdoor play. This would address limiting the use of equipment to that which typically generates noise at a lower decibels, and recommend appropriate flooring to reduce vibrations of noise travelling during playtime and limit the hours of play.

In terms of the submission pertaining to noise contour mapping, Officers advise that the noise model forming part of the acoustic assessment recognises the contours of the land in its output. The map included in the acoustic assessment provides a visual reference of how the sound travels over the landscape. The associated condition for the NMP also includes final noise contour mapping, taking account for the acoustic barriers being implemented.



The associated condition also puts in place an annual reporting process for the first three years of operation, to ensure that noise mitigation measures as planned, are being monitored and if necessary, adjusted in response to any complaints received.

State Planning Policy 5.4 – Road and Rail Transport Noise (SPP5.4)

The site falling within proximity to South Western Highway, is subject to the requirements of SPP5.4. This seeks to ensure that noise received at noise sensitive premises (such as the proposed child minding premises) from major transit routes would not result in any adverse impact on the enjoyment of the use of the land or potential health risks.

The applicant submitted a separate acoustic assessment (State Planning Policy 5.4 Acoustic Assessment) which can be viewed in **attachment 8**, to assess noise received at the development from the South Western Highway transport corridor. The assessment modelled that a maximum noise level of 60 decibels will be received at the proposed premises at worst case.

The acoustic assessment provided by the applicant identifies a series of construction requirements that would ensure compliance with noise levels received can be achieved for the different rooms of the child care building. These measures include brick walls with cavities, glazed windows and doors, as well as insulation of the roof that would exceed acoustic requirements. In summary, Officers consider that a condition of determination to ensure these recommendations of the acoustic assessment take place to ensure compliance with SPP5.4.

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

The objective of LPP1.6 is to facilitate the provision of public art to enhance the public realm and the community's relationship with it. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater.

In this instance, commercial development is proposed within a residential setting, which by way of its natural form of development, can impact upon the amenity of the area. The area to the north, east and south currently comprises of residential development within the older 'Byford Old Quarter' area and newer 'The Brook at Byford' area. Any proposed public art is recommended to primarily address the commercial town centre area to the west of site, or ensure that the design is sympathetic to the residential character of adjoining areas.

To this end, a condition of development approval is recommended to require the applicant to engage with the Shire to provide a public art with a value that is consistent with the policy. The condition would ensure that public art is accounted for and further negotiation with the applicant can be undertaken as part of the ongoing process.

Local Planning Policy 4.11 – Advertising (LPP4.11)

Local Planning Policy 4.11 – Advertising sets out development standards and requirements for advertisements. The plans, as submitted, have only identified one proposed 'wall sign' on the north façade of the proposed child care building. The proposal aligns with the policy requirements for wall signs with the exception of proposing a 12m² sign area in lieu of the 10m² requirement.

Where variation is proposed to the standards, the objectives of LPP4.11 are to be considered. Regarding the size of the sign, number, location, design and safety considerations, the signage would be only the single sign, set back from the street and not impacting on the use of the site. Regarding the colour and shape of the sign, while it does not confirm with the overall colours or material scheme (being sympathetic to the character of the scarp), it is not overbearing or dominating of the façade of the building, being only a minor 2m² size variation. Officers therefore consider the sign is consistent with the design criteria and LPP4.11.



Figure 15: Signage of the tenant on the north façade of the building

Local Planning Policy 2.4 – Water Sensitive Design

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

A Stormwater and Drainage Management Plan (SMP) will be required prior to commencement of works, to demonstrate how stormwater will be managed. The SMP shall address the stormwater management and treatment system for managing stormwater quality and quantity from small, minor and major rainfall events. This would be included as a condition if the development were to be approved.

Local Planning Policy 24 (LPP24) – Designing Out Crime

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

It is considered that due to the prominence of the position of the site, a high level of passive surveillance should be provided by the development to enable the fostering of positive activity within the locality. Officers note that a large number of windows to key activity rooms are provided along the street frontages of Beenyup Road and Dundatha Drive.

Developer Contributions

This development falls within Development Contribution Area No.1 (DCA1) and Development Contribution Area No.4 (DCA4); although DCA4 would not apply as this is non-residential



development. This is incorporated into the Scheme under Plan No.10A (Byford Traditional Infrastructure DCP). It is therefore subject to the provisions of the DCP, and the landowner will be required to make the associated development contribution payment when the liability is triggered (the application for the Building Permit).

As the Byford Traditional Infrastructure DCP is currently undergoing an amendment (Amendment 208) to the Scheme, which is considered 'seriously entertained' (being adopted by Council and submitted to the WAPC for final approval), the landowner will be required to make a payment in line with the new amendment, once gazetted and the associated DCP Report Revision is in place.

As such, the subject site will be subject to development contributions if approval of the development were to be granted.

Options and Implications

Option 1

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Joint Assessment Panel APPROVES the development application for a Child Minding Centre, as contained within **attachment 2**, at Lot 102 (13) and Lot 103 (15) Beenyup Road, Byford subject to the following conditions:
 - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	Development Plans (P1-P10) received at the Shire Offices on 21 January 2022; Traffic Impact Statement (P11) dated 23 December 2021; Cardno Technical Memorandum (P30) dated 21 December 2021; Environmental Acoustic Assessment (P34) dated 21 December 2021; and State Planning Policy 5.4 Acoustic Assessment (P51) dated 21 December 2021.
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- b. Prior to the issue of a building permit, a Landscape and Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This shall depict landscaping within the site, as well as of all adjoining verge areas. In respect of the verge areas, these are to include a paved footpath of between 1.8m and 2.1m (to match existing), with the remaining verge space containing avenue tree planting at 8m centres, shrub planting and bio-retention systems. Once approved, the Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
- c. The maximum number of children on the premises at any one time shall not exceed 90.
- d. 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.
- e. Prior to the issue of a building permit, detailed plans showing the pedestrian infrastructure upgrade are to be submitted to and approved by the Shire of Serpentine Jarrahdale. The pedestrian infrastructure plans shall detail pedestrian infrastructure linking the existing



infrastructure at the south-west corner of site to the property entrance to the north-east corner of the site and a crossing to the pedestrian infrastructure on the north side of Beenyup Road. The works associated with the pedestrian infrastructure upgrade are to be completed prior to occupation of the development.

- f. Application for building permit shall demonstrate the development incorporating all design and operational recommendations as specified within the State Planning Policy 5.4 Acoustic Assessment to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. Prior to the issue of a building permit, a Noise Management Plan prepared by a suitable qualified consultant shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan shall demonstrate the following requirements which form part of the building permit:
 - i. appropriate measures being implemented for outdoor play areas and mechanical plant to mitigate noise, including limiting external play area use before 7am;
 - ii. the construction of a visually permeable noise fence on the northern boundary which incorporates a transparent noise screen;
 - iii. the construction of acoustic noise barrier fencing on the south and east lot boundaries;
 - iv. a process for annual review for the first three years of operation, which is to include annual reporting to the local government of noise complaints received, actions taken in response to the complaints and management approaches to avoid further complaints;
 - v. updated noise contour maps, showing the predicted noise levels resulting from the noise mitigation measures being put in place.

Once approved, the Noise Management Plan shall be implemented prior to occupation and maintained in its entirety to the satisfaction of the Shire.

- h. 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.
- i. 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 bay shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
- j. A Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the issue of a building permit.
- k. Prior to the issue of a building permit, the percent for art concept shall be submitted to and approved by the Shire of Serpentine Jarrahdale, consistent with Local Planning Policy 1.6 – Public Art for Major Developments. Once approved, the art concept is to be installed prior to occupation of the development.
- l. Prior to issue of a building permit, the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
- m. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing common infrastructure,



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

n. Prior to the issue of a building permit, the two lots being amalgamated.

2. REQUESTS the Chief Executive Officer to write to Main Roads Western Australia, for the purpose of asking Main Roads Western Australia to review the operations of the current Beenyup Road / Abernathy Road / South Western Highway traffic signals, to determine if any refinement to provide dedicated tandem green arrow right turn movements for east west traffic could improve efficient operation of that intersection.

Option 2

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Joint Assessment Panel REFUSES the development application for a Child Minding Centre, as contained within **attachment 2**, at Lot 102 (13) and Lot 103 (15) Beenyup Road, Byford, for the following reasons:
- The application proposes an inadequate access arrangement for the development, insofar that it will intensify the amount of traffic on Beenyup Road, in proximity of the intersection with Dundatha Drive, which is considered to create a safety issue for users;
 - The application is considered to represent a size and scale which is inconsistent with the amenity of the surrounding residential locality;
 - The application is considered to pose an unacceptable noise impact on the eastern and southern adjoining residential properties, due to the placement of car parking and play areas close to the common boundaries.

Option 1 is recommended.

Conclusion

The application seeks approval for the construction of a new Child Minding Centre. The proposal is considered to generally align with the planning framework and considered to not adversely impact upon the existing amenity of the area. Officers are satisfied that the conditions recommended will address noise and traffic concerns raised during public submission. Officers consider due to the unique nature of the location of the proposal, the development is considered sympathetic to existing development within the area.

Attachments (available under separate cover)

- **10.1.2 – attachment 1** – Responsible Authority Report (E22/1584)
- **10.1.2 – attachment 2** – Development Plans (E22/2140)
- **10.1.2 – attachment 3** – Summary of Submissions (E22/1271)
- **10.1.2 – attachment 4** – Clause 67 Assessment (E22/2135)
- **10.1.2 – attachment 5** – Cardno Technical Memorandum (E22/2139)
- **10.1.2 – attachment 6** – Transport Impact Statement (E22/2138)
- **10.1.2 – attachment 7** – Environmental Acoustic Assessment (E22/2132)
- **10.1.2 – attachment 8** – State Planning Policy 5.4 Acoustic Assessment (E22/2134)



Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option						
2	Council recommending to the MODAP refusal of the application, without sufficient justification.	Planning framework	Reputation	Possible	Moderate	MODERATE	Clearly explain reasons for recommending refusal so these are based on relevant planning matters.

Voting Requirements: Simple Majority

Officer Recommendation

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

1. That the Metro Outer Joint Assessment Panel **APPROVES** the development application for a Child Minding Centre, as contained within attachment 2, at Lot 102 (13) and Lot 103 (15) Beenyup Road, Byford subject to the following conditions:
 - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	Development Plans (P1-P10) received at the Shire Offices on 21 January 2022; Traffic Impact Statement (P11) dated 23 December 2021;
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<p>Cardno Technical Memorandum (P30) dated 21 December 2021;</p> <p>Environmental Acoustic Assessment (P34) dated 21 December 2021; and</p> <p>State Planning Policy 5.4 Acoustic Assessment (P51) dated 21 December 2021.</p>

- b. Prior to the issue of a building permit, a Landscape and Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This shall depict landscaping within the site, as well as of all adjoining verge areas. In respect of the verge areas, these are to include a paved footpath of between 1.8m and 2.1m (to match existing), with the remaining verge space containing avenue tree planting at 8m centres, shrub planting and bio-retention systems. Once approved, the Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
- c. The maximum number of children on the premises at any one time shall not exceed 90.
- d. 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.
- e. Prior to the issue of a building permit, detailed plans showing the pedestrian infrastructure upgrade are to be submitted to and approved by the Shire of Serpentine Jarrahdale. The pedestrian infrastructure plans shall detail pedestrian infrastructure linking the existing infrastructure at the south-west corner of site to the property entrance to the north-east corner of the site and a crossing to the pedestrian infrastructure on the north side of Beenyup Road. The works associated with the pedestrian infrastructure upgrade are to be completed prior to occupation of the development.
- f. Application for building permit shall demonstrate the development incorporating all design and operational recommendations as specified within the State Planning Policy 5.4 Acoustic Assessment to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. Prior to the issue of a building permit, a Noise Management Plan prepared by a suitable qualified consultant shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan shall demonstrate the following requirements which form part of the building permit:
- i. appropriate measures being implemented for outdoor play areas and mechanical plant to mitigate noise, including limiting external play area use before 7am;
 - ii. the construction of a visually permeable noise fence on the northern boundary which incorporates a transparent noise screen;
 - iii. the construction of acoustic noise barrier fencing on the south and east lot boundaries;
 - iv. a process for annual review for the first three years of operation, which is to include annual reporting to the local government of noise complaints received,



actions taken in response to the complaints and management approaches to avoid further complaints;

v. updated noise contour maps, showing the predicted noise levels resulting from the noise mitigation measures being put in place.

Once approved, the Noise Management Plan shall be implemented prior to occupation and maintained in its entirety to the satisfaction of the Shire.

- h. 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.**
 - i. 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 bay shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.**
 - j. A Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the issue of a building permit.**
 - k. Prior to the issue of a building permit, the percent for art concept shall be submitted to and approved by the Shire of Serpentine Jarrahdale, consistent with Local Planning Policy 1.6 – Public Art for Major Developments. Once approved, the art concept is to be installed prior to occupation of the development.**
 - l. Prior to issue of a building permit, the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
 - m. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing common infrastructure, as established through amendment 208 (once gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
 - n. Prior to the issue of a building permit, the two lots being amalgamated.**
- 2. REQUESTS the Chief Executive Officer to write to Main Roads Western Australia, for the purpose of asking Main Roads Western Australia to review the operations of the current Beenyup Road / Abernathy Road / South Western Highway traffic signals, to determine if any refinement to provide dedicated tandem green arrow right turn movements for east west traffic could improve efficient operation of that intersection.**



10.1.3 – Pedestrian Connectivity – Mundijong and Whitby – Community Engagement (SJ326-02)

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

Authority / Discretion

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

The purpose of this report is to present to Council the findings of the Mundijong and Whitby Pedestrian Connectivity Community Engagement. The report includes a summary of the responses from the engagement process, which was completed through December 2021. The report also highlights the various complexities that have been identified in coming up with a suitable solution for pedestrian connectivity between Mundijong, Whitby and Keirnan Park Recreation Precinct.

In light of these complexities, the report presents two discrete options for Council to consider:

1. Immediate safety improvements being undertaken to manage risk associated with the current pedestrian infrastructure in the vicinity of the freight rail at Keirnan Street, and;
2. Presentation to Council as part of the 2022/23 budget, an amount of \$30,000 to engage an independent consultant to undertake a review of pedestrian connectivity options, in order to recommend a preferred option based on community need, infrastructure cost and managing risk.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 11 October 2021 – OCM275/10/21 – COUNCIL RESOLUTION / Officer Recommendation

That Council REQUESTS the CEO to undertake a process of community engagement with all residents of Whitby and Mundijong, to seek community priority and preferred staging for different footpath options in order to link the emerging activity precincts of Mundijong together.

Background

At the October 2021 Ordinary Council Meeting, Officers presented a report to Council discussing a proposed community engagement process in order to ascertain community feedback regarding improving pedestrian connectivity between Mundijong and Whitby. This was particularly in light of the existing footpath on the north side of Kiernan Street not having a dedicated pedestrian crossing of the freight rail. Council resolved to request the community engagement process be undertaken. This was undertaken towards the end of 2021.



Community / Stakeholder Consultation

Consistent with Council's resolution, the Shire engaged with the local community to determine how to best improve community connectivity between the Mundijong Town Centre/Primary School, the suburb of Whitby and the Keirnan Park Recreation and Sporting Precinct.

Officers also engaged with stakeholders including the freight rail asset owner, Main Roads WA, the Public Transport Authority, the Whitby Estate Developer and community representatives.

This process of community and stakeholder engagement has helped illustrate the complexity of the issue associated with how best to provide pedestrian connectivity. This is discussed further in the report following.

Statutory Environment

- *Local Government Act 1995*
- *Planning and Development Act 2005*

Comment

The development of the suburb of Whitby began in 2015, and currently comprises just over 450 residential allotments. The estate will ultimately grow to approximately 3,000 allotments, featuring a range of supporting retail, commercial, open space, educational and civic infrastructure for an ultimate community of 10,000 residents. While the adopted Whitby Structure Plan depicts the delivery of the future town centre, public primary schools and public high school, these won't be established until population targets are met. Likewise, while the Structure Plan depicts future main boulevard crossings of the freight rail to the north of Keirnan Street where the new town centre will be positioned, these were not be delivered in the immediate short term.

Thus, in the interim, there is a strong dependence on Mundijong townsite to provide the range of day to day services and facilities for the Whitby community, while it awaits the delivery of further development as the estate grows. Such dependence includes:

- The feeder public primary school of Mundijong Primary;
- The feeder public high school of Byford Secondary College;
- Nearby private school of Court Grammar (K-12 education);
- The Mundijong town centre providing day to day convenience retailing;
- Mundijong Oval Precinct and Briggs Park Sporting Precinct offering junior and senior club sports.

Most of these destinations are within a comfortable walk or cycling distance of Whitby Estate. However, the current level of road and pedestrian infrastructure servicing Whitby Estate is limited to that which is found on Keirnan Street, and this itself is limited in the degree of capacity of road environment where it crosses the freight rail.

This has resulted in the need to consider how to safely manage cyclists, pedestrians and cars, where they particularly interact in the vicinity of the Keirnan Street freight rail crossing. Furthermore, such management needs to account for the intended future road infrastructure for Whitby Estate and broader Mundijong, which will include new east west connections which will eventually replace the section of Keirnan Street between Soldiers Road and Galvin Road.

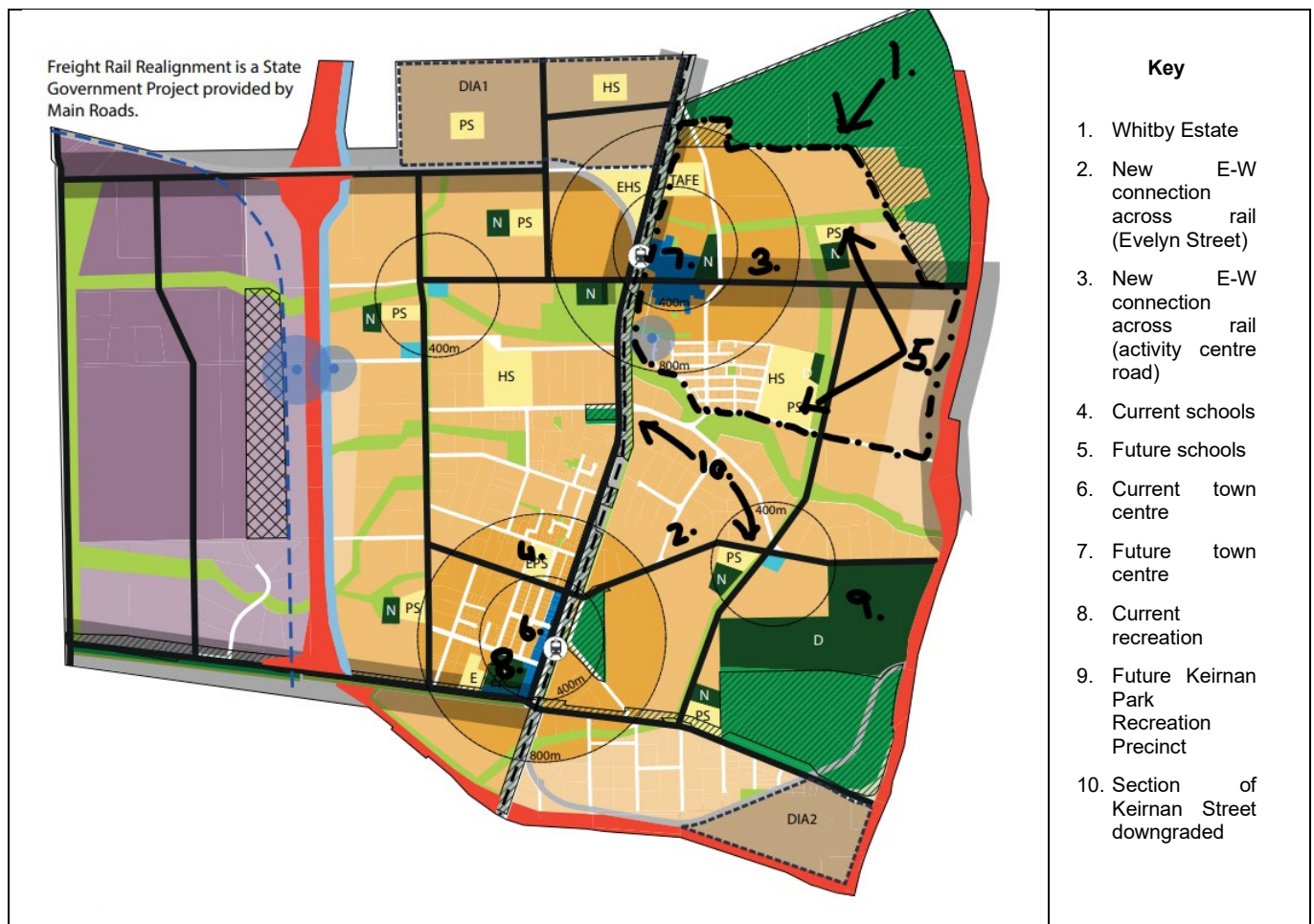
The community and stakeholder engagement that took place towards the end of 2021, has not provided any immediate solutions to help address the issue. Rather, it has helped reveal that



staging of infrastructure contributes to uncertainty as to which infrastructure solutions to achieve pedestrian connectivity between Whitby Estate are appropriate. The issue is compounded by the following matters:

1. The long term planning for Mundijong and Whitby provided for primary east west movement on roads other than Keirnan Street;
2. The uncertain outlook regarding when new infrastructure like schools will be delivered, and how this will change travel patterns;
3. How the new Keirnan Park Recreation Precinct will attract pedestrians accessing these new facilities;
4. Whether pedestrian crossings of the rail can be funded, given pedestrian crossing issues occur at Keirnan Street and further north along Soldiers Road;
5. Whether funding should be taken through a specified area rating of Whitby, given the direct benefit to that community of a rail crossing.

The adopted 2020 Mundijong District Structure Plan is provided following for contextual assistance:



These issues result in Officers being unable to arrive at a single way forward on the issue of footpath connectivity. Rather, Officers recommend that as part of the 2022/23 budget process, Council consider allocating an amount of \$30,000 to engage an independent consultant to undertake a review of pedestrian connectivity options (including costing and funding



opportunities), in order to recommend a preferred option or options, based on community need, infrastructure cost and managing risk.

In order to address the immediate safety issue that has been identified with the current footpath along Keirnan Street as it extends to the rail corridor, Officers are installing (following approval from Main Roads) immediate traffic management devices that will slow drivers down through that section of Keirnan Street which interacts with pedestrians and cyclists. This may include chicanes, speed cushions, blister islands and the like. The section of road where this will occur is shown following:



Options and Implications

Option 1

That Council:

1. NOTES the Chief Executive Officer is implementing (subject to approval from Main Roads) immediate safety improvements along the section of Keirnan Street in the vicinity of the freight rail, to slow traffic down and provide for safe pedestrian and cyclist movement;
2. REQUESTS as part of the 2022/2023 budget, an amount of \$30,000 be presented to cover the cost of an independent consultant to undertake a review of pedestrian connectivity options, in order to recommend a preferred option based on community need, infrastructure cost and managing risk.

Option 2

As per Option 1, but not undertaking Part 2.

Option 1 is recommended.

**Conclusion**

At the October 2021 Ordinary Council Meeting, Officers were requested to complete a community engagement process with the residents of Mundijong and Whitby in order to seek community feedback on footpath options to better link between areas, and also to the new Keirnan Park Sporting Complex. The results of the Mundijong and Whitby Pedestrian Connectivity Community Engagement, and further stakeholder engagement, reveal that the issue is very complex and that no solution has been presented which can be considered for implementation. The Officer recommendation seeks to provide a way forward, that also addresses short term risk.

Attachments (available under separate cover)

- **10.1.3 - attachment 1** – Mundijong and Whitby Survey Responses Report (E22/638)
- **10.1.3 - attachment 2** – Mundijong and Whitby Pedestrian Connectivity – Community Engagement Summary Report (E22/637)
- **10.1.3 - attachment 3** – Mundijong and Whitby Pedestrian Connectivity – Email Submissions (E22/639)

Alignment with our Strategic Community Plan

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

Financial Implications

Short term traffic safety improvements will be met through current budget allocations. The cost of the consultant review will be subject to the 2022/2023 budget.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered to best address strategic risk.						
2	Opting to pursue only safety improvements.	None	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Pursuing safety improvements only will not solve emerging pedestrian movement issues.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- NOTES** the Chief Executive Officer is implementing (subject to approval from Main Roads) immediate safety improvements along the section of Keirnan Street in the vicinity of the freight rail, to slow traffic down and provide for safe pedestrian and cyclist movement;
- REQUESTS** as part of the 2022/2023 budget, an amount of \$30,000 be presented to cover the cost of an independent consultant to undertake a review of pedestrian connectivity options, in order to recommend a preferred option based on community need, infrastructure cost and managing risk.



10.1.4 – Draft Local Planning Policy 3.9 Subdivision and Development Fronting Historic Laneways within the Byford Old Quarter (SJ2301)

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

Authority / Discretion

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

The purpose of this report is for Council to consider the submissions received on Draft Local Planning Policy 3.9: Subdivision and Development Fronting Historic Lanes within the Byford Old Quarter (LPP3.9) following public advertising. This is in accordance with Clause 4(3) of the Deemed Provisions of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Council is also requested to make a resolution on whether to approve and endorse the policy.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 November 2021 – OCM306/11/21 - COUNCIL RESOLUTION / Officer Recommendation

- 1. That Council RESOVES, pursuant to Clause 5(1) of the Deemed Provisions, to advertise draft Local Planning Policy – Subdivision and Development Fronting Historic Lanes within the Byford Old Quarter contained within attachment 1 for the period of six weeks for the purposes of public consultation.*

Background

Local Planning Policies (LPPs) perform a function in the local planning framework to support planning decision making, by assisting in the guidance of discretion on planning matters.

The Detailed Area Plan for the Byford Old Quarter recognises the planning opportunity for lot parcels backing onto the historic lanes of Byford. These lanes, through staged subdivision and development of interfacing land, have the opportunity to open up and form a new public realm, which is interfaced by appropriately scaled development and which accommodates the shared needs of pedestrians, trees, cars and parking.

The traditional lanes of Byford were designated as 'rights-of-way', which was a method of vesting under-width roads under the *Transfer of Land Act 1893*. These laneways in Byford were all dedicated as public roads on 12 November 2015.

With development being intended to front the historic lanes, the upgrading of the lanes should occur so that they provide a suitable standard of access to new lots fronting the lane. The Draft LPP 3.9: Subdivision and Development Fronting Historic Lanes within the Byford Old Quarter, seeks to guide how the incremental upgrades of lanes occur, which balance the need to ensure



acceptable levels of basic infrastructure together with developer responsibilities to provide such infrastructure.

The upgrading of a whole laneway is often not possible, due to the fragmented land ownership occurring along such. This Draft LPP aims to ensure developers are fully aware of the Shire's expectation in respect of incremental upgrades of the lanes in order to support development.

Community / Stakeholder Consultation

Draft LPP3.9 was publicly advertised for submissions pursuant to Clause 4 of the Deemed Provisions of the Scheme, from 2 December 2021 to 13 January 2022. A total of three submissions were submitted. The full Schedule of Submissions is contained within **attachment 2**. The consultation included writing to landowners along laneways, a newspaper advertisement and the draft Local Planning Policy being placed on the 'Your Say SJ' website for the opportunity to comment. This provided good opportunity for community consideration and consultation.

Statutory Environment

Legislation

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

State Government Policies

- Planning Bulletin 33/2017 – Rights-of-way or laneways in established areas;
- Development Control Policy 1.7 – General Road Planning.

Local Planning Framework

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

Planning Assessment

Recent examples of development fronting the Byford laneways have demonstrated that the access provided has been inadequate, whereby the road construction does not provide safe, legible and accessible infrastructure. This has been an issue that has characterised development and subdivision fronting laneways in the Byford Old Quarter, and is proposed to be addressed through the Draft LPP. The aim is to ensure that developers who propose new development along laneways, understand in an open and transparent manner the necessity to provide for a suitable upgrade of the laneway to enable an urban standard of road to be created.

The current process for development and subdivision fronting the historic laneways needed to change as it created the following undesirable outcomes:

- Subdividers provided unsealed pavements in laneways, with no street trees or drainage;
- Some portions of the laneway were upgraded only in part, resulting in uneven and different road standards on different portions of the laneway;
- New lot owners had an expectation for an urban sealed road standard, that created pressure to upgrade the lanes at the cost of the Shire.



The purpose of the Draft LPP 3.9 Subdivision and Development Fronting Historic Laneways within the Byford Old Quarter is thus to provide a clear policy position to help ensure incremental subdivision and development along laneways which still provides a safe design scenario for access to development and subdivision fronting the laneways.

The objective of this Policy is to provide the requirements for the subdivision of lots that front the lanes, ensure the laneways are upgraded to the Shire's requirements and facilitate the upgrading of the laneways to provide a safe, legible and accessible outcome for dwellings fronting the laneways.

Additionally, the Policy seeks to ensure that the upgrading of the laneway contributes to a quality public realm, in keeping with the existing character of the area and provide a sufficient level of public and private amenity as part of the subdivision and development taking place.

The draft LPP sets out the following policy position for subdivision and development along lanes:

1. Ceding of 2.5m for the full frontage of the lot proposed to be subdivided;
2. Within that 2.5m ceded section of land, the construction of the crossover for the future driveway, one parallel parking bay (red asphalt) and two street trees;
3. The curb and sealing of the 5m laneway, with two coat bitumen seal, to ensure that it is a curbed and sealed standard all the way up to the frontage of the subdivided lot from an adjoining public road, with the subdivider having the choice to extend from either end to achieve this;
4. The subdivider being responsible for the upgrading of the laneway, given that a new lot will be created which relies on the laneway as its frontage.

Lots with side boundaries abutting the laneway have the same requirement to cede 2.5m of the lot, and to construct visitor car parking and plant two street trees.

Submissions

The Shire received three submissions on the Draft LPP3.9 which are generally supportive of the Policy.

A landowner submission asked to be reimbursed for the 2.5m of land that is required to be ceded. The ceding (free of charge) of this 2.5m strip of land is a condition of subdivision that has been applied to all subdivisions occurring along the historic laneways in the Byford Old Quarter as set out in the Byford Townsite Detailed Area Plan. The ceding of the 2.5m ensures that the laneway is widened evenly by all landowners backing onto laneways, and allows the laneway to be constructed to a safe standard and provides an area for a parallel parking bay, two street trees and a driveway crossover. It is important to note that the 2.5m ceding of land occurs if a landowner chooses to subdivide, thus creating the need and nexus of a residential laneway frontage to the lot being created through subdivision.

A landowner submission, while being supportive of the Policy, raised a number of concerns regarding what is occurring in the laneways and how they have become areas for antisocial behaviour. The Shire acknowledges the need for laneways to be upgraded in order to establish them as part of a safe public realm, and is part of what will be achieved as a result of the policy. The upgrading of the laneway, as set out in the Policy, provides the opportunity for the laneways to open up and form a new public realm which accommodates the needs of pedestrians, trees, cars and parking all in a safe environment.



Options and Implications

Option 1

That Council:

1. Pursuant to Clause 4(3) of the Deemed Provisions of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, resolves to PROCEED with Local Planning Policy 3.9: Subdivision and Development Fronting Historic Laneways within the Byford Old Quarter, without modification.
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 3.9: Subdivision and Development Fronting Historic Laneways within the Byford Old Quarter in accordance with Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Option 2

That Council resolves NOT TO PROCEED with draft LPP3.9.

Option 1 is recommended.

Conclusion

The outcome of the current process regarding laneways is it provides inadequate pavements, with no parking or street trees within the laneway. Also, in some recent examples, the laneway has not been upgraded to provide safe, legible and accessible outcomes for the new lot owners who have frontage to the lane. The draft LPP3.9 is important to ensure that laneways are widened and upgraded to help achieve a safe, legible and efficient laneway subdivision outcome within the Byford Old Quarter.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** – Draft LPP3.9 – as advertised (E21/12811)
- **10.1.4 - attachment 2** – Summary of Submissions (E21/15271)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
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 4.2.2	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

The process will result in medium and long-term maintenance and replacement savings to the Shire and ratepayers.

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 address strategic risks for the Shire.						
2	If Council resolves not to proceed with the proposed LPP, the current ad hoc situation may continue to produce poor outcomes for the Shire, community and new lot owners.	Planning Framework.	Reputation	Possible	Moderate	MODERATE	Accept Officer Recommendation

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. Pursuant to Clause 4(3) of the Deemed Provisions of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, resolves to **PROCEED** with Local Planning Policy 3.9: Subdivision and Development Fronting Historic Laneways within the Byford Old Quarter, without modification.
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 3.9: Subdivision and Development Fronting Historic Laneways within the Byford Old Quarter in accordance with Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



10.1.5 – Correspondence from the Joint Standing Committee on Delegated Legislation (SJ1066)

Responsible Officer:	Manager Governance and Strategy
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

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to enable Council to note correspondence received from the Joint Standing Committee on Delegated Legislation (JSDCL) dated 16 February 2022.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 13 December 2021 - OCM348/12/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council REQUESTS that the Shire President write to the Joint Standing Committee on Delegated Legislation requesting:

- *an extension to 31 May 2022 to enable Council to consider whether to make the undertakings; and*
- *that the Joint Standing Committee on Delegated Legislation waive the confidentiality provisions binding their correspondence on the matter to enable engagement with the Shire's Bush Fire Advisory Committee on the proposed undertakings.*

Background

Following Council's Resolution on the matter at the December 2021 Ordinary Council Meeting, on 15 December 2021, correspondence was sent to the JSCDL (**CONFIDENTIAL attachment 1**).

Community / Stakeholder Consultation

Nil.

Statutory Environment

All legislation not made by Parliament (namely regulation amendments which are made by Ministers and local laws made by local governments) is reviewed by the JSCDL. The JSCDL can make recommendations to the Legislative Council to disallow legislation not made by Parliament. Correspondence from the JSCDL is confidential and subject to Parliamentary Privilege under the *Parliamentary Privileges Act 1891*.



Comment

In response to the Shire’s letter, the Joint Standing Committee on Delegated Legislation replied on 16 February 2022 (**CONFIDENTIAL attachment 2**).

Under the *Parliamentary Privileges Act 1891* correspondence from the JSCDL is confidential.

Separately, Officers have advocated that the Department of Local Government, Sport and Cultural Industries clarify confidentiality requirements associated with correspondence with the JSCDL to enable greater transparency in local law processes. However, at this time under the current legislative provisions, if Council wished to discuss the contents of the JSCDL correspondence it would be required to do so behind closed doors.

Following receipt of the JSCDL’s correspondence no further action is required on behalf of the Shire and the Shire’s current local laws remain in effect from the commencement date provided in each legislative instrument.

Options and Implications

Option1

That Council NOTES the confidential correspondence from the Joint Standing Committee on Delegated Legislation dated 16 February 2022 at **CONFIDENTIAL attachment 2**.

Option 2

Nil.

Option 1 is recommended.

Conclusion

Following consideration of the Shire’s request, the JSCDL has written the Shire at **CONFIDENTIAL attachment 2**. The correspondence is presented for Council’s information.

Attachments (available under separate cover)

- **10.1.5 – CONFIDENTIAL – attachment 1** – Correspondence to the Joint Standing Committee on Delegated Legislation – 15 December 2021 (OC21/27085)
- **10.1.5 – CONFIDENTIAL – attachment 2** – Correspondence from the Joint Standing Committee on Delegated Legislation – 16 February (IN22/4095)

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

There are no material risks associated with this Report which is presented for information.



Continued

Ordinary Council Meeting Agenda Monday, 21 March 2022

Voting Requirements: Simple Majority

Officer Recommendation

That Council NOTES the confidential correspondence from the Joint Standing Committee on Delegated Legislation dated 16 February 2022 at CONFIDENTIAL attachment 2.

**10.2 Infrastructure Services reports****10.2.1 – Minutes of the Rivers Regional Council Meetings – 15 December 2021 and 17 February 2022 (SJ581)**

Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Director Infrastructure 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 / Committee to note.
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Report Purpose

The purpose of this report is to enable Council to note the minutes of the Rivers Regional Council meetings held on 15 December 2021 and 17 February 2022.

Relevant Previous Decisions of Council

Nil.

Background

The Rivers Regional Council (RRC) is a regional local government established under s3.61 of the *Local Government Act 1995*. The Shire of Serpentine Jarrahdale is a member of the Rivers Regional Council.

The RRC provides waste services on behalf of member local governments.

Community / Stakeholder Consultation

Nil.

Statutory Environment

From a legislative perspective, the RRC is a distinct local government entity. With the exception of the sections listed in s3.66 of the Act, RRC is required to comply with the Act as any other local government.

Comment

On 15 December 2021 and 17 February 2022 Ordinary Council Meetings of the RRC were held. The unconfirmed minutes of the meetings are contained in **attachment 1** and **attachment 2** respectively. While Council is under no obligation to consider the minutes of the meeting, the unconfirmed minutes are presented for Council's information. Council's decision on this matter does not confer endorsement or otherwise of the minutes. The confirmation of minutes will be a matter for the members of the RRC at their next meeting.

Previously, Council as well as other member Councils had resolved to support the disbanding of the RRC and the establishment of a Regional Subsidiary. In the time since the last report to Council regarding the RRC, the Minister for Local Government has written to the Rivers Regional



Council CEO to advise that the Minister will not approve the formation of the Rivers Regional Subsidiary at this time. In their correspondence, the Minister highlighted his legislative reform program as the major reason for this decision. Councillors were notified of the Minister's decision in an email from one of the Shire's appointed RRC member Councillors dated 1 December 2021.

As only the Minister has the power to authorise the creation a regional subsidiary, there are no options immediately available to RRC members, including the Shire to progress the transition.

Options and Implications

Option1

That Council NOTES the unconfirmed minutes of the Rivers Regional Council meetings held on 15 December 2021 and 17 February 2022.

Option 2

That Council DOES NOT NOTE the unconfirmed minutes of the Rivers Regional Council meetings held on held on 15 December 2021 and 17 February 2022.

Option 1 is recommended.

Conclusion

As a member of the RRC, the unconfirmed minutes of the RRC Ordinary Council Meetings held on 15 December 2021 and 17 February 2022 are attached for Council's information.

Attachments (available under separate cover)

- **10.2.1 - attachment 1** - Rivers Regional Council Ordinary Council Meeting Minutes – 15 December 2021 (IN22/4116)
- **10.2.1 – attachment 2** - Rivers Regional Council Ordinary Council Meeting Minutes – 17 February 2022 (IN22/4113)
- **10.2.1 – attachment 3** – Correspondence from the Minister for Local Government advising they would not approve the subsidiary at this time (IN22/4325)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Nil.



Continued

Ordinary Council Meeting Agenda Monday, 21 March 2022

Voting Requirements: Simple Majority

Officer Recommendation

That Council NOTES the unconfirmed minutes of the Rivers Regional Council meetings held on 15 December 2021 and 17 February 2022.



10.2.2 – Briggs Park Upper Oval Drainage (SJ901)

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

Authority / Discretion

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

The purpose of this report is for Council to consider the expenditure of the budget allocation to enable minor drainage works to be undertaken at the Briggs Park Upper Oval to address groundwater issues.

The works are required to prevent groundwater rising to the oval surface rendering the oval unusable during winter and water flowing onto the Northern car park. The scope of works will include investigation to determine the condition of the existing sub soil drainage system, locate underground services and repair the existing subsoil pipes, if possible, and installation of extensions to the existing subsoil pipes to control the groundwater levels.

Council endorsement is required prior to works taking place.

Relevant Previous Decisions of Council

Special Council Meeting – 28 July 2021 – SCM051/7/21 - COUNCIL RESOLUTION – extract
That Council:
13. REQUESTS the Chief Executive Officer present a report to Council on the Briggs Park Oval drainage project, including funding opportunities and timing, prior to works taking place.

Background

Ground water rising from below Briggs Park Upper Oval surface, flowing across the surface of the Northern car park out to the Mead Street open drain has been an ongoing issue for a number of years.

A short length of subsoil drainage was installed in 2011 to address the issue. The issue was exacerbated in more recent years since 2018, when new lighting towers and associated underground cabling were installed on the oval. It is believed that sections of the existing subsoil pipes were severed when trenching was undertaken to install cabling for the lights.

This report is presented to Council to consider minor works being undertaken to investigate the issue and address it.

**Community / Stakeholder Consultation**Policy Concept Forum

Meeting Date	28 February 2021
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Singh, Cr Strange, Cr Strautins

Statutory Environment

Nil.

Comment

For a number of years, groundwater issues have existed at the Briggs Park Upper Oval in that during the wetter winter months when the groundwater levels rise, the water has been rising to the surface of the oval, resulting in saturation of parts of the oval surface rendering the oval unusable by sporting clubs. In the Northern area of the oval, this results in water ponding above the surface, and flows across the car park surface adjacent to the Northern area of the oval, flowing across the car park to discharge into the Mead Street open drain. The flow of water across the carpark is creating a safety hazard for pedestrians walking across the carpark as the surface becomes slippery.

Review of historical aerial photo images indicates that in September 2011, a section of below ground subsoil drainage, 75 metres in length was installed along the North Western and Western edge of the oval. An aerial image of the excavation during installation of the subsoil is shown in **attachment 1**. In reviewing photos since this date, the subsoil appeared to address the situation for most part of the winter period.

In May 2019 new lighting towers were installed to the outer edges of the oval, which required electrical cables to be installed below ground around the edge of the oval to provide the electricity to the new lights. Closer examination of the aerial images suggest that the existing subsoil drainage pipes have been severed when trenching was undertaken to install the electrical cabling for lights. It appears that damage has been caused near the sub soil drainage outlet point connecting to a drainage pit and piped drainage system close to the Western edge of the oval. An aerial image of the electrical cable trenching is shown in **attachment 2**. It is evident that since this occurred, the volume of ground water flowing through the car park during winter is excessive, at times being a continuous stream of surface water flowing across the car park to the Mead Street open drain. Photographs of the water flow are provided in **attachment 3**.

In late 2018 or early 2019, a Hydraulic consultant, Urbaqua was engaged to investigate the issue, and in February 2019 a report of drainage modelling information and a design for minor drainage works was prepared for the Shire. This report and drawing is attached as **attachment 4**.

In the current 2021/22 financial year, a budget of \$200,000 was allocated within the Infrastructure Capital budget for the Briggs Park Upper Oval Drainage. At the 28 July 2021 Special Council Meeting, a Council resolution - SCM051/7/21, Resolution number 13 was adopted as following: *That Council: REQUESTS the Chief Executive Officer present a report to Council on the Briggs Park Oval drainage project, including funding opportunities and timing, prior to works taking place.* This resolution is the purpose of this report.

At the Ordinary Council meeting held 11 October 2021, Council resolved to reallocate a significant portion of this budget to the Keirnan Park project, as well as a small amount to the Gordin Way



bus bay extension. This resolution is OCM283/10/21. Following this, the budget for Briggs Park Upper Oval drainage project was reduced to \$25,574 to allow for minor drainage improvement works.

Based on the remaining budget figure, Officers propose to investigate, locate and repair damage to the existing subsoil pipes to ensure the groundwater captured by the existing subsoil drainage system is able to flow again, as well as extend the length of the subsoil pipes by both 60 metres to the North and 60 metres to the South. This will allow for the subsoil pipes to be extended past the Northern car park up to the cricket nets to cut off any groundwater rise prior to discharging into the Northern car park. In addition, the proposed extension to the South will remove ground water which currently creates some wet and soggy patches of turf in the South West area of the oval, as indicated in **attachment 5**. This proposal aligns with the Urbaqua design shown in **attachment 4**, although the full design included an open swale plus sub soil pipe. This proposal is for the subsoil pipe only as it is considered that installation of a swale within the outer edge of the oval is not appropriate from a player safety, lawn mowing and oval maintenance point of view.

It is proposed that this work is scheduled and completed immediately following Council endorsement of the Officer recommendation. Once this work is completed, its function will be monitored over the coming winter to ensure the required outcome has been achieved. Given the reduced budget, in turn reducing the scope, Officers are reasonably confident that the proposal will address the issue, based on the modelled water flow volumes.

It should be noted that the consultant, Urbaqua, have also prepared an ultimate design which is a more comprehensive subsoil drainage design covering the full oval area. This design will allow for installation of an extensive below ground sub soil system across the full oval area which will require removal and then reinstatement of a significant amount of the oval irrigation system and oval turf surface. This design is shown in **attachment 6**. The cost estimate to implement this design is in the order of \$500,000.

In the event that either the damaged parts of the existing subsoil system is found to be irreparable or the minor repair works fail to adequately address the drainage issue during the coming winter, then the Urbaqua ultimate design will be accurately scoped and costed to be presented to Council for funding approval as part of the Shire's 2023/24 capital budget.

Officers have been unable to identify any external funding sources for the above drainage works. Accordingly, all required funding will need to be sourced from Shire's own resources.

Options and Implications

Option 1

That Council **AUTHORISES** the Chief Executive Officer to proceed with the investigation and repair works to the existing subsoil pipes using the allocated funding in the Shire's 2021/22 budget.

Option 2

That Council **DOES NOT AUTHORISE** the Chief Executive Officer to proceed with the investigation and repair works to the existing subsoil pipes using the allocated funding in the Shire's 2021/22 budget.

Option 1 is recommended.



Conclusion

This report is to authorise works to proceed as budgeted within the current financial year to address an ongoing groundwater issue which currently affects the Briggs Park Upper Oval use by sporting clubs and use of the adjacent car park by general public throughout winter. The Officer recommendation enables rectification works to be carried out to improve the drainage of the oval and prevent flow of water to the carpark.

Attachments (available under separate cover)

- **10.2.2 - attachment 1** – Existing subsoil installation December 2011 (E22/2637)
- **10.2.2 - attachment 2** – Lighting tower cable installation across subsoil (E22/2638)
- **10.2.2 - attachment 3** – Groundwater flow through the carpark (E22/2639)
- **10.2.2 – attachment 4** – Urbaqua Drainage report and drawing (E22/2640)
- **10.2.2 – attachment 5** – Existing subsoil outline and 2 proposed extensions (E22/2642)
- **10.2.2 – attachment 6** – Urbaqua full oval surface subsoil design (E22/2643)

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 2.2	A sustainable natural environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
Outcome 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

This item aligns with Outcomes 1.1, 2.2 and 4.1 of the Community Strategic Plan in providing well maintained public open spaces and providing efficient and effective management of Shire operations to deliver the best outcome for the community.

Financial Implications

Provision for the proposed works is included within the current financial year capital budget. The Parks Renewal budget includes Work Order 80298 – Briggs Upper Oval Park Renewal and has a budget allocation of \$25,547. The expenditure of this budget has no financial implication on Councils finances.



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	Groundwater level rise leads to saturation of the oval surface resulting in issues with usability of the oval.	Subsoil pipes installed to control groundwater level rise and reduce saturation of oval surface.	Reputation	Likely	Minor	MODERATE	Repair damaged subsoil pipes and extend subsoil pipes to other wet areas
2	Groundwater level rise leads to saturation of the oval surface resulting in access issues for mowing and maintenance of surface during winter.	Subsoil pipes installed to control groundwater level rise and reduce saturation of oval surface.	Reputation	Likely	Minor	MODERATE	Repair damaged subsoil pipes and extend subsoil pipes to other wet areas
3	Groundwater level rise within oval leads to groundwater flow across the northern car park affecting pedestrian access across the car park	Subsoil pipes installed to control groundwater level and convey it to the outlet pipe prior to flowing onto the carpark.	Reputation	Likely	Minor	MODERATE	Repair damaged subsoil pipes and extend subsoil pipes to convey water to outlet pipe

Voting Requirements: Simple Majority

Officer Recommendation

That Council AUTHORISES the Chief Executive Officer to proceed with the investigation and repair works to the existing subsoil pipes using the allocated funding in the Shire's 2021/22 budget.



Continued

Ordinary Council Meeting Agenda
Monday, 21 March 2022

10.2.3 – Keirnan Park – Financial Assistance Agreement for Enabling Works, Tender and Construction of Stage 1A (SJ1364-02)

Responsible Officer: Manager Project Delivery

Senior Officer: Director Infrastructure 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 *Local Government Act 1995*.

This report will be distributed prior to the Ordinary Council Meeting.

**10.3 Corporate Services reports**

10.3.1 - Confirmation of Payment of Creditors – February 2022 (SJ801)	
Responsible Officer:	Manager Finance
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

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

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Nil.

Community / Stakeholder Consultation

Not Applicable.

Statutory Environment

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

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

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

Comment

In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, schedules of all payments made through the Council's bank accounts are presented to Council for their inspection. The list includes details for each account paid incorporating:



- a) Payees name;
- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

A detailed list of invoices for the period 1 February 2022 to 28 February 2022 is provided in **attachment 1**.

Options and Implications

Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 February 2022 to 28 February 2022, totalling \$4,769,907.47.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 February 2022 to 28 February 2022, totalling \$4,769,907.47.

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 2022 (E22/2586)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 29 December 2021 to 27 January 2022 - Redacted (E22/2590)

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 2022 to 28 February 2022 totalled \$4,769,907.47.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council accepts the payments	Provision of sufficient information and records to support the recommendation	Financial	Likely	Insignificant	LOW	
2	That Council does not accept the payments	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	

Voting Requirements: Simple Majority

Officer Recommendation

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 February 2022 to 28 February 2022, totalling \$4,769,907.47 as attached.



10.3.2 – Monthly Financial Report – January 2022 (SJ801)

Responsible Officer:	Manager Finance
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

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

The purpose of this report is to provide a monthly financial report, which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

This report is about the financial position of the Shire as at 31 January 2022.

Relevant Previous Decisions of Council

Special Council Meeting – 28 July 2021 – SCM051/07/21 - COUNCIL RESOLUTION – extract

11. 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 2021/22 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 January 2022.

The municipal surplus as at 31 January is \$23,293,118 which is favourable, compared to a budgeted surplus for the same period of \$8,610,691. The primary causes of this are Opening Surplus brought forward, which is \$2,495,429 more than budgeted, and \$6,200,000 of Non-Operating grants, received, but not budgeted to be spent in the current year.

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

Favourable variance of \$297,527 due primarily to works ahead of schedule for bushfire mitigation resulting in grant revenue of \$144,000 being recognised, and time and budget phasing of Main Roads Direct Grant funds received for road maintenance \$130,000.

Fees and Charges

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

Interest Earnings

Unfavourable variance of \$70,656 due primarily to underlying low interest rates.

Other Revenue

Favourable variance of \$119,349 due primarily to reimbursement from the Department of Corrective Services for Meat Inspection Services unbudgeted, as Department of Health had intended to undertake a public tender process and accordingly there was no certainty around ongoing service provision.

Profit on Asset Disposal

Unfavourable variance of \$51,994 due to timing of sale of assets.

Operating Expenses

Employee Costs

Favourable variance of \$1,580,803 due to vacant positions primarily in Operations - \$427,991, Financial Services - \$155,147, People and Culture - \$169,192, Community Development - \$108,377, Project Design - \$103,709, and Governance - \$99,635.



Materials and Contracts

Favourable variance of \$767,202 due to timing and provision of services across the organisation primarily related to Materials - \$233,344, Consultancy - \$163,328, Legal Expenses - \$101,710, and Non-Recurrent Expenditure - \$165,254. Non-Recurrent operational projects that contribute to this variance are; Byford Town Square Master Plan - \$21,190, Major Review of the Strategic Community Plan - \$58,333, Jarrahdale Trails Town Project - \$38,093, Reconciliation Action Plan - \$26,250, and Rationalisation of Assets - \$29,167

Utility Charges

Unfavourable variance of \$96,333 due to timing of utility bills.

Depreciation on Non-Current Assets

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

Interest Expenses

Unfavourable variance of \$37,770 due to budget phasing on loan and lease repayments.

Insurance Expenses

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

Other Expenditure

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

Loss on Disposal of Assets

No variance analysis required as net profit/loss variance to budget is less than \$10,000.

Other**Capital Expenditure**

Favourable variance of \$1,750,338 for purchase of property, plant, and equipment primarily due to the delay in supply and delivery of plant and fleet items due to impacts of COVID on supply chain.

Favourable variance of \$1,992,348 for purchase and construction of infrastructure primarily due to government stimulus and market capacity impacting infrastructure capital projects, however following award of multiple tenders, Officers expect works to commence on a number of projects in the next quarter.

Refer to Capital Works Expenditure within the Monthly Financial Report attachment for further details.

Non-Operating Grants, Subsidies and Contributions

Favourable variance of \$3,440,972 due to unbudgeted developer contributions received for Byford DCP, CIDCP, and West Mundijong DCP.

Proceeds from Disposal of Assets

Unfavourable variance of \$151,286 due to timing of sale of assets.

Repayment of Loans

Unfavourable variance of \$126,410 due to budget phasing.



Repayment of Leases

Unfavourable variance of \$14,913 due to budget phasing.

Transfers to/from Cash Backed Reserves (Restricted Assets)

Transfers to cash reserves are ahead of budget by \$2,269,008 largely due to the unbudgeted transfers to the Byford DCP, CIDCP, and West Mundijong DCP reserves specific to unbudgeted contributions received as detailed above.

Transfers from cash reserve are behind budget by \$956,911 due to timing of capital expenditure projects funded from reserves.

Options and Implications

Option 1

That Council RECEIVES the Monthly Financial Report for January 2022 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 2022, 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

Attachments (available under separate cover)

- **10.3.2 - attachment 1** – Monthly Financial Report January 2022 (E22/1684)

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 2022 the Shire's respective cash position was as follows:

Municipal Fund:	\$5,235,077
Reserve Fund:	\$2,003,095
Trust Fund:	\$304,222



Risk Implications

Risk has been assessed on the basis of the Officer's 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 January 2022 leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	Accept Officer Recommendation

Voting Requirements: Simple Majority

Officer Recommendation

That Council RECEIVES the Monthly Financial Report for January 2022 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.



10.3.3 – Statutory Mid-Year 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.
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Report Purpose

The purpose of this report is to present the Statutory Budget Review for the 2021/22 Budget as at 31 December 2021. This review includes proposed budget variations, which results in no change in projected net current assets as at 30 June 2022.

Relevant Previous Decisions of Council

Special Council Meeting – 28 July 2021 – SCM050/07/21 – extract

That Council ADOPTS, in accordance with section 6.2 of the Local Government Act 1995, the Municipal Fund Budget as contained in attachment 1, Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2022 incorporating the following amendments:

- Remove 1 x Library Officer Position and replace with a 0.5 Economic Development Officer.*
- Allocate \$20,000 to fund purchase of Dress Uniforms for Bushfire Brigades volunteers, to be funded by a reduction of \$20,000 in casual wages line item within Emergency Services.*
- Reduction in SJ Rec Centre Refurbishment Capital Expenditure - \$446,060;*
- Remove transfer from Building Reserve to fund Library Reallocation - \$318,164;*
- Increase Capital Expenditure identified for Other Facilities Renewal in the amount of \$127,896;*
- Reallocate LRCL funding of \$446,060 which was set aside for the SJ Rec Centre Refurbishment to fund remaining portion of Library Relocation - \$318,164 and additional Other Facilities Renewal - \$127,896.*
- That in addition to point 10, that the budget be amended by transferring \$375,000 from Plant Reserve to the Plant line item for the purchase of an excavator and truck, subject to a further report being provided to Council and being approved by Council.*



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 2021/2022 Budget has been completed, this is has aligned with the Shire's December quarterly review 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 2021.



Operating Revenue

Rates

There is currently a significant unfavourable variance in rates revenue due to the value of interim rates being less than anticipated with the Officers revising initial estimates. In line with current trends and forecasting it is proposed that budgeted income be reduced to \$500,000, significantly less than the initial budget of \$977,000.

Planning activity peaked 12-24 months ago as the government started rolling out stimulus, with Development Applications and approvals, subsequent to this and fuelled by further stimulus there was also significant increases in requests for Building Permits.

Ordinarily post the spikes in development and building applications described above the Shire would see a spike in interim rates in the ensuing 12 months following the commencement of that boom however, the Shire has not seen that flow through the interim rates as yet.

Industry data is suggesting that we are at record numbers of construction starts but not finishes, meaning development of lots and subsequent construction of houses is taking significantly longer than would be the case in non-COVID times, this includes developers completing site works to make them saleable and builders having access to supplies and workers. In addition to this, given the significant backlog of work, it is likely that these will occur at a more sustainable pace over a longer period than in the previous boom.

This report recommends that the Shire reduce the Interim budget from \$977,000 to \$500,000 to better reflect the forecasted position.

Operating Grants, Subsidies and Contributions

Whilst there is a favourable variance, this is primarily due to the timing of grant payments primarily to works ahead of schedule for bushfire mitigation resulting in grant revenue of \$144,000 being recognised, and time and budget phasing of Main Roads Direct Grant funds received for road maintenance \$130,000 and the Shire is comfortable in its forecast position.

Fees and Charges

There is a favourable variance in the Shire's fees and charges, primarily as a result of an increase in the Shire being able to successfully collect Fines and Penalties in the Development Compliance and Rangers business areas as well as an increase in revenue being received from the Sale of Recycled Material at the Waste Transfer Station. This is partially offset by a decrease in Footpath and Kerbing Inspection fees.

The Shire is comfortable in its forecast position in regards to fees and charges revenue.

Interest Earnings

The Shire is continuing to monitor forecast revenues in relation to interest. Due to the current economic situation and record low interest rates, returns on cash holdings have been significantly reduced, however the economic outlook, underlying inflation and interest rates are trending upward and forecast revenue will be monitored accordingly.

Other Revenue

There is a favourable variance in the Shire's Other Revenue as a result of an increase in reimbursements of the meat inspectors salary due to a renegotiation in the contract held with Correctional Facilities. Further to this there is an increase to Legal fee reimbursements received by Development Compliance, which is offset by an increase in legal expenses in this area.



Operating Expenses

Employee Costs

There is currently a significant favourable variance in relation to Employee Expenses which relates primarily to vacant positions. If all vacant positions were filled then further savings would not be expected.

In order to maintain a balanced budget the recruitment of the following positions has been deferred until next financial year to assist which represent potential savings of \$137,300.

- Project Development Engineer (Building)
- Economic Development and Tourism Officer

Materials and Contracts

There is currently a favourable variance in relation to Materials and Contracts driven primarily by the timing and provision of services across all programs and business units, and this is also linked to employee vacancies. As vacancies are filled it is expected that works would be procured and further savings would not be expected.

Utility Charges

The Shire's primary utility costs relate to street lighting. The Shire's forecast utility expenditure aligns with actual expenditure year to date and the Shire is comfortable with forecast expenditure.

Depreciation on Non-Current Assets

The Shire's forecast depreciation is reasonable. As required, the Shire reviews annually the useful lives and depreciation of its assets to ensure the appropriateness of same.

Interest Expenses

The Shire's forecast interest position reflects its current debt portfolio and anticipated associated costs with current unfavourable variance due to timing of loan repayments.

Insurance Expenses

The Shire's forecast insurance expenditure aligns with actual expenditure year to date and the Shire is comfortable with forecast expenditure.

Other Expenditure

The Shire's forecast Other Expenditure aligns with actual expenditure year to date and the Shire is comfortable with forecast expenditure.

Operating Budget Adjustments

The 2021/2022 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 \$188,000 which will be funded from savings in the Shire's Capital budgeted.

Account Number	Type	Account Description	Debit \$	Credit \$
5300-17501-4004-0000	Decrease Income	Rates Revenue - Rates Interim	477,000	



Account Number	Type	Account Description	Debit \$	Credit \$
Reason: Interim rates forecast has been reduced based on trend year to date and supply issues resulting in delays in development and construction activities occurring subsequent to requisite approvals.				
4300-15010-6383-0000	Increase Expenditure	Jarrahdale Oval Master Plan - Non-Recurrent	40,000	
4300-15011-6230-0000	Increase Expenditure	Jarrahdale Trails Town Business Case - Consultancy	7,454	
4300-15012-6230-0000	Increase Expenditure	Heritage Park Business Case Development - Consultancy	10,000	
4300-15013-6230-0000	Increase Expenditure	Jarrahdale Trails Priority Plan - Consultancy	30,000	
4300-15014-6230-0000	Increase Expenditure	Jarrahdale Trails Audit - Consultancy	50,000	
4300-15507-6131-0000	Decrease Expenditure	Trails Promotion - Program Activities		10,961
4000-10401-6610-0000	Decrease Expenditure	Trails Planning – Carry forward		36,326
Reason: Adjustment to align budget to projects as outlined in the Jarrahdale Trails Town Business Case. Additional operating funding to come from savings in Trails capital works.				
4700-NEW-6125-0000	Increase Expenditure	Covid-19 - Materials and Consumables	60,000	
Reason: Budget required for the provision of costs associated with ensuring the Shire is compliant with Covid-19 rules and ensures a safe working environment for staff and visitors to the Shire.				
3230-13403-4425-0000	Increase Income	Waste Transfer Station - Sale of Recycled Material		11,500
3230-13403-6392-0000	Increase Expenditure	Waste Transfer Station - External Contractor	50,000	
Reason: Increase in the amount of waste being collected at Waster Transfer Station resulting in higher disposal costs. This is partially offset by an increase in income derived from the Sale of Recycled Material.				



Account Number	Type	Account Description	Debit \$	Credit \$
2310-12600-4337-0000	Increase Income	Building Services Administration - Building Archive Search Fees		3,000
2310-12600-4303-0000	Decrease Income	Building Services Administration - Footpath/Kerbing Inspection Fees	30,000	
<p>Reason: Budget adjustment to reduce income to reflect forecasted position for Footpath/Kerbing Inspection fees.</p> <p>This is partially offset with an increase in Building Archive search fees due to due the high volume of residential property sales. Prospective purchasers request copies of existing building plans as part of their due diligence.</p>				
2000-NEW-6230-0000	Increase Expenditure	Environmental Impact Study - Consultancy	25,000	
<p>Reason: As per Council Resolution OCM307/11/21, funding is required to engage a consultant to assist in the analysis of detailed matters pertaining to the potential environmental impact of bauxite mining within Jarrahdale.</p>				
3120-13100-6230-0000	Increase Expenditure	Project Design - Consultancy (Drainage Modelling)	10,000	
<p>Reason: Funding is required to engage a consultant to provide drainage modelling information. The Shire previously provided a budget for the purchase of Drainage modelling software, however the implementation cost as well as the ongoing licencing and maintenance costs for this system meant that it was more cost effective to continue to engage a consultant to provide the Shire with this information.</p>				
3130-13002-6000-0000	Decrease Expenditure	Project Development - Wages		81,400
3130-13002-6020-0000	Decrease Expenditure	Project Development - Annual Leave		7,100
3130-13002-6010-0000	Decrease Expenditure	Project Development - Sick Leave		3,600
3130-13002-6030-0000	Decrease Expenditure	Project Development - Superannuation		9,200
3130-13002-6050-0000	Decrease Expenditure	Project Development - Training		1,000
1200-10101-6000-0000	Decrease Expenditure	Economic Development - Wages		27,300



Account Number	Type	Account Description	Debit \$	Credit \$
1200-10101-6020-0000	Decrease Expenditure	Economic Development - Annual Leave		2,400
1200-10101-6010-0000	Decrease Expenditure	Economic Development - Sick Leave		1,200
1200-10101-6030-0000	Decrease Expenditure	Economic Development - Superannuation		3,100
1200-10101-6050-0000	Decrease Expenditure	Economic Development - Training		1,000
Reason: Budget Adjustment to reflect vacant positions which will not be filled this financial year.				
5300-17500-6383-0000	Decrease Expenditure	Financial Services - Non-Recurrent Expenditure – Asset Rationalisation		50,000
<p>Reason: Due to the workloads within the organisation, staff changes and prioritisation of asset data system initiatives and improvements to facilitate data capture and reporting along with future implementation of Strategic Asset Management module it is proposed that this project be deferred to allow these aims to be met and focus on transport assets in the near term.</p> <p>It is recommended that this project be deferred to 2023-2024 and funding to be consider through future budgets.</p>				
2300-12400-4711-0000	Increase Income	Health - Reimbursements Correctional Facilities		26,800
Reason: Renegotiations of agreement between the Shire and the Department of Justice for the provision of meat inspection services at Karnet Prison Farm has resulted in higher reimbursement of costs than initially budgeted.				
4100-16000-6349-0000	Decrease Expenditure	Communications - Corporate Documents		15,000
4100-16002-6364-0000	Decrease Expenditure	Online Engagement Platform - Subscriptions and Licences		2,500
Reason: Cost of Corporate documents as well as the annual subscription to the Shire's online engagement platform was less than anticipated.				
4100-16004-6230-0000	Decrease Expenditure	Participatory Budgeting - Non-Recurrent		60,000



Account Number	Type	Account Description	Debit \$	Credit \$
Reason: Upon review of internal resources and capacity to deliver the Participatory Budgeting project in a meaningful way to the community it is recommend this project not proceed in 2021/22.				
3230-13400-6281-0000	Decrease Expenditure	Waste Administration - Refuse Collection		190,000
Reason: Budget adjustment to reflect forecasted Waste refuse collection expenditure which is tracking less than anticipated based on year-to-date expenditure.				
5300-18000-6411-0000	Decrease Expenditure	Administration - General - Telephone Landline		25,000
Reason: Renegotiation of contract with Telstra has resulted in a reduction in landline telephone expenditure.				
2100-12300-4346-0000	Increase Income	Development Compliance - Fines and Penalties		35,000
2100-12300-4708-0000	Increase Income	Development Compliance - Reimbursement - Legal Fees		13,000
2100-12300-6326-0000	Increase Expenditure	Development Compliance - Legal expenses	20,000	
Reason: Increase in legal fees expenditure due to cases continuing from previous years as well as new prosecutions. This is offset by an increase in fines and penalties income and legal fee reimbursements due to the increase in successful prosecutions.				
5300-17300-4700-0000	Increase Revenue	General Purpose Funding – Reimbursements		5,067
Reason: Unbudgeted miscellaneous reimbursements received which has resulted in additional income in excess of budget.				
5200-17100-6230-0000	Decrease Expenditure	Governance - Consultancy		40,000
5200-NEW-6326-0000	Increase Expenditure	Governance - Legal Expenses	40,000	
Reason: In accordance with Council's resolution an invalidity complaint pertaining to the 2021 local government election in the North Ward was made. The budget adjustment is required to meet anticipated legal costs.				
2400-12200-4346-0000	Increase Income	Ranger Services - Fines and Penalties		6,500



Account Number	Type	Account Description	Debit \$	Credit \$
2400-12200-6131-0000	Increase Expenditure	Security - Program Activities	6,500	
Reason: Additional budget required to provide increased security patrols. The Shire's contractor with current Security patrol provider has been finalised and a new contract is currently under negotiation but if successful would extend the security patrols to Shire assets in the Mundijong Area. This is offset by an increase in forecasted Fines and Penalties.				
4100-16000-6230-0000	Decrease Expenditure	Communications - Consultancy		15,000
4600-16100-6386-0000	Increase Expenditure	Library Services - Advertising and Promotion	15,000	
Reason: Adjustment to move budget from Communications Consultancy to Library services for advertising and promotion in relation to the new Library.				
4310-NEW-4135-0000	Increase Income	Youth Positive Wellbeing Initiatives – Grant – Operating - West Australian Primary Health		100,000
4310-NEW-6131-0000	Increase Expenditure	Youth Positive Wellbeing Initiatives - Program activities	100,000	
Reason: Adjustment to reflect grant funding secured from West Australian Primary Health alliance for the provision of Youth Positive Wellbeing Initiatives including youth camps.				
4300-15507-4132-0000	Increase Income	Trails Promotion and Activation – Grant – Operating - DLGSC		4,600
4300-15507-6131-0000	Increase Expenditure	Trails Promotion and Activation - Program Activities	4,600	
Reason: Adjustment to reflect grant funding for Department Local Government Sport and Cultural Industries for the provision of trail activation initiatives.				
4300-15720-6392-0000	Decrease Expenditure	Social Network Program - External Contractor		2,000
4300-15303-6131-0000	Increase Expenditure	Disability Access-Inclusion - Program Activities	2,000	
Reason: Social Network Program is being run in partnership with external service providers and as such these funds are no longer required. Savings to be utilised for the Disability Access-Inclusion program including training for sporting clubs to engage those with a disability.				
4300-30068-4700-0000	Increase Income	Serpentine Jarrahdale Community Recreation Centre - Reimbursements		14,500



Account Number	Type	Account Description	Debit \$	Credit \$
4300-30068-6326-0000	Increase Expenditure	Serpentine Jarrahdale Community Recreation Centre – Legal Expense	9,500	
3510-30068-6392-000	Increase Expenditure	Serpentine Jarrahdale Community Recreation Centre – External Contractor	5,000	

Reason: Adjustment to reflect additional income received for the lease of Gym equipment at the Serpentine Jarrahdale Recreation Centre. These funds are to be used toward the installation of water submeters at the Briggs Park and Serpentine Jarrahdale Recreation Centre sites to enable better readings for utility on charges. The remaining funds are required to increase legal expense budget in order to finalise the Serpentine Jarrahdale Recreation Centre Management Services tender.

Capital Works Budget

Whilst year to date expenditure for the period ended 31 December is \$2,413,370, which is 7.35 per cent of the overall Capital Works budget (including carryforwards). Although it is anticipated that some work will be completed in the second half of the financial year there are several projects that anticipate delays into the 2022/23 financial year due to unavailability of contractors to undertake the work.

It is therefore anticipated that a large portion of the Capital Works Budget will be carried forward into the 2022/23 financial year.

The most significant financial impact of this delay in works is that the Shire may not be able to recover the amount capital supervision costs budgeted. This may result in a potential deficit at the end of financial year. However, forecasting indicates this shortfall in recovery will be offset by other operational savings primarily in Salary and Wages and will be continued to be monitored closely for the remainder of the 2021/22 Financial Year.

Please refer to the Capital Works Expenditure detailed in **attachment 1** for further information with regard to Capital Works.

The following adjustments are required to the Shire's Capital Works Budget which results in a net savings of \$188,000 which will be utilised to fund additional funding required in the Shire Operating budget:

Account Number	Type	Account Description	Debit \$	Credit \$
6500-80236-6610-0000	Decrease Expenditure	Trails Development - Capital Expenditure		421,000
6500-80359-6610-0000	Increase Expenditure	Kittys Gorge Carpark Works - Capital Expenditure	211,000	
6500-80360-6610-0000	Increase Expenditure	Marcora Trail and Parking - Capital Expenditure	20,000	



Account Number	Type	Account Description	Debit \$	Credit \$
6500-80361-6610-0000	Increase Expenditure	Whitby Falls Trail Path works - Capital Expenditure	100,000	
Reason: Adjustment to align budget to projects as outlined in the Jarrahdale Trails Town Business Case. Savings of \$188,000 to fund operating projects relating to Trails.				
6100-80255-6610-0000	Decrease Expenditure	Drainage Modelling Software - Capital Expenditure		98,000
Reason: Upon further investigation, the Drainage Modelling Software did not reflect value for money due to ongoing licence and maintenance costs which would exceed cost to the Shire to have works completed by an external consultant.				
6100-80189-6610-0000	Decrease Expenditure	Mobile Phone Booster System - Carryforward Expenditure		38,000
6100-80188-6610-0000	Increase Expenditure	WAN and LAN Redesign - Carryforward Expenditure	38,000	
Reason: The current scope of the mobile phone booster system project was to only improve the Telstra NextG (4G) signal, this would mean that signals from other carriers would not be boosted. Technology advancements has seen functionality such as Wi-Fi calling enabled on most major carriers therefore improving the Shire's Wi-Fi signal will natively improve the mobile phone signal range of all major mobile phone carriers, the WAN & LAN project will allow for the Wi-Fi signal to be improved.				
6200-80281-4802-0000	Decrease Income	Womens Changeroom - Centrals - Grant - Capital - State	50,000	
6200-80281-6600-0000	Decrease Expenditure	Womens Changeroom - Centrals - Capital Purchases		50,000
Reason: Grant was provided directly to the Club who have completed the works independent of the Shire.				
6500-80300-6600-0000	Decrease Expenditure	Gordin Way Reserve Park Asset Renewal - Capital Purchases		10,000
6500-80205-6600-0000	Increase Expenditure	Mundijong Oval - Fencing and Shelters - Capital Purchases	10,000	
Reason: Additional funds required to supply and install shelters at Mundijong Oval, due to increased steel prices. Funds to be allocated from Gordin Way Reserve park fencing as it will not be feasible to deliver the project within the current budget.				
6400-80296-4802-0000	Increase Income	Upgrades of Roads – Orton Road - Grant - Capital – State		100,000
6400-80296-6600-0000	Increase Expenditure	Upgrades of Roads - Orton Road - Capital Purchases	100,000	



Account Number	Type	Account Description	Debit \$	Credit \$
6400-80345-4802-0000	Increase Income	Upgrades of Roads - Soldiers Road - Grant - Capital - State		100,000
6400-80345-6600-0000	Increase Expenditure	Upgrades of Roads - Soldiers Road - Capital Purchases	100,000	
Reason: Additional budget required for Orton Road and Solider Road design based on the quotation received for the Kargotich Road design. The increase in expenditure is offset by an increase in grant funding, of which the Shire has received the full first instalment in 2021/22.				
6400-80344-4802-0000	Decrease Income	Upgrades of Roads – Kargotich Road - Stage 2 - Grant - Capital - State	200,000	
6400-80344-6600-0000	Decrease Expenditure	Upgrades of Roads - Kargotich Road - Stage 2 - Capital Purchases		200,000
6400-80297-4802-0000	Increase Income	Upgrades of Roads - Kargotich Road - Stage 1 - Grant - Capital - State		200,000
6400-80297-6600-0000	Increase Expenditure	Upgrades of Roads - Kargotich Road - Stage 1 - Capital purchases	200,000	
Reason: Budget adjustment to merge the budget for Stage 1 and Stage 2 of Kargotich Road as both stages have similar scope of works. Merging this into one project will simplify the management of the overall projects financial position.				
6400-80290-6600-0000	Decrease Expenditure	Culvert Renewal - Walters Road (SK 0.84) - Capital Purchases		10,000
6400-80291-6600-0000	Decrease Expenditure	Culvert Renewal - Utley Road (SK 2.084) - Capital Purchases		10,000
6400-80292-6600-0000	Decrease Expenditure	Culvert Renewal - Utley Road (SK 3.787) - Capital Purchases		10,000
6400-80293-6600-0000	Increase Expenditure	Culvert Renewal - Elliot Road (SK 5.806) - Capital Purchases	10,000	
6400-80294-6600-0000	Increase Expenditure	Culvert Renewal - Elliot Road (SK 8.352) - Capital Purchases	20,000	
Reason: Upon recent inspection of the 5 culvert locations listed in the budget, the two Elliot Road culverts were identified as the most urgent to be addressed, as the top of pipes are exposed within the verge area and have been driven over causing the pipes to break as well as sections of the road to subside. The proposed \$10,000 was insufficient to rectify these issues, therefore funds are to be transferred to these two culverts to undertake the required repair works. The works required at the remaining three culverts is clean out and reinstate drains in the verge leading to the culvert to ensure water is able to flow, which may be undertaken as maintenance works. If further issues are identified whilst cleaning out, these may need to be consider for funding in the 2022/23 budget.				
6200-80303-5039-0000	Increase Transfer	Tip Shop Building - Transfer from Waste Reserve		50,000



Account Number	Type	Account Description	Debit \$	Credit \$
	from Reserve			
6200-80303-6600-0000	Increase Expenditure	Tip Shop Building - Capital Purchases	50,000	
Reason: Additional funds required for the completion of the Tip Shop to be funded from the Waste Reserve.				
6000-89000-4908-0000	Increase Income	Byford Developer Contributions - Capital Contributions - Byford DCP		997,893
6000-89000-5204-0000	Increase Transfer to Reserve	Byford Developer Contributions - Transfer to Reserve - Byford DCP	997,893	
6000-89001-4908-0000	Increase Income	Community Infrastructure DCP Contributions - Capital Contributions - Community Infrastructure DCP		774,883
6000-89001-5204-0000	Increase Transfer to Reserve	Community Infrastructure DCP Contributions- Transfer to Reserve - Community Infrastructure Reserve	774,883	
6000-89003-4908-0000	Increase Income	West Mundijong DCP Contributions - Capital Contributions - Capital Contributions - West Mundijong DCP		99,385
6000-89003-5204-0000	Increase Transfer to Reserve	West Mundijong DCP Contributions- Transfer to Reserve - Transfer to Res - West Mundijong Industrial DCF Reserve	99,385	
Reason: Recognition of Developer Contributions received year to date as well as the corresponding transfer to reserve.				

Asset Ratios

As part of the budget review Officers have looked at the potential impact on ratios based on performance year to date.

As part of this review, it is noted that the Asset Sustainability Ratio, which is a measure of asset renewal expenditure compared against asset depreciation, has been impacted by the lack of contractors and resource available to undertake civil infrastructure projects.

To improve the Shire's capacity to deliver capital projects, a restructure of the Infrastructure Directorate has been undertaken to refine the organisational structure of the team and enable better outcomes in this regard.



Options and ImplicationsOption 1

That Council:

1. ADOPTS the 2021/2022 Statutory Budget Review report as per **attachment 1** and APPROVES the schedule of variations as contained within this report.
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.

Option 2

That Council:

1. DOES NOT ADOPT the 2021/2022 Statutory Budget Review report as per **attachment 1** and DOES NOT APPROVE the schedule of variations as contained within this report.
2. 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 2021/2022 budget has been completed. A list of budget variations requiring approval has been identified.

Attachments (available under separate cover)

- **10.3.3 - attachment 1** – 2021/2022 Mid-Year Budget Review (E22/2480)

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

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There 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 well being 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

Officer Recommendation

That Council:

- 1. ADOPTS the 2021/2022 Statutory Budget Review report as per attachment 1; and**
- 2. APPROVES the schedule of variations as contained within this report.**

Account Number	Type	Account Description	Debit \$	Credit \$
5300-17501-4004-0000	Decrease Income	Rates Revenue - Rates Interim	477,000	



Continued

Ordinary Council Meeting Agenda
Monday, 21 March 2022

Account Number	Type	Account Description	Debit \$	Credit \$
4300-15010-6383-0000	Increase Expenditure	Jarrahdale Oval Master Plan - Non-Recurrent	40,000	
4300-15011-6230-0000	Increase Expenditure	Jarrahdale Trails Town Business Case - Consultancy	7,454	
4300-15012-6230-0000	Increase Expenditure	Heritage Park Business Case Development - Consultancy	10,000	
4300-15013-6230-0000	Increase Expenditure	Jarrahdale Trails Priority Plan - Consultancy	30,000	
4300-15014-6230-0000	Increase Expenditure	Jarrahdale Trails Audit - Consultancy	50,000	
4300-15507-6131-0000	Decrease Expenditure	Trails Promotion - Program Activities		10,961
4000-10401-6610-0000	Decrease Expenditure	Trails Planning – Carry forward		36,326
4700-NEW-6125-0000	Increase Expenditure	Covid-19 - Materials and Consumables	60,000	
3230-13403-4425-0000	Increase Income	Waste Transfer Station - Sale of Recycled Material		11,500
3230-13403-6392-0000	Increase Expenditure	Waste Transfer Station - External Contractor	50,000	
2310-12600-4337-0000	Increase Income	Building Services Administration - Building Archive Search Fees		3,000
2310-12600-4303-0000	Decrease Income	Building Services Administration - Footpath/Kerbing Inspection Fees	30,000	
2000-NEW-6230-0000	Increase Expenditure	Environmental Impact Study - Consultancy	25,000	
3120-13100-6230-0000	Increase Expenditure	Project Design - Consultancy (Drainage Modelling)	10,000	
3130-13002-6000-0000	Decrease Expenditure	Project Development - Wages		81,400
3130-13002-6020-0000	Decrease Expenditure	Project Development - Annual Leave		7,100
3130-13002-6010-0000	Decrease Expenditure	Project Development - Sick Leave		3,600
3130-13002-6030-0000	Decrease Expenditure	Project Development - Superannuation		9,200
3130-13002-6050-0000	Decrease Expenditure	Project Development - Training		1,000



Continued

Ordinary Council Meeting Agenda

Monday, 21 March 2022

Account Number	Type	Account Description	Debit \$	Credit \$
1200-10101-6000-0000	Decrease Expenditure	Economic Development - Wages		27,300
1200-10101-6020-0000	Decrease Expenditure	Economic Development - Annual Leave		2,400
1200-10101-6010-0000	Decrease Expenditure	Economic Development - Sick Leave		1,200
1200-10101-6030-0000	Decrease Expenditure	Economic Development - Superannuation		3,100
1200-10101-6050-0000	Decrease Expenditure	Economic Development - Training		1,000
5300-17500-6383-0000	Decrease Expenditure	Financial Services - Non-Recurrent Expenditure		50,000
2300-12400-4711-0000	Increase Income	Health - Reimbursements Correctional Facilities		26,800
4100-16000-6349-0000	Decrease Expenditure	Communications - Corporate Documents		15,000
4100-16002-6364-0000	Decrease Expenditure	Online Engagement Platform - Subscriptions and Licences		2,500
4100-16004-6230-0000	Decrease Expenditure	Participatory Budgeting - Non-Recurrent		60,000
3230-13400-6281-0000	Decrease Expenditure	Waste Administration - Refuse Collection		190,000
5300-18000-6411-0000	Decrease Expenditure	Administration - General - Telephone Landline		25,000
2100-12300-4346-0000	Increase Income	Development Compliance - Fines and Penalties		35,000
2100-12300-4708-0000	Increase Income	Development Compliance - Reimbursement - Legal Fees		13,000
2100-12300-6326-0000	Increase Expenditure	Development Compliance - Legal expenses	20,000	
5300-17300-4700-0000	Increase Revenue	General Purpose Funding – Reimbursements		5,067
5200-17100-6230-0000	Decrease Expenditure	Governance - Consultancy		40,000
5200-NEW-6326-0000	Increase Expenditure	Election Related Legal Action - Legal Expenses	40,000	
2400-12200-4346-0000	Increase Income	Ranger Services - Fines and Penalties		6,500



Account Number	Type	Account Description	Debit \$	Credit \$
2400-12200-6131-0000	Increase Expenditure	Security - Program Activities	6,500	
4100-16000-6230-0000	Decrease Expenditure	Communications - Consultancy		15,000
4600-16100-6386-0000	Increase Expenditure	Library Services - Advertising and Promotion	15,000	
4310-NEW-4135-0000	Increase Income	Youth Positive Wellbeing Initiatives – Grant – Operating - West Australian Primary Health		100,000
4310-NEW-6131-0000	Increase Expenditure	Youth Positive Wellbeing Initiatives - Program activities	100,000	
4300-15507-4132-0000	Increase Income	Trails Promotion and Activation – Grant – Operating - DLGSC		6,000
4300-15507-6131-0000	Increase Expenditure	Trails Promotion and Activation - Program Activities	6,000	
4300-15720-6392-0000	Decrease Expenditure	Social Network Program - External Contractor		2,000
4300-15303-6131-0000	Increase Expenditure	Disability Access-Inclusion - Program Activities	2,000	
4300-30068-4700-0000	Increase Income	Serpentine Jarrahdale Community Recreation Centre - Reimbursements		14,500
4300-30068-6326-0000	Increase Expenditure	Serpentine Jarrahdale Community Recreation Centre – Legal Expense	9,500	
3510-30068-6392-000	Increase Expenditure	Serpentine Jarrahdale Community Recreation Centre – External Contractor	5,000	
6500-80236-6610-0000	Decrease Expenditure	Trails Development - Capital Expenditure		421,000
6500-80359-6610-0000	Increase Expenditure	Kittys Gorge Carpark Works - Capital Expenditure	211,000	
6500-80360-6610-0000	Increase Expenditure	Marcora Trail and Parking - Capital Expenditure	20,000	
6500-80361-6610-0000	Increase Expenditure	Whitby Falls Trail Path works - Capital Expenditure	100,000	
6100-80255-6610-0000	Decrease Expenditure	Drainage Modelling Software - Capital Expenditure		98,000



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Ordinary Council Meeting Agenda
Monday, 21 March 2022

Account Number	Type	Account Description	Debit \$	Credit \$
6100-80189-6610-0000	Decrease Expenditure	Mobile Phone Booster System - Carryforward Expenditure		38,000
6100-80188-6610-0000	Increase Expenditure	WAN and LAN Redesign - Carryforward Expenditure	38,000	
6200-80281-4802-0000	Decrease Income	Womens Changeroom - Centrals - Grant - Capital - State	50,000	
6200-80281-6600-0000	Decrease Expenditure	Womens Changeroom - Centrals - Capital Purchases		50,000
6500-80300-6600-0000	Decrease Expenditure	Gordin Way Reserve Park Asset Renewal - Capital Purchases		10,000
6500-80205-6600-0000	Increase Expenditure	Mundijong Oval - Fencing and Shelters - Capital Purchases	10,000	
6400-80296-4802-0000	Increase Income	Upgrades of Roads – Orton Road - Grant - Capital - State		100,000
6400-80296-6600-0000	Increase Expenditure	Upgrades of Roads – Orton Road - Capital Purchases	100,000	
6400-80345-4802-0000	Increase Income	Upgrades of Roads - Soldiers Road - Grant - Capital - State		100,000
6400-80345-6600-0000	Increase Expenditure	Upgrades of Roads - Soldiers Road - Capital Purchases	100,000	
6400-80344-4802-0000	Decrease Income	Upgrades of Roads - Kargotich Road - Stage 2 - Grant - Capital – State	200,000	
6400-80344-6600-0000	Decrease Expenditure	Upgrades of Roads - Kargotich Road - Stage 2 - Capital Purchases		200,000
6400-80297-4802-0000	Increase Income	Upgrades of Roads - Kargotich Road - Stage 1 - Grant - Capital - State		200,000
6400-80297-6600-0000	Increase Expenditure	Upgrades of Roads - Kargotich Road - Stage 1 - Capital purchases	200,000	
6400-80290-6600-0000	Decrease Expenditure	Culvert Renewal - Walters Road (SK 0.84) - Capital Purchases		10,000
6400-80291-6600-0000	Decrease Expenditure	Culvert Renewal - Utley Road (SK 2.084) - Capital Purchases		10,000
6400-80292-6600-0000	Decrease Expenditure	Culvert Renewal - Utley Road (SK 3.787) - Capital Purchases		10,000
6400-80293-6600-0000	Increase Expenditure	Culvert Renewal - Elliot Road (SK 5.806) - Capital Purchases	10,000	



Continued

Ordinary Council Meeting Agenda
Monday, 21 March 2022

Account Number	Type	Account Description	Debit \$	Credit \$
6400-80294-6600-0000	Increase Expenditure	Culvert Renewal - Elliot Road (SK 8.352) - Capital Purchases	20,000	
6200-80303-5039-0000	Increase Transfer from Reserve	Tip Shop Building - Transfer from Waste Reserve		50,000
6200-80303-6600-0000	Increase Expenditure	Tip Shop Building - Capital Purchases	50,000	
6000-89000-4908-0000	Increase Income	Byford Developer Contributions - Capital Contributions - Byford DCP		997,893
6000-89000-5204-0000	Increase Transfer to Reserve	Byford Developer Contributions - Transfer to Reserve - Byford DCP	997,893	
6000-89001-4908-0000	Increase Income	Community Infrastructure DCP Contributions - Capital Contributions - Community Infrastructure DCP		774,883
6000-89001-5204-0000	Increase Transfer to Reserve	Community Infrastructure DCP Contributions- Transfer to Reserve - Community Infrastructure Reserve	774,883	
6000-89003-4908-0000	Increase Income	West Mundijong DCP Contributions - Capital Contributions - Capital Contributions - West Mundijong DCP		99,385
6000-89003-5204-0000	Increase Transfer to Reserve	West Mundijong DCP Contributions- Transfer to Reserve - Transfer to Res - West Mundijong Industrial DCF Reserve	99,385	



10.3.4 – Corporate Business Plan Performance Report – October to December 2021 (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 2021-25 Corporate Business Plan (CBP) for the period 1 October to 31 December 2021 and an amended CBP for consideration.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 13 December 2021 - OCM356/12/21 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>NOTES the performance report against the 2021-25 Corporate Business Plan for the period 1 July to 30 September 2021 as contained in this report and attachment 1.</i> 2. <i>ADOPTS the amendments to the Corporate Business Plan 2021-25 as outlined in this report and attachment 2.</i>

Background

On 16 August 2021, Council adopted the Shire of Serpentine Jarrahdale Corporate Business Plan 2021-25 (OCM228/08/21) and subsequently adopted amendments on 13 December 2021 (OCM356/12/21).

The Corporate Business Plan 2021-25 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 2021-25 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 2021-25 Corporate Business Plan for the period 1 October to 31 December 2021 ('the Report'). The Report is contained in **attachment 1** for the Council to note. Importantly, the status of these reports and the remedial actions identified were current as at the end of the reporting period, and may have changed since the production of the status report.

Report Structure

Grouped under each key objective area of the Strategic Community Plan (People, Place, Prosperity, Progressive), the Report provides a narrative update against each respective action of the CBP's Delivery Program. To ensure consistency and to enable summary reporting, each action is also allocated a traffic light status in accordance with the following key:

Status	Selection Criteria
 On Track or Complete	Action is complete or on target.
 At Risk or Behind Target	Minor issues have put achievement of the project due date or level of service at risk. or Minor issues have put the project/service behind target. The causes for this are being managed by routine procedures and the issues are likely to be resolved by the next reporting period.



Status	Selection Criteria
 Critical	Major issues have prevented the service/project from commencing or continuing. The causes for this do/will require significant action to rectify and the issues are likely to be ongoing into future reporting periods
 On hold	Work is unable to commence due to a dependency (e.g. awaiting grant funding or completion of another project).
 Deferred or Not Proceeding	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. Or 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.

Report Summary

The Report provides an update against 124 actions in the Corporate Business Plan. Statistics this period show:

- **82%** are on track or complete (102/124);
- **14%** are at risk or behind target (17/124);
- **1.5%** are critical (2/124);
- **1.5%** are on hold (2/124); and
- **1%** are deferred or not proceeding (1/124).

Key achievements and highlights this reporting period are as follows:

- Preparedness to COVID-19 including reestablishment of the COVID-19 Working Group, review of the business continuity plan, response plan and risk assessments, drafting of new internal processes and adjustment to business operations and service delivery in response to Government Directions.
- Completion of the following road upgrade designs:
 - Karnup Road and Yangedi Road under the Commodity Route Supplementary Fund program; and
 - Mead Street under the Federal Blackspot program.
- Tender award for the following road upgrades:
 - Reseal of 11 local roads under the Roads to Recovery program.
 - Anketell Road and Thomas Road / Anketell Road intersection under the State Blackspot program;
 - Rowley Road and Kingsbury Drive under the Metropolitan Regional Road Group program; and



-
- Mundijong Road and Nettleton Road under the Federal Blackspot program.
 - Execution of the financial assistance agreements to receive funding for the upgrade of Old Hopeland School and Serpentine Bridge School and construction of the Outdoor Hub Project at Bruno Gianatti Hall.
 - Key progress towards the Keirnan Park Recreation Precinct project including:
 - Endorsement of the Stakeholder Engagement Plan and consultation with local sporting groups;
 - Three community information sessions at the Food Truck Fiesta event, Beenyup Primary School and Shire of Serpentine Jarrahdale;
 - Execution of an Aboriginal Heritage agreement between the Shire of Serpentine Jarrahdale and South West Aboriginal Land and Sea Council; and
 - Development of the preliminary concept design.
 - Over 4,000 attendees at the Christmas Markets and Food Truck Fiesta events.
 - 2 Citizenship Ceremonies welcoming 43 new citizens.
 - 7 Sport and Recreation initiatives including 5 Trail Activation activities, the Magical Parks event and Christmas Car Rally.
 - Acknowledgement of 4 Volunteers through the Shire's monthly volunteer recognition program and acknowledgement of 62 Volunteers through the Shire's Volunteer Day initiative.
 - Provision of \$80,485 to 14 community and sporting groups under the Shire's community grants program.
 - Delivery of beginner Auslan workshops in partnership with Access Plus WA Deaf.
 - Special events at the Library for Mental Health Week.
 - Children and family events for the festive season including Play in the Park Christmas Edition and the new initiative 'Little Sprouts' delivered in partnership with Communicare.
 - 6,730 firebreak inspections in the month of December.
 - Determination of 29 development applications valued at \$16M.
 - Processing of 215 building applications.
 - Council approval of the Significant Tree Register.
 - Completion of the following engagement activities:
 - Extractive Industry, Lot 4 King Road, Oldbury
 - SJ Community Recreation Centre
 - Draft Jarrahdale Trail Town Business Case and Implementation Plan
 - SJ Food Action Plan
 - Community Signage on Shire Reserves and Facilities - Council Policy
 - Infrastructure Fund Applicants 2020/2021
 - Local Structure Plan Open for Inspection - Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine



- Jarrahdale and Serpentine Cemeteries Masterplan
- Transition of the Accounts Receivable module into the Shire's ERP system 'OneComm'.
- Conduct of the 2021 ordinary local government election, the swearing in ceremony and a 3-day Councillor induction.
- Negotiation of a sustainable power purchase agreement through WALGA.
- Approval of the West Mundijong Industrial Area Local Structure Plan.
- Establishment of a Town Team in the Byford CBD.
- Delivery of the inaugural SJ Christmas Lights Competition and installation of Christmas lights on Paterson Street.
- Delivery of the 2021 SJ Garden Competition.
- Construction of the new car park at the Briggs Park Recreation Precinct in Byford.
- Delivery of the Byford Activity Centre Forum.
- Council endorsement of the West Mundijong Industrial Area Business Case.
- Council adoption of the Jarrahdale and Serpentine Cemeteries Masterplan.



The **2** actions identified as **critical** are:

Action 1:	<u>Serpentine Heritage Precinct</u> Develop a Business Plan for the Turner Cottage site and undertake community consultation.	Status			
		Q1	Q2	Q3	Q4
Comment:	Officers have been advised by the Owners they have sold the site to someone else.				
Remedial Action:	Officers to prepare Council Report for March Council Meeting to advise on works undertaken on the project and remove 'Develop a Business Plan for the Turner Cottage site and undertake community consultation' from the Corporate Business Plan.				

Action 2:	<u>Minor Facility Renewals</u> Women's changerooms at Centrals FB and Netball Club	Status			
		Q1	Q2	Q3	Q4
Comment:	This grant funding has been received directly by the Club. As such, the project should be removed from the Corporate Business Plan and Budget as it will be delivered by the club.				
Remedial Action:	It is recommended this project is removed from the Corporate Business Plan and budget through the Q2 review process occurring February 2022.				



The 17 actions identified as **at risk or behind target** are:

Action 1:	<u>Council Portal</u> Develop a Council Portal within the Shire's intranet.	Status			
		Q1	Q2	Q3	Q4
Comment:	An RFQ has been completed and responses will be discussed with EMG early January 2022. The RFQ specification was modified to include the governance / automation of the Friday facts and Councillor enquiries.				
Remedial Action:	EMG decision is imminent, a vendor from the RFQ chosen, it is also important to note that the RFQ process included a preferred supplier for the provision of Microsoft SharePoint design and development which will reduce any further delays and administrative overheads.				

Action 2:	<u>Community Activation Strategy</u> Development of a strategy providing clear direction and targeted outcomes for the Community based on community feedback, demographic trends and best practice models.	Status			
		Q1	Q2	Q3	Q4
		N/A			
Comment:	Slight delay in the finalisation of brief due to resourcing constraints. Officers expect the brief to be complete by the end January 2022. At this stage Officers still plan to complete the overall project by its due date of 30 June 2022.				
Remedial Action:	Development and finalisation of brief currently in motion for completion of Q2 milestone by end January 2022.				

Action 3:	<u>Reconciliation Action Plan</u> Develop a Reconciliation Action Plan.	Status			
		Q1	Q2	Q3	Q4
Comment:	Preliminary consultation and research has been completed by Officers for development of the Shire's Reconciliation Action Plan (RAP). A report will be presented to Council in Q3 to provide an update on the status of the project and obtain Council direction on matters relevant to delivery of the project.				
Remedial Action:	Council report scheduled to be presented Q3.				







	<u>Rationalisation of Assets (Building Asset Disposal Report)</u>	Status			
		Q1	Q2	Q3	Q4
Action 4:	Review building assets across the Shire and determine whether those obsolete (no longer fit for purpose) can be disposed of or demolished.				
Comment:	Due to workloads within the organisation, staff changes and prioritisation of asset data system initiatives and improvements to facilitate data capture and reporting along with future implementation of Strategic Asset Management module it is proposed that this project be deferred to allow these aims to be met and focus on transport assets in the near term.				
Remedial Action:	It is recommended in line with above that this project be deferred to 2023-2024 to align with resourcing availability and organisational priorities and this recommendation will be made through the mid-year budget review process.				



	<u>Jarrahdale Equine Trails Network Concept Plan</u>	Status			
		Q1	Q2	Q3	Q4
Action 5:	Develop Jarrahdale Equine Trails Network Concept Plan with DBCA.				
Comment:	Draft received 9/12/2022 and comments returned to Department Biodiversity, Conservation and Attractions (DBCA) 20/12/2022. Currently awaiting status update from DBCA on concept plan finalisation process. Final draft expected January 2022.				
Remedial Action:	Final draft expected January 2022. Consultation with DBCA to occur regarding next steps and formal contract closure process.				

	<u>Parks and Gardens Renewal</u>	Status			
		Q1	Q2	Q3	Q4
Action 6:	<ul style="list-style-type: none"> · Claire Morris Reserve (Harwood Pass) · Gordon Way Reserve Park 				
Comment:	Projects have not yet commenced. Officers will work to prioritise the projects in the coming months.				
Remedial Action:	Officers are in the process of finalising the scope of works.				



Action 7:	<u>Participatory Budgeting Software</u> Implement Participatory Budgeting Software.	Status			
		Q1	Q2	Q3	Q4
					
Comment:	Upon review of internal resources and capacity to deliver the Participatory Budgeting project in a meaningful way to the community, it is recommended that this project not proceed and be removed from the 2021/22 Corporate Business Plan.				
Remedial Action:	Remove the Participatory Budgeting Project from the 2021/22 Corporate Business Plan through the Q2 Budget Review.				

Action 8:	<u>Orton Road Upgrade</u> Rehabilitate the existing pavement on Orton Road between Hopkinson and King Road.	Status			
		Q1	Q2	Q3	Q4
					
Comment:	Design brief is at 90 percent. Awaiting information to be received from Water Corp regarding the two bridges that are going to be upgraded. More importantly, design details of the intersection of Orton Road and Tonkin Highway to be supplied by Main Roads Western Australia (MRWA) which at this point in time, it is unknown.				
Remedial Action:	The available options at this stage are: - Reduce the scope of works to exclude the Tonkin Hwy and the Orton Road Intersection or keep the tie in design in the scope based on an hourly rate and ask the consultant to adjust the design accordingly later. In either case, the RFQ design process could be started by end of the January 2022 and the detail design and tender documents is anticipated to be provided by End of August 2022.				

Action 9:	<u>Soldiers Road Upgrade</u> Rehabilitate the existing pavement and improve intersections.	Status			
		Q1	Q2	Q3	Q4
					
Comment:	Design brief is at 30 percent. Additional time is required to prepare the engineering consultancy scope due to complexities involved with the two roundabout designs at Soldiers Road – Keirnan Street and Soldiers Road – Cardup Siding Road and the Principle Shared Path bridge design north of Cardup Siding Road which is affected by the uncertainty of proposed PTA stabling yard location and Main Cable alignment. The procurement process for engaging a consultant to undertake the detailed design and documentation is expected to be commence in February 2022. Based on this and considering the length of time required for procurement and undertaking the detailed design work, it is anticipated that the design and documentation to be completed by end of August 2022.				
Remedial Action:	On-road cycle lane option to be investigated. Design brief to be completed and procurement process to be started as soon as possible.				



Action 10:	<u>Universal Access and Inclusion Program</u> Deliver access and inclusion improvements on Shire facilities.	Status			
		Q1	Q2	Q3	Q4
Comment:	The latest list of tasks is being re-costed and re-prioritised considering a lengthy time lapse between when the list was developed and now. Once the review is completed, a revised list of works will be issued for implementation.				
Remedial Action:	Officers will confirm the scope of works to be delivered within the available budget.				

Action 11:	<u>Metropolitan Regional Road Group Upgrades</u> Minor Road Upgrades under MRRG · Rowley Road	Status			
		Q1	Q2	Q3	Q4
Comment:	A Request for Quote has been submitted to Shire's annual supply contractors under RFT 05 and RFT 06 awarded in December 2021. A 6-month extension of time request for this project has been sent to MRWA as the project is unlikely to be completed by the end of June 2022.				
Remedial Action:	The Shire is working with the contractor to prioritise this project while working in with the road program.				

Action 12:	<u>Metropolitan Regional Road Group Upgrades</u> Minor Road Upgrades under MRRG · Nettleton Road	Status			
		Q1	Q2	Q3	Q4
Comment:	RFQ submitted to WALGA suppliers in December 2021 as no submissions were received during the previous round of tendering in November. It is anticipated that contract will be awarded in January 2022, subject to quotes not exceeding budget.				
Remedial Action:	Should quotes exceed budget, MRWA and Council will be requested to provide additional funding.				



Action 13:	<u>Minor Facility Renewals</u> Admin building aircon renewal	Status			
		Q1	Q2	Q3	Q4
Comment:	The air condition units condition verification will be undertaken throughout the Administration Office to verify which units need to be replaced or upgraded in order to confirm the scope of works.				
Remedial Action:	Contractors will be engaged to replace/upgrade the air condition units following the confirmation of the scope of works.				

Action 14:	<u>Minor Facility Renewals</u> Mundijong Landcare Building (electrical wiring and switchboard)	Status			
		Q1	Q2	Q3	Q4
Comment:	Officers will inspect the building to confirm the scope of works and develop a brief to seek quotes and engage a contractor to undertake the works.				
Remedial Action:	Following the finalisation of the scope of works, a qualified contractor will be engaged to undertake the works.				

Action 15:	<u>Minor Facility Renewals</u> Recreation centre doors, septic and stage	Status			
		Q1	Q2	Q3	Q4
Comment:	Officers will inspect the building to confirm the scope of works and develop briefs to seek quotes and engage contractors to undertake the works.				
Remedial Action:	Following the finalisation of the scope of works, qualified contractors will be engaged to undertake the works.				

Action 16:	<u>FOGO</u> Install FOGO options for the collection and disposal of shire waste.	Status			
		Q1	Q2	Q3	Q4
Comment:	Processing centre in Bunbury is working through legislative requirements at the moment which has put the roll out of FOGO behind target. Once we have a resolution to the Bunbury Harvey Regional Council disposal facility, a Council report will be presented with the relevant update. Officers have been in contact and updating DWER as matters progress.				
Remedial Action:	Once the new timelines are known we will update the Waste strategy and Corporate Business Plan.				



Action 17:	<u>New Depot Accommodation</u> Purchase of land and relocation of Depot	Status			
		Q1	Q2	Q3	Q4
Comment:	Officers have been reviewing and liaising with the listing agents to find a suitable site for the Shire depot at the West Mundijong Industrial Area. Shire Officers have been unable to find a suitable site within this time frame and are also considering Depot site to be developed on an alternative site owned by the Shire.				
Remedial Action:	Officers will prepare a report to Council for April OCM meeting to discuss future site options for the Depot and realign the actions currently set in the Corporate Business Plan.				



The **2** actions identified as **on hold** this reporting period are:

Action 1:	<u>Oakford Bush Fire Brigade Station</u> Deliver the new Oakford Volunteer Bush Fire Brigade station building.	Status			
		Q1	Q2	Q3	Q4
Comment:	As detailed in the Corporate Business Plan, this project is on hold until the land acquisition and DFES Loan are confirmed. The planning application is being advanced that will include a final design, full QS cost and site works component. At this stage, it is likely that the milestones for January to June 2022 (as outlined in the CBP) will commence next financial year.				

Action 2:	<u>Soldiers Road Principal Shared Path</u> Construct the Principal Shared Path on Soldiers Road from Bishop Road to Abernethy Road (WA Bicycle Network Grants Program - DoT).	Status			
		Q1	Q2	Q3	Q4
Comment:	The flora survey has been completed and the Clearing Permit application has been submitted to the Department of Water and Environmental Regulation (DWER). Please note, the Q1 Corporate Business Plan incorrectly stated DBCA as the clearing permit approving body, the correct authority is DWER. The project is still on hold due to the uncertainty of proposed Public Transport Authority stabling yard location and Main Cable alignment. Officers are awaiting WA Bicycle Network (WABN) response for an extension of time request. WABN requested a meeting which is going to be held on 11 January 2022.				



The **1** actions identified as **Deferred or Not Proceeding** this reporting period are:

Action 1:	<u>Equine Facility Feasibility Study</u>	Status			
		Q1	Q2	Q3	Q4
	Undertake an Equine Facility Feasibility Study				
Comment:	At the December Ordinary Council Meeting, Council agreed to remove the Equine Facility Feasibility Study and replace it with the Equine Facility Masterplan. The Corporate Business Plan (CBP) will be updated to reflect this change and the feasibility will be considered for delivery in 2022-23 through the annual budget setting / CBP review process.				

Details of the remaining **102** 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:

- The description of the Reseal Program updated to 11 locations as per the tender award at the December 2021 Special Council Meeting (SCM086/12/21).
- An increase of \$186,000 to Major Capital Project 'Gossage Road Upgrade' as per the tender award at the 2021 Special Council Meeting (SCM086/12/21).
- An increase of \$1.1M to Major Capital Project 'Enterprise Resource Planning' as per the project update provided to Council at the November 2021 Ordinary Council Meeting (OCM322/11/21).
- An increase of \$15,000 to Capital Works Program 'Minor Facility Renewals' for the Hopeland Community Hall Re-stumping Project as per the Hopeland Community Hall update provided to Council at the December 2021 Ordinary Council Meeting (OCM349/12/21).
- Budget increases to Capital Works Programs 'State Blackspot Road Upgrades, Federal Blackspot Road Upgrades, Road to Recovery Reseal Program and Metropolitan Regional



Road Group Upgrades' to reflect tender award at the 2021 Special Council Meeting (SCM086/12/21).

- Update to project start and finish dates and milestones to the Strategic Operating Project 'Byford Health Hub' in line with project update provided to Council at the December 2021 Ordinary Council Meeting (OCM363/12/21).
- Removal of the Strategic Operating Project 'Equine Facility Feasibility Study' and insertion of the Strategic Operating Project 'Equine Facility Masterplan' as per report to Council at the December 2021 Ordinary Council Meeting (OCM361/12/21).
- Update to project start and finish dates and milestones to the Major Capital Project 'Byford Skatepark (Construction of Stage 2) as per Financial Assistance Agreement provided to Council at the February Ordinary Council Meeting (OCM033/02/22)

Under Principle Two:

- Update to project state and finish dates and milestones for Major Capital Projects 'Orton Road Upgrade, Kargotich Road Upgrade and Soldiers Road Upgrade' now that MRRG funding has been obtained.

Under Principle Three:

As outlined in the October to December (Mid-Year) Budget Review at agenda item 10.3.3 at the March Ordinary Council Meeting:

- An increase of \$50,000 for Major Capital Project 'Tip Shop'.
- The redistribution of funds between financial years for Major Capital Projects 'Orton Road Upgrade, Kargotich Road Upgrade and Soldiers Road Upgrade' (note, there is no change to total funding amount across the three years).
- Reduction of \$50,000 grant funds from Capital Works Program 'Minor Facility Renewals' to remove the Women's changerooms at Centrals FB and Netball Club.
- Removal of Strategic Operating Project 'Rationalisation of Assets (Building Asset Disposal Report)'.
- Removal of 3 drainage projects (2 x Utley Road, 1 x Walters Road) under the Capital Works Program 'Drainage Renewal' (note, there are no amendments to total program funds).
- Removal of Gordin Way Fencing from the Capital Works Program 'Parks and Gardens Renewal' and insertion of the 'Mundijong Oval Fencing and Shelters' project (note, there are no amendments to total program funds).
- Removal of Strategic Operating Project 'Participatory Budgeting Software'.

Preparedness to COVID-19

Given the significant resources required to prepare and respond to the current COVID-19 risk (border reopening and increase in cases), Officers are proposing that in addition to the amendments detailed above, a new Strategic Operating Project be added to the Corporate Business Plan as follows:



Project/Activity	Start Date	End Date	Milestones for 2021-22
COVID-19 Risk Mitigation Preparedness to WA border reopening and increase in COVID-19 cases in the Western Australian community	December 2021	June 2023	Prepare and respond as required to the current COVID-19 risk including adjustment to business operations and service delivery in response to Government Directions.

These amendments are detailed in tracked changes at **attachment 2**.

Corporate Business Plan Key Performance Indicators

The Corporate Business Plan 2021-25 contains the following Key Performance Indicators:

1. 80% of strategic operating projects are completed by their due date
2. 85% of budgeted capital works are expended
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 (as published on the *MyCouncil* website)

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: 79% (15/19)

Comment:

The Corporate Business Plan 2021-25 contains 22 Strategic Operating Projects due on, or before 30 June 2022. As at 31 December 2021, 15 are on track, 1 is deferred, 5 are flagged as 'at risk / behind schedule' and 1 is flagged as 'critical'.

The projected result for this KPI is 79% (15/19), which assumes:

- The 15 projects currently 'on track', remain on track and are completed on time;
- The proposed amendments to the CBP outlined above are adopted, resulting in the removal of 3 projects from the total (the Equine Facility Feasibility Study, Rationalisation of Assets and Participatory Budgeting Software) and the addition of 1 new project (the Equine Facility Masterplan) which is assumed to be on track;
- The 1 project flagged 'critical' (Serpentine Heritage Precinct) is removed from the Corporate Business Plan at a future reporting period; and
- The remaining 3 projects flagged 'at risk / behind schedule' do not get back on track:
 - Community Activation Strategy
 - Reconciliation Action Plan
 - Jarrahdale Equine Trails Network Concept Plan



KPI 2: 85% of budgeted capital works are expended

Current Expenditure: 5.6%

Comment:

Total amount of capital expenditure year to date to the end of the reporting period was \$2,394,697, with \$1,278,720 spend relating to new projects and \$1,115,976 relating to carried forward projects. This equates to 5.6% of the new capital budget being expended as at 31 December 2021.

KPI 3: Improvement is seen in all key result areas of the community perceptions survey

Comment: Not applicable – the survey is carried out biannually and is not due again until 2022-23.

KPI 4: Improvement is seen in the Performance Index Score of the Employee Scorecard Survey

Comment: Unable to report at this stage. Survey will be undertaken later this financial year.

KPI 5: Financial Sustainability – maintain a financial health indicator above 70 (as published on the MyCouncil website)

Comment: Unable to report until closer to end of financial year.

Options and Implications

Option 1

That Council:

1. NOTES the performance report against the 2021-25 Corporate Business Plan for the period 1 October to 31 December 2021 as contained in this report and **attachment 1**.
2. ADOPTS the amendments to the Corporate Business Plan 2021-25 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 2021-25 Corporate Business Plan for the period 1 October to 31 December 2021 as contained in this report and **attachment 1**.
2. DOES NOT ADOPT the amendments to the Corporate Business Plan 2021-25 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 28 key achievements, including confirmation of funding for key state election promises, key progress towards the Keirnan Park Recreation Precinct and tender award and design completion for several road upgrades. Of the 124 actions reported against, 14% are currently 'at risk or behind target' and 82% are on track.



KPI 1 related to Strategic Operating Projects is behind target by 1%, and KPI 2 related to capital works expenditure is at risk.

Introducing a CBP amendment process and a KPI progress report into the quarterly CBP performance report provides the Shire with a more integrated, structured and specific framework and greater oversight and accountability of the Shire's performance.

During this quarter, some CBP actions are behind target. This is primarily due to the following:

1. The preparation across the Organisation, but in particular, in the Community and Organisational Development Directorate, to manage the impacts of Covid on the Organisation.
2. The timing and recruitment of new staff, as a result of the Infrastructure Directorate review.
3. The current challenges in recruiting staff in a tight and competitive labour market.
4. The capacity of consultants and sub-contractors to undertake work for the Shire in a very competitive market.

Officers are hopeful that with staff now appointed, some of the actions will be back on track by next quarter, however, this will largely depend upon the impacts Covid has on the Organisation and on the economy more broadly.

Attachments (available under separate cover)

- **10.3.4 - attachment 1** – Corporate Business Plan 2021-25 Performance Report 1 October to 31 December 2021 (E22/2596)
- **10.3.4 - attachment 2** – Corporate Business Plan 2021-22 Quarter One Review – Tracked Changes (E22/2527)

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

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	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 2021-25 2021-22 Annual Budget	Organisational Performance	Unlikely	Moderate	MODERATE	Nil.

Voting Requirements: Absolute Majority (Regulation 19DA(6) of the *Local Government (Administration) Regulations 1996*)

Officer Recommendation:

That Council:

- NOTES** the performance report against the 2021-25 Corporate Business Plan for the period 1 October to 31 December 2021 as contained in this report and attachment 1.
- ADOPTS** the amendments to the Corporate Business Plan 2021-25 as outlined in this report and attachment 2.



10.4 Community and Organisational Development reports

10.4.1 – Equine Advisory Group – Racing Industry Vacancy Appointment (SJ3224)	
Responsible Officer:	Deputy CEO/Director Community and Organisational Development
Senior Officer:	Chief Executive Officer
Disclosure of Officer’s Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider, select and appoint one (1) external member as a representative of the Racing Industry to the Equine Advisory Group.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 15 November 2021 - OCM325/11/21- COUNCIL RESOLUTION That Council:</i></p> <ol style="list-style-type: none"> 1. <i>APPOINTS the following Councillors as members of the Equine Advisory Group:</i> <ul style="list-style-type: none"> • <i>Cr Dagostino</i> • <i>Cr Rich</i> 2. <i>APPOINTS the following Councillors as deputy members of the Equine Advisory Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:</i> <ul style="list-style-type: none"> • <i>Cr Strautins</i> • <i>Cr Atwell</i> 3. <i>APPOINTS external members to the Equine Advisory Group from the list at CONFIDENTIAL attachment 2, being:</i> <ol style="list-style-type: none"> a) <i>Applicant 1 a representative from the Racing Industry;</i> b) <i>Applicant 3 and Applicant 4 as representatives from the Equestrian disciplines;</i> c) <i>Applicant 5 and Applicant 6 as representatives from the Leisure and Trail Riding group;</i> d) <i>Applicant 7 and Applicant 8 as representatives from the Keeping of retired and companion horses group;</i> e) <i>Applicant 9 and Applicant 10 as representatives from Equine business.</i> 4. <i>REQUESTS the Chief Executive Officer consults with the Equine Advisory Group and advertises on the Shire’s social media platforms in 2022 to identify potential applicants from the Racing Industry and invite them to nominate; and</i>
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5. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Background

A vacancy exists for a Racing Industry representative on the Shire's Equine Advisory Group as a result of nine nominees appointed in November 2021 for the 10 member group.

Community / Stakeholder Consultation

Officers consulted with the Equine Advisory Group at their meeting on 10 February 2022 and shared the nomination link with members to distribute to their network.

The vacancy was shared via the Shire's social media platforms, to identify potential applicants from the Racing Industry on three occasions on 9, 17 and 23 February 2022. An advertisement was placed in The Examiner Newspaper on 10 February 2022.

Additional equine networks, including Racing and Wagering WA, were contacted regarding the opportunity.

Statutory Environment

Nil. The Equine Advisory Group is not a Committee of Council and does not have delegated authority of Council. The Advisory Group has no power to make decisions on behalf of Council.

Comment

The endorsed Terms of Reference outlines the external membership of the Equine Advisory Group consistent with the predominant interest areas of horse ownership within the Shire as identified in the Serpentine Jarrahdale Equine Strategy. These are:

- 2x Representatives from the Racing Industry
- 2x Representatives from the Equestrian disciplines
- 2x Representatives from the Leisure and trail riding group
- 2x Representatives from the Keeping of retired and companion horses group
- 2x Representatives from Equine business

The Terms of Reference for the Equine Advisory Group is at **attachment 1** for Council's reference.

All bar one representative from the Racing Industry were appointed by Council at its meeting on 15 November 2021.

Four nominations from highly experienced members of the racing industry were received by the due date, for the one available position.

Nominations received are provided at **CONFIDENTIAL attachment 2** for Council's consideration.



Options and Implications

Option 1

That Council:

1. APPOINTS one external member to fill the Racing Industry representative vacancy on the Equine Advisory Group from the list at **CONFIDENTIAL attachment 2**, being:
 - Applicant _____
2. REQUESTS the Chief Executive Officer write to all nominees thanking them for their nomination and advising them of Council's decision.

Option 2

That Council:

1. DOES NOT APPOINT any external members to fill the Racing Industry representative vacancy on the Equine Advisory Group at this time; and
2. REQUESTS the Chief Executive Officer write to all nominees thanking them for their nominations and advising them of Council's decision.

Option 1 is recommended.

Conclusion

Four nominations were received for the Racing Industry representative vacancy on the Equine Advisory Group. Council is requested to select and appoint one external member to complete the positions available on the Equine Advisory Group as per the Terms of Reference.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Terms of Reference – Equine Advisory Group (E20/2138)
- **10.4.1 - CONFIDENTIAL attachment 2** – Summary and Nominations Received (E22/2061)

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

Financial Implications

A Budget for the 2021 / 2022 financial year has been provided to support advertising for nominations and meeting expenses.



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	If Council chooses not to appoint some nominees there will be vacancies on the advisory group.	Appoint as per Officers recommendation	Strategic Stakeholder Relationships	Rare	Insignificant	LOW	

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **APPOINTS** one external member to fill the Racing Industry representative vacancy on the Equine Advisory Group from the list at **CONFIDENTIAL** attachment 2, being:
 - Applicant number _____
2. **REQUESTS** the Chief Executive Officer write to all nominees thanking them for their nomination and advising them of Council's decision.



10.4.2 – Serpentine Jarrahdale Library Services Branding (SJ493-02)

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

Authority / Discretion

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

For Council to endorse the service branding for the Serpentine Jarrahdale Library Services.

Relevant Previous Decisions of Council

Special Council Meeting – 29 March 2021 - SCM045/03/21 - COUNCIL RESOLUTION – extract

That Council:

2. AGREES to change the name of the Mundijong Public Library to the Shire of Serpentine Jarrahdale Library Services;

Background

Since the establishment of the Shire's library service, it has existed under the Shire's corporate branding and operated as "Mundijong Public Library".

In March 2021, Council endorsed the relocation and enhancement of the library service to Byford Hall, as well as the establishment of a Mobile Library Service. Council also endorsed the renaming of the service to 'Serpentine Jarrahdale Library Services'.

In accordance with Shire Policy, Creative ADM was engaged to assist the Shire to create a service brand for the Serpentine Jarrahdale Library Service, with the aim of:

- Strengthening community recognition and community sentiment about the role the Shire's library service plays in the Serpentine Jarrahdale community;
- Promoting the library service as place for residents to visit, connect and be involved with their community; and
- Creating a service brand that can be applied across a range of mediums - physical signage (Byford Hall and van wrap), uniforms, posters, website, social media etc.

The output of the work carried out by Creative ADM is the Serpentine Jarrahdale Library Services Brand Plan (**attachment 1**).



Community / Stakeholder ConsultationCommunity Survey

In April 2021, a community survey was conducted to understand community sentiment and priorities for the Shire's library service. The following themes were raised regarding the existing service:

- Didn't know the Shire had a library service
- The service is outdated
- Residents travel outside the Shire to access other library services
- Celebrate the library as a community meeting hub
- Promote the library as an inclusive place for everyone

Focus Group sessions

In October and December 2021, workshops were held with the Library team, Communications team and a SJ Library Friends representative to explore community perceptions about the current services, and opportunities for the future library services.

Executive Management Group

Creative ADM presented the outcomes of the Focus Group Sessions and the draft Serpentine Jarrahdale Library Services Brand Plan was on 22 February 2022 for feedback.

Policy Concept Forum

Creative ADM presented an update on the project, the outcomes of the Focus Group Sessions and the draft Serpentine Jarrahdale Library Services Brand Plan and invited to give feedback on their preference of the visual service brand options presented.

Meeting Date	28 February 2022
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Singh, Cr Strange, Cr Strautins

Statutory Environment

There are no statutory requirements relating to this item.

Comment

The refurbishment of Byford Hall to accommodate the library service is currently underway. The service is scheduled to relocate from its current location in Mundijong to Byford Hall in May 2022.

Procurement of a van for the establishment of the Mobile Library Service is also underway, as well as recruitment of an Officer to establish and deliver the service. This service is expected to commence in May 2022.

In April 2021, the Shire carried out a community survey to understand what the community enjoyed about the existing service, as well as opportunities to improve the service when it relocated to Byford Hall. The following themes were identified:

- Didn't know the Shire had a library service
- The service is outdated



- Residents travel outside the Shire to access other library services
- Celebrate the library as a community meeting hub
- Promote the library as an inclusive place for everyone

The re-naming of the Shire's library service to Serpentine Jarrahdale Library Services is an opportunity for the Shire to strengthen community recognition and sentiment about the role the service plays in the community.

The creation of a library service brand will also assist the Shire to address the themes raised from the community survey.

As the library service is more than books, a dedicated brand will help the Shire to promote the library as a community hub, to both existing and new customers, which includes:

- Children and adult programs
- Events
- Technology
- Meeting rooms and spaces
- Co-working space
- Community engagement
- Customer service
- Mobile Library Service

Given the broad range of programs and services that will be provided by the Serpentine Jarrahdale Library Services, it is recommended that Council adopts concept 1 presented in **attachment 1** for the library service brand.

Shire Officers believe this service brand concept will assist the Shire in promoting and marketing the diverse library services to our diverse community. Promoting that the library is not just a service for the provision of books assists in connecting with a wider range community members and assisting them to understand that the library is a place for everyone with a range of opportunities.

The proposed Serpentine Jarrahdale Library Services – Service Brand is provided at **attachment 2**.

A Brand Style Guide will be developed upon endorsement of a Service Brand for the Serpentine Jarrahdale Library Services, which will guide the implementation of branding and marketing across all mediums for the service.

Options and Implications

Option1

That Council:

1. ENDORSES the Serpentine Jarrahdale Library Services – Service Brand as contained in **attachment 2**; and
2. NOTES that a Brand Style Guide will be developed for the Serpentine Jarrahdale Library Services and promotion and marketing of the new brand will be done within existing budget allocations.



Option 2

That Council:

1. ENDORSES the Serpentine Jarrahdale Library Services – Service Brand Concept 2 as contained in **attachment 1**; and
2. NOTES that a Brand Style Guide will be developed for the Serpentine Jarrahdale Library Services and promotion and marketing of the new brand will be done within existing budget allocations.

Option 3

That Council DOES NOT ENDORSE the Serpentine Jarrahdale Library Services – Service Brand.

Option 1 is recommended.

Conclusion

The Shire’s library service name is changing from “Mundijong Public Library” to “Serpentine Jarrahdale Library Services”.

The service branding for the Serpentine Jarrahdale Library Services been developed incorporating input and feedback from Shire Officers, SJ Library Friends and Councillors.

A Brand Style Guide will be developed upon endorsement of a Service Brand for the Serpentine Jarrahdale Library Services, which will guide the implementation of branding and marketing across all mediums for the service.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Serpentine Jarrahdale Library Services Brand Plan (E22/2749)
- **10.4.2 - attachment 2** - Serpentine Jarrahdale Library Services – Service Brand (E22/2747)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.2	Maximise the Shire’s brand and reputation in the community

Financial Implications

Funds are allocated within the 2021/2022 budget to implement the Serpentine Jarrahdale Library Services – Service Brand.

Existing stationary and promotional collateral will be used before the new service brand is applied to new stationary and promotional collateral.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1&2	There are no material risks associated with this option.						
2	Without a dedicated brand for the Serpentine Jarrahdale Library Service, it will limit the opportunities to develop service-specific marketing and advertising which could result in reduced engagement from the target audiences.	Existing Shire Corporate Branding.	Organisational Performance	Possible	Minor	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **ENDORSES** the Serpentine Jarrahdale Library Services – Service Brand as contained in attachment 2; and
2. **NOTES** that a Brand Style Guide will be developed for the Serpentine Jarrahdale Library Services and promotion and marketing of the new brand will be done within existing budget allocations.



10.4.3 – Strategic Community Plan – Major Review 2021 / 2022 Approach (SJ3617)

Responsible Officer:	Deputy CEO / Director Community and Organisational Development
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to confirm the approach to the Major Review of the Shire of Serpentine Jarrahdale Strategic Community Plan 2017-2027.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 21 June 2021 - OCM161/06/21 COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *RECEIVES the Feasibility Review of the Shire becoming a City contained in attachment 1 conducted in accordance with the Shire's Corporate Business Plan 2020-24.*
2. *REQUESTS that the Chief Executive Officer canvass the views of the community on the matter during the major review of the Shire's Strategic Community Plan.*

Ordinary Council Meeting – 14 December 2020 - OCM399/12/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *NOTES the Shire of Serpentine Jarrahdale's Integrated Planning and Reporting Timetable as contained within attachment 1; and*
2. *REQUESTS the Chief Executive Officer write to the Department of Local Government, Sport and Cultural Industries to request an extension of time to commence the full review of the Strategic Community Plan, commencing after the Local Government elections to be held in October 2021.*

Ordinary Council Meeting – 17 June 2019 - OCM119/06/19 - COUNCIL RESOLUTION / Officer Recommendation:

That Council:

1. *ADOPTS the revised Strategic Community Plan at attachment 1 with the following amendment: The vision in the last paragraph of the Shire President's foreword (page 5): I look forward to our community, Council and Shire staff continuing our hard work and*



achieving our vision of City living offering a rural lifestyle with abundant opportunities for a diverse community.

2. *In accordance with Regulation 19D of the Local Government (Administration) Regulations 1996, AUTHORISES the Chief Executive Officer to give local public notice stating that:*
 - a. *modifications to the Strategic Community Plan for the Shire of Serpentine Jarrahdale have been adopted by Council following a minor review;*
 - b. *the period of the Strategic Community Plan remains 2017 to 2027;*
 - c. *the revised Strategic Community Plan is available electronically on the Shire's website and hard copies are available at the Mundijong Public Library or the Shire's Administration building.*

Background

The Strategic Community Plan outlines community long term (10+ years) vision, values, aspirations and priorities, with reference to other local government plans, information and resourcing capabilities. A full review of the Strategic Community Plan is required every four years with a desktop review recommended to be completed every two years.

The Strategic Community Plan:

- Establishes the community's vision for the local government's future, including aspirations and service expectations.
- Drives the development of local government area/place/regional plans, resourcing and other informing strategies, for example workforce, asset management and services, and
- Is ultimately the driver behind all other planning.

The Shire's Strategic Community Plan was due for a major review in June 2021 after undergoing a desktop review in June 2019. The current Strategic Community Plan is included with this report as **attachment 1**.

At the Ordinary Council Meeting held 14 December 2020 Council considered the recommendation within the Integrated Planning and Reporting Framework and Guidelines as produced by the Department of Local Government, Sport and Cultural Industries, that a major review be undertaken after the 2021 local government elections were held. Council also considered information from representatives from the Department of Local Government, Sport and Cultural Industries who advised that the guidelines relating to the development of the Strategic Community Plan were under review that these would be of assistance if Council wished to undertake the review in October 2021.

Subsequently Council resolved to write to the Department of Local Government, Sport and Cultural Industries to request an extension of time to commence the full review of the Strategic Community Plan, commencing after the Local Government elections to be held in October 2021.



Community / Stakeholder ConsultationPolicy Concept Forum

Discussion on the timing of the Major Review:

Meeting Date	2 November 2020
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

Discussion regarding inclusion of climate change and north/south alliances questions in the review:

Meeting Date	23 August 2021
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Dagostino, Cr Denholm, Cr Strange, Cr Strautins

Statutory Environment

Local Government Act 1995, section 5.56

Local Government (Administration) Regulations 1996; Regulation 19C, 19D

A Strategic Community Plan must:

- (i) cover a period of at least 10 financial years.
- (ii) Set out the community vision, aspirations, and objectives.
- (iii) Be developed or modified through engagement with the community, and describe how this was undertaken.
- (iv) Have regard to current and future resource capacity, demographic trends and strategic performance measurement.
- (v) Be adopted, or modified by an absolute majority of council.
- (vi) be reviewed at least once every 4 years.

Local Government (Administration) Regulations 1996; Regulation 19D

The CEO must give local public notice post adoption and/or modification of a Strategic Community Plan.

Comment

Department of Local Government, Sport and Cultural Industries

A letter was sent to the Department of Local Government, Sport and Cultural Industries in January 2021 seeking an approval to delay the Major Review until after the 2021 Local Government Elections. Whilst Officers received email confirmation from representatives of the Department, no formal communications have been received by the Shire in response to the letter, despite requests to provide a response.

Officers received an update from Department representatives in August 2021, advising that due to changes as a result of the 2021 State Election, including a new Minister for Housing and Local Government and Director General of the Department, the approach to the review of the Integrated



Planning and Reporting Framework is being considered further, with the Minister expected to make an announcement on changes in late 2021.

Proposed changes to the Integrated Planning and Reporting Framework have been outlined in the Local Government Review Panel final report, however no changes have been made to date.

With the desire to commence the review process after the elections in October 2021, Officers recommend that Council proceed with the review using the existing review methodology as outlined in the Integrated Planning and Reporting Guidelines (**attachment 2**). Should an announcement of changes be made during the Shire's review process these will be considered and necessary changes factored in as required.

Purpose of the Review

In 2016, Council endorsed the SJ2050 visioning document created after extensive consultation with residents, community groups and local business representatives. This document sought to capture the values and aspirations of those living in the Shire and capture a shared vision for the future of the Shire to 2050.

Following from this, the Shire undertook the development of the Strategic Community Plan reflective of the vision and aspirations contained in the SJ2050 document, as explored with community through the extensive consultation process.

The major review of the Strategic Community Plan is not intended to be a full redevelopment of the document, but is intended to test that the community continues to identify with the vision, core community values, and aspirations contained in the document and review the continued relevance of the key outcome areas. The process will also identify any new outcome areas for inclusion in the plan.

The engagement process will include reflecting on the SJ2050 visioning, existing Council endorsed Strategies and Plans that have been developed through community consultation and taking into consideration current projects, Corporate Business Plan, Annual Budget, Long Term Financial Plan, Town Planning documentation and the Shire's Organisational Development Roadmap.

As previously resolved by Council the review process will also be used to understand the views of the community with regard to:

- The Shire becoming a City as resolved by Council at the Ordinary Council Meeting held June 2021.
- Climate change and any strategic actions that Council should undertake in relation to climate change.
- The value of the Shire's alliances in working with local governments, State and Federal Government agencies to the north, west and south of the Shire.

Review approaches

Option 1

Council may choose to undertake a simplified major review process with a primary focus on online and hardcopy surveying. This would be undertaken in a similar way to how the bi-annual Community Perceptions process is undertaken. The survey would seek feedback from the community testing that the community continues to identify with the vision, core community values, and aspirations contained in the document and review the continued relevance of the key



outcome areas. The process will also identify any new outcome areas for consideration for inclusion in the plan.

The results of the surveying would then be considered and will inform the review of the Strategic Community Plan document. Once this document is in draft form, Council may consider releasing it for a period of public comment.

Given the current COVID-19 pandemic environment, Officers recommend this approach as it will appropriately minimise risk. Additionally, it is unknown how willing community members will be to attend workshops and community sessions in the pandemic environment, particularly as infection rates increase.

This option would require less resourcing with a consultant being engaged to manage the survey process and prepare the reviewed documentation, overseen by Officers who will manage marketing and community awareness of the review.

This option could be delivered by October 2022, dependent on the availability of a consultant and initial COVID-19 impact on internal resources and business continuity.

Option 2

Council may choose to undertake a more involved major review process with a range of community engagement opportunities, including online and hard copy surveying and in-person community workshops.

The results of the outcomes of the engagement approaches will inform the review of the Strategic Community Plan document. Once this is in draft form, Council may consider releasing it for a period of public comment.

If Council wished to proceed with the review in this manner, Officers would recommend delaying the process until late in 2022 and undertaking a review of the pandemic environment, including risk assessment of undertaking community workshops and engagement activities, prior to commencing.

This option would require the Shire to engage a dedicated human resource for a period of time to oversee the review process including booking of facilities, preparation and delivery of consultation sessions, marketing and advertising, along with external support from a consultant to undertake the development of the reviewed Strategic Community Plan. The Shire does not currently have capacity within existing human resources to undertake a review process to this level.

In discussion with other local governments, an approach of this type can take between 10 to 12 months in total from commencement of the process, including engagement of a dedicated resource, development of engagement plan and Council's approval of the plan, engagement of an external contractor, scheduling and delivery of community engagement, and development of a reviewed Community Strategic Plan.

Option 3

Council may choose not to undertake the major review of the Strategic Community Plan at this time and defer until a later date. This will result in the Shire not meeting the requirements for review under the Integrated Planning and Reporting Framework and may require an explanation to the Department of Local Government, Sport and Cultural Industries for the delay. This option will provide a savings of \$100,000.



Resourcing of the review

Council has allocated an amount of \$100,000 in the 2021/2022 financial year budget for the purpose of undertaking the review.

The level of expenditure of this budget will depend on the option that Council wishes to proceed with.

Options and Implications

Option 1

That Council:

1. AGREES to proceed with undertaking the major review of the Strategic Community Plan using an online and hardcopy survey process and development of a reviewed Strategic Community Plan;
2. AGREES to AMEND the due date of the 'Major Strategic Review' Strategic Operating Project in the 2021-25 Corporate Business Plan to 31 October 2022; and
3. NOTES the 2021-25 Corporate Business Plan will be updated to reflect these amendments though the 2021-22 Quarter 3 Corporate Business Plan Performance Report.

Option 2

That Council:

1. AGREES to proceed with undertaking the major review of the Strategic Community Plan using a comprehensive review process, including surveying and other methods of in person community engagement;
2. AGREES to DEFER the commencement of the review until quarter two of the 2022/2023 financial year, allowing time for review of the COVID-19 pandemic situation;
3. NOTES the requirement to engage additional internal and external resources to deliver this approach and the timeframe for delivery as discussed in this report; and
4. NOTES the 2021-25 Corporate Business Plan will be updated to reflect these amendments though the 2021-22 Quarter 3 Corporate Business Plan Performance Report.

Option 3

That Council:

1. AGREES to REMOVE the 'Major Strategic Review' Strategic Operating Project from the 2021-25 Corporate Business Plan;
2. AGREES to DEFER the major review of the Strategic Community Plan for consideration, when the Department of Local Government releases new guidelines;
3. AGREES to consider the timeline for the delivery of the major review through the 2022-23 Corporate business Plan and budget setting process.
4. REQUESTS the Chief Executive Officer write to the Department of Local Government, Sport and Cultural Industries advising of Council's decision; and
5. NOTES the 2021-25 Corporate Business Plan will be updated to reflect these amendments though the 2021-22 Quarter 3 Corporate Business Plan Performance Report.



Option 1 is recommended.

Conclusion

The Major Review of the Strategic Community Plan is an important process in ensuring that Council is informed in its strategic decision making by the priorities and vision of the community.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** – Strategic Community Plan 2017 / 2027 – updated June 2019 (E19/9571)
- **10.4.3 - attachment 2** – Integrated Planning and Reporting Guidelines (E22/2654)

Alignment with our Strategic Community Plan

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

Option 1

Consultants will be engaged to manage the survey process and prepare the reviewed documentation. Until quotations are received it is unknown what costs will be associated with engaging an external consultant. All costs will be met through the \$100,000 allowed in the 2021/2022 financial year budget for the purpose of the review.

Option 2

The engagement of a Strategic Community Review Project Officer for three days a week over a 10 to 12-month period will cost approx. \$40,000- \$50,000.

This will be covered from the \$100,000 allowed in the 2021/2022 financial year budget for the purpose of the review. The remaining funds will be used for other costs associated with the delivery of the project and engagement of a consultant as required.

Option 3

A saving of \$100,000 will be achieved.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1,2,3	Community members may feel this approach is a lower level of engagement	Ensure opportunities to participate in the surveying is promoted and available to all residents	Reputation	Possible	Minor	LOW	
1,2,3	That an announcement from the Minister during the Shire's review process significantly changes the approach to the review.	Nil	Organisational Performance	Rare	Minor	LOW	
2	Insufficient resources are available to coordinate the review leading to time delays and unnecessary risk in delivery of the project.	Nil	Organisational Performance	Rare	Moderate	LOW	
3	Lack of compliance with the Integrated Planning and Reporting Framework Requirements.	Officers Recommendation	Organisational Performance	Rare	Moderate	LOW	



Continued

Ordinary Council Meeting Agenda Monday, 21 March 2022

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **AGREES** to proceed with undertaking the major review of the Strategic Community Plan using an online and hardcopy survey process and development of a reviewed Strategic Community Plan;
2. **AGREES** to **AMEND** the due date of the 'Major Strategic Review' Strategic Operating Project in the 2021-25 Corporate Business Plan to 31 October 2022; and
3. **NOTES** the 2021-25 Corporate Business Plan will be updated to reflect these amendments though the 2021-22 Quarter 3 Corporate Business Plan Performance Report.



10.4.4 – Equine Advisory Group – Recommendation (SJ3224)

Responsible Officer:	Deputy CEO/Director Community and Organisational Development
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider a recommendation from the Equine Advisory Group regarding seeking clarity from the State Government in regard to the future plans for the Byford Trotting and Training Complex and Gloucester Park.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 March 2021 - OCM066/03/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *RECEIVES* the Equine Advisory Group priorities as contained in attachment 1;
2. *NOTES* the Officers comments as contained in the report and attachment 1 in regard to the ability to achieve priorities;
3. *CONSIDERS* the following projects through the annual Corporate Business Plan review:
 - a) *Signage on equine trails;*
 - b) *Equine Emergency Preparedness program;*
 - c) *Equine Officer position (0.5 FTE); and*
 - d) *Equine Facility Feasibility and Business Case.*
4. *NOTES* that there will be a need to consider an allocation of funds in future budgets to meet priorities as described in this report; and
5. *THANKS* the Equine Advisory Group for their efforts to deliver the priorities.

Background

At the Equine Advisory Group meeting on 10 February 2022, members discussed the uncertainty expressed in the community around the tenure and future of the Byford Trotting and Training Complex and the intentions for the future of Gloucester Park and what impact that may have on the Byford Complex.

Community / Stakeholder Consultation

Nil.



Statutory Environment

Nil. The Equine Advisory Group is not a Committee of Council and does not have delegated authority of Council. The Advisory Group has no power to make decisions on behalf of Council.

Comment

Equine Priorities

The Equine Priorities we adopted by Council in March 2021 after extensive workshops by the Equine Advisory Group. There are a number of actions listed in the Equine Priorities in regard to the Byford Trotting and Training Complex as detailed below:

Priority Statement	Increase opportunities for use and improve the user experience at the Byford Trotting Complex
Descriptors	Facilitate a conversation with the Byford Trotting Complex and Racing and Wagering Western Australia, to discuss opportunities for multi-discipline equine usage of the facility.
	The Shire to advocate to retain the Byford Trotting Complex investigate the opportunities to retain usage of properties surrounding the Byford Trotting Complex for equine purposes.
	Facilitate a conversation with the Byford Trotting Complex and Racing and Wagering Western Australia, to discuss opportunities for activation of the facility through community activities such as markets.
	Shire of Serpentine Jarrahdale to provide support to not-for-profit users of the Byford Trotting Complex to apply for any available grants to upgrade the facilities as required.
	Monitor local traffic conditions and plan for the gradual transition of the road environment that balances protection of the trotting complex against broader needs for safe traffic conditions.

Equine Advisory Group recommendation

The Equine Advisory Group met on 10 February 2022; the minutes of the meeting are included with this report as **attachment 1**.

The Equine Advisory Group are requesting that Council seek further information in relation to the Byford Trotting and Training Complex from the Byford Harness Club and the Minister for Racing and Gaming to understand the future of the facility and as an opportunity to begin engagement with both parties in regard to the current and future uses of the facility and opportunities as outlined in the Equine Priorities. The Group are also recommending that Council request information in relation to the future of Gloucester Park, to better understand the State Government plans for trotting in Western Australia.



Options and Implications

Option 1

That in accordance with the recommendation of the Equine Advisory Group, Council:

1. REQUESTS the Shire President and Chief Executive Officer to seek a meeting with the Byford Harness Club to understand their tenure arrangements at the Byford Trotting and Training Complex; and
2. REQUESTS the Shire President and Chief Executive Officer to seek a meeting with the Minister for Racing and Gaming to discuss the short and long term plans for the Byford Trotting and Training Complex and Gloucester Park.

Option 2

The Council declines to act upon the Equine Advisory Group recommendation and provides the Equine Advisory Group with a reason why.

Option 1 is recommended.

Conclusion

The Equine Advisory Group have requested that Council consider meeting with Byford Harness Club and the Minister for Racing and Gaming to discuss the current and future plans for the Byford Trotting and Training Complex and Gloucester Park.

Attachments (available under separate cover)

- **10.4.4 - attachment 1** – Equine Advisory Group – Minutes – 10 February 2022 (E22/1691)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire’s interest.

Financial Implications

There are no financial implications of this recommendation.



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	Disappointment from the Equine Advisory Group members	Accept Advisory Group recommendation	Reputation	Rare	Moderate	LOW	

Voting Requirements: Simple Majority

Officer Recommendation:

That in accordance with the recommendation of the Equine Advisory Group, Council:

1. **REQUESTS** the Shire President and Chief Executive Officer to seek a meeting with the Byford Harness Club to understand their tenure arrangements at the Byford Trotting and Training Complex; and
2. **REQUESTS** the Shire President and Chief Executive Officer to seek a meeting with the Minister for Racing and Gaming to discuss the short and long term plans for the Byford Trotting and Training Complex and Gloucester Park.

**10.4.5 – Draft Equine Trails Masterplan – Release For Public Comment (SJ3404)**

Responsible Officer:	Natural Reserves Coordinator
Senior Officer:	Deputy CEO/Director Community and Organisational Development
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider receiving the draft of the Equine Trails Master Plan and to release the plan for a period for community comment.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 March 2021 - OCM066/03/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. RECEIVES the Equine Advisory Group priorities as contained in attachment 1;*
- 2. NOTES the Officers comments as contained in the report and attachment 1 in regard to the ability to achieve priorities;*
- 3. CONSIDERS the following projects through the annual Corporate Business Plan review:*
 - a) Signage on equine trails;*
 - b) Equine Emergency Preparedness program;*
 - c) Equine Officer position (0.5 FTE); and*
 - d) Equine Facility Feasibility and Business Case.*
- 4. NOTES that there will be a need to consider an allocation of funds in future budgets to meet priorities as described in this report; and*
- 5. THANKS the Equine Advisory Group for their efforts to deliver the priorities.*

Ordinary Council Meeting – 17 August 2020 - OCM266/08/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the update provided in regards to trail development and activation works being undertaken;*
- 2. ENDORSES the development of the Bibbulmun Track Design and Implementation Plan, and Equine Trails Master Plan; and*



3. *REQUESTS the Chief Executive Officer develop a Memorandum of Understanding between the Shire and Department Biodiversity, Conservation and Attractions with a view to inform the Shire's investment in trails development/ enhancement works on Department Biodiversity, Conservation and Attractions land for the 2020/2021 financial year, to be presented for Council's consideration as soon as practicable.*

Background

The Shire of Serpentine Jarrahdale's Equine Strategy (2018) has highlighted that this Shire has the highest number of horses than any other Local Government within the State, making the Shire of Serpentine Jarrahdale the leading Equine Region in Western Australia. The report highlighted that that registered horse ownership numbers reached just under 4000 for the Shire. It states that this Shire "already has a reputation for extensive trail networks that support trail riding and tourism, and local facilities that attract people from the region for events."

The Shire currently has over 150km of trails for horse use across a variety of different land tenures. These trails stretch from across the Darling Scarp and throughout specific areas across the Swan Coastal Plain.

Figures from the Serpentine Jarrahdale Equine Strategy showed that approximately 62% of people who responded to the community survey were involved in trail riding and 54% in recreational riding. This shows the interest and demand for trails for horse riders as being very high.

The barriers that were identified by the community through the development of the SJ Equine Strategy included; a lack of information, poor quality trails, lack of parking and the quality of facilities.

Therefore, in mid- 2020, the Shire engaged in a process in order to appoint a trails consultant to be able to develop an Equine Trails Master Plan that;

- Established where people are currently riding horses
- Identified areas where people would like to ride horses
- Integrated consultation findings from key stakeholders
- Identified strategic constraints relating to horse riding in the Shire
- Reviewed environmental constraints relating to bridle trails and means of managing potential impacts
- Identified broad strategies to establish and promote horse riding in the area
- Developed an "aspirational" bridle trail network
- Identified support infrastructure and establish preliminary constructed requirements for bridle trails;
- Formulated an implementation plan to deliver an integrated network of bridle trails in the Shire.

In January 2021 Officers undertook a procurement process in line with Council Policy and appointed Tredwell Management Services to undertake the work to develop the Shire of Serpentine Jarrahdale Equine Trails Master Plan.



Community / Stakeholder Consultation

Community Consultation

- Stakeholder Consultation Workshop, 25 February 2021, Civic Centre, 6pm – 8 pm, with 14 attendees including 3 Councillors. Attendees represented the following organisations/ groups;
 - The Serpentine Jarrahdale Trails Inc
 - Serpentine Jarrahdale Residents and Ratepayers Association
 - Shire of Serpentine Jarrahdale Equine Advisory Group
 - Jarrahdale Heritage Society
 - Crispin Racing
 - The Whitby Residents Association
 - Serpentine Jarrahdale Residents and Ratepayers Association.
- Equine Trails Community Survey, 25 February to 5 April 2021 – 174 respondents, Your Say SJ.
- Officers met with the Serpentine Jarrahdale Equine Advisory Group – 30 September 2021 – to gain feedback from members on the draft implementation plan.
- The consultant communicated with representatives from DBCA in relation to the trails as outlined in the document.
- A copy of the draft Equine Trails Master Plan was shared with DCBA for feedback.

Internal Review

The initial draft of the plan was reviewed by members of the SJ Trails TAG on 19 August 2021, with Officers and Directors having an opportunity to comment in October 2021. Responses that were received were collated and sent to the Consultant for inclusion in the draft.

Statutory Environment

Nil.

Comment

Overview

The Shire of Serpentine Jarrahdale, *Equine Trails Master Plan* has been developed to provide strategic guidance to assist the Shire to become one of Western Australia's primary trails destinations through the identification of the existing bridle trails and potential future opportunities for bridle trail development and linkages.

In developing the Equine Trails Master Plan the consultant was required to deliver the following:

- Accurately mapping existing trails and conditions, including multiple use trails, emergency access tracks and firebreaks via localities.
- Identifying viable linkages between the two identified Equestrian hubs within the Shire, existing trails and identifying potential new trails, float parking areas, general opportunities and connections across the landscape - (eg new firebreaks, subdivisions, Water Corporation drains).



- Listing and detailing those parcels of land that require tenure and access negotiations.
- Identifying any barriers to development and access.
- Estimating the cost of implementation following the 8 step planning- implementation process for new trail development including maintenance requirements (on-ground works).
- Detailing trail standards for construction of trails and maintenance of this infrastructure.

The draft Plan found similar opportunities across all existing trails in relation to the need to improve and upgrade quality of the trails, formalise linkages, improve and enhance the presence of signage, and the need to develop and implement a structured maintenance program.

The draft Plan also identifies additional trails and linkages the most significant of which are:

- The northern strategic link from the Darling Downs Bridle Trails to the Wungong Valley Gorge Bridle Trails.
- The trails in the subdivision north of Cardup connects the bridle trails in Cardup to the bridle trails located to the north, including the Oakford Bridle Trails.
- Wungong Valley Gorge Bridle Trail Link provides a key connection to the proposed Byford Trail Centre.
- The Jarrahdale Bridle Trail to Wungong Valley Gorge Bridle Trail Link and the potential future Cardup Brook Loop Trail in Jarrahdale.
- The Water Corporation Drains Link provides a connection to the bridle trails in the north and east.
- The strategic links in Serpentine create trail opportunities for residents.

Implementation

The implementation of this Plan has been broken down into prioritised actions and strategies for each of the trails located in specific localities. These actions and strategies have indicative timeframes and cost estimates applied.

Once the Draft Equine Trails Master Plan has been adopted by Council, Officers will be working towards achieving the strategies through additional prioritisation of actions, resourcing, business cases and sourcing external funding.

However, it is important to note that there is currently no allocation in the Long Term Financial Plan for implementation of this Masterplan.

Further consultation

Officers recommend Council supports releasing the Draft Equine Trails Master Plan for public comment for a period of 60 days. This is a significant strategic document for the future of the Shire of Serpentine Jarrahdale and it is important to ensure thorough consultation with all stakeholders in the Shire and surrounding areas, including residents, State Government agencies, local business owners and operators, and community groups. All participants of previous consultation will be advised of the opportunity to consider and comment on the document, along with distributing the document widely to other stakeholders providing an opportunity to provide feedback.



Options and Implications

Option 1

That Council:

1. RECEIVES the Draft Shire of Serpentine Jarrahdale Equine Trails Master Plan, as contained in **attachment 1**;
2. REQUESTS the Chief Executive Officer advertise the draft Shire of Serpentine Jarrahdale Equine Trails Master Plan for public comment for a period of 60 days; and
3. REQUESTS that the draft Shire of Serpentine Jarrahdale Equine Trails Master Plan and any public submissions be presented for consideration by Council at the June 2022 Ordinary Meeting of Council.

Option 2

That Council:

1. DOES NOT RECEIVE the Draft Shire of Serpentine Jarrahdale Equine Trails Master Plan, as contained in **attachment 1**;
2. RESOLVES not to advertise the Draft Shire of Serpentine Jarrahdale Equine Trails Master Plan for further public comment, due to limited funds to implement the plan.

Option 1 is recommended.

Conclusion

The development of the Shire of Serpentine Jarrahdale Equine Trails Master Plan will result in a document that will help to direct the Shire's future development of Equine trails. It is recommended Council release the Draft Shire of Serpentine Jarrahdale Equine Trails Master Plan for public comment prior to consideration of adoption of the Plan.

Attachments (available under separate cover)

- **10.4.5 - attachment 1** – Draft Equine Trails Masterplan (IN21/30375)

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 2.2	A sustainable natural environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
Outcome 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

The Draft Equine Trails Master Plan contains an implementation plan which outlines broad costs and timeframes for each action. The indicative timeframes are as follows:

- Immediate - 2022/23
- Short - 2023-2027
- Medium – 2027-2031
- Ongoing

The indicative cost estimates that have been used are as follows:

- Low - <\$50 000
- Medium - \$50 000 - \$200 000
- High - \$200 000 - \$500 000
- Major - >\$500 000

Some actions will be able to be achieved through current Shire staff resources, however, most of them will require additional discovery and refinement to be incorporated into the Corporate Business Plan and have budget allocated through the annual budget process, or through external grant applications and/or rate increases.

Option 1 will require expenditure of approximately \$400 to meet the costs of advertising in the Examiner Newspaper.

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	Lack of community input into the document if there is minimal or no response to consultation from the community.	Ongoing conversations have been and continue to be had with key stakeholders, including a community consultation session held in Jarrahdale	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Ensure promotion of the opportunity on a number of Shire channels. Write to key stakeholders to advise of the opportunity to comment.



2	Community will lose faith in the ability of the Shire to deliver outcomes outlined in the Master Plan	Development of a realistic and robust document.	Reputation	Rare	Moderate	LOW	Nil
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Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **RECEIVES** the Draft Shire of Serpentine Jarrahdale Equine Trails Master Plan as contained in attachment 1;
2. **REQUESTS** the Chief Executive Officer advertise the Draft Shire of Serpentine Jarrahdale Equine Trails Master Plan for public comment for a period of 60 days; and
3. **REQUESTS** that the Draft Shire of Serpentine Jarrahdale Equine Trails Master Plan and any public submissions be presented for consideration by Council at the June 2022 Ordinary Meeting of Council.



10.4.6 – Seniors Bus Excursion Consultation (SJ2514-2)

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

Authority / Discretion

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

The purpose of this report is for Council to receive outcomes of the consultation undertaken, to gauge community interest in the reintroduction of the Senior's bus excursion program for the 2021/2022 Financial Year. This report was deferred by Council at the February Ordinary Council meeting.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 21 February 2022 - OCM028/02/22 - COUNCIL RESOLUTION
That the Council DEFER the matter to the March Ordinary Council Meeting.*

*Ordinary Council Meeting – 20 September 2021 - OCM240/09/21 - COUNCIL RESOLUTION
That Council requests the Chief Executive Officer:*

- 1. UNDERTAKE a period of community consultation to ascertain interest from the community in regard to the reintroduction of Seniors bus excursion program in the 2021/2022 Financial Year; and*
- 2. PROVIDE a report as soon as practicable on completion of this consultation outlining the results of the consultation and any costs and resourcing requirements to reintroduce the program, including possible sources of funding for the program.*
- 3. SUPPORTS existing community groups to apply for Shire grant funding, to support the expansion of their activities should they experience a need from community and desire to expand their activities and program offerings.*

Background

The Shire previously delivered a Senior's program in 2018/19 that included low cost outings and excursions for senior-aged residents. This program was funded via a grant from the Department of Communities, with local Senior's groups continuing the initiative as part of their own organisational activities following this time.

At the September Ordinary Council Meeting, a Notice of Motion was considered and ultimately supported by Council, for community consultation to be delivered to ascertain interest from the



community in regard to the reintroduction of Seniors bus excursion program in the 2021/2022 Financial Year.

Community / Stakeholder Consultation

The Senior's Bus Excursion consultation opened on 29 November 2021 and closed 20 December 2021.

The survey was available via the following methods:

- Online via Your Say SJ
- Hard copy survey available at the Senior's Week Garden Party and at the Shire of Serpentine Jarrahdale Administration Centre, Mundijong Public Library, Serpentine Jarrahdale Community Recreation Centre, Serpentine Jarrahdale Community Resource Centre.
- Hard copy survey delivered to all residents at Graceford Independent Living Units and Serpentine Falls Park Home and Tourist Village.
- Direct email to members of local Seniors groups and associations.

The Engagement Outcomes of the survey is included as **attachment 1** to this report.

A summary of the results is provided below:

Topic	Outcome/theme	
Responses	104 people completed the survey	
Previous participation in program	24% of respondents had previously attended the Shire's Bus Excursion program	
Reasons for not previously participating in program	<ul style="list-style-type: none"> • not aware of the program • not interested in participating • did not reside in the Shire at the time • wasn't a senior at that time 	
Access to other bus excursions/outings	<ul style="list-style-type: none"> • 28% of respondents currently attend bus excursions or other outings provided or organised by other existing groups or agencies 	
Likelihood of participation	<ul style="list-style-type: none"> • 57% indicated they would be highly likely to attend if the Shire reintroduced a Seniors Bus Excursion program • 30% indicated they may attend and • 13% indicated they were not at all likely to attend 	
Maximum amount willing to pay for a bus excursion/outing (noting that the cost of entry and any refreshments etc purchased on the day would be additional)	Amount	% of respondents
	Not willing to pay anything	15%
	\$5	7%
	\$10	33%
	\$15	15%
	\$20	30%



Assistance required to participate	Some people would require assistance to participate in the program including: <ul style="list-style-type: none">• pick up and drop off from home address• storage of a wheelchair/walker• assistance to board the bus• ability to book over the phone and• pay by cash not interested in participating (10 respondents)
Preferred Day and Time	No obvious preference for a day/time was forthcoming in the responses, although generally morning or mid-morning to early afternoon seemed most favourable. Wednesdays and Fridays received highest response. All responses are collated on attachment 2 .

Statutory Environment

Nil.

Comment

Given the outcomes of the consultation, key requirements for the successful re-implementation of the Seniors bus excursions/outings are as follows:

- Targeted communication and marketing collateral that provides substantial advance notice of excursions, widely distributed through the community. This is in response to the fact that nearly 55% of respondents that previously did not engage in the excursions, were not aware of them. Feedback from the survey included that communication should be to the wider community, to reach family or carers, as well as directly to Seniors.
- Well planned activities, providing opportunities to explore new experiences both in and out of the Shire. This is in response to the comments received about what previous attendees found most enjoyable.
- Adequate administration and staffing support to sustain any program – including manual acceptance and confirmation of registration, pre and post event communication via phone and administering payments as required. This is in response to feedback received on factors that might impact on Senior's ability to participate in the program.
- Appropriate transport provisions to meet the requirements of the attendees (storage for walking aids, pick up and drop off options etc). This is in response to feedback received on factors that might impact on Senior's ability to participate in the program.
- Development of procedural documents to maintain appropriate Health and Safety requirements for staff, contractors and attendees.
- Ability for carers or other family members or friends to attend for support where required. This is in response to a number of comments received indicating a desire to also involve key friends/family/carers in the outings. It is expected this would also increase the likelihood of Senior's attending, particularly those who may require assistance.



- Recommendation to launch the program no earlier than Seniors Week 2022, scheduled for November, to allow for program development and promotion. A later start date may be required depending on the COVID-19 situation in WA and the community's confidence in attending public events and activities.

77.9% of respondents indicated that they would be willing to pay between \$10 and \$20 to attend Senior specific bus excursions/outings. Affordability remains essential to the objectives of social inclusion and connectedness for Seniors, on the basis that those who cannot afford to attend may be at greater risk of loneliness and isolation.

Similarly to the previous program, should Council determine to reinstate the Senior's Bus Excursions, Officers would recommend a cost of \$10 or \$15 per person to participate (subject to the bus size required) for those that hold a Senior's card. The program could further consider becoming an Affiliate to the Companion Card Program (which supports Western Australians with a significant and permanent disability who require attendant care support to participate at community venues and events at no charge to their companion) and financial hardship discounts.

Officers anticipate the program would cost approximately \$60,000 per annum for up to 12 excursions per year. This includes additional FTE (the program could not be implemented with the current staffing levels), noting the net annual cost may fluctuate based on final attendance numbers.

As such, Officers do not recommend reinstating the program in the current 2021/22 financial year as the level of service and forward planning/communication/promotional requirements to Seniors for a successful program cannot be delivered within current budget and staffing allocations.

However, Officers recommend listing the program for consideration in the 2022/23 budget process that would allow Council to consider the full breadth of resourcing requirements and outline of expected costs.

Support to existing groups to apply for Shire Grant Funding

Officers have had conversations with several Senior's groups in the Shire to provide information on the Shire's Grant Funding Policy and offer support should there be interest in making an application under this scheme to support the expansion of their own outings. To date, no existing group has expressed a need or interest in applying for funding to open their excursions to the wider community.

Current Program and Budget Considerations

The current budget allocation for Senior's programming provides for the Senior's Garden Party during Seniors week (hosted November 2021) and small workshop style activities at an average of one per quarter.

There is approximately \$3,500 remaining for the current financial year which would be insufficient to reinstate a Seniors Bus Excursion program, however a one-off excursion could be provided in Quarter 4 if determined by Council. This is not recommended as Officers are currently engaging Senior's in demonstrations on how to access and utilise the Service WA apps, which has proven to be popular amongst the cohort. These would need to be discontinued to allow staffing resources for the bus excursion, and the cost of advertising one excursion with no certainty of program continuation would not provide substantial value.

Additionally, having multiple numbers of seniors on a bus for period of times in the current and emerging COVID-19 pandemic environment is considered to be a high-risk activity.



As such, Officers recommend that the Senior's Bus Excursion program is not reinstated in the 2021/22 financial year, but that Council list the program for consideration in the 2022/23 budget setting process.

Grant Funding Opportunities

There are two specific grant opportunities available via the Department of Communities, the Age-friendly and Dementia-friendly Communities Grants Program and the Age-friendly Communities Social Connectivity Grants program.

Both schemes provide up to \$15,000 for local governments and incorporated not-for-profit community organisations to implement age-friendly, active/positive ageing, other seniors-related strategies. However, as these schemes are both currently closed, eligibility would need to be considered following the release of guidelines and in consideration to the format of the program still to be determined as well as timing for delivery.

Other opportunities for funding could be explored, subject to outcomes of this report. In general, a financial contribution is required to strengthen an application as well as demonstrate an ongoing commitment to the continuation and sustainability of the program.

Options and Implications

Option 1

That Council:

1. NOTES the outcomes of the Senior's Bus Excursion consultation;
2. AGREES to not deliver the Senior's Bus Excursion program in the 2021/22 financial year; and
3. LISTS the Senior's Bus Excursion program for consideration in the 2022/23 budget setting process.

Option 2

That Council:

1. NOTES outcomes of the Senior's Bus Excursion consultation;
2. REQUESTS the Chief Executive Officer provide one Senior's Bus Excursion in the 2021/22 financial year within the remaining budget allocations, ceasing all other Senior initiatives in the current financial year; and
3. LISTS the Senior's Bus Excursion program for consideration in the 2022/23 budget process.

Option 3

That Council:

1. NOTES outcomes of the Senior's Bus Excursion consultation;
2. DOES NOT PROCEED with reinstating the Senior's Bus Excursion program; and
3. REQUESTS the Chief Executive Officer to work with existing community groups providing Bus Excursions to apply for Shire grant funding where eligible, to support the expansion of their activities should they experience a need from community and desire to expand their activities and program offerings.



Option 1 is recommended.

Conclusion

Officers have undertaken a period of community consultation to ascertain the community interest in reinstating the Senior Bus Excursion program, which demonstrates community support for the re-introduction of the program.

Current budget allocations do not allow for the program to be reinstated with the required level of service and promotional material expected for a successful program, in line with the feedback received through the consultation process.

Officers recommend that Council list the program for consideration in the 2022/23 budget process.

Attachments (available under separate cover)

- **10.4.6 – attachment 1** – Seniors Bus Survey – Redacted Survey Responses Report (E22/1265).
- **10.4.6 – attachment 2** – Preferred day and time responses – Consolidated table (E22/902).

Alignment with our Strategic Community Plan

Outcome 1.1	A connected, thriving, active and safe community
Strategy 1.1.2	Provide a healthy community environment

Financial Implications

There are no implications to the 2021/2022 budget to implement the Officer's recommendation.

Should Council endorse the Officer's recommendation, a full program business case will be developed and submitted as part of the 2022/23 Budget setting process for Council's consideration.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with option one.						
2	Limited time and resources to develop, promote and deliver one excursion by 30 June 2022.	Accept Officers recommendation	Organisational Performance	Possible	Minor	MODERATE	



2	Dissatisfaction from stakeholders that the Senior Bus Excursion program does not continue after one excursion.	Accept Officers recommendation	Reputation	Possible	Minor	MODERATE	
3	Multiple Seniors on a bus for periods of time and risk of COVID infection to vulnerable cohort.	Accept Officers recommendation	Reputation	Possible	Major	SIGNIFICANT	
3	Dissatisfaction from stakeholders that the Senior Bus Excursion program is not reinstated.	Accept Officers recommendation	Reputation	Unlikely	Minor	LOW	

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **NOTES** the outcomes of the Senior's Bus Excursion consultation;
2. **AGREES** to not deliver the Senior's Bus Excursion program in the 2021/22 financial year; and
3. **LISTS** the Senior's Bus Excursion program for consideration in the 2022/23 budget process.



10.4.7 – Reconciliation Action Plan – Status Update (SJ3511)

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

Authority / Discretion

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

The purpose of this report is for Council to:

- Receive a status update on actions undertaken to date on the Shire of Serpentine Jarrahdale Corporate Business Plan 2021 – 2025 strategic operating project – Reconciliation Action Plan; and
- Consider the ongoing operational and financial impacts of the project requiring Council consideration, prior to further action by Officers.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 August 2021 – OCM228/08/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ADOPTS the Long Term Financial Plan 2021-31 at attachment 1; and*
2. *ADOPTS the Corporate Business Plan 2021-25 at attachment 2.*

Ordinary Council Meeting – 20 July 2020 - OCM227/07/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ADOPTS the Corporate Business Plan 2020-24 as contained within attachment 1;*
2. *ADOPTS the Long Term Financial Plan 2020-30 as contained within attachment 2; and*
3. *AUTHORISES the Chief Executive Officer to apply the Shire’s Corporate Branding in finalising the Corporate Business Plan for publication.*

Background

Reconciliation in Australia between Aboriginal and Torres Strait Islander people, and the broader Australian population is a process which formally started in 1991. The *Council for Aboriginal Reconciliation Act 1991* was passed to establish the Council for Aboriginal Reconciliation (CAR), with a limited lifespan of 10 years. The CAR laid the foundations for the



process and created the peak body for implementation of reconciliation as a government policy in 2001- being Reconciliation Australia.

Reconciliation Australia remains active in overseeing the continuing process of reconciliation, however, now without the Statutory Framework. Their advocacy, research and program work includes the management and administration of their Reconciliation Action Plan (RAP) Framework.

Reconciliation Action Plans assist businesses and organisations to embed the principles and purpose of reconciliation. Based around the core pillars of relationships, respect and opportunities, RAPs provide tangible and substantive benefits for Aboriginal and Torres Strait Islander peoples, increasing economic equity and supporting First Nations self-determination via a strategic commitment to meaningful actions that advance reconciliation.

The RAP Framework provides organisations with a structured approach to advance reconciliation within their sphere of influence, consisting of four RAP types designed to suit the varying stages of the reconciliation journey.

At the July 2020 Ordinary Council Meeting, Council resolved to adopt the Corporate Business Plan 2020-24, which listed the development of a RAP in year two (2021/2022 financial year).

The development of a RAP was further supported by Council in July and August 2021, where the Corporate Business Plan 2021-2025 and associated 2021/22 budget allocations were endorsed.

This report is presented to give Council an update on actions undertaken to date in the development of a RAP, and the identified considerations relevant to ongoing resourcing implications that require Council direction prior to further action by Officers.

Community / Stakeholder Consultation

As the first Reconciliation Action Plan for the Shire of Serpentine Jarrahdale and the first formal strategy directing community consultation with the Aboriginal and Torres Strait Islander (ATSI) community, Officers have undertaken the following actions to date:

- Attendance and participation at the WALGA Aboriginal and Engagement Reconciliation Forum (September 2021).
- Online webinars with Reconciliation Australia and Reconciliation WA (separate entities).
- Request for meeting with South West Aboriginal Land and Sea Council representatives (SWALSC).
- Various community meetings to reach known and new Elders in the Shire.

A significant amount of community and stakeholder consultation is required through all stages of this project. The stakeholders and level of consultation will vary in accordance with the topic or matter to be discussed, and should be based on the principles of Free, Prior and Informed Consent (FPIC) as outlined in **attachment 1**, a resource provided by the Australian Institute of Aboriginal and Torres Strait Islander Studies. In particular, this resource outlines that FPIC in practice “takes time, is free of coercion and threat, accounts for Indigenous peoples time and occurs in indigenous language”. In order to facilitate this in an ongoing capacity, resourcing needs to be considered for the implementation of any endorsed RAP.

Table 1 below also depicts examples of topics in the ATSI community that may be raised, and the relevant ATSI representatives/community that Officers may engage with over the course of this project. This table is in accordance with advice from Reconciliation WA.



Officers note that this table is not a comprehensive outline of consultation topics, nor a definitive application of consultative practices. The detail may be subject to change depending on the contextualised circumstances. The table is presented to demonstrate the breadth of consultation that may be required, should any of these matters arise through the development of a RAP or its subsequent delivery.

Topic	Traditional Owner (don't live in the location - SWALC)	Long Term Resident – Historical	Recent Resident
Renaming Park – traditional name	√	X	X
Be involved in a RAP Working Group	?	√	√
Racism at the Shops	X	√	√
Welcome to Country	√	X	X
Acknowledgement to Country	X	√	√
Planning NAIDOC/National Reconciliation Week events	?	√	√

Table 1: Examples of ATSI representatives that would be expected to be engaged based on topics.

Officers strongly recognise that given minimal levels of engagement between the Shire of Serpentine Jarrahdale and the ATSI community has historically occurred (particularly outside of formal consultative practices with the Traditional Owner group), facilitating community consultation forums for the development of a RAP would be largely ineffectual. The development of relationships is essential to understanding the opportunities and challenges of reconciliation in the local area, with whole of community participation being relative to Officers level of connection with stakeholders.

Statutory Environment

As this matter relates to actions outlined in the Corporate Business Plan, the following extract of Regulation 19DA may apply:

19DA Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*



(c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

(4) A local government is to review the current corporate business plan for its district every year.

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute majority required.

(7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

The Shire must also include in its Annual Report information on any significant modifications made to its Corporate Business Plan in that financial year (reg 19CA(3)).

Comment

Reconciliation Action Plans - Australia

The measurement for reconciliation within Australia is based on five dimensions as demonstrated in Figure 1, with data collected via the biennial Australian Reconciliation Barometer (ARB) study that has been mapping Australia's progress towards reconciliation since 2008.

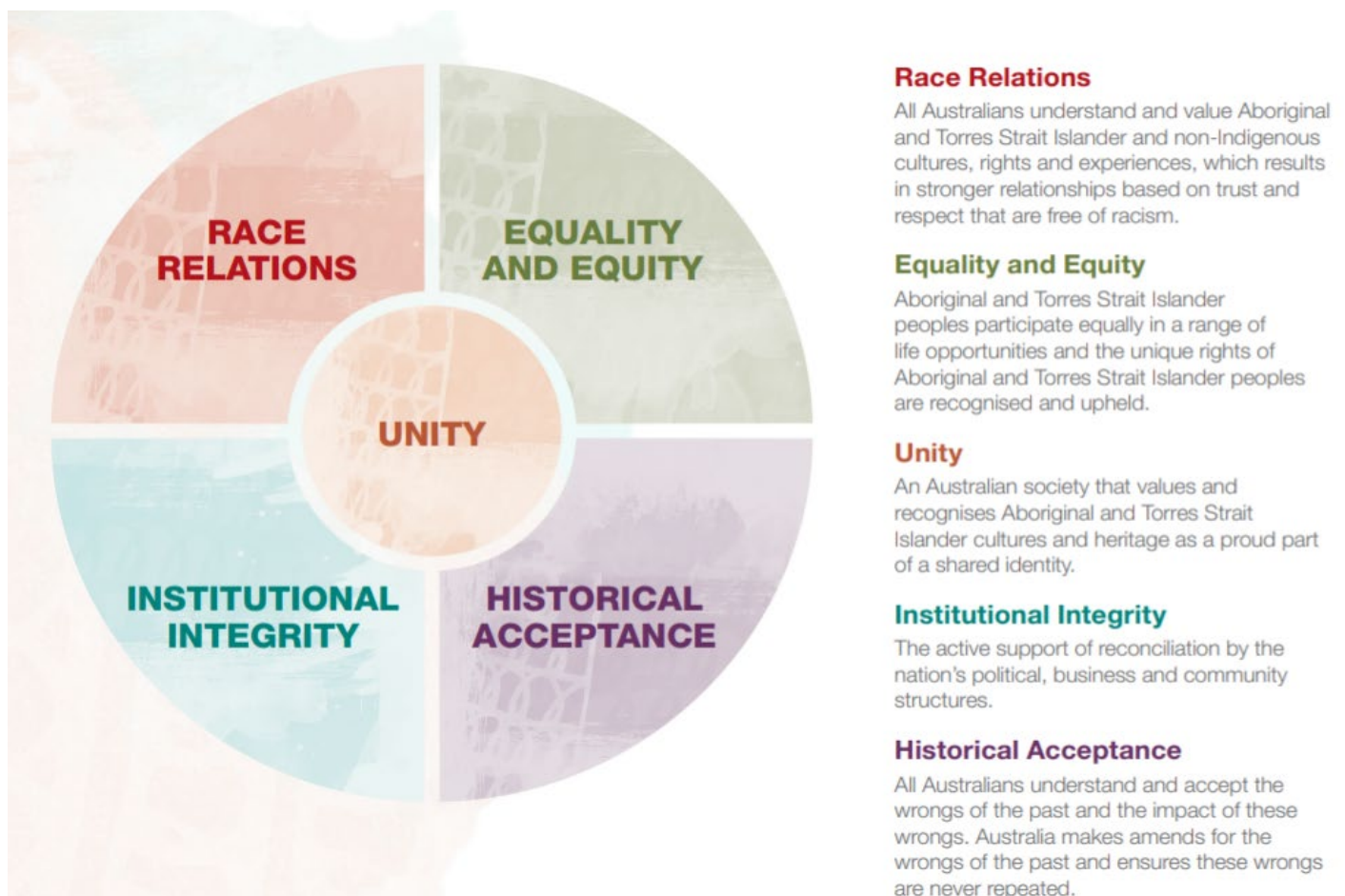


Figure 1: Five Dimensions of Reconciliation in Australia (source: Reconciliation Australia)



The RISE Reconciliation Action Plan Framework provides a tool for organisations and businesses to demonstrate their commitment towards reconciliation through strategic actions and consists of four RAP types as demonstrated in Figure 2. Each RAP type is further detailed in **attachment 2**.

RISE FRAMEWORK



Figure 2: Reconciliation Action Plan types (source: Reconciliation Australia)

RAP's are intended to connect and benefit the whole community and are not developed specifically (or only) for those of Aboriginal and Torres Strait Islander decent.

To achieve reconciliation locally, regionally and nationally, the continued development of strong relationships through respect, understanding and acknowledgement of Australia's history and Indigenous culture is essential amongst all Australian people.

Since the launch of the RAP program in 2006 (and the RISE Framework in 2013), the number of organisations committing to actions for improved relationships with the Aboriginal and Torres Strait Islander community via this mechanism has steadily increased to 1619 in 2020, as demonstrated in Figure 3.

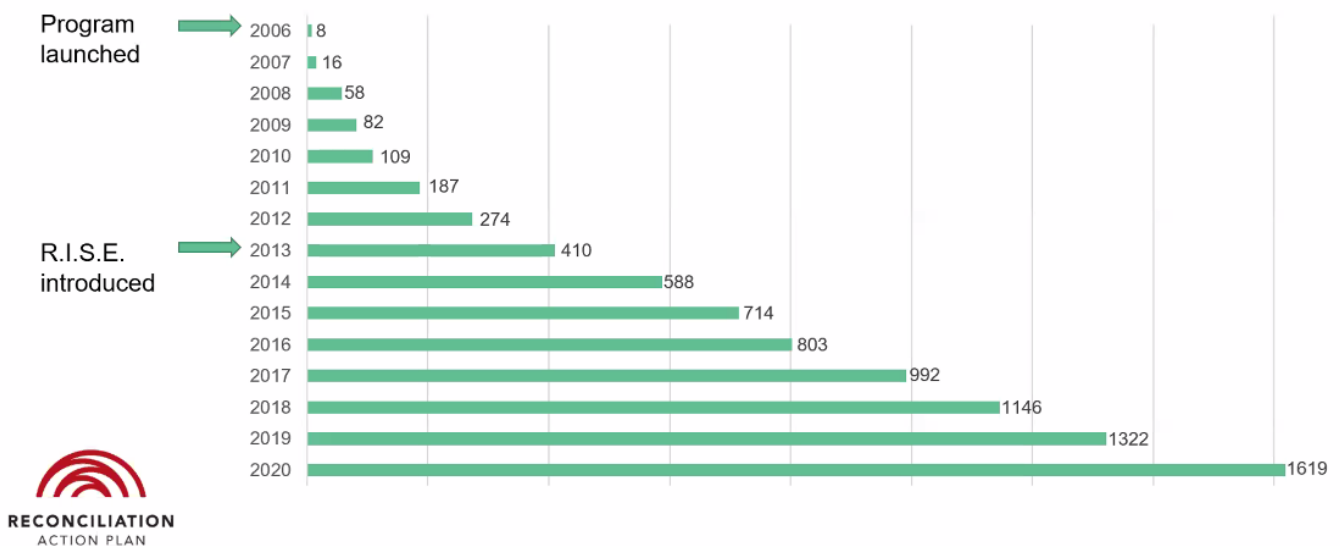


Figure 3: Number of Organisations within Australia that have developed an endorsed RAP (source: Reconciliation Australia)



The 2020 RAP Impact Report combines data collected from the compulsory reporting required of RAP organisations, with the results of the Workplace RAP Barometer survey, to show the tangible, positive and sustained effect the RAP program has had on advancing reconciliation in 2019-20. Key outcomes of this report are demonstrated in Figure 4.

RAP employees have high levels of pride in Aboriginal and Torres Strait Islander cultures and in Australia's multiculturalism. More of them than ever believe Australians can unite - WRB 2020

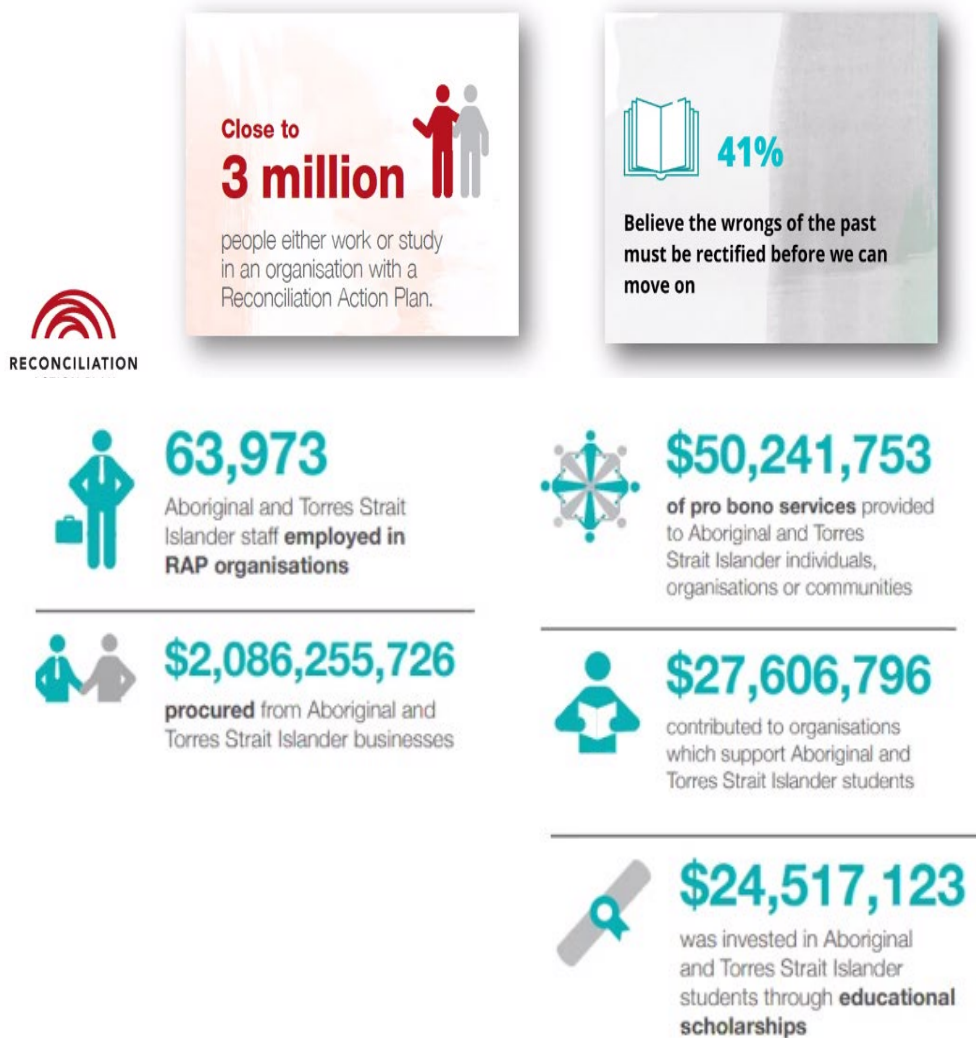


Figure Four: Key Outcomes of the 2020 RAP Impact Report (source: Reconciliation Australia).



Reconciliation Action Plans – Western Australia

There are 61 organisations in Western Australia with published and endorsed RAPs, eight of these being Western Australia Local Governments (LG's). Figure 5 presents an outline of participating LG's according to Reconciliation Australia's RISE Framework.

Reflect	Innovate	Stretch	Elevate
City of Busselton	City of Kwinana City of Kalamunda City of Vincent City of Rockingham	City of Mandurah City of Fremantle City of Cockburn	Nil

Figure 5: West Australian Local Governments with endorsed RAPs, in accordance with the RISE Framework.

It is relevant to note that many of the local government organisations listed here have dedicated Officers responsible for overseeing the implementation and delivery of their RAP, such as City of Fremantle.

Reconciliation Action Plan – Shire of Serpentine Jarrahdale

Officers have had preliminary conversations with key stakeholders regarding the development of a RAP, identifying that the most appropriate RAP type for the Shire to progress would be a Reflect RAP. This acknowledges that the Shire is at the start of its reconciliation journey with the local community and that developing relationships with Aboriginal and Torres Strait Islander stakeholders and deciding on the Shire's vision for reconciliation would be the primary focus in the formation of an inaugural RAP.

However, Officers foresee inherent challenges in progressing a RAP within the current specified timeframes and resourcing allocations. The current 2021-25 Corporate Business Plan which outlines the Strategic Operating Project – Reconciliation Action Plan, provides the following milestones and deliverables:

Project/Activity	Strategy Link	Key Informing Strategy	Project Start Date	Project Finish Date	Total Project Value \$000s	Milestones for 2021-22	
Reconciliation Action Plan Develop a Reconciliation Action Plan.	1.2.1	Local Planning Strategy	1 July 2021	30 June 2022	45	Q1	Stakeholders identified and consultation/engagement plan complete
						Q2	Develop the plan
						Q3	
						Q4	Present for consideration as required

In order to progress the project in line with Reconciliation Australia requirements and community expectations, Council is requested to consider and endorse the Officers recommended direction for the project.

Following preliminary investigations to the development of a RAP, Officers are recommending to postpone formal registration of the Shire's intent to progress with a Reflect RAP. This is to allow



further consultation to occur with other Local Governments that have been on similar RAP journeys and to allow further engagement with Council on the intent and desired outcomes of a Shire of Serpentine Jarrahdale RAP.

Officers recommend in the initial stages conducting a workshop with Councillors, representatives from other local governments, Reconciliation Western Australia and other guest speakers who specialise in supporting local governments to develop RAPs. This workshop will allow Council to consider how it may like to progress in terms of developing a RAP and consider any resourcing required.

It is anticipated that a three-year engagement process - at least - with the community (particularly stakeholders relevant to the ATSI community), that actively works towards the development of a RAP, will be required.

A RAP should be reflective of the community and a self-determination process which cannot be achieved in the current timeframes. An example framework for RAP development is outlined in **attachment 3**, that suggests the Shire to focus on key areas and outcomes within the organisations sphere of influence and identify opportunities for meaningful actions. This example is provided to demonstrate the type of discussion areas to be further addressed prior to further progression of a RAP. Whilst these Focus Areas may form the basis of a RAP in subsequent years, further engagement with stakeholders is required prior to a longer-term commitment. A workshop will allow Council to consider the suitability of such an approach.

Corporate Competencies

The Shire of Serpentine Jarrahdale has had minimal historical interactions and engagement with the Aboriginal and Torres Strait Islander community, prior to undertaking a commitment to develop a RAP. In order to ensure we reach all relevant stakeholders, to imbed practices of self-determination amongst the ATSI community and to avoid a perception of disingenuous consultation for a RAP, Officers propose to undertake further engagement sessions with Council in order to reasonably consider the approach for continual development over an extended period of time.

Timeframes

A Reflect RAP is expected to take 12 months to develop (once community networks and relationships are established) and is recommended to be in place for a period of approximately 12 months, before transitioning to an Innovate RAP. Once the Shire registers with Reconciliation Australia to proceed with the RAP, there is a fee payable of \$1,500 ex GST and the organisation has up to one year to submit the draft. Generally, a Reflect RAP requires at least 2 rounds of feedback. Figure 5 outlines the expected stages of RAP development. The fee is payable for every RAP developed (e.g.: would be required to develop the Reflect RAP and another payment for the Innovate RAP).

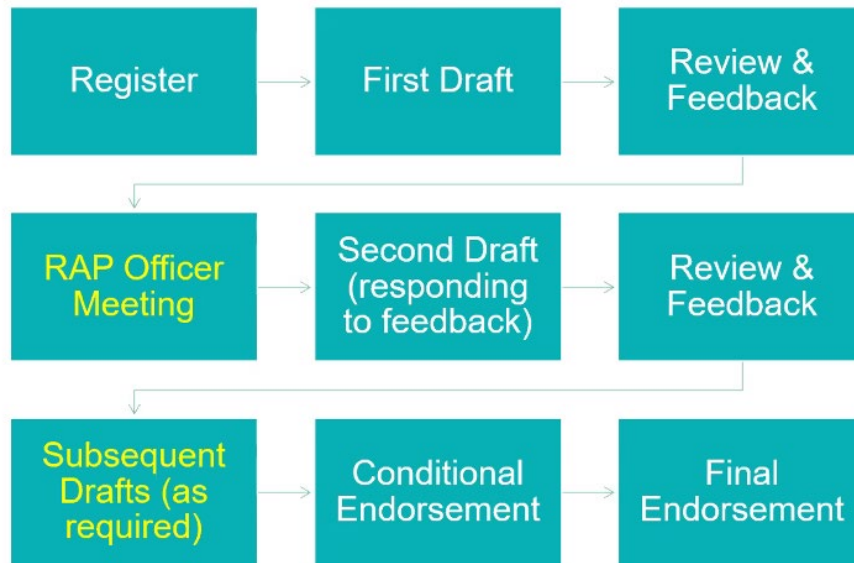


Figure 5: Expected stages of RAP development (source: Reconciliation Australia).

At this time, subject to further information through an engagement and consultation process, Officers recommend undertaking formal registration of a Reflect RAP no earlier than 2025/2026.

The current budget allocation for the delivery of this project is non recurrent, meaning should the Shire develop the Reflect RAP there is currently no ongoing financial commitment to progress any actions identified, or to allow progression towards the Innovate RAP. This would pose a risk to the organisation without a more comprehensive analysis of the potential cost implications of each proposed action which is unachievable within the current timeframes. Immediate progression of a RAP could foreseeably set unrealistic expectations within the community unless an ongoing financial commitment existed.

Officers further note that WA Local Governments with endorsed RAP's articulate a long history of engagement with their Aboriginal and Torres Strait Islander communities prior to the progression and implementation of a formalised RAP. By way of example, the City of Busselton initiated the process of writing their Reconciliation Action Plan in 2016, undertaking a three-year consultation and relationship building journey prior to the endorsement of their Reflect RAP.

Whilst Officers have requested a meeting with SWALSC to further discuss the development of a RAP and the appropriate representatives to be involved, to date a meeting has not been secured. Steps such as these are essential in providing context to the RAP and in ensuring the principles of FPIC are followed to inform the RAP. As a result, Officers are proposing to extend the timeframe for anticipated delivery of a RAP in order to authentically engage with all stakeholders to develop and establish meaningful relationships to support our RAP journey.

Resourcing

As outlined above, as the budgetary allocation for this project is non-recurrent, there is no ongoing program/operational budgets to deliver initiatives identified for actioning within the RAP, nor is there capacity within current staffing allocations to undertake significant ongoing consultation, engagement and commitment to actions with the ATSI and broader community that would progress the vision of reconciliation for the Shire. As a formalised RAP is published on the Reconciliation Australia website and becomes subject to their annual reporting requirements, this is a reputational and financial risk if commitments cannot be achieved.



Similar to other local governments with endorsed RAP's, the Shire would require resources specifically dedicated to implementing and driving the required actions of a RAP. Without these resources, the ability to maintain meaningful relationships and respond to the aspirations of the community would not be sustained. This level of resourcing is not expected to be achievable in the immediate term, hence Officers recommend further engagement with Council and other local governments' on the intent and desired outcomes of a Shire of Serpentine Jarrahdale RAP to facilitate a sustainable and long term approach to reconciliation in the region. By way of example, the City of Fremantle started with a formative policy for respect, recognition and conciliation with Aboriginal and Torres Strait Islander People in 2000 and endorsed their first RAP in 2019. Their experiences may be beneficial to understand further to move forward in a progressive manner.

Options and Implications

Option1

That Council:

1. AGREES to postpone formal registration of the Shire's intent to progress a Reflect Reconciliation Action Plan with Reconciliation Australia, in order to undertake further engagement with Council and other Local Government areas;
2. AGREES to amend the Strategic Operating Project – Reconciliation Action Plan as listed in the 2021-25 Corporate Business Plan, to the following:

Project/Activity	Project Finish Date	Milestones for 2021-22	
Reconciliation Action Plan Develop a Reconciliation Action Plan (RAP)	30 June 2026	Q1	-
		Q2	-
		Q3	Council to endorse preferred direction for RAP development
		Q4	Undertake workshops and engagement processes with Council and other Local Government areas.

3. NOTES the 2021-25 Corporate Business Plan will be updated to reflect these amendments through the 2021-22 Quarter 3 Corporate Business Plan Performance Report.

Option 2

That Council:

1. AGREES to REMOVE the Strategic Operating Project – Reconciliation Action Plan from the 2021-25 Corporate Business Plan.
2. NOTES the 2021-25 Corporate Business Plan will be updated to reflect this amendment through the 2021-22 Quarter 3 Corporate Business Plan Performance Report

Option 1 is recommended.



Conclusion

Officers have undertaken the significant background research into the Reconciliation Action Plan (RAP) Framework, required to develop a local Reconciliation Action Plan identified as a strategic operating project in the 2021 – 2025 Corporate Business Plan.

Given the importance of genuine engagement and the formation of relationships with traditional owners and the appropriate Aboriginal and Torres Strait Islander stakeholders, Officers are requesting Council endorse a 3-year engagement process as the preferred direction to realise the project. This will allow a RAP to be developed through imbedding reconciliation practices within current budget allocations and resourcing limits.

Attachments (available under separate cover)

- **10.4.7 – attachment 1** – Engaging with Traditional Owners – Australian Institute Aboriginal Torres Strait Islander Studies (AIATSIS) Resource (E22/2502)
- **10.4.7 – attachment 2** - Reconciliation Action Plan - RISE Framework (E22/692)
- **10.4.7 – attachment 3** – Proposed Engagement Plan: Shire of Serpentine Jarrahdale 2022 to 2025 (E22/2509)

Alignment with our Strategic Community Plan

Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
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
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

Financial Implications

A non-recurrent budget of \$45,000 has been allocated to deliver a RAP in the current financial year. These funds will be used initially to meet any costs associated with the proposed workshop.



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	Dissatisfaction from stakeholders about delays in the development of a formal Reflect Reconciliation Action Plan.	This option recommends the continuation consultation and engagement with Traditional Owners for reconciliation purposes.	Organisational Performance	Unlikely	Minor	LOW	Accept Officers Recommendation
2	Dissatisfaction from stakeholders regarding decision not to proceed with developing a Reflect Reconciliation Action Plan.	Accept Officers Recommendation	Reputation	Unlikely	Moderate	MODERATE	Nil.



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- AGREES** to postpone formal registration of the Shire's intent to progress a Reflect Reconciliation Action Plan with Reconciliation Australia, in order to undertake further engagement with Council and other Local Government areas;
- AGREES** to amend the Strategic Operating Project – Reconciliation Action Plan as listed in the 2021-25 Corporate Business Plan, to the following:

Project/Activity	Project Finish Date	Milestones for 2021-22	
Reconciliation Action Plan Develop a Reconciliation Action Plan (RAP)	30 June 2026	Q1	-
		Q2	-
		Q3	Council to endorse preferred direction for RAP development
		Q4	Undertake workshops and engagement processes with Council and other Local Government areas.

- NOTES** the 2021-25 Corporate Business Plan will be updated to reflect these amendments through the 2021-22 Quarter 3 Corporate Business Plan Performance Report.



10.5 Executive Services reports

10.5.1 – Status Report of CEO KPIs (SJ3815)	
Responsible Officer:	Chief Executive Officer
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	<p>Chief Executive Officer, Mr Paul Martin, has declared a Financial Interest in item 10.5.1 as, as CEO, Council is assessing the performance and achievement of Mr Martin's KPIs.</p> <p>As the performance criteria and any changes to that performance criteria must be mutually agreed between the local government and the CEO, it is not appropriate for Mr Martin to leave the room, as has been customary.</p> <p>Per the Department of Local Government, Sport and Cultural Industries Operational Guidelines, there is no legislative requirement for employees to leave the meeting when a disclosure has been made. Disclosures of interest will be recorded in accordance with the legislative requirements of section 5.70 of the Act.</p>

Authority / Discretion

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

The purpose of this report is to present to Council the outcomes of the workshop between Councillors and the Chief Executive Officer including:

1. A report on the Status of CEO KPIs.
2. Allowing Council to formally consider any mutually agreed changes to the CEO KPIs.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 21 February 2022 – OCM003/02/22 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <ol style="list-style-type: none"> 1. That Council RECEIVES the Unconfirmed Minutes of the CEO Employment Committee Meeting held on 7 February 2022 (E22/1481). 2. That Council ADOPTS CEO Employment Committee Resolution CEO005/02/22 and REQUESTS the Chief Executive Officer to: <ol style="list-style-type: none"> 1. Develop a process for consideration by the CEO Employment Committee for the regular reporting and discussion on CEO KPIs between the CEO and all Councillors to come into effect in the 2022-23 Financial Year; 2. Hold a workshop with all Councillors to discuss the CEO KPIs related to the 2021-22 Financial Year; and
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3. Refer any amendments which are mutually agreed to be made to KPIs directly to Council for consideration.

Background

At the last review of the Chief Executive Officer's performance the parties agreed that in accordance with best practice it would be good for the Council and the Chief Executive Officer (CEO) to have a process by which the CEO reports to Council and the two parties discuss progress, achievement and challenges being experienced with achieving the CEO KPIs.

Many other local government authorities have defined processes for this to occur. However as this has not previously occurred at the shire a new process for this needs to be established. This process will be developed and considered by the CEO Employment Committee to come into effect next financial year as per the resolution of Council at the February OCM.

In the meantime, for this year's KPIs a workshop was held between Councillors, the Chief Executive Officer and the Directors on Wednesday, 2 March 2022 in accordance with the Council resolution. The consultant who facilitates the CEO Annual Performance Review and KPI setting was engaged to facilitate the workshop.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Part 5 Division 4 of the *Local Government Act 1995* addresses employment arrangements for local government employees, including the CEO. Section 5.39A of the Act sets out that local governments must adopt model standards for CEO recruitment, performance and termination. The Shire adopted the model standards in June 2021 and is published on the Shire's website.

While a report on progress of CEO KPIs is not a requirement of the model standards, it could assist in meeting the requirement of clause 17 of the standards to "Collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner".

Clause 16 of the model standards states that the local government and the CEO must agree on any performance criteria to be met by the CEO that are in addition to the contractual performance criteria. This means that the performance criteria and any changes to that performance criteria must be mutually agreed.

Comment

The status of the CEO KPIs and any mutually agreed changes discussed at the workshop are reflected in **CONFIDENTIAL attachment 1** for Councils consideration.

If Council wants to discuss questions or make changes to this report it is recommended the Council goes behind closed doors.



Options and Implications

Option 1

That Council ADOPTS the recommendations outlined in **CONFIDENTIAL attachment 1**.

Option 2

That Council DOES NOT ADOPT the recommendations outlined in **CONFIDENTIAL attachment 1**.

Option 1 is recommended.

Conclusion

The workshop to consider the CEO KPIs was conducted in accordance with the Council resolution. The Workshop was facilitated by an independent consultant who also facilitates the annual CEO performance review.

The outcomes report of the workshop prepared by the independent consultant is now presented to Council for consideration.

Attachments (available under separate cover)

- **10.5.1 – CONFIDENTIAL - attachment 1** – Summary Report KPI Workshop – CEO Performance Review 2021/22 (E22/2898)

Alignment with our Strategic Community Plan

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 4.2.2	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

The engagement of the independent consultant to facilitate the workshop and prepare the report cost the Shire \$660 (including GST).



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2	If Council was not to adopt the recommendations in CONFIDENTIAL attachment 1, it may constrain the capacity to undertake an effective performance review consistent with the provisions of the Standards into the future.	Nil	Organisational Performance	Unlikely	Moderate	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council ADOPTS the recommendations outlined in CONFIDENTIAL attachment 1.



10.5.2 - Lot 814 Millars Road, Jarrahdale – Commercial Feasibility and Business Case - (SJ2201)

Responsible Officer:	Strategic Project Specialist
Senior Officer:	Chief Executive Officer
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

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

This report documents the progress made in developing Lot 814 Millars Road, Jarrahdale since Council's March 2018 resolution. It reports on the process to develop Lot 814 Millars Road, Jarrahdale to achieve the outcomes identified as part of the Jarrahdale Trails Town Business Case.

The report recommends that the process previously commenced be concluded and a new process of Commercial feasibility and Business Case development commence. Officers have secured \$40,000 in funding from the Peel Development Commission to assist with this process should Council determine to proceed with this course of action.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 21 February 2022 - OCM034/02/22 - COUNCIL RESOLUTION That Council DEFER this item to allow the matter to be discussed at Policy Concept Forum prior to presentation to Council.

In 2018 the Shire initiated a process to call for expressions of interest for the private sector to develop Lot 814 Millars Road, Jarrahdale when it resolved the following:

Ordinary Council Meeting – 17 December 2018 - OCM8.2/12/18 - COUNCIL RESOLUTION That the minutes and resolutions contained therein of the Economic Development Advisory Committee Meeting held on 4 December 2018 be endorsed (E18/14132) with the addition of point 5. in EDAC009/12/18 being:

“5. As part of the continued negotiations for a tourism development, the character of Jarrahdale is protected through the development of a style guide for Lot 814 to ensure the character of Jarrahdale is retained as a Heritage Town in keeping with the milling industry of the area. “



Economic Development Advisory Committee – 4 December 2018 - EDAC009/12/18 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE RESOLUTION / Officer Recommendation:

That the Economic Development Advisory Committee recommends that Council:

- 1. Receives the submissions made in response to the Expression of Interest EOI 01/2018.*
- 2. Recommends that the joint submission by Axito Pty Ltd, Estilo Group Pty Ltd and Metropolis Projects Group Pty Ltd be selected as the preferred proponent.*
- 3. Delegates authority to the Chief Executive Officer to continue negotiations on behalf of Council with the proponents to develop a tourism development on Lot 814 Jarrahdale Road, Jarrahdale.*
- 4. Authorises the Chief Executive Officer to spend up to \$50,000.00 from account ECD530 on a joint share arrangement to produce a detailed Business Plan suitable for a commercial undertaking in Jarrahdale.*

Ordinary Council Meeting – 26 March 2018 - OCM027/03/18 COUNCIL DECISION / Officer Recommendation

That Council:

- 1. Calls for Expressions of Interest to develop its land interests on Lot 814, Jarrahdale Road, Jarrahdale for the purpose of developing a Tourism Development with the key objectives of short-term accommodation, adventure tourism, activated tourism spaces, and*
- 2. Requires Expressions of Interest to be submitted to the Economic Development Advisory Committee in the first instance, with a recommendation being presented by the Economic Development Advisory Committee, to Council to partner, lease or otherwise consider economic development opportunities at Lot 814 Jarrahdale Road, Jarrahdale.*

Background

Lot 814 Millars Road, Jarrahdale is 22 ha in land area and is located near the center of the historic Jarrahdale townsite. Figure 1 below indicates the area and location of the site:



Figure 1: Subject Site (Intramaps, 2021)



This land parcel has been owned freehold by the Shire of Serpentine Jarrahdale since 2000. Since the time of purchase by the Shire, much has been promised but little has been delivered for this site. The community would like to see a significant multi-use tourism and accommodation activation and development project bringing this unique parcel of Shire land to life for the benefit of the community and its economy and society. The Shire wants to promote Jarrahdale through its major trails to boost tourism and development which will appeal to intrastate, interstate and international travelers.

This site was historically used for timber milling, storage and distribution since the late 1880's and it played a key role in the expansion of the Western Australian economy by exporting quality timber around the world and was a big local employer and economic contributor. The site retains several production buildings from an earlier era as well as several small cottages used by mill workers. All buildings are in significant need of repair and restoration.

The western part of the site is currently being used as a Recreation Vehicle (RV) stopover area and it has a chemical toilet drop point and a freshwater standpipe which is connected to a potable water supply. Adjacent to this on the sites western boundary is land owned by the National Trust of Western Australia that contains the historic Jarrahdale Mill and Mill Managers House.

Community / Stakeholder Consultation

Jarrahdale Trails Town Business Case Councillor Workshop

Meeting Date	30 March 2021
Councillors in Attendance	Cr Rich, Cr Denholm, Cr Strange

The development of this site was explored in conjunction with the Trails Town Business Case which the Council supported at its Ordinary Meeting held on 11 October 2021. The following key actions will be undertaken in the next 24 months:

- Complete the development of the Mounts Loop Trail Feasibility and Implementation plan, detailing a trail development that links Jarrahdale to the Mounts and the Bibbulmun Track.
- Work with DBCA to develop a concept plan for new Jarrahdale Equine networks.
- Investigate the commercial feasibility of developing LOT 814 Jarrahdale to support the Jarrahdale Trail Town Initiative, including a land feasibility study for the development of residential lots at LOT 814 Jarrahdale by the Shire or by a State Government Agency.
- Provide support to the Jarrahdale Heritage Society to enable the ongoing production of the Jarrahdale Trail Booklet and Trail Maps.
- Develop a Signage design suite for each trail type integrating the Jarrahdale Trail branding and relevant information to meet industry and Australian standards for signage
- Upgrade the Jarrahdale Town Walk Signage.
- Allocate Shire resources including persons and equipment to undertake trail maintenance. Ongoing
- Upgrade the Kitty's Gorge trail head car parking and provide additional carparking bays in the road reserve located north of Atkins Street (locally known as Myrtle Way).
- Redevelop Jarrahdale Oval in response to community use and to support Trail Town activities
- Provide a range of trails activation activities and events throughout the year. Ongoing



- Establish a Trail Town reference group to assist the Shire in the development of Jarrahdale as a Trail Town. Ongoing
- Continue to develop the Jarrahdale Trails brand identity project.

Policy Concept Forum

Meeting Date	28 February 2022
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Singh, Cr Strange, Cr Strautins

As per the Council Resolution 21 February 2022, this item was further discussed at the Policy Concept Forum on Monday 28 February 2022.

Statutory Environment

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition — (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.



- (5) This section does not apply to — (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section. [Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

3.59 .Commercial enterprises by local governments

(1) In this section —

acquire has a meaning that accords with the meaning of **dispose** ;**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

major land transaction means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction** .

(2) Before it —

- (a) commences a major trading undertaking; or
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government; and
- (b) its expected effect on other persons providing facilities and services in the district; and



-
- (c) *its expected financial effect on the local government; and*
 - (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
 - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) *any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
- (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
 - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *make a copy of the business plan available for public inspection in accordance with the notice; and*
 - (c) *publish a copy of the business plan on the local government's official website.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

[(5a) deleted]

- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*



(10) For the purposes of this section, regulations may —

- (a) prescribe any land transaction to be an exempt land transaction;
- (b) prescribe any trading undertaking to be an exempt trading undertaking.

[Section 3.59 amended: No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2); No. 16 of 2019, s. 11.]

Comment

Trails Town Business Case and Trails Centre

Lot 814 has significant strategic links to trails and tourism activation project occurring now. The Business Case focuses upon the opportunity to establish a Trail Centre in the Jarrahdale township which can be the centre for trail activity and services such as equipment hire and servicing, food and beverage offerings, accommodation and other trail and visitor services on Lot 814.

In accordance with Draft Local Planning Scheme No. 3 and as discussed in the Trails Town Business Case a variety of land uses can be contemplated on the site, as follows:

Discretionary 'D'	Special Advertising 'A'
<ul style="list-style-type: none"> • Ancillary dwelling • Art gallery • Civic use • Community purpose • Convenience store • Educational establishment • Family day care • Home business • Home occupation • Home office • Shop • Single house 	<ul style="list-style-type: none"> • Aged care facility • Bed and breakfast • Brewery • Caravan park • Childcare premises • Cinema/theatre • Exhibition centre • Holiday accommodation • Holiday house • Market • Motel • Place of worship • Reception centre • Recreation – private • Restaurant/café • Road house • Small bar • Tavern • Telecommunications infrastructure • Tourist development



Trail Town assessment criteria for provision at Trail Centres includes basic amenities supplied at the trail centre for trails users such as secure parking, toilets, showers, shade and shelter, picnic table and bike racks.

A Trail Centre is a single site with dedicated visitor services and trail facilities, provided by a single trail provider. It includes multiple signed and mapped trails of varying type and classification. A trail centre can be part of a Trail Town and incorporates a trail network. They are typically located close to major population centres or iconic locations.

It is proposed that a trail centre is established on Lot 814 Jarrahdale Road. This parcel of land is owned in freehold by the Shire and is the location of the Timber Mill Rotunda and Single Men's Quarters. A Trail Centre at this location will complement the Jarrahdale Oval trail head development and the proposed Byford (Wungong) Trail Centre that has already had a business case prepared for it. The two trail centres can be linked through the Langford Park trail networks. Although visitors often access the internet to plan their trips, it is important that visitors intending to use the trails have a central information and services point in town. A trail centre provides a space where trail and visitor-related information, services and facilities come together to create a one [1] stop shop. Because trails are free to use, a Trail Centre can provide an opportunity to generate income, which can then be invested back into trails to enhance the experience and safely maintain the trails.

Trail Centres generally include end of trip facilities such as hot showers and toilets, retail spaces for local products, hireable spaces for commercial operations (guided tours etc.) and hireable lockers. In Jarrahdale, a Trail Centre would benefit from a secure 24-hour car park to alleviate the current parking issues across Jarrahdale. A Trail Centre is a requirement for Trail Town accreditation. A trail head for all trails that start/finish in Jarrahdale should also be incorporated into the Trail Centre.

The Trails Town Business Case refers to the following recommendations relating to a Trail Centre on Lot 814:

Recommendation 3.2

Develop a master plan including costings for the establishment of the Jarrahdale Trail Centre at Lot 814, Jarrahdale. This Trail Centre should comprise of accommodation in the form of caravanning and camping, a café that also provides visitor information particularly focusing on trails and associated services, retail services, equipment hire, public ablutions and amenities including showers, hireable lockers, parking including for horse floats and trails, secure bike storage, shelter, wash bays for bikes and horses, rest areas and maintenance services/tools. This Trail Centre should also integrate a trails head for the trails that start/finish in Jarrahdale.

Recommendation 12.3

Incorporate a BMX/pump track and mountain biking skills park within the design for the proposed Trail Centre in Jarrahdale (Lot 814) to educate and develop the skills of mountain bike riders and provide for recreational activities.

Recommendation 16.4

Encourage pop-up locations for mobile vendors e.g. food trucks at key sites such as Jarrahdale Oval and the proposed Trail Centre at Lot 814 and potentially the upgraded parking area at the Kitty's Gorge Trail Head.

**Recommendation 19.1**

Include the provision of a RV Park that provides horse float parking, stables and water troughs as a component of the planning for the Trail Centre proposal at Lot 814.

Recommendation 19.4

Include budget accommodation options (bunk house, camp sites) as a component of the planning for the trail centre proposed at Lot 814.

Local Government Act 1995

Under section 3.58 of the *Local Government Act 1995* a local government may dispose of land in one of three ways:

- Public Tender
- Public Auction
- Private Treaty following a statutory period

The Shire undertook a preliminary expression of interest in the private sector in developing this site as the first step in a potential disposal using the third method.

The process to date is neither a Tender nor subject to an Auction. As can be seen from the above section of the Local Govt Act, an Expressions of Interest Process does not feature in the legislation as an option to legally dispose of any property.

The course this process is based upon entering a "Private Treaty" in accordance with part 3 of Section 3.58 of the Local Government Act above with this proponent for development of the site.

With respect to the EOI the Council at the time resolved: "*Delegates authority to the Chief Executive Officer to continue negotiations on behalf of Council with the proponents to develop a tourism development on Lot 814 Jarrahdale Road, Jarrahdale*".

As there is no one else to compare the final negotiated outcome against, the Council would be put into a position to determine that the negotiated outcome was the best that could possibly be obtained for the site.

While Officers acknowledge that the proponents have negotiated in full faith to date, unfortunately Officers are unable to continue to negotiate on the proposal at this time because of the need to ensure the Shire fully complies with its legislative responsibilities. Under section 3.58 of the *Local Government Act 1995*, for the Shire to proceed in disposing of the land via public treaty following expression of interest the Officers are required to give local public notice, invite submissions and consider submissions at a further Council meeting through a business plan process.

Expression of Interest

At the Ordinary Council Meeting on 26 March 2018, Council called for Expressions of Interest (EOI) for the purpose of developing a tourism development with the key objectives of short-term activation by providing accommodation, adventure tourism.

A copy of the Expressions of Interest Document is attached for reference at **attachment 4**.

The EOI was open for four weeks, closing on the 8 October 2018. Two submissions were received and evaluated. The Economic Advisory Committee selected the joint submission by Axito Pty Ltd, Estilo Group Pty Ltd and Metropolis Projects Group Pty Ltd ("the Consortium"). As the preferred proponent.



Council at its meeting on 4 December 2018 resolved, in regards to Axito Pty Ltd. that the Economic Development Advisory Committee recommends that Council:

- 1. Receives the submissions made in response to the Expression of Interest EOI 01/2018.*
- 2. Recommends that the joint submission by Axito Pty Ltd, Estilo Group Pty Ltd and Metropolis Projects Group Pty Ltd be selected as the preferred proponent.*
- 3. Delegates authority to the Chief Executive Officer to continue negotiations on behalf of Council with the proponents to develop a tourism development on Lot 814 Jarrahdale Road, Jarrahdale.*
- 4. Authorises the Chief Executive Officer to spend up to \$50,000.00 from account ECD530 on a joint share arrangement to produce a detailed Business Plan suitable for a commercial undertaking in Jarrahdale.*

Since this time Officers have attempted to negotiate an outcome in good faith with Axito. However this has not been possible due largely to the following reasons:

- With the site valuation analysis alone, it is not feasible to recommend that this project progress with the Consortium's requested terms. Officers note that that market conditions have changed, and a higher commercial rent and sale could be demanded due to low stock levels of development sites.
- Notwithstanding the significant costs to develop the land, Officers are expecting the Council and the community would like to see some return from the site. Officers obtained a valuation for the site in February 2020 which is attached at **CONFIDENTIAL attachment 5** for Councillors reference.
- The proponents were seeking to use a large portion of the site for aged person accommodation. Whilst Officers were not opposed to this use this use was not originally identified in the EOI documentation.

However, the main challenge experienced was the inability for the Officers to provide feedback on the development and negotiate an outcome without the following:

- Clear objectives in terms of outcomes required of the site that were reflective of the community's views and vision of the site and aligned with Councils priorities and aspirations.
- Independent financial feasibility to measure and test the claims of the proponent against to ensure the Council was obtaining the best return possible in the absence of being able to compare the proposal to what else the market may consider.

Officers sought to enter into a draft Heads of Agreement with the Consortium, though the Shire did not proceed as this could not be progressed prior to a business planning process being undertaken by the Shire in accordance with the Local Government Act. Therefore the draft Heads of Agreement was not progressed any further on this basis.

Therefore it was decided to wait until the Trails Town Business Case was finalised to be able to provide some feedback to the proponents on their proposal in a way that reflected not only what the Council and community wanted to see but also outcomes this site needed to achieve in order for Jarrahdale to become a trails town.

With the Trails Town Business Case now adopted Council could ask the proponents to revise their proposal based upon the recommendations associated with the site in the Trails Town Business Case as outlined in the report.



Furthermore, the Council could indicate to the proponents that it is wanting to see a financial return to the Shire commensurate with the valuation obtained rather than providing the site at a long-term peppercorn rental.

It is important to note however that even if this occurred and the proponent responded the Council would not have any other proposals to compare their revised proposal against to ensure it was obtaining the best outcome for the site. To address this aspect Council could separately undertake the commercial feasibility of the site as outlined below. This would provide independent analysis of the commercial aspects and potential returns on the site and could be used as a basis to assess any revised proposal received.

Notwithstanding this the Council should only commence the next phase with Axito if it is comfortable that there will be no other submissions to compare their revised proposal against. The community would have a change to comment on the submission and financial arrangements as part of a Business Plan process.

Inviting Axito to submit a revised proposal whilst it does not commit to Council following this approach it will require Axito to undertake further work than already undertaken and invest resources.

Officers note that as Council had selected the Axito Pty Ltd / Form Construction as the preferred proponent through the Expression of Interest Process. Financial implications may arise should Council not proceed with this recommendation. Legal advice pertaining to the Expression of Interest process is contained within **CONFIDENTIAL attachment 6**.

Commercial Feasibility and Funding Models

In line with the Master Planning of the Trails Centre to consider the many commercial and community uses on the site, if the process was starting again Officers would recommend a two phase process be undertaken in regards to development of this site.

Firstly consultants be engaged to develop a high level feasibility and options paper for the development of the site. This would include the following:

- Assess the commercial viability of the commercial options available on the site.
- Make recommendations on which commercial activities should be included in the overall master plan and their associated special requirements.
- Identify interrelationships between community and commercial uses to help inform the master planning process.
- Assess the impediments and risks associated with development of the site and make recommendations which de-risk the project.
- Make recommendations on how to attract interest from the commercial sector into the commercial development opportunities.
- Provide recommendation on the tenure arrangements for the commercial opportunities on the site.

Once completed this high-level feasibility and options paper would be presented to Council for consideration. This would then be used to inform the development of a Master Plan and costings for the site, which can be undertaken the following financial year subject to Council approval. The Master Plan would need to be developed in consultation with the community and stakeholders:

- Provide a plan for the overall development of the site.



- Indicate a staging plan for development of the site recognising the outcomes of the high level feasibility and options paper.
- Provide order of magnitude costings for the development of the community uses and supporting infrastructure the Shire needs to provide to facilitate the development of the site.
- Identify quick wins associated with the development of the site which can be implemented in the coming years.
- Provide a costing for the development of the site.

Development WA

Further, part of the site can be developed into a residential subdivision. This has the ability to provide additional residential options into the Town. It is also likely to generate a revenue for the Shire to invest into the development of the remainder of the site.

Officers met with Development WA to explore funding possibilities to undertake residential and tourism development on a portion of Lot 814. Development WA advised on a funding model which is the Local Regional Development Assistance Program.

Representatives advised that given the costs to develop the site if the Shire partnered with Development WA to develop the site via the application process it should enter the process appreciating that it is unlikely to receive a return from the development of the site, other than a service lot suitable for development of a caravan park and visitors centre. This will, however, expand if Council submits an application.

This funding program aims to develop land to support projects that expand the social and economic vitality of regional communities. Officers note there are requirements that apply in submission of an application to WA, the application form has been included in report as **attachment 2** - Development WA – Regional Development Assistance Program.

There are some benefits of partnering with Development WA (should the application be successful) to develop this site, namely:

Development WA's successful track record and strong branding/presence in the development sector will contribute significantly in creating long term economic and community benefits to the Jarrahdale site and surrounding Shire area.

- This approach will reduce the financial risk and burden on the Shire's already limited resources.
- Development WA have experience in developing complex sites such as this location.
- Given the challenges of services in Jarrahdale it is more likely that Development WA could assist in advocating for State Govt investment in the upgrade of services benefiting not only this site but potentially the town.
- Development WA's involvement and interest in the site may assist in attracting funding for other Jarrahdale Trails Town initiatives.

On balance Officers believe it is worth submitting an application to Development WA to formally determine their interest in partnering with the Shire to develop the site.

If the Council also undertakes its own financial feasibility for the site it will enable comparison to be made following Development WA assessment on the best approach to be followed.

It is important to note that Council at this point is only considering submitting an application to Development WA. If Council submits the application Development WA undertakes an



assessment and financial review of the proposed development and will come back to the Shire to determine next steps.

Options and Implications

Option 1

That Council:

1. RESOLVES NOT TO PROCEED with the Expression of Interest undertaken by Axito Pty Ltd and Form Construction Pty Ltd.
2. APPROVES the below budget adjustment to reflect the additional funding from PDC:

Account Number	Type	Account Description	Debit \$	Credit \$
1200-10108-6230-0000	Increase Expenditure	Jarrahdale Heritage Site Redevelopment - Consultancy	40,000	
1200-10108-4131-0000	Increase Income	Jarrahdale Heritage Site Redevelopment – Grant – Operating – Peel Development Commission		40,000

3. REQUESTS the Chief Executive Officer to submit an application to Development WA for the development of Lot 814 Jarrahdale in line with the objectives for the site outlined in the Trails Town Business Case.
4. REQUESTS the Chief Executive Officer to undertake the 'Commercial Feasibility of developing Lot 814' Strategic Operating Project from the 2021-25 Corporate Business Plan comprising:
 - a. Investigate the commercial feasibility and funding models for the development of the land to support the Jarrahdale Trail Town Initiative; and
 - b. Prepare a needs analysis, opportunity study, feasibility and business case for development options for the land.

Option 2

That Council:

1. RESOLVES to continue with the Expression of Interest undertaken by Axito Pty Ltd and Form Construction Pty Ltd.
2. INVITES Axito to submit a revised proposal that addresses the following points:
 - a. The uses on the site to mainly consistent with the uses and recommendations relating the site in the trails town business case.
 - b. Providing a financial return to the Shire commensurate with the valuation obtained.
3. APPROVES the expenditure of up to \$44,973 from account 1200-10108-6610 and \$40,000 received from the Peel Development Commission.
4. REQUESTS the Chief Executive Officer to undertake the 'Commercial Feasibility of developing Lot 814' Strategic Operating Project from the 2021-25 Corporate Business Plan comprising:
 - a. Investigate the commercial feasibility and funding models for the development of the land to support the Jarrahdale Trail Town Initiative; and



- b. Prepare a needs analysis, opportunity study, feasibility and business case for development options for the land.
5. REQUESTS the Chief Executive Officer present a report to Council with the revised proposal from Axito together with the Commercial Feasibility for consideration and a recommendation on how to proceed.
6. NOTES the Master Planning would not commence until Council has considered the outcomes of the Commercial Feasibility and the revised proposal from Axito Pty Ltd.
7. APPROVES the below budget adjustment to reflect the additional funding from PDC:

Account Number	Type	Account Description	Debit \$	Credit \$
1200-10108-6230-0000	Increase Expenditure	Jarrahdale Heritage Site Redevelopment - Consultancy	40,000	
1200-10108-4131-0000	Increase Income	Jarrahdale Heritage Site Redevelopment – Grant – Operating – Peel Development Commission		40,000

Option 3

That Council:

1. RESOLVES to not proceed with the Expression of Interest or the two-stage planning process.
2. DOES NOT APPROVE the expenditure of up to \$44,973 from account 1200-10108-6610 and \$40,000 received from the Peel Development Commission.
3. AGREES to REMOVE the 'Commercial Feasibility of developing Lot 814' Strategic Operating Project from the 2021-25 Corporate Business Plan.
4. NOTES the 2021-25 Corporate Business plan will be updated to reflect this amendment through the 2021-22 Quarter 2 Corporate Business Plan Performance Report

Option 4

That Council:

1. RESOLVES NOT TO PROCEED with the Expression of Interest undertaken by Axito Pty Ltd and Form Construction Pty Ltd.
2. APPROVES the below budget adjustment to reflect the additional funding from PDC:

Account Number	Type	Account Description	Debit \$	Credit \$
1200-10108-6230-0000	Increase Expenditure	Jarrahdale Heritage Site Redevelopment - Consultancy	40,000	
1200-10108-4131-0000	Increase Income	Jarrahdale Heritage Site Redevelopment – Grant – Operating – Peel Development Commission		40,000



3. RECEIVES the update to continue with a two-stage planning process as outlined in the 2021-25 Corporate Business Plan as the 'Commercial Feasibility of development Lot 814' Strategic Operating Project comprising:
 - a. Investigate the commercial feasibility and funding models for the development of the land to support the Jarrahdale Trail Town Initiative; and
 - b. Prepare a needs analysis, opportunity study, feasibility and business case for development options for the land.

Option 1 is recommended.

Conclusion

The development of Lot 814 in Jarrahdale has been a priority for the Shire of Serpentine Jarrahdale for over 20 years. Despite a strong desire no attempts to develop the land have come to fruition.

The Jarrahdale Trails Town Business case identifies the uses required to be accommodated on the site to meet the overall trails town objectives.

Submitting an application to Development WA is appealing as it removes the risk from the site from the Shire. The benefits of working with Development WA would include the ability to attempt to leverage support from the State Government to development the site and remainder of Jarrahdale townsite. However this also reduces the ability for the Shire to obtain a return from the site.

Progressing with the Commercial Feasibility will enable the Council to make an informed decision on the likely development costs and returns possible for the site.

Although an Expressions of Interest was conducted and negotiations have been undertaken in good faith Officers believe that continuing along with the Axito Pty Ltd EOI may only create greater issues and challenges at the end of the process as the Council will be forced to determine if this is the best return which can be achieved from the site.

Council could resolve to undertake the financial feasibility first, then master plan the site and then call for EOI's for specific sites with clear outcomes required. This will provide a more orderly development of the site and provide certainty that the outcomes achieved on the site would align to community and Jarrahdale Trails Town objectives. However this option will put more financial risk and responsibility on the Shires already limited resources.

Upon balance Officers believe that the best approach is to undertake the commercial feasibility of the site and also submit an application to Development WA for them to consider partnering with the Shire to develop the site. The Council will then able to compare the outcomes of the commercial feasibility together with any feedback or proposal received from Development WA and decide how to proceed.

Attachments (available under separate cover)

- **10.5.2 - attachment 1** – Funding Agreement from the Peel Development Commission (E21/11184)
- **10.5.2 - attachment 2** – Development WA – Regional Development Assistance Program (E21/2947)



- **10.5.2 - CONFIDENTIAL attachment 3** – Expression of Interest EOI 01/18 – Tourism Development – Submission – Axito (IN18/24430)
- **10.5.2 - attachment 4** – Expression of Interest EOI 01/18 – Tourism Development – Invitation (E18/11817)
- **10.5.2 - CONFIDENTIAL attachment 5** – Valuation Report – Lot 814 Jarrahdale Road, Jarrahdale (E22/1610)
- **10.5.2 - CONFIDENTIAL attachment 6** – Legal Advice (IN22/4845)

Alignment with our Strategic Community Plan

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 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

Financial Implications

An amount of \$44,973 is included in the 2021/22 FY budget to progress with the business case for the development of Lot 814.

Officers have secured \$40,000 in funding from the Peel Development Commission to assist with this process should Council determine to proceed with this course of action. A draft funding agreement with the PCD for this amount is attached at Appendix 1 for Councils consideration. If Council agrees to accept this funding agreement to facilitate this process the below budget adjustment will be required:

Account Number	Type	Account Description	Debit \$	Credit \$
1200-10108-6230-0000	Increase Expenditure	Jarrahdale Heritage Site Redevelopment - Consultancy	40,000	
1200-10108-4131-0000	Increase Income	Jarrahdale Heritage Site Redevelopment – Grant – Operating – Peel Development Commission		40,000

Reason: Adjustment to recognise contribution from Peel Development commission and associated increase in expenditure to enable a full Feasibility and Business Case to be produced by an appropriate consultant within the required timeframe.



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 and 4	The risks associated with options 1 and 4 are outlined in the legal advice within CONFIDENTIAL attachment 6.						
1 and 4	Reputational loss with potential investors due to alternative project option.	Current relationship with proponent	Reputation	Likely	Minor	MODERATE	Nil
2	If Council proceed with both the EOI and Commercial Feasibility there is a risk that agreement is not reached and the development of Lot 814 isn't progressed or continues to be prolonged.	Current relationship with proponent	Organisational Performance	Possible	Moderate	MODERATE	Nil
3	If Council do not proceed with either the EOI or the feasibility the development of Lot 814 isn't progressed resulting in a loss of opportunity to activate a community space	Nil	Social / Community Outcomes	Likely	Moderate	SIGNIFICANT	Nil



Voting Requirements: Absolute Majority (s. 6.8, *Local Government Act 1995*)

Officer Recommendation**That Council:**

1. **RESOLVES** not to proceed with the Expression of Interest undertaken by Axito Pty Ltd and Form Construction Pty Ltd.
2. **APPROVES** the below budget adjustment to reflect the additional funding from Peel Development Commission:

Account Number	Type	Account Description	Debit \$	Credit \$
1200-10108-6230-0000	Increase Expenditure	Jarrahdale Heritage Site Redevelopment - Consultancy	40,000	
1200-10108-4131-0000	Increase Income	Jarrahdale Heritage Site Redevelopment – Grant – Operating – Peel Development Commission		40,000

3. **REQUESTS** the Chief Executive Officer to submit an application to Development WA for the development of Lot 814 Jarrahdale in line with the objectives for the site outlined in the Trails Town Business Case.
4. **REQUESTS** the Chief Executive Officer to undertake the ‘Commercial Feasibility of developing Lot 814’ Strategic Operating Project from the 2021-25 Corporate Business Plan comprising:
 - a. Investigate the commercial feasibility and funding models for the development of the land to support the Jarrahdale Trail Town Initiative; and
 - b. Prepare a needs analysis, opportunity study, feasibility and business case for development options for the land.



Continued

Ordinary Council Meeting Agenda
Monday, 21 March 2022

10.6 Confidential reports

Nil Reports.



Continued

Ordinary Council Meeting Agenda
Monday, 21 March 2022

- 11. Urgent business:**
- 12. Councillor questions of which notice has been given:**
- 13. Closure:**