



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Unconfirmed Minutes

7pm

Monday, 15 July 2024

Contact Us

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Open Monday to Friday 8.30am-5pm (closed public holidays)



www.sjshire.wa.gov.au



Councillor Attendance Register

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

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

Council 1 January 2024 -

Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Cr Mazzini
18/07/24	Q&A (SCM)	EP	✓	✓	✓	✓	✓	✓
15/07/24	OCM	A	✓	✓	✓	✓	✓	✓
08/07/24	Q&A (OCM)	✓	✓	✓	✓	✓	✓	✓
03/07/24	WORKSHOP	✓	✓	A	✓	✓	✓	A
26/06/24	WORKSHOP	✓	A	A	✓	LoA	✓	✓
24/06/24	PCF	✓	✓	A	✓	LoA	✓	✓
17/06/24	OCM	✓	✓	A	✓	LoA	✓	✓
17/06/24	Q&A (OCM)	✓	✓	A	✓	LoA	✓	✓
12/06/24	WORKSHOP	✓	A	A	✓	LoA	✓	✓
12/06/24	WORKSHOP	✓	A	A	✓	LoA	✓	✓
10/06/24	Q&A (OCM)	✓	✓	A	✓	A	✓	✓
05/06/24	WORKSHOP	✓	✓	A	✓	✓	✓	✓
29/05/24	WORKSHOP	A	✓	A	✓	✓	✓	✓
27/05/24	PCF	✓	✓	A	✓	✓	✓	✓
20/05/24	OCM	✓	✓	✓	✓	✓	✓	✓
20/05/24	Q&A (OCM)	✓	✓	✓	✓	✓	✓	✓



Continued

Ordinary Council Meeting Minutes Monday, 15 July 2024

Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Cr Mazzini
15/05/24	WORKSHOP	✓	A	✓	✓	✓	✓	A
13/05/24	Q&A (OCM)	✓	✓	✓	✓	✓	✓	✓
06/05/24	PCF	✓	✓	A	✓	✓	✓	✓
01/05/24	WORKSHOP	✓	✓	✓	✓	✓	✓	✓
29/04/24	WOKRSHOP	✓	✓	A	✓	✓	✓	✓
22/04/24	PCF	✓	✓	✓	✓	✓	✓	✓
17/04/24	WORKSHOP	✓	✓	✓	A	A	A	✓
15/04/24	OCM	✓	✓	✓	✓	✓	✓	✓
15/04/24	Q&A (OCM)	✓	✓	✓	✓	✓	✓	✓
08/04/24	Q&A (OCM)	✓	✓	✓	✓	✓	✓	✓
25/03/24	PCF	✓	A	A	✓	A	✓	✓
18/03/24	OCM	✓	✓	A	✓	✓	✓	
11/03/24	WORKSHOP	✓	✓	✓	✓	✓	✓	
11/03/24	Q&A (OCM)	✓	✓	A	✓	✓	✓	
06/03/24	WORKSHOP	✓	EPNG	✓	✓	✓	✓	
06/03/24	PCF (Special)	✓	EPNG	✓	✓	✓	✓	
28/02/24	WORKSHOP	✓	A	✓	✓	A	A	
26/02/24	PCF	✓	A	A	✓	✓	✓	
19/02/24	OCM	✓	A	✓	✓	✓	✓	
12/02/24	Q&A (OCM)	✓	✓	✓	✓	✓	✓	
05/02/24	PCF	✓	✓	A	✓	✓	✓	
29/01/24	PCF	✓	✓	✓	✓	✓	✓	

Key:
 ✓ - Attended
 A – Apology
 LoA – Leave of Absence



Continued

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NA – Non Attendance

EPNG – Electronic Participation Not Granted

EP - Electronic Participation

UNCONFIRMED



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

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

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

UNCONFIDENTIAL



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 15 July 2024 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

Presiding Member, Deputy President Tricia Duggin, declared the meeting open at 7:01pm and welcomed Councillors, Staff, and members of the gallery.

The Presiding Member acknowledged the Noongar people of the Boodja – the land – that we gather on today. For thousands of years their connection to Country has provided knowledge, guidance, spirituality, and life. We pay our respects to this ongoing connection, as well as to their Elders past, present and emerging.

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

Minutes

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

Elected Members: T Duggin.....Presiding Member
 N Bishop
 S Mack
 M Byas
 C Mazzini
 M Byas

Officers: Mr P Martin.....Chief Executive Officer
 Mr A TrosicDirector Development Services
 Mr F Sullivan.....Director Corporate Services
 Mr B Oliver.....Director Community Engagement
 Mr N Scidone.....Acting Director Infrastructure Services
 Ms C Mortimer.....Manager Corporate Performance
 Ms E Liley.....Governance Officer (Minute taker)

Leave of Absence: Nil

Apologies: R CoalesShire President
 R Najafzadeh.....Director Infrastructure Services

Observers: 16



2. Public question time:

2.1 Response to previous public questions taken on notice:

Questions asked by **Mr Bill Denholm** at the Ordinary Council Meeting, Monday, 17 June 2024. Correspondence was sent to Mr Denholm on Friday, 28 June 2024 (OC24/11523).

Question 1

Nettleton Road has recently had the road verges cleaned up by a stump/mulcher, fantastic job, makes it a lot safer for tourists (kangaroos can be seen earlier), what other roads are to be done?

Response (Executive Manager Operations)

Officers have identified Hopkinson and Hilbert Roads as priorities and these roads are currently being assessed to determine suitability. Additionally, Officers are actively assessing other roads and will include them in our scheduled maintenance plans accordingly.

Questions asked by **Mr Dave Atwell** at the Ordinary Council Meeting, Monday, 17 June 2024. Correspondence was sent to Mr Atwell on Thursday, 27 June 2024 (OC24/11593).

Question 1

In regard to Agenda Item 10.1.1; could the East side of Scott Road remain the same and does the Shire have a registry of names more connected to our community?

Response (Director Development Services)

In terms of the first part of the question, Council can consider that as part of its consideration of Agenda Item 10.1.1.

Council, at the April 2023 meeting, endorsed a list of names, sourced from the Local Heritage Survey, which captures the heritage of the Shire.

Questions asked by **Mrs Lee Bond** at the Ordinary Council Meeting, Monday, 17 June 2024. Correspondence was sent to Mrs Bond on Monday, 01 July 2024 (OC24/12292).

Question 1

What decisions have been made with regard to the application and construction of the Monopole at 445 Abernethy Road Oakford?

Response (Director Development Services)

The subject development application, as at the time of preparing this response, remains under assessment. Consistent with delegations of authority, the matter will be presented to Council for final decision.



Question 2

How much has been provided to Landcare for the verge plants for 2024, who paid for these, how many verge plants are available per ratepayer and where are they permitted to place these plants?

Response (Executive Direction Operations - Infrastructure Services)

- *How much has been provided to Landcare for the verge plants for 2024? - 576 plants have been supplied.*
- *Who paid for these? - Shire of Serpentine Jarrahdale through the Water Corporation's Waterwise Greening Scheme grant.*
- *How many verge plants are available per ratepayer? - Residents may take up to a maximum of 20 plants per house through the Landcare SJ Verge Planting Program.*
- *Where are they permitted to place these plants? - On their verge, either between their property and curbing of footpath if urban. If rural, between their property boundary and drainage systems.*

Question 3

Did the Serpentine Jarrahdale Council demand a ratepayer get a second independent assessment on his arena lights this year and did the Council pay around \$6000 for the same assessment, if so, why?

Response (Director Development Services)

At the 21 August 2023 Council Meeting, Council resolved to engage a suitably qualified independent expert to peer review a lighting plan that had been submitted seeking retrospective approval for arena lights. The cost of this was \$1,320 (including GST) which was paid for by the Shire.

Questions asked by **Mrs Michelle Rich** at the Ordinary Council Meeting, Monday, 17 June 2024. Correspondence was sent to Mrs Rich on Thursday, 27 June 2024 (OC24/11460).

Question 1

Since the Local Government elections in October 2015 how many formal complaints of corruption have been lodged with the Shire of Serpentine Jarrahdale?

Response (Director Corporate Services)

Complaints of corruption reported to the Shire are referred to the Corruption and Crime Commission (CCC) for investigation. Any reports to the CCC are treated confidentially.

Question 2

President Coales has stated publicly that the Shire now has a footpath priority list, which I assume is for construction and repair of footpaths across the Shire. This previous item came to Council for endorsement, where can I find a copy of this report?

*Response (Director Infrastructure Services)*

A list consisting of a number of footpath projects was prepared as part of the 2024/25 financial year budget process for consideration by Council. This contained footpath projects identified from the General Electors Meeting motions as well as Councillor requests.

The Shire is currently developing a Roads Forward Works plan and a Footpath forward works plan. The footpath forward works plan will compile a list of prioritised footpath links and works.

All the requested footpaths will also be considered and prioritised as part of the development of the forward works plan. Officers are anticipating that the aforementioned forward works plan will be developed during the 2024/2025 financial year.

Questions asked by **Mr Thomas Dyer** at the Ordinary Council Meeting, Monday, 17 June 2024. Correspondence was sent to Mr Dyer on Friday, 28 June 2024 (OC24/11522).

Question 1

In 2022 I approached the Council to repair the roof on the bus shed at the front of my property, on the corner of Soldiers and Daisy Road and it was passed. Nearly a year later I got a call from the Shire asking what I thought of the job they had done, I went and had a look and found it was exactly the same as before I put the complaint in, it hasn't been touched. I got back to the Shire who said they will request whoever complete the job to be in touch. We've now got 9 kids trying to catch the school bus in the morning, their parents are parking where the old fire station used to be, and the kids are making a dash on a rainy day to try and get less wet than they would sitting in the bus shed. Can the Council please replace the shed roof? Its 4x2m sheets.

Response (Executive Manager Operations)

Thank you for bringing this matter to our attention. I have requested the Shire's facilities team investigate why the initial request was not addressed promptly. In the meantime, I am pleased to inform you that we have secured a suitable replacement (pictured below). We envisage the bus shelter to be removed from Soldiers Road and then installed to replace the existing shelter over the next couple of weeks.

We anticipate resolving this issue as soon as possible. Officers will provide you with a confirmed date of completion by 04 July 2024.

Questions asked by **Mrs Vanessa Reynolds** at the Ordinary Council Meeting, Monday, 17 June 2024. Correspondence was sent to Mrs Reynolds on Thursday, 27 June 2024 (OC24/11592).

Question 1

Can the Shire provide statistics for the past 5 years on road vehicle traffic accidents within the Shire, where, when and the outcome; fatalities/ casualties etc....?

*Response (Director Infrastructure Services)*

In the years 2019-2023, there were a total of 1,093 crashes, including 18 fatal and 82 serious injury requiring hospital treatment. The Summary Tables below provide greater detail on the nature of the crashes (Head On, Right Angle etc.) as well as road and lighting conditions (e.g., Daylight or Dark, Dry or Wet road surface etc.)

Severity	No.	%
Fatal	18	1.65
Hospital	82	7.5
Medical	138	12.63
PDO Major	638	58.37
PDO Minor	217	19.85

Year	No.	%
2019	208	19.03
2020	190	17.38
2021	218	19.95
2022	232	21.23
2023	245	22.42



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Nature	No.	%
Head On	25	2.29
Hit Animal	35	3.2
Hit Object	177	16.19
Hit Pedestrian	7	0.64
Non Collision	40	3.66
Not Known	0	0
Other / Unknown	71	6.5
Rear End	308	28.18
Right Angle	297	27.17
Right Turn Thru	67	6.13
Sideswipe Opposite Dirn	0	0
Sideswipe Same Dirn	66	6.04

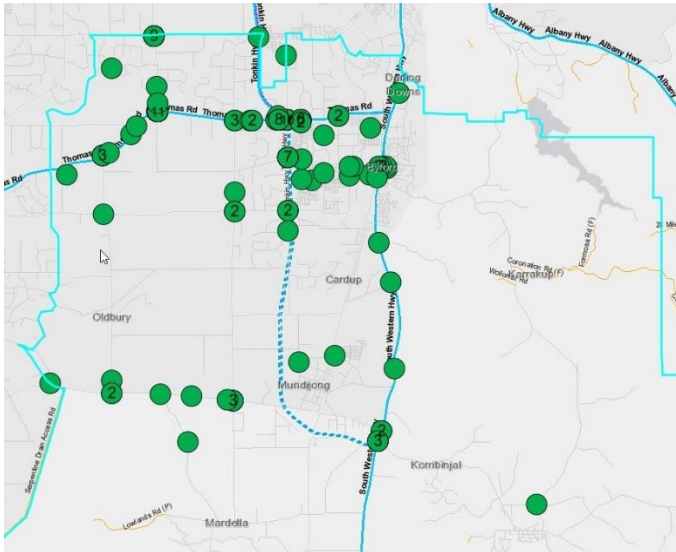
Conditions	No.	%
Dry	867	79.32
Not Known	0	0
Other / Unknown	52	4.76
Wet	174	15.92

Light	No.	%
Dark - Street Lights Not Provided	95	8.69
Dark - Street Lights Off	9	0.82
Dark - Street Lights On	80	7.32
Dawn Or Dusk	63	5.76
Daylight	721	65.97
Not Known	0	0
Other Unknown /	125	11.44

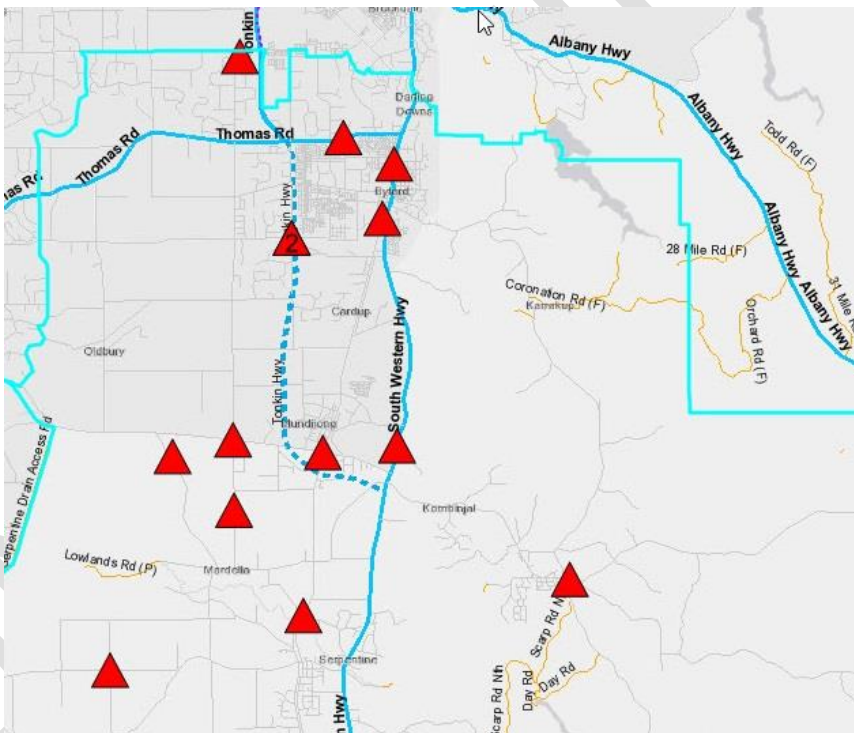
Alignment	No.	%
Curve	220	20.13
Not Known	0	0
Other Unknown /	266	24.34
Straight	607	55.54
Total	1093	



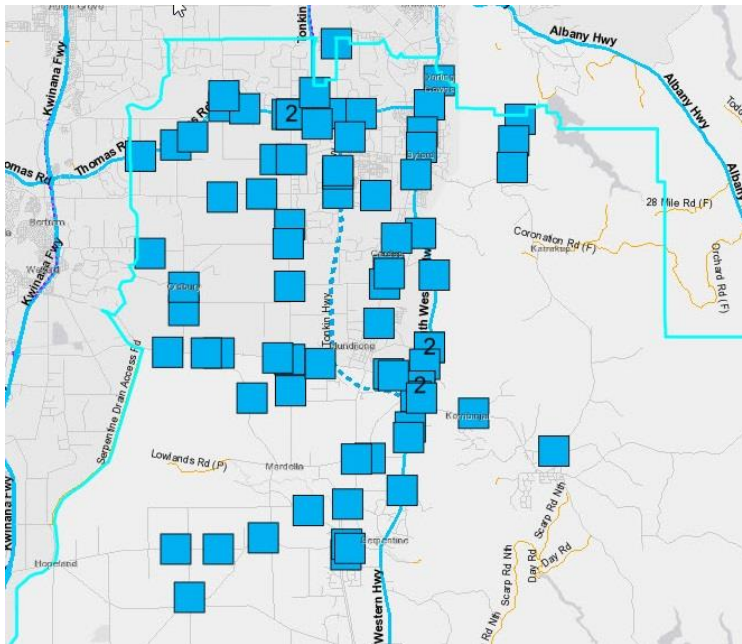
The highest severity crashes typically occurred at intersections (particularly 4-way intersections) as well as along major distributor roads within the Shire.



Medical (Non-hospital) Severity Crashes 2019 - 2023



Fatal Crashes 2019 - 2023



Hospital Severity Crashes 2019 - 2023

Question 2

BMX Pump track; who/how will it be maintained? The current BMX track is not currently safe to use. Why build new facilities when current ones aren't maintained (track, parking, toilets, canteen). We are currently racing at other tracks as ours hasn't been operable.

Response (Director Community Engagement)

A Pump Track facility is for general recreational purposes, whereas BMX is a cycle sport with competitive racing amenity. The operational maintenance and asset management will be the responsibility of the Shire.

Shire Officers have an ongoing working relationship with the Byford BMX Club President regarding all matters relating to the BMX facility. The Shire is aware of facility maintenance issues and is working collaboratively with the Club to ensure

Question 3

Currently how much has been spent on designs and preliminary studies for the Kiernan Park Sporting Complex so far and are the master plans finalised considering the \$20m commitment was made in 2020?

Response (Director Infrastructure Services)

To date, approximately \$2.1m has been spent on consultants for the development of scope of works and detailed design and specification in preparation for construction tender stage and \$510k has been spent on preliminary works including planning, flora and fauna surveys, native vegetation clearing permit application and water investigation works. Preparation of detailed design and technical specification documentation has been completed to construction tender ready stage. Works completed to date are funded from the State Government grant of \$20m.

**2.2 Public questions:**

Public question time commenced at 7:02pm.

Bill Denholm

Regarding Kiernan Street Community and Sporting Precinct, nothing is visually happening apart from maybe a hay crop growing.

The sporting clubs are being constantly asked, what's going on?

I know that approximately 10% of grant money, say 2 million dollars has been allocated to SSJ costs. The Shire Officers also do other grant funded projects so 10% from those projects would have been allocated to SSJ costs.

Question 1

What are the total external costs i.e., consultants etc... so far to 30 June 2024 (Kiernan Street project only)?

Response (Presiding Member)

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

Question 2

What is the total internal costs, wages allocated directly to Shire Officers including relocation of BMX, 1A, 1C, so far to 30 June 2024 (Kiernan Street project only)?

Response (Presiding Member)

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

Question 3

What are the projected internal costs as per Q2?

Response (Presiding Member)

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

The Presiding Member asked if there were any public questions from the floor.

Vanessa Reynolds, Oakford 6121

Question regarding roundabout funding being sought from State Government, Kargotich/ Abernethy Intersection. Data provided by Shire (Requested at June OCM) shows no fatalities only a hospital severity crash in past 5 years. Black Spot research indicates a fatality within past 5 years must be recorded.



Question 1

How was it deemed a priority to seek funding for the roundabout at Kargotich and Abernethy Road?

Response (Presiding Member)

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

Question 2

If already submitted for funding, how far has the application progressed?

Response (Presiding Member)

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

The Presiding Member asked if there were any further public questions from the floor. No further public questions were asked.

Public question time concluded at 7:09pm.

3. Public statement time:

No Public Statements were submitted in writing prior to the meeting.

Public statement time commenced at 7:09pm.

The Presiding Member asked if there were any public statements from the floor.

Anne Cooper, Oldbury 6121

Made a statement on the King Road Brewery speed reduction request.

The Presiding Member asked if there were any further public statements from the floor.

As there was no further public statements, Public Statement time concluded at 7:14pm.

4. Petitions and deputations:

Nil.



5. President's Report:

The Presiding Member advised that the Presidents Report has been prepared by the Shire President and will be recorded in the minutes.

Good evening and welcome to the Ordinary Council Meeting for July 2024.

The last month has been jam packed with exciting activities in the Shire, as our vibrant major events season came to a muddy end on 29 June. Muddy Buddies saw more than 3,000 people turn Jarrahdale Oval into a muddy mountain of fun. This was a really well organised event, and it was heartening to see the number of families making fantastic memories amongst the Shire's unique natural environment.

The feedback on the event from families has been overwhelmingly positive. Congratulations to everyone concerned with bringing this excellent event to SJ.

Community groups, and the volunteers who organise, manage and drive their work, are the backbone of our Shire. That's why it's fantastic that the Byford Croquet Club celebrated a significant milestone in June – it's first birthday! The club is a real asset to our community, and I wish everyone who keeps it running all the best for the next year and beyond!

At the end of the month, we honoured our bushfire volunteer heroes at the Annual Emergency Service Awards Night 2024. Some of those honoured on the evening have reached significant milestones in their volunteering careers – in fact all volunteers who were recognised have reached an outstanding forty-plus years of service. Other volunteers were honoured for their dedication and commitment during the past 12 months – no mean feat in itself. Those who dedicate their time to volunteer for our Bushfire Brigades exemplify everything that makes our Shire special – we are a Shire that genuinely cares.

These volunteers work tirelessly to protect us from the constant threats of fire, storms, flooding, and other emergencies. I cannot emphasise enough how valued they all are. On behalf of the Shire, thank you.

With two families moving into the Shire every day, facilities that improve liveability for our younger people, and children, are vitally important.

Two investments in our young people were announced in June, both of which were made possible with State Government funding.

It was fantastic to meet Minister for Water, Simone McGurk, to announce a \$2.5million upgrade to facilities at Serpentine Dam, thanks to the Water Corporation.

The addition of a new pump track in Byford – thanks to the reallocation of funding through the Department of Local Government, Sport and Cultural Industries – is another fantastic asset that we can look forward to in the Shire.

It was great confirming this announcement this week with Hugh Jones MLA Member for Darling Range – and most importantly, some young riders from the Byford BMX Club. The pump track should be up and running in October next year.

Working to ensure that our young people have the best possible opportunities when leaving school is a priority for the Shire. The SJ Careers and Enterprise Expo last month was a great success. Over two action packed days we saw more than 1,900 attendees head to Byford Secondary School to connect with more than 50 employers. It was a huge success with more than four out of five attendees saying they were likely to pursue a job from an exhibiting employer.



In June it was my pleasure to announce the winners of the inaugural SJ Remembers Community History Awards. These awards celebrate the region's rich history, giving us an opportunity to connect with our past and acknowledge those who have preserved it. Each submission was a testament to the rich tapestry of stories that make up our community's heritage and show how much our residents really care about our wonderful Shire.

Finally, I would like to pay tribute to a very special member of our community who has unfortunately passed away. Ian Nice, otherwise known as 'Geeza', was the deserved winner of the Shire's Senior Community Citizen of the Year award during 2021 Australia Day celebrations. He was truly dedicated to our Shire, making it a better place by spending his time clearing litter from Jarrahdale Heritage Park, clearing the paths, and even making new trails. Much of the maintenance Ian undertook was at his own expense, and he was famous for his local knowledge and storytelling.

Everyone could learn from Ian's selfless approach to living his life and he will be greatly missed by our community. I extend my condolences, and that of the Shire Council, to Ian's family and friends.

Thank you.



6. Declaration of Elected Members and Officer's interest:

Nil.

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

7.1 Ordinary Council Meeting - 17 June 2024

OCM180/07/24

COUNCIL RESOLUTION

Moved Cr Mazzini, seconded Cr Bishop

That the minutes of the Ordinary Council Meeting held on 17 June 2024 be
CONFIRMED (E24/8560).

CARRIED UNANIMOUSLY 6/0

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

Nil.

9. Motions of which notice has been given:

Nil.



10. Chief Executive Officer reports:

En Bloc

As part of the Shire's efforts to ensure the efficiency and effectiveness of meetings, tonight's meeting included the opportunity for matters to be considered by Council en bloc.

Matters not to be included in en bloc decisions are those which require:

- Absolute Majority;
- Matters to be determined behind closed doors;
- Declared Interests made in relation to the item; and
- Deputations or Statements made in relation to the item.

Before commencing the process, the Presiding Member provided a brief explanation of the 'en bloc' method of decision making, for the benefit of any members of the public in the gallery.

The Presiding Member introduced the recommendations by reading the heading for each item. This allowed members and the public to follow the business of the meeting.

The Presiding Member invited Elected Members to identify any matters they wished to be removed from en bloc consideration.

The following reports were identified to be considered by voting en bloc:

Report number	Report Title
10.1.1	Proposed Amendments to Local Planning Policy 4.12 – Horticulture (SJ4444)
10.1.3	Banksia Woodland Management Plan – Release for Public Comment (SJ816)
10.1.4	Request for Western Australian Planning Commission to Initiate Metropolitan Region Scheme Amendment – Rezoning of a Portion of the West Mundijong Industrial Area from 'Rural' to 'Industrial' (SJ206)
10.1.6	Byford Train Station and Town Centre Parking Management – Final Consideration (SJ2633-3)
10.2.1	Road Closure- Falls Road, Serpentine (SJ140)
10.3.2	Minutes of the Rivers Regional Council – Ordinary Council Meeting – 20 June 2024
10.4.1	Confirmation of Payment of Creditors – June 2024 (SJ801)
10.4.2	Monthly Financial Report – May 2024 (SJ4229)
10.5.1	Local Emergency Management Committee Information Report (SJ716)



OCM181/07/24

COUNCIL RESOLUTION

Moved Cr Bishop, seconded Cr Jerrett

That the Officer Recommendations contained in Officer Reports 10.1.1; 10.1.3; 10.1.4; 10.1.6; 10.2.1; 10.3.2; 10.4.1; 10.4.2; and 10.5.1 be ADOPTED en bloc at 7:21pm.

CARRIED UNANIMOUSLY 6/0

UNCONFIRMED



10.1 Development Services reports:

10.1.1 - Proposed Amendments to Local Planning Policy 4.12 - Horticulture (SJ4444)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider the adoption of minor amendments to Local Planning Policy 4.12 - Horticulture (LPP4.12). The LPP has been revised to ensure consistency with the latest Model Local Planning Policy - Horticultural Development in the Peel-Harvey Coastal Plain Catchment (Model LPP). This Model LPP has been prepared in collaboration with the Department of Water and Environmental Regulation (DWER) and the Department of Primary Industries and Regional Development (DPIRD).

The proposed amendments are minor, and focussed around ensuring the provisions are consistent with the advice of the State Agencies. The overall intent and objectives of the LPP have not changed. A copy of the existing LPP4.12 is contained within **attachment 1**. The LPP with the amendments shown in track changes is contained within **attachment 2**. A copy of the LPP with the track changes accepted for Council's consideration is contained within **attachment 3**.

It is recommended that Council accepts that the amendments are minor and adopts the revised LPP4.12, enabling it to become operational, in accordance with Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations* (Deemed Provisions).

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting - 23 July 2018 - OCM063/07/18 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <ol style="list-style-type: none"> 1. Pursuant to Clause 4(3)(b)(i & ii) of Part 2 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> resolves to adopt the new and revised Local Planning Policies as listed within OCM063.2/07/18. 2. Revokes the following Local Planning Policy contained within OCM063.8/07/18 in accordance with Clause 6(b) of the <i>Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015</i>; <ol style="list-style-type: none"> (a) LPP 80 - Development within Structure Plan Areas which Development Approval is not Required



3. Pursuant to Clause 4(4) of Part 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, publish a notice of the adoption of new and revised Local Planning Policies within OCM063.2/07/18.

Background

The Peel-Harvey Estuary has a history of environmental challenges, contributed in large parts by the clearing and draining of land, to enable agricultural use. The soil types within the Peel-Harvey Catchment are generally poor at retaining nutrients from fertilisers and as a result, phosphorus and nitrogen are able to enter the groundwater, watercourses and wetlands, which ultimately connects with the ecosystem of the estuary. Such nutrient enriched waters have led to adverse environmental impacts being experienced.

Horticulture/agriculture is an important industry in the Peel Region and a balanced approach to supporting agriculture, whilst protecting the Peel-Harvey Catchment, is recognised by all stakeholders. In 2015, a Model Local Planning Policy was prepared for Local Governments to adopt into their planning frameworks to inform planning decisions for horticulture development with the Peel-Harvey Estuary. At this time, the Shire adopted Local Planning Policy 79 - Horticultural Enterprises consistent with the Model LPP. In 2018, as part of its Local Planning Policy review, Council adopted the renamed LPP 4.12 - Horticulture.

The objectives of LPP4.12 seek to:

1. *Ensure new horticultural enterprises pose a low risk to catchment water quality and are able to meet or improve catchment standards for water quality improvement.*
2. *Encourage new types of horticultural enterprises which are compatible with Catchment Water Quality Improvement Standards.*
3. *Encourage high-standards in horticultural management practices.*
4. *Ensure strategic and statutory proposals do not compromise existing well-managed horticultural developments, or compromise potential future horticultural development of relatively high capability areas.*

Subsequently, the Model LPP has been revised (2023) (**attachment 4**) in collaboration with the Peel Harvey Catchment Council, DPRID, DPLH, DWER and a number of Local Governments, including the Shire.

The further refinements to such policy framework helps keeps its relevance and appropriateness, to assisting in the exercise of discretion pertaining to agricultural LPP4.12 is proposed to be updated in a minor way, to reflect the recent updates to the Model LPP.

Community / Stakeholder Consultation

Clause 5 (Part 2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 states that ‘...the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment’.

The proposed amendments to LPP4.12 seek to ensure consistency with the updated Model LPP and do not change the intent of the policy. For this reason, the revised LPP is not recommended for advertising.



Statutory Environment

Legislation

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Local Planning Policy 4.12 - Horticulture

Existing LPP4.12

In its current form, LPP4.12 provides a list of general provisions in relation to development applications for horticulture proposals, including:

- The requirement for all applications involving horticulture/agriculture to be referred to DWER and any agency the Shire deems necessary.
- Proposals within areas identified as high risk under the LPP not being generally supported unless a submission from DWER has been received in support of the proposal.
- The requirement for a Site Management Plan.
- Proposals for horticulture needed to pose a low risk to catchment water quality and land resources and aiming to achieve Catchment Water Quality Improvement Standards (as contained within Appendix C of the LPP).
- All proposals for annual and perennial horticulture and viticulture which are located on soil landscape mapping units which are not potentially suitable for the proposed type of horticulture (Appendix D), needing to be accompanied by a Site Management Plan which reduces nutrient export risks to achieve Catchment Water Quality Improvement Standards.
- All proposals for nurseries (potted plants) and closed systems (e.g., closed system hydroponics) being accompanied by a Site Management Plan with sufficient detail to demonstrate how the proposal will pose a low risk to catchment water quality and can be appropriately managed
- Where on-site soil-landscape conditions vary from the mapped land units, shown in Appendix D, the conditions must be demonstrated by the proponent through site-specific soil testing and site-specific land capability assessment for the proposed type of horticultural land use and included as part of the Site Management Plan.

The LPP also includes four Appendices detailing technical information provided by State Government Agencies to be used as part of the assessment process.

Appendix A – Checklist for Site Management Plan

This appendix provides a checklist of the types of information that should be included within a Site Management Plan. This includes, where appropriate, information in relation to site conditions; crop and cultivation details; nutrient inputs and management; irrigation management; nutrient export risk assessment; nutrient reduction strategies. This information should be included as part of any development application spatially, in the form of map.



Appendix B – Other Considerations

This appendix provides a checklist of other matters that should be considered as part of any horticulture proposal and should form a report to accompany the plan detailed in Appendix A. The matters listed include; the protection of groundwater and surface waters; stormwater management; wetlands; wetland buffers; watercourse protection; native vegetation and bushland protection; weeds, pests and diseases; odours; visual amenity; noise; and management of effluent.

Appendix C – Catchment water quality improvement Standards and Guidance

This appendix sets out the maximum application/export rates for phosphorus and nitrogen within the sub catchments of the Peel-Harvey, relevant to the Shire is the Serpentine River sub catchment. The rates from this Appendix are shown following:

Phosphorus export rates

The following export rates of phosphorus from the Coastal Catchment Area have been determined by State Government (Kelsey *et al*, 2011) to ensure that catchment targets for phosphorus reduction are met:

- 0.29 kg P/ha/yr for sites in the Serpentine River Subcatchments
- 0.28 kg P/ha/yr for sites in the Murray River Subcatchments
- 0.47 kg P/ha/yr for sites in the Harvey Basin

A3 - Nitrogen – For proposals within the Peel-Harvey Coastal Plain Catchment Area

To meet targets for nitrogen reduction, proposals for new horticulture should not apply nitrogen (in all forms) at rates exceeding 45 kg N/ha/yr or on average not discharge nitrogen at rates above 1.2 mg/L (Total Nitrogen) (Kelsey *et al*, 2011).

Appendix D – Nutrient export risk and suitability for in-ground horticulture in different land units of the Peel-Harvey Coastal Catchment.

This appendix includes a table setting out which soil types are capable of facilitating different types of horticultural activities. The table includes a map unit symbol and a description of the soil, as used in the DPIRD soil mapping databases. The table then details whether the soil category poses a risk for phosphorus export and whether that soil is capable of being used for in ground horticulture, either annual, perennial or vine. For example, the below shows that Soil B3 described as “closed depressions and poorly defined stream channels with moderately deep, poorly to very poorly drained bleached sands with an iron-organic pan, or clay subsoil. Surfaces are dark grey sand or sandy loam” poses a high risk for phosphorus export and is not suitable for either annual, perennial or vine horticulture.



Column 1	Column 2	Column 3	Column 4			Column 5
	Soil –landscape mapping unit	Greater than 50% of the map unit classed as a High, Very High or Extreme risk of Phosphorus Export?	Capability Class Rating for In-ground Horticulture			Is the map unit potentially suitable for in-ground horticulture? A=Annual P = Perennial V = vine
Map unit symbol	Map unit description		Annual (A)	Perennial (P)	Vine (V)	
B3	Closed depressions and poorly defined stream channels with moderately deep, poorly to very poorly drained bleached sands with an iron-organic pan, or clay subsoil. Surfaces are dark grey sand or sandy loam.	Yes	C2	C2	C2	No

Proposed Amendments

One of the main proposed changes to the LPP, subsequent to the update of the Model LPP, is the introduction of a new Appendix D. This appendix sets out the minimum requirements when carrying out soil testing and land capability assessments. Given the DPIRD mapping is broadscale, there may be instances where the LPP table, as discussed, identifies that a particular soil type is not capable of facilitating horticulture however an applicant may be able to demonstrate through site specific testing that it is capable. This testing would form part of a Site Management Plan submitted as part of a development application.

The other main change to the LPP is to the current *Appendix D – Nutrient export risk and suitability for in-ground horticulture in different land units of the Peel-Harvey Coastal Catchment*. Given the inclusion of the new Appendix D, this has now become Appendix E. Within the table, the map unit symbols have been changed to reflect the current nomenclature used by DPIRD in their soil landscape mapping database. In addition, Column 3 that used to detail a risk greater than 50% has been changed to a detail a risk less than 50%. The data itself has not changed. Furthermore, the table has been reduced in size to take out soil types that are not found in the Shire and therefore not locally relevant to the LPP. This change does not impact how the policy was previously interpreted and the soil types and their descriptions have not changed. An example of the updated table is shown following:

Soil-landscape mapping unit			Less than 50% of the map unit classed as High, Very High or Extreme Phosphorus Export Hazard?	Proportional Land Capability Category for In-ground Horticulture			Is the map unit potentially suitable for in-ground horticulture? A=Annual P = Perennial V= Vines
Map Unit Symbol	Map Unit Name	Map unit description		Annual (A)	Perennial (P)	Vines (V)	
213Pj__B2a	Pinjarra, B2a phase	Flat to very gently undulating sandplain with well to moderately well drained deep bleached grey sands with an intensely coloured yellow B horizon usually well within 1 m of the surface.	Yes	B1	A1	A1	Yes, APV
213Pj__B3	Pinjarra, B3 phase	Closed depressions and poorly defined stream channels with moderately deep, poorly to very poorly drained bleached sands with an iron-organic pan, or clay subsoil. Surfaces are dark grey sand or sandy loam.	No	C2	C2	C2	No



Other minor changes have been made to the LPP including:

- New definitions;
- The requirement to refer development applications to DPIRD as well as DWER; and
- The requirement to consider locally significant natural areas as well as regional as part of a Site Management Plan.

As previously stated, the amendments to the LPP are considered minor and do not alter the objectives or the way it functions. It is considered that the updates ensure the LPP is in line with information provided by the State Government Agencies and ensure a consistent approach across the board.

Options

Option 1

That Council:

1. **ACCEPTS** the amendments are minor and **ADOPTS** the minor amendments to Local Planning Policy 4.12 - Horticulture as contained within **attachment 3** in accordance with *Clause 5(2) of the Planning and Development (Local Planning Schemes) Regulations 2015*.
2. **REQUESTS** the Chief Executive Officer **PUBLISH** a notification in the local newspaper advising that the minor amendments to Local Planning Policy 4.12 - Horticulture have been adopted in accordance with Clause 4(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Option 2

That Council **REFUSES** to accept the amendments are minor and requires that the amendments to Draft Local Planning Policy 4.12 - Horticulture be advertised in accordance with the Deemed Provisions.

Option 1 is recommended.

Conclusion

Amendments to LPP 4.12 have been undertaken following updates to the Model LPP. It is considered that the amendments are minor and would ensure horticulture proposals are dealt with consistently across the board. For the reasons detailed in the report, it is recommended that Council adopt the minor amendments.

Attachments (available under separate cover)

- **10.1.1 - attachment 1** - Existing Local Planning Policy 4.12 - Horticulture (E24/7997)
- **10.1.1 - attachment 2** - Revised Local Planning Policy 4.12 - Horticulture with track changes (E24/9034)
- **10.1.1 - attachment 3** - Revised Local Planning Policy 4.12 – Horticulture with track changes accepted (E24/7984)
- **10.1.1 - attachment 4** - Model Local Planning Policy (E24/8407)



Alignment with our Council Plan 2023-2033

Thriving
4. Ensure sustainable and optimal use of Shire resources and finances

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered the lowest strategic risk.						
2	If Council resolves not to adopt the amended Policy, the planning framework may be delayed in being responsive to assessing applications for relevant proposals, that could cause heightened environmental risk to the receiving waters that flow to the estuary.	Planning Framework	Environment / Heritage	Possible	Moderate	MODERATE	Accept Option 1.



Voting Requirements: Simple Majority

OCM182/07/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Bishop, seconded Cr Jerrett

That Council:

1. **ACCEPTS** the amendments are minor and **ADOPTS** the minor amendments to Local Planning Policy 4.12 - Horticulture as contained within attachment 3 in accordance with *Clause 5(2) of the Planning and Development (Local Planning Schemes) Regulations 2015*.
2. **REQUESTS** the Chief Executive Officer **PUBLISH** a notification in the local newspaper advising that the minor amendments to Local Planning Policy 4.12 - Horticulture have been adopted in accordance with *Clause 4(4) of the Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED UNANIMOUSLY (en bloc at 7:21pm) 6/0



10.1.2 - Proposed Warehouse (Self Storage Facility) - Lot 10 (777) South Western Highway, Byford (PA24/169)

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

Authority / Discretion

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

Owner: Byford Development Pty Ltd

Date of Receipt: 2 April 2024

Lot Area: 8,701m²

Local Planning Scheme No. 3 Zoning: 'Service Commercial'

Metropolitan Region Scheme Zoning: 'Urban'

Report Purpose

The purpose of this report is for Council to consider endorsing the Responsible Authority Report (RAR) (**attachment 1**) prepared for a development application for a 'Warehouse (Self Storage Facility)' on the abovementioned address.

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

It is considered that the proposed development is consistent with the local planning framework, it is therefore recommended that Council endorse the RAR which recommends the MODAP approve the application, subject to conditions.



Relevant Previous Decisions of Council

Nil.

Background

The subject site is located north of the Byford town centre. The site is bordered by South Western Highway to the east, George Street to the west and commercial development to the south. The adjoining lot to the north is vacant and subject to a development approval for a service station, car wash, vehicle service/tyre centre, and showroom which has not yet been substantially commenced. There is also a new development application proposed for this northern adjoining land, which was considered by Council at its May 2024 meeting. This proposes a service station, two fast food outlets, motor vehicle repair and motor vehicle wash tenancies.

The subject site in context of the locality is depicted following:



Figure 1 - Locality Plan

Initial Proposal

The initial application (attachment 2) sought approval to demolish all existing buildings and develop a three-story self-storage facility in the following manner:

- Ground floor:
 - o 278 units;
 - o 70sqm office building; and
 - o Pedestrian accessways to internal stairwells and lifts.
- First floor:
 - o 316 units.



- Second floor:
 - o 340 units.
- Parking and loading undertaken through 9 parking bays: 8 parallel parking zones for ease of access and 2 dedicated loading zones.
- A bin store located towards the George Street façade, other fire pumps and mechanical will be located to the South Western Highway frontage.
- Access to the site provided by two full movement crossovers via George Street with security gates. With the proposal requesting the existing crossover to remain to South Western Highway to be retained until such a time that George Street works are completed.
- Landscaping provided to the South Western Highway and George Street frontages.
- A single pylon sign proposed to the South Western Highway frontage.

The self-storage units would be available for public short-term and long-term hire, offering a variety of unit types and sizes. The facility is proposed to be accessible 24/7 and also provide staffed times during regular trading hours.

The initial development plans are shown below:

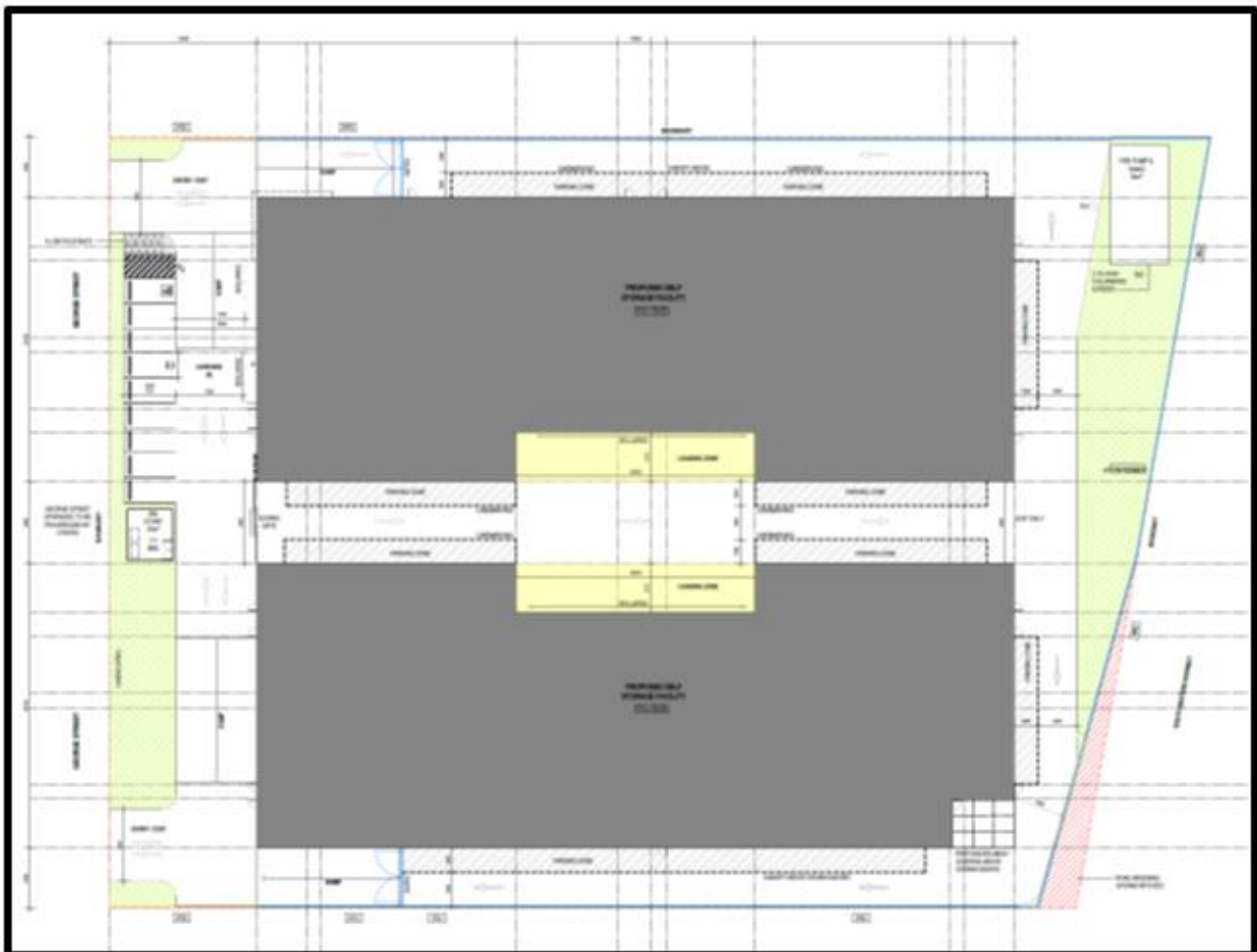


Figure 2 - Initial Proposal Site Plan



Figure 3 - Perspectives

Revised Proposal

After initial consultation, the Shire raised a number of points of concern pertaining to aspects of the design that did not comply with the planning framework. These were specifically:

- The proposed development not considered to represent a form of physical works that protect current amenity, nor align with the intended future amenity for the service commercial zone, as documented under Local Planning Scheme 3 and the Byford Townsite Local Development Plan;
- The proposed development is not considered to provide sufficient layout and configuration to encompass the minimum landscaping required, which is necessary to help moderate the physical form of development especially as viewed from public areas;
- The proposed development does not include sufficient information to determine whether it will be able to manage noise impacts, on the basis that no environmental noise assessment has been provided. Being a 24/7 operation, there is insufficient information to determine if noise impacts can be managed;
- The proposed development does not demonstrate the ability to manage stormwater;
- The proposed development does not demonstrate that it will be consistent with the orderly and proper planning of the locality, having regard for the Byford Townsite Local Development Plan and the development principles it establishes for new development;
- The proposed development is not considered to represent suitable design of the built environment, by way of its height, scale, bulk, materials and colours.

The applicant, in response, has provided revised plans. The revised development consists of development in the following manner:

- Modify the form of the development from a vertical multi-storey building into a horizontal single storey layout. The reduction in height creates a particularly less imposing built form, and more in keeping with the low scale development forms in Byford that connect with landscape.
- A maximum height of 5.05m. It is noted that due to site levels, the height as viewed from South Western Highway will be significantly less also.
- A reduction in units to 375, with an average size of 10.9m².
- A reduction in total site coverage to 47%.
- Revised setbacks of:
 - o 1.2m from George Street.



- Between 10.2m and 0.3m from the northern boundary.
- Between 7.8m and 2.8m from the southern boundary.
- Between 10.2m and 1.5m from South Western Highway.
- Subsequent reconfiguration of the internal access ways and parking areas.
- A north-south orientation of parking/loading zones (169.5m), providing parking for 31 standard vehicles. No modifications to the crossover locations are proposed.
- Removal of the fire tanks and relocation of the pylon sign (north), out of the proposed road widening area.
- Relocation of the bin store to the south western portion of the development (at 21m²) and the office/box shop and toilet (at 40m²) to the north western portion of the site.
- The development now proposes 868m² of landscaping (10% of the total site area).
- Alteration of the exterior including a combination of materials and colours.
- The colour palette has been amended to a mix of grey as well as eucalyptus and forest green, in accordance with the prevailing natural and rural character of the locality.

A full set of the plans can be viewed within **attachment 3** and a copy of the applicant's response to further information can be found within **attachment 4**.



Figure 4 - George Street Perspective



Figure 5 - Site Plan



Figure 6 - West and East Elevations

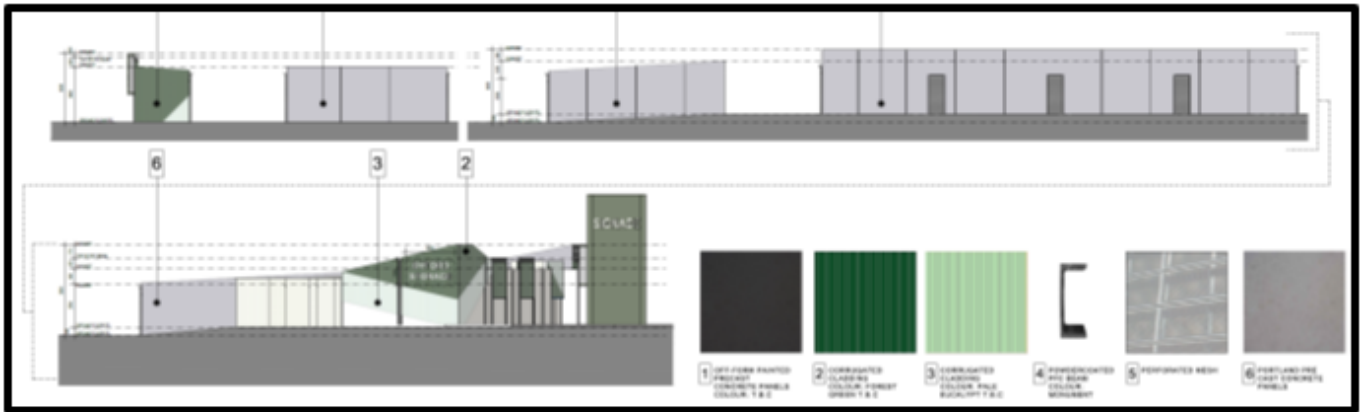


Figure 7 - Southern Elevation & Colour Palette

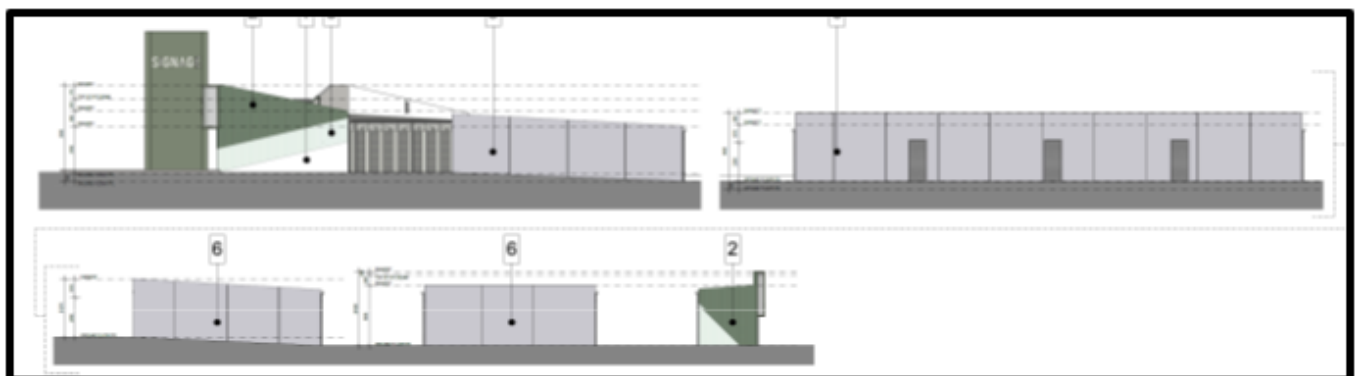


Figure 8 - Northern Elevation



Figure 9 - South Western Highway Perspective

Community / Stakeholder Consultation

The initial application was advertised for a period of 14 days from 9 April 2024 to 23 April 2024 to surrounding landowners within a 200m radius of the subject site, in accordance with Draft LPP1.4 - Advertising Development Applications.

The application was also advertised on the Shire's website for the same period. At the conclusion of the consultation, 12 objections were received.

A summary of the submissions with the Applicant's comments and Officer response is contained within **attachment 5**.



The updated plans received were not readvertised to the community. Local Planning Policy 1.4 - Advertising Development Applications currently states “Where the Shire receives amended plans through the addressing of submissions or through a request for further information; amended plans may be readvertised in accordance with the requirements under Table 1. Where amended plans:

- a. Significantly alter the proposal which was previously advertised.
- b. Propose new elements of considered which were not previously advertised.

Officers note that the revised plans (received on 13 June 2024) were considered to generally address the matters raised during the request for further information from the Shire, as well as the concerns raised in public submissions pertaining to the proposal’s bulk and scale, design, parking and traffic issues. Officers note that, in normal circumstances, a revised proposal may be readvertised for further public comment (as per the LPP section quoted prior). However, in this case, the Shire has only been granted an extension of time from the DAP for assessment of this application until 19 July 2024, before which the Shire must submit its Responsible Authority Report. Accordingly, readvertising has not been possible given the reporting timeframes to meet the extension of time request.

Consultation with Government Agencies:

The initial application was referred to the following government agencies for comment, the following table provides the referral comments and Officers responses. The revised design was not re-referred to Government Agencies as the proposed entry and exit access ways were retained in their previous locations. The applicant furthermore removed the temporary crossover onto South Western Highway, alleviating any concerns previously raised by MRWA and PTA.

Main Roads Western Australia (MRWA)

In response to correspondence received on 2 April 2024 please be advised Main Roads has no objections subject to the following conditions being imposed:

Conditions

1. Prior to the issue of building approval, George Street must be constructed enable access the subject lot. George Street shall be constructed to the Shire’s requirements.
2. No vehicular access to South West Highway is approved. Gates and crossover must be deleted from the approved plans (see marked up red plans for details).

Justification for Condition

Temporary access to/from South Western Highway is not supported due to public safety and the development is the nexus for the road works to be completed.

3. No part of the development, other than approved landscaping is to be located within the proposed land requirement for South Western Highway as detailed in the attached Land Protection Plan 201232-0006 (extract). The Fire Pump & Tank, Bio Retention and any associated infrastructure services as depicted in the Stormwater Management Plan (23-11-135/400), dated February 2024 is to be removed from the future road reserve. See marked up red plans for details.

Justification for Condition

No form of the development should encroach upon the identified land requirement.



4. Prior to the issue of a Building Permit, the redundant vehicle crossovers to South Western Highway are to be removed and kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction and specifications of the Shire.

Justification for Condition

Public safety

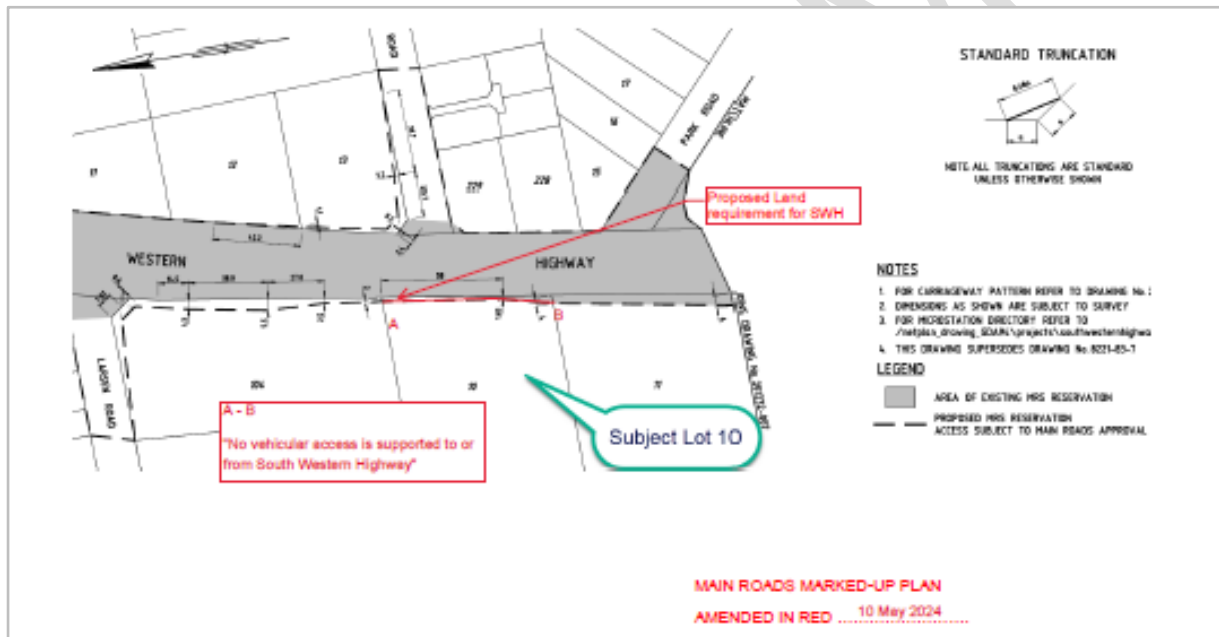
5. Stormwater shall not be discharged to the South Western Highway Road Reserve

Justification for Condition

Public safety and protection of the Primary Regional Road Reservation.

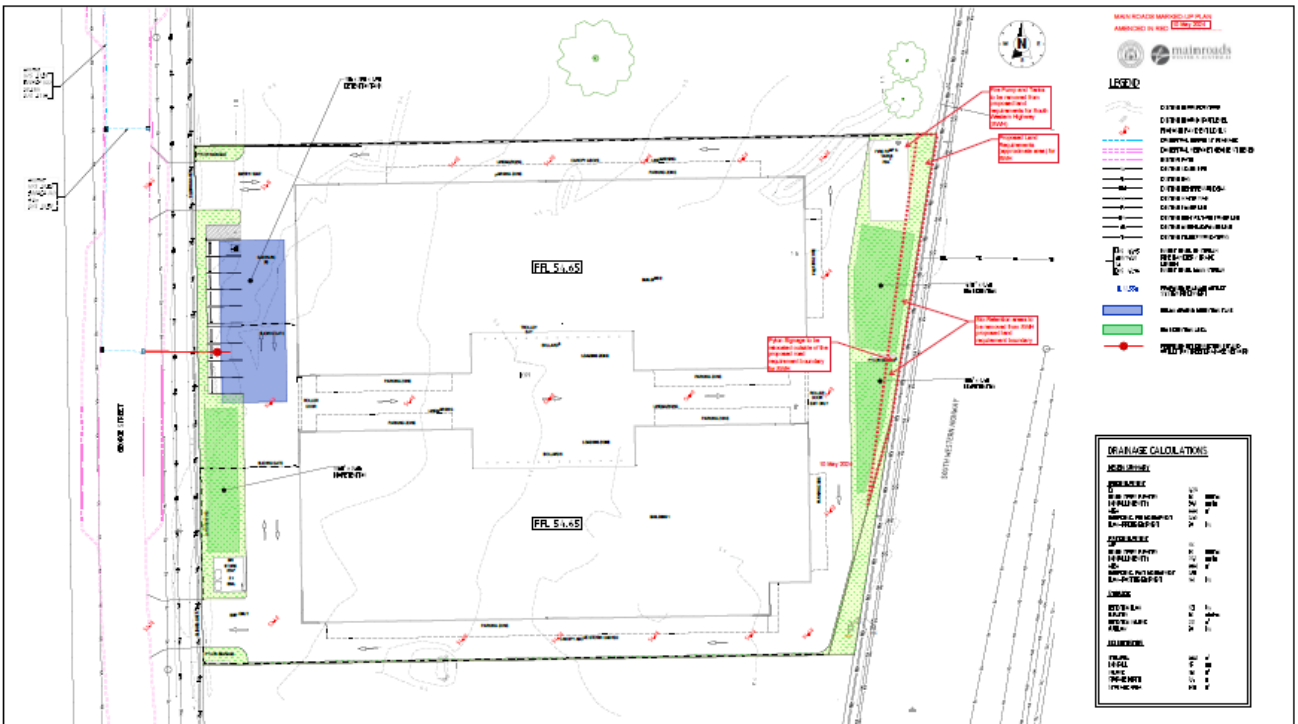
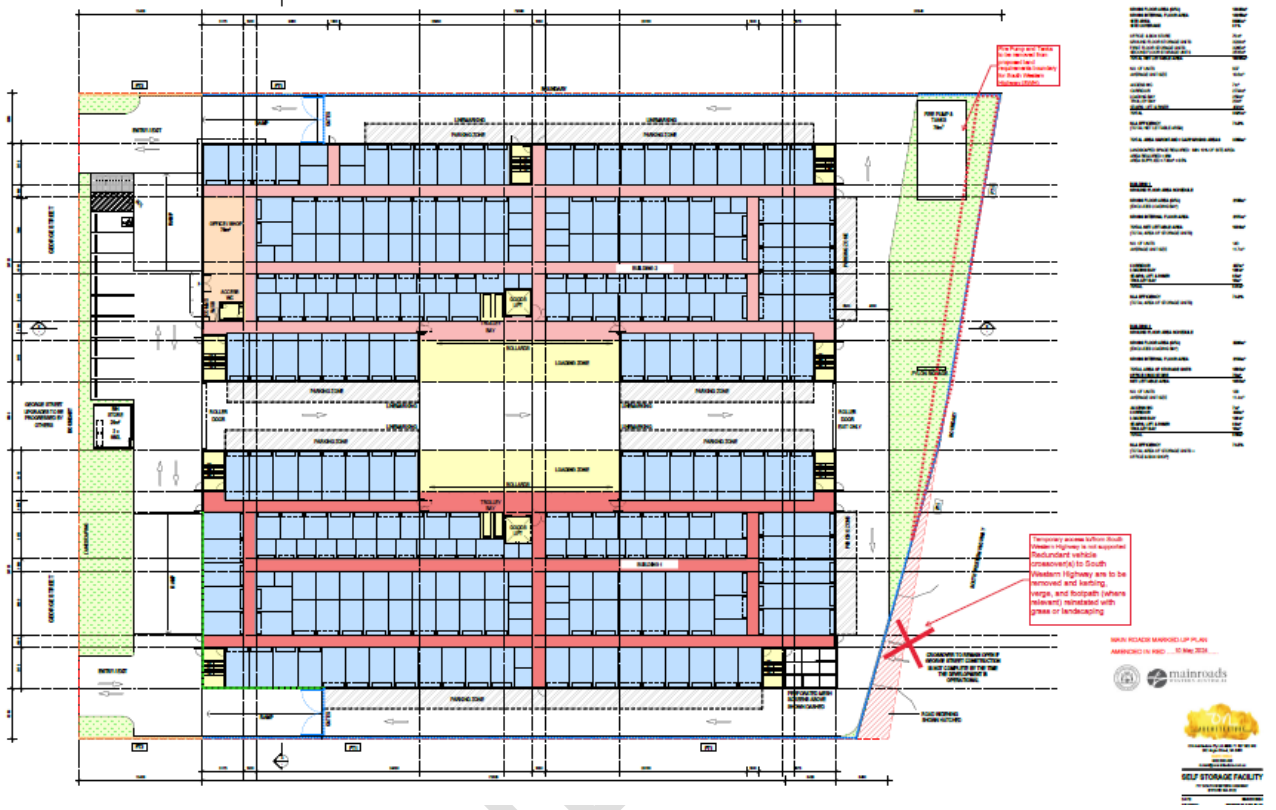
Advice

- a. The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.





Ordinary Council Meeting Minutes Monday, 15 July 2024



Officer Comment:
Supported. The Shire will recommend conditions to MODAP requiring the application to be constructed upon the delivery of the George Street upgrades being finalised. The Shire will also



recommend conditions for any works to be omitted from the marked plans where MRWA will be requiring future land for the upgrade of South Western Highway.

Perth Transport Authority (PTA)

Thank you for providing the Public Transport Authority (PTA) the opportunity to respond to the following application:

PA24/169 – Lot 10, 777 South Western Highway, Byford - MODAP Application - Proposed Self Storage Facility

Please find the following conditions and advice

Conditions

1. Prior to building permit the development plans must be amended to address the MetConnx FDD-1 design for George Street *Justification for condition* - Condition is to ensure that the development does not conflict with the Byford Rail Extension Project
2. Stormwater must be contained within the development site no spillage or discharge is permitted into the PTA rail corridor. *Justification for Condition* - Protect the function of the railway.
3. Prior to building permit the Stormwater Management Plan titled *777 South Western Highway, Byford Stormwater Management Plan, Revision A*, dated 26/02/2024, and prepared by Porter Consulting Engineers must be amended, to the satisfaction of the PTA, to address that the Byford Rail Extension project road drainage infrastructure along George St has been designed to cater for the stormwater management of the road reserve, not to facilitate for additional flows from the subject lot for offset stormwater management. Any upgrades/works required as a result of the amended stormwater plan are not at the expense of the PTA.
4. Prior to building permit the Transport Impact Statement titled *Proposed Self-Storage Warehouse Facility, Revision r01a*, dated 08/03/2024, and prepared by Transcore must be amended to address the following to the satisfaction of the PTA.
 - a. Consider parallel parking along George Street and potential conflicts with relocation of crossovers for service vehicle access to George St in lieu of South-Western Highway.
 - b. The traffic impact assessment nominates George Street operating under a default speed limit (50km/h), whereas BRE design will be posted at 40km/h, with 20km/h speed humps.
5. Interfacing of construction works will be required so that the developer works around our Shire's approved construction staging.
6. Prior to building permit the applicant/owner must obtain approval from the PTA for works in and around the operating railway reserve in accordance with the PTA 8810-450-003 - *Procedure - Working in and around the PTA Rail Corridor, Assets, and Infrastructure*. To the satisfaction of the PTA.

Advice

1. Regarding Condition 1, the MetConnx FDD-1 design for George St can be obtained through the OMTID Byford Rail Extension project team.
2. Regarding Condition 6, the applicant/owner also required to submit an application to undertake works within the PTA Protection Zone prior to any works commencing. Prior to construction phase, PTA would require Issue for Construction (IFC) drawings to be



submitted for review. Essentially, if tower crane would be utilised, please submit specs & location of crane. Information about the procedure and required documentation for assessment can be found in the PTA's 8810-450-003 - *Procedure*. The application must be submitted a minimum of two to three months prior to the commencement of any works. Please email the application to PTAThirdPartyAccess@pta.wa.gov.au. All PTA Specifications, Procedures and Guidelines most recent versions can be obtained on the PTA Vendor Portal <https://www.pta.wa.gov.au/vendor/>

Works that fall outside of the site footprint will need to be coordinated for potential effects to the rail. E.g., utilities work.

Officer Comment:

Noted. The Shire has been in liaison with MetConnx and the Office of Major Transport Infrastructure Development (OMITD), the George Street bays are proposed to be altered to accommodate the proposed development's northern crossover. The design to amend the bays on George Street are to be finalised outside of the consideration of this development application. Appropriate conditions will be applied to the recommendation.

Statutory EnvironmentLegislation

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (LPS3)
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Byford District Structure Plan
- Byford Townsite Detailed Area Plan

State Planning Policies

- State Planning Policy 7.0 - Design of the Built Environment
- Development Control Policy 5.1 - Regional Roads

Local Planning Policies

- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.11 - Advertising Policy (LPP4.11)



Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. An assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 6**.

Land Use

The subject lot is zoned 'Service Commercial' under the Local Planning Scheme No. 3 (LPS3).

A Warehouse' is defined as follows:

means premises including indoor or outdoor facilities used for

(a) the storage of goods, equipment, plant or materials; or

(b) the display or the sale by wholesale of goods.

The Warehouse is a 'P' land use under the zoning table which means it is a land use that permitted within the zone. Clause 18(5) of LPS3 states the following:

"If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval."

The land use is therefore considered consistent with the zone and the assessment is focussed on the works component.

Local Planning Scheme No. 3 (LPS3)

Development Standards

Schedule 4 of LPS3 stipulates the development standards for within the scheme area, this includes provisions applicable to the Service Commercial zone.

Requirement	Provided	Compliant
Clause 4.1 - Additional Site and Development Requirements		
End of trip bicycle facilities must be provided in new developments in accordance with the requirements of Schedule 4.4 of the Scheme.	Nil	No
The local government shall require wastewater connection to reticulated sewer. Subject to land capability and site constraint analysis to the satisfaction of the local government, alternate treatment units may be considered as a temporary solution until such time as reticulated sewer is available to the site, at which time the	The proposal is located within a reticulated sewerage area. The existing facilities on site are connected to wastewater. It is expected that the proposal will be connected to similar services	Y



development is to be connected to reticulated sewer.		
The local government shall require connection to reticulated water. Subject to the demonstration of suitability, connection to an alternate water supply may be considered by the local government.	The proposal is located within a reticulated water area. The existing facilities on site are connected to scheme water. It is expected that the proposal will be connected to similar services	Y
Clause 4.2 - Setbacks, Site Coverage and Plot Ratio		
Landscaping • 10% in total, comprised of 5% of the front setback.	868m ² - 10%	Yes
Site Coverage and Plot Ratio • Maximum site coverage: 75%	47%.	Yes
Setbacks • Front: 12m • Secondary Street: 6m • Side: 6m (north & south)	Setbacks • Front: 1.5m • Secondary Street: 1.2m • Side: 0.3m + 2.8m	No

The application proposes no end of trip facilities. Given the nature of the self-storage facility, it is expected that customers will only travel to the facility to access or move their belongings and goods. They will generally not access the facility for any other purpose.

The proposal presents variations to the setbacks under LPS3. In consideration of the variations, a consistent landscaping strip is proposed along the length of the South Western Highway boundary. The strip is between 1.5m and 10.2m and is in addition to the landscaping strip along the South Western Highway verge, providing an additional 8m. In addition to the selected colours, the proposal presents an acceptable level of bulk within the service commercial zone. The development plans have been amended to modify the form of the development from a vertical multi-storey building into a horizontal single storey layout. This reduces the perceived bulk and scale. Notwithstanding, the development continues to address both frontages via articulation, changes in materiality, openings, and roof pitch. The variation can be considered acceptable on this basis.

Car parking:

Section 4.3 of LPS3 sets out parking requirements for all proposals. The application proposes 38 car parking bays at several designated parking zones. These are inclusive zones for light trucks and passenger vehicles.



Parking provision is assessed in the table following:

Land Use	Parking Requirement	Floor Area	Parking Required
Warehouse/Storage	1 per 80m ² NLA	4,090m ²	(51.125) - 52
Office	1 per 40m ² NLA	40m ²	1
Total required	bays	53 Bays Required	31 Bays provided
Total Shortfall			22 bays short fall

The application proposes a shortfall in parking based on the prescribed rates within the LPS3. The decision maker, under Clause 34(4) and (5) of the LPS3, may consider a variation where the development will not have a significant adverse effect on the occupiers, users of the development, the inhabitants of the locality or the likely future development of the locality.

Where a traditional warehouse facility would require a considerable number of staff operating at all times of the day the LPS3 requirements in parking would be considered acceptable. The proposed variation can be considered acceptable in this instance given the nature of the business operating as a "Self-Storage". The applicant in this instance has prescribed that there will be a total of two employees at any given time on site, furthermore it is expected that customers are not likely to visit the premises often or visit for long periods of time, and generally only access to drop off or collect goods stored.

Clause 77D of the Deemed Provisions allows for a Local Government to exercise discretion and either vary or waive a minimum on-site parking requirement as follows:

- (1) *The local government may —*
 - (a) *vary a minimum on-site parking requirement that applies to development so that the minimum number of car parking spaces that must be provided as part of the development is a lower number; or*
 - (b) *waive a minimum on-site parking requirement that applies to development.*

A Traffic Impact Statement (TIS) (**attachment 7**) was submitted as part of the application which includes a justification for the parking provision variation. The TIS considers that self-storage facilities are not comparable to a typical warehouse which generates more traffic and has a number of staff onsite. Officers accept that the subject development would generate less traffic and thus require less parking bays than a typical warehouse. It is expected that customers are not likely to visit the premises often or visit for long periods of time, and generally only access to drop off or collect goods stored.

The TIS refers to a report undertaken by Aurecon in 2009 titled *Study Results and Findings Self Storage Facility Traffic and Parking Study* prepared for the Self-Storage Association of Australasia. The study was commissioned to identify typical parking demands and trip generation rates for self-storage units around Australia to assist future developments given there are no specific guidelines currently available. The study recommends parking provision as follows:



Table 5-7: Recommended Number of Parking Spaces per MLA (m²)

MLA	Office Parking	Storage Area Parking*	Staff Parking	Trailer/Ute Parking	Total Parking Spaces
0-3,000 m ²	1	2	2	1	6
3,000 m ² -6,000 m ²	2	5	2	1	10
6,000 m ² – 9,500 m ²	3	5	2	1	11

*Note: Ranch style sites will not require designated storage area parking as vehicles in these sites will park in aisles adjacent to their storage units; similarly "mixed" sites may require less designated storage area parking if they have a significant number of drive up storage units in a ranch style arrangement.

The applicant furthermore has provided a Transport Impact Statement (TIS) in support of the proposal. The TIS as a conservative proposition based on existing *RTA NSW - Guide to Traffic Generating Developments* guidelines for warehousing that a total of 21 trips per hour is proposed (11 in and 10 out), however it is unlikely for any self-storage proposal to generate the proposed number of vehicles.

Council may recall at its Ordinary Council Meeting of 17 February 2020 it approved a similar development at Lot 128 South Western Highway with a 47-bay shortfall under the former Town Planning Scheme No.2. At this time, the traffic report also relied on the Aurecon study and the nature of the development when justifying the variation. Thus, the car parking variation is considered acceptable.

The TIS concludes that the 31 parking bays on site will accommodate all the proposed traffic and parking generated from the development. It is therefore considered acceptable to consider the shortfall in parking.

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

SPP7.0 provides broad design principles for major development within Western Australia. The policy provides several objectives which are assessed on a merits-based approach. The proposal is considered to meet all relevant objectives, primarily for its built form and its interaction with the distinctive characteristics of the local area.

The initial proposal did not present reasonably towards the objectives of SPP7.0, the Byford Town Site Local Development Plan (LDP) and the objectives of the zone as discussed within LPS3. The matters which rendered the initial proposal not supported were:

- The development lacks visual appeal, with its facade treatment failing to enhance or respond to Byford's distinctive characteristics. The large, industrial-scale building does not match its landscape setting.
- The design does not reflect the local context and character of Byford or the setting of the Darling Scarp, contrasting with the town's semi-rural feel and visual connections to the Scarp.
- Material and colour choices do not adequately represent Byford's landscape. The design lacked locally inspired materials like Cardup brick, natural timber, and laterite stone that align with the semi-rural built form.
- The architectural style does not reinforce Byford's contemporary rural town feel.



- The large building, inconsistent with Byford's context and character, disrupts visual harmony at the town's main gateway, hindering the unification of styles between old and new parts of Byford.
- The development is at odds with good human scale and experience, disrupting views of the Darling Scarp. The three-story building is inappropriate in a predominantly single- and two-story context, potentially becoming an intrusive element.
- The South Western Highway Precinct includes the former Byford Town Centre area before redevelopment on the western side of the railway.

The applicant has responded with a revised development which is considered to respond to the matters raised above.

- The development plans have been revised to change the form of the building from a vertical multi-storey structure to a horizontal single-storey layout, reducing the perceived bulk and scale. The materiality of the street frontages includes Portland and painted precast concrete, perforated mesh screening, feature corrugated cladding panels, and powder-coated metal framing along the South Western Highway elevation, creating vertical articulation.
- The colour palette has been updated to include shades of grey, eucalyptus, and forest green, aligning with the natural and rural character of the area.
- Additionally, the roof along the South Western Highway frontage is designed to pitch up at the corners, matching the prevailing pitched roof form of the locality, while internal roofs remain flat, as they will not be visible externally. Due to the site levels, the buildings will appear lower when viewed from South Western Highway.
- Openings to George Street are maintained via the crossovers. Despite minimal openings to South Western Highway, the development is a low-traffic use, making additional openings unnecessary for passive surveillance. Therefore, extra effort has been placed on ensuring that the respective frontages are visually appealing.



Figure 10 - Initial Development Elevations (SWH)



Figure 11 - Revised Development Perspective (SWH)

Byford Townsite Local Development Plan (LDP):

The subject land is located within the Byford Townsite LDP, within Character Area H (Highway Commercial). Consistent with the zoning under the Scheme, this character area is intended to accommodate showrooms, bulky goods, offices, medical centres, consulting rooms, and the like.

In terms of the LDP, Officers note that the following provisions of particular relevance to the proposal:

- buildings must present a quality visual aspect to all street frontages. The main entry must be visually prominent, and clear views must be provided from the development to all adjacent streets.
- Ground floors shall have walls with large, glazed areas facing the street, and any other areas facing significant setbacks should also have glazed areas to enhance their commercial exposure and maximise casual surveillance both into and out of the building;
- Roof forms shall be broken up to add interest to the skyline. Reflective roofing materials are not permitted (unless the roof is flat located behind a pediment). Roofing profiles and formats will be considered in their overall street context and should contribute visually to the context of the immediate vicinity. Bearing in mind the semi-rural character of the town, pitched roofs shall be set at approximately 25 degrees.
- Buildings should be capable of adaptation over time to cater for alternative uses;
- Development may be permitted to a maximum of two storeys, with a total roof height of 8.0m maximum.
- New buildings shall be constructed predominantly of brick / masonry - either rendered or unrendered, with metal (non-reflective) roofing.



The use of some weatherboard cladding or custom orb profile steel sheeting as a detail feature should also be considered, in combination with the brick / masonry.

- *The use of concrete tilt-up construction for external walls will only be permitted if the developer can demonstrate that proposed articulation, detailing and the provision of windows is compatible with the objectives and provisions of these Guidelines. Acceptable means of treating tilt-up slabs include detailing by texturing / grooving surfaces, by the use of bas-relief designs or public artworks, and the inclusion of brick headers around windows and doors. Other design devices to accentuate openings may be considered.*
- *Commercial property owners or tenants should not use colours that make their buildings stand in sharp contrast to their context. Intense and lurid colours shall not be used.*
- *Muted neutral backgrounds with mid-range accents are acceptable. Occasional and limited use of strong colour could add life to the streetscape, but strong colour use should be the exception rather than the rule.*
- *Colours that take inspiration from the local soils and vegetation would be most appropriate.*

As mentioned previous, the initial proposal did not meet the intent of the Character H area, and the LDP provisions listed.

The revised plans, whilst still representing some variations to provisions of the LDP, are considered acceptable and justifiable from a planning discretion perspective. The revised design is considered aligned to the expectations of the amenity of the area, and general complimentary to the Byford Town Centre. The Highway Commercial zones under the LDP aim to foster a transition between the Byford Town Centre (mixed use and street based activation), to the residential neighbourhoods of the wider periphery. In doing this transition, there is a careful need to balance the more car orientated and simpler building forms that tend to typify a service commercial area. This is shown following:

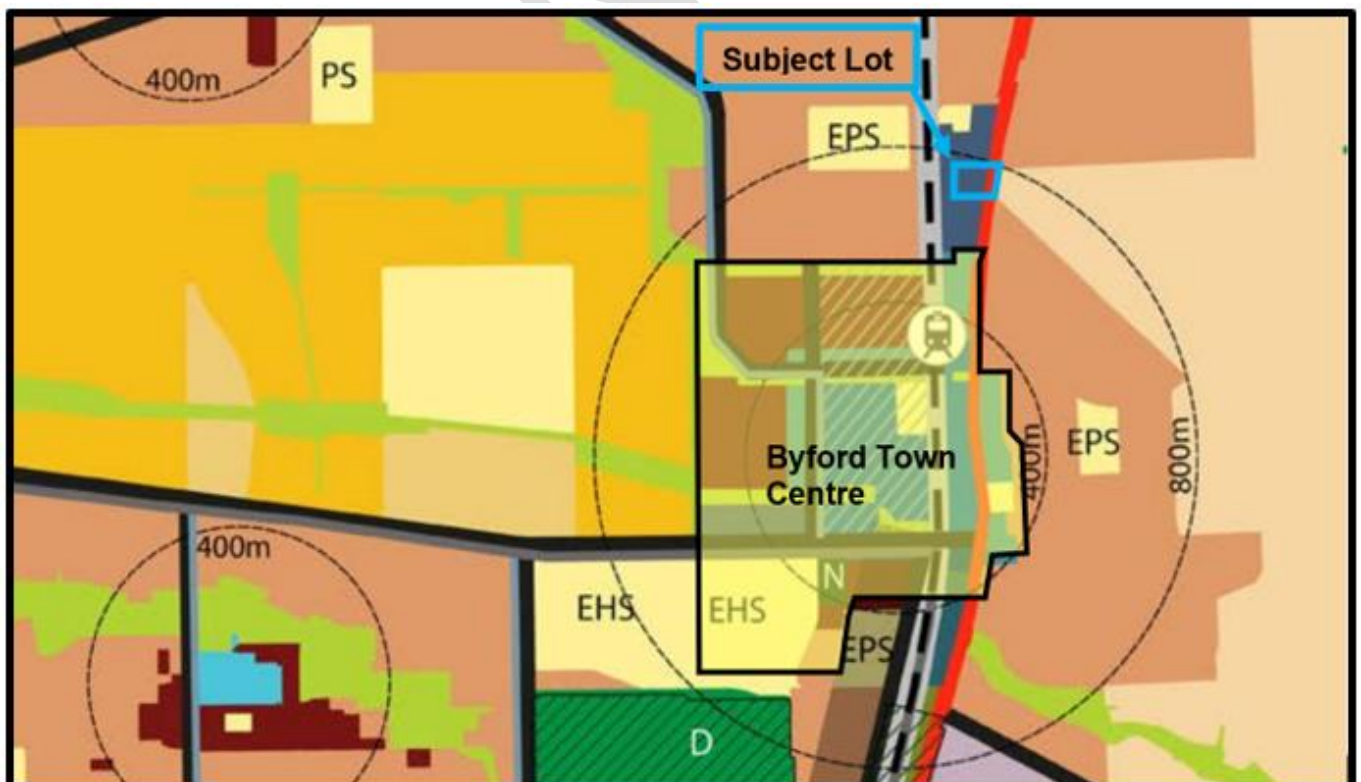


Figure 12 - Proximity to Byford Town Centre



In considering the intended amenity for the zone, the proposed revised development is considered generally aligned with the LDP in the following ways:

- The George and South Western Highway frontages both present a varied pitched roof as discussed within the SPP7.0 section of this report. The frontages both provide vertical and horizontal articulation minimising the impact of bulk and creating visual appeal along each frontage.
- The development plans have been amended to reduce the building height to a single storey. The roof along the South Western Highway frontage has been designed to pitch up to the respective corners.
- The development plans have been amended to reduce the building height to a single storey. This reduction in height from over 11m to under 6m is supported and is below the 8m maximum set within the Local Development Plan.
- The colour palette has been amended to a mix of grey as well as eucalyptus and forest green, in accordance with the prevailing natural and rural character of the locality.

The development is considered to provide a presentation to both the Highway and George Street, setting a clear fronting keynote to this entry element into the Shire. The nature of the use is generally challenging to including transparency of the ground floor plane, insofar that self-storage warehouses replicate an intended secure 'function', by exhibiting a strong and secure built form. Adaptation will not therefore be easy, but can through modifications still take place.

The main concern remains to the ongoing use of a non-preferred material, being concrete tilt-up construction. The LDP does provide that provided there is proposed articulation, it may be acceptable. In order to secure this, it is recommended a condition be imposed requiring the integration of the stated preferred materials of brick/masonry, along extents of the Highway frontage. This should be through inclusion of a recycled brick horizontal band or bands, stretching along the that frontage. A similar affect has occurred to the south, for a similar use as shown following:



Local Planning Policy 1.6 - Public Art

LPP1.6 provides the requirements for any major development over \$1million threshold to contribute to public art. The proposed development is estimated to be \$7m in value, and thus falls within the requirements of the policy.



No public art has been proposed at this stage of the development, therefore a condition requiring to the applicant requiring a percent for art aspect in accordance with the LPP, is provided as part of the recommended list of conditions.

Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)

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

A Stormwater Management Plan (SMP) was submitted as part of the application (**attachment 8**). The SMP proposes several bio retention areas and a detention basin across the site for the treatment and storage of stormwater.

Officers consider that further details should be provided, should the application be approved, showing specifically how discharge rates of stormwater do not exceed predevelopment flows, or the adopted DWMS for Byford. Further details must also demonstrate that the storage requirement for rainfall events can cater for a 1% AEP (annual exceedance probability) and ensure that the ground floor units, car parking area and traffic circulation areas do not flood.

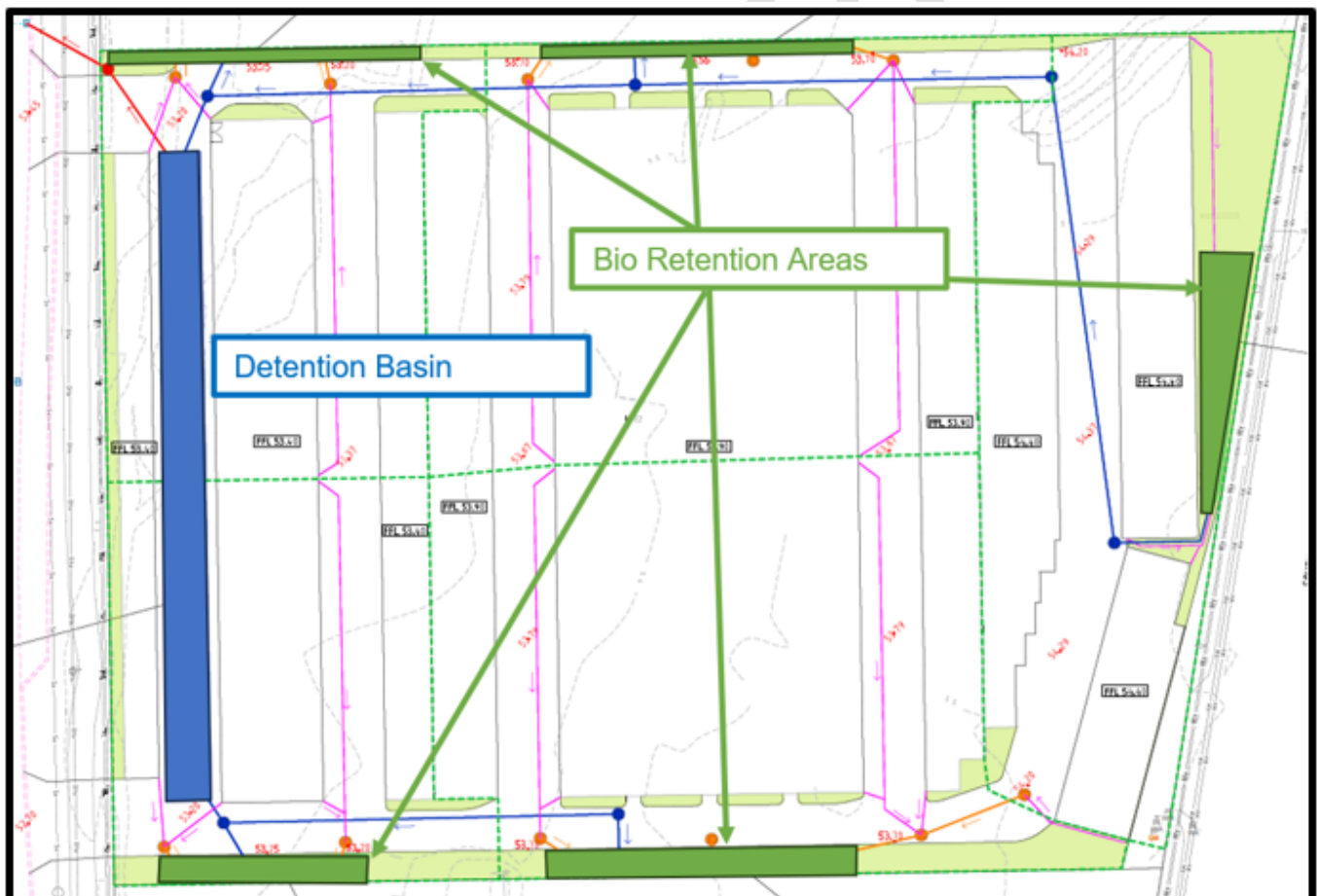


Figure 13 - Proposed Storm Water Retention Areas



Local Planning Policy 4.11 - Advertising

LPP4.11 provides a set of development objectives for the Shire to assess signage associated with development. The policy ensures that the siting, design and general appearance of advertising and signage does not detract from the landscape values, amenity, and character of the area. The application proposes the following signage as part of the development:

- A single pylon sign located adjacent to South Western Highway;
- Two Wall signs;
 - o One facing West on the George Street Elevation;
 - o One facing East on the South Western Highway elevation.

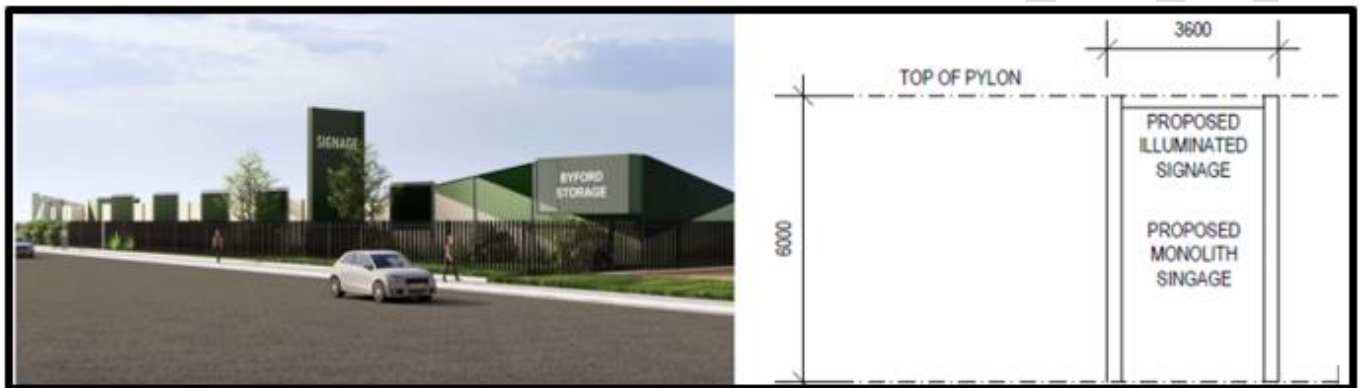


Figure 14 - Pylon Signage and Wall Sign



Figure 15 - Wall Sign - George Street

The proposed signage is assessed in accordance with the relevant provisions of LPP4.11.

Requirements	Provided	Compliant
Pylon Sign		
The maximum sign face area is 10m ² per face, for a maximum of two faces.	The proposed face will be roughly 21m ² in size	No
The maximum height above the ground is to be 6.5m or the height of a building in close proximity,	Proposed 6m in height	Yes



Requirements	Provided	Compliant
whichever is the greater, but is not to exceed 10m. The height of a building is defined as the height of the uppermost part of the building above ground level.		
Must be mounted as a free-standing structure	Provided as a free structure	Yes
Must not be located less than 1.5m from the front property boundary (including the primary and secondary street frontages of a corner lot), and must not project beyond the alignment of any property boundary.	Proposed approximately 2.6 from the front boundary	Yes
Must not face adjoining premises unless the sign is a minimum of 3.0m from the property boundary of that premises, or unless the landowner of the adjoining premises consents to the sign being a lesser distance from the boundary.	Setback more than 3m from the adjoining sites	Yes
Must not expose an unsightly back view of the sign to a road or other public place. Must not be located on a street frontage of a premises along which is located another pylon sign, billboard sign or pole sign.	Proposal is of a new nature and is not considered to be unsightly, setback from other properties adequately where other signage is proposed to be provided.	Yes
Wall Signs		
A wall sign is to only to display the name, logo or slogan of the business premises to which the sign is applied.	Proposes the developments name	Yes
The maximum single face area is 10m ² and must not extend beyond 12.0m above the ground even if the wall is higher than this.	Each sign is approximately 4.5m ² . Proposed Heights of Approximate 4m above ground level.	Yes Yes



Requirements	Provided	Compliant
Must not project more than 300mm from the wall and/or fascia to which it is affixed.	Signs are not projecting from the wall	Yes
Must not project beyond the edges of a wall and/or fascia.	Signs are not projecting past the fascia of the building	Yes

The signs propose variations against the development standards of the policy and therefore is required to be assessed against the applicable performance criteria:

Performance Criteria	Comment
Size Is in keeping with scale of the development or site on which it is proposed.	The size is appropriate for the location and scale of the development
Colour and Shape Is complementary to the development and surrounding landscape.	The colour is expected to be complimentary and match the proposed colours of the structure
Number There is not an excess of signage that detrimentally impacts on the visual amenity and character of the area	A single sign is proposed to each frontage of each type, with the exception of the pylon sign being singularly located towards SWH.
Location The location is sympathetic to the existing landscape /streetscape and does not impede on the function of the approved use for the site.	The proposed pylon sign is setback closer than 2.6m from the road outside of the SWH road widening sections.
Design The scale and form of the sign complements the building /development and does not obstruct key architectural features.	A pylon sign is appropriate for a warehouse style development and is not considered to obstruct any line of sight of major architectural features of the proposed structure
Safety The proposed signage does not pose an unacceptable risk to the public.	The sign is not located in a manner where public safety is impacted.

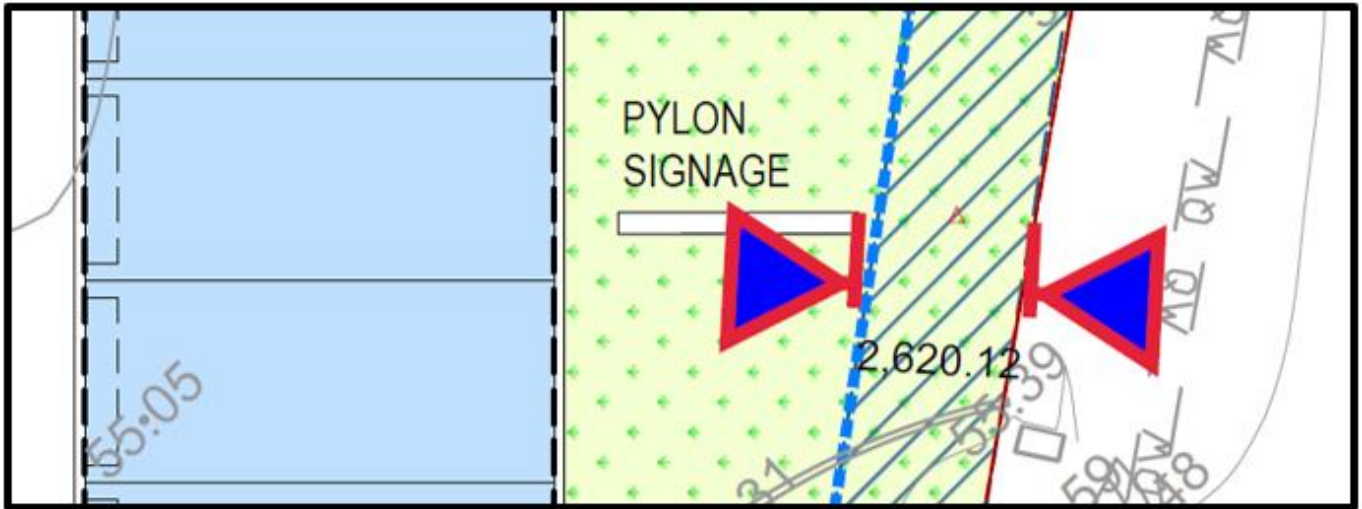


Figure 16 - Setback to South Western Highway

Noise

The proposal has a noise technical note as part of the application. The technical note (**attachment 9**) has provided a review of the development and has concluded the proposed risk to any noise emissions is low. The proposal's nature is not considered to generate noise that will be of an intrusive nature during daytime hours. The proposal does intend to operate on a 24/7 basis, with a secure access gate. This is the main risk of noise impacts, being patrons accessing the facility during the night.

Given the design of the structure, the units themselves will act as a buffer between any unloading and activity taking place, and the direction of nearby sensitive development. This sees the form of development helping to manage and mitigate any noise impacts.

The Shire will recommend a condition of approval requiring a Noise Management Plan (NMP) to be provided prior to the occupation of the development. The NMP will provide guidance for the occupants to ensure that any users of the facility outside of daytime hours are to be undertaken in a manner which will not cause undue noise to the neighbouring residential properties adjacent on South Western Highway. This will include guidance as to the minimisation of noise when visiting the facility between 7pm and 7am.

Access and Traffic

Clause 67 of the *Deemed Provisions*, specifically (s) and (t) relate to the ability of a development to manage access and egress arrangements, and whether traffic generated by a proposal would be suitable considering the local road network. A Transport Impact Statement (TIS) was provided with the application, which can be viewed in **attachment 7** to this report.

Access

The site currently has two full movement crossovers onto South Western Highway. The application proposes to utilise two new crossovers from George Street (one in and one out) which has not yet been constructed in the vicinity of the subject site. Two crossovers are proposed to enhance traffic circulation within the site which facilitates a one-way system for vehicles, typical for this type of development, as shown following:



Figure 17 - Circulation diagram

The Public Transport Authority (PTA) initially raised concerns in relation to the location of the northernmost crossover due to a conflict with parking bays proposed on George Street. The PTA suggested that the development be limited to the southern crossover only. The proposed northern crossover and the location of the future PTA parking bays at this time are shown following:

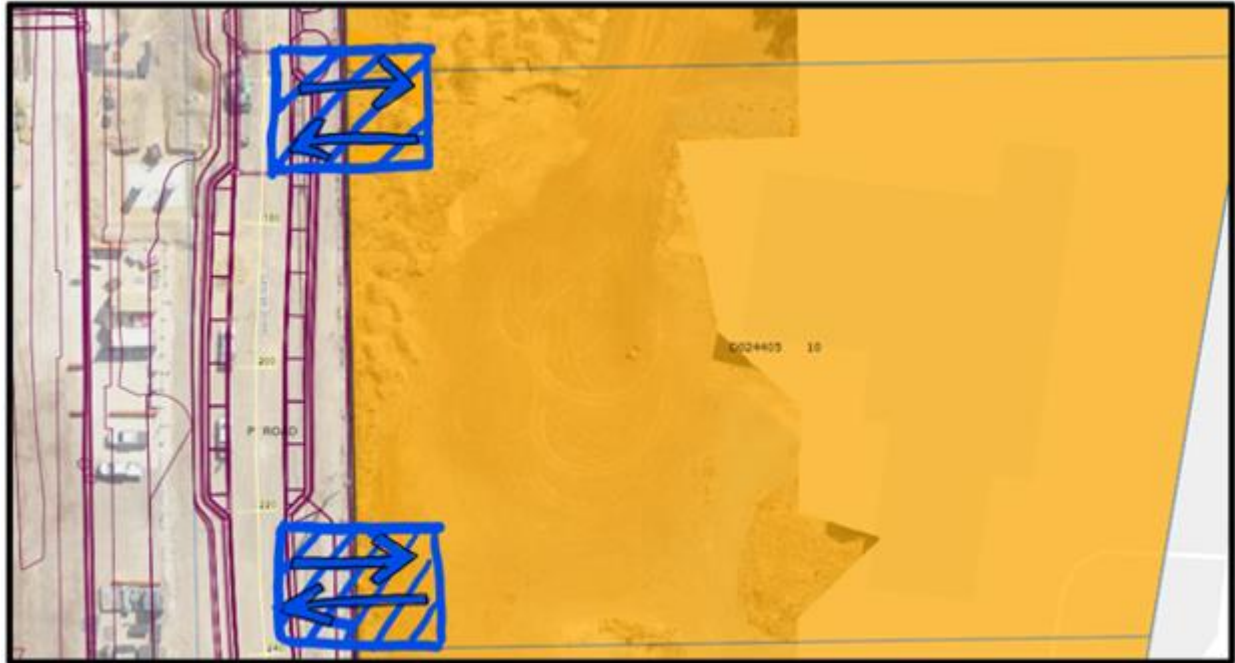


Figure 18 – George Street Design Parking Conflict

PTA has subsequently reviewed and revised the George Street design details. Confirmation has been received from the PTA that there will no longer be a conflict between the proposed access and the future parking bays. Given MRWA's position not to support a crossover onto South Western Highway, the provision of a second crossover from George Street is integral to the development being able to achieve safe egress from the site. A condition is recommended for the applicant to provide detailed engineering drawings to the satisfaction of the Shire in liaison with PTA, MetConnx and the OMITD.

In addition to future parking bays, there are several changes to the local road network as part of the Byford Rail Extension project. Specific to this development, George Street will be fully constructed from Larsen Road (north) to Evans Way (south) as shown following:

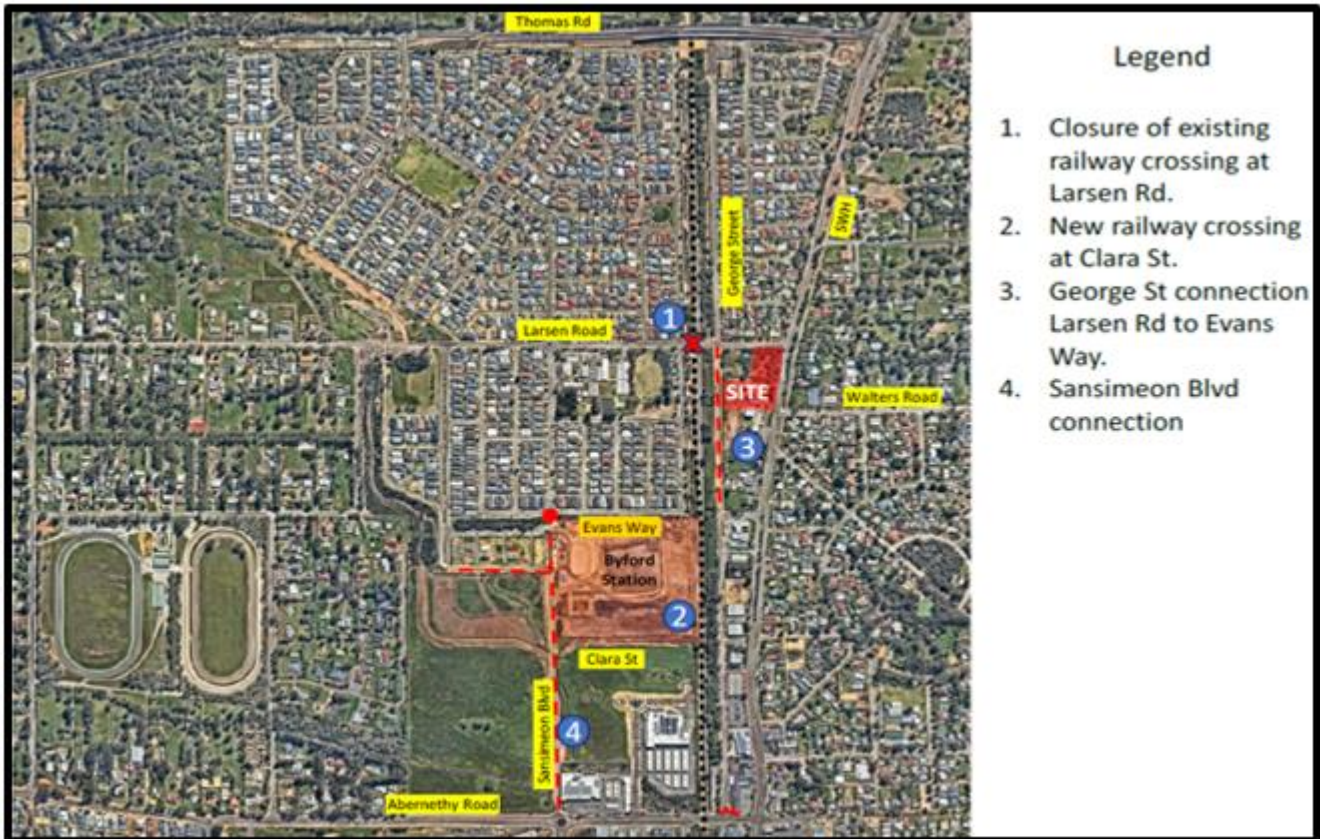


Figure 19 - Road Closures

The application proposes to use the southern-most crossover on South Western Highway for a temporary period should George Street not be fully constructed at the time the development becomes operational.

MRWA do not support the use of the crossover on South Western Highway and have proposed a condition requiring its removal. Given the traffic volumes on South Western Highway, its function as a Primary Regional Road and the comments received by MRWA, Officers also do not support this aspect of the proposal.

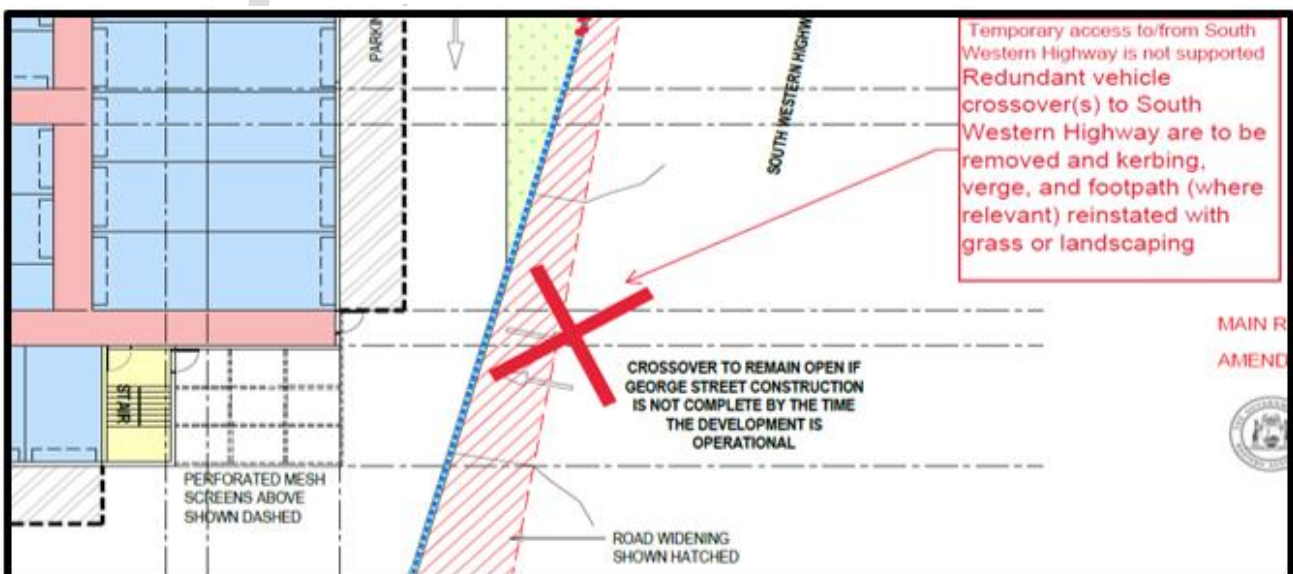


Figure 20 - MRWA objection to the temporary crossover



Traffic

As previously stated, for the purposes of the TIS, trip rates for a warehouse development have been used, sourced from the RTA NSW Guide to Traffic Generating Developments, as there are no trip rates for self-storage facilities in the Guidelines. Importantly, the TIS notes the following:

- Self-storage facilities by definition are low traffic generators which would accommodate mainly 2-axle vehicles (i.e. cars, small trucks and furniture removal vans).
- Self-storage facilities would not generate typical AM and PM peak hour trips and therefore the AM peak hour trip rate quoted by RTA Guidelines for a warehouse development is adopted as the peak hour trip rate for the proposed development.
- Vehicles visit self-storage facilities in small numbers spread over the 8-10 hour daily opening period of the facility.

Using the trip generation rates for a warehouse, it is estimated that the proposal would result in 540 daily trips with 68 of the trips being during the peak operating hour of the facility. The TIS identifies George Street as a future Access Street with the PTA earmarking the road to have a speed limit of 40kmph with 20kmph speed hump treatments. The overall road capacity is expected to carry a maximum of 3000vpd. As previously stated, South Western Highway has the capacity to cater for approximately 25,000 to 30,000 vehicles per day (vpd).

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

The TIS identifies that the proposal would result in significantly less traffic than 100vph and as such it is considered that the road network has the capacity to accommodate the vehicles generated by the development.

Waste

The application provides a bin store for the storage and management of waste to the site. Currently there is no details provided regarding the waste capacity of the site.

It is recommended that a Waste Management Plan (WMP) is submitted prior to occupation of the site and carried out for the life of the development. The main operation of the WMP is to ensure waste is collected and taken off site during non-peak hours.



Figure 21 - Bin Store Location

Options

Option 1

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Development Assessment Panel APPROVES the development application for the proposed Warehouse/Storage at Lot 10, 777 South Western Highway, Byford as contained within **attachment 11** with the following conditions:
 - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specification	Development Plans dated June 2024 Stormwater Management Plan dated June 2024 Transport Impact Statement dated June 2024 Environmental Noise Technical Note dated June 2024 Landscaping Plan dated June 2024
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- b. Prior to the lodgement of a Building Permit, a revised Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate:
 - i. That offsite discharge rates of stormwater do not exceed predevelopment flow rates, or the maximum levels set under the Byford DWMS;
 - ii. That the storage requirement for rainfall events can cater for a 1% AEP (annual exceedance probability) while ensuring that the ground floor units, car parking area and traffic circulation areas do not flood.

The revised Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines to the satisfaction of the Shire, in consultation



with the PTA. Once approved, development shall be in accordance with the approved revised Stormwater Management Plan.

- c. Prior to lodgement of a Building Permit, civil drawings are to be provided to the satisfaction of the Shire, detailing the vehicle parking areas, accessways, internal roads and crossovers which must:
 - i. Be designed in accordance with the relevant Australian/New Zealand Standard;
 - ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
 - iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

The works are to be completed prior to operation of the development, and thereafter maintained.

- d. Prior to lodgement of a Building Permit, a revised Elevations Plan (including Lighting Plan) is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The revised plan must demonstrate the provision of an appropriate recycled brick/masonry material, applied as a suitable horizontal band along the Highway frontage of the development. This band is to be highlighted through suitable lighting, which provides a night time glow to that prominent building material aspect of the development, facing the Highway. The plan shall also demonstrate the provision of lighting to all access ways, car parking areas, exterior entrances to all buildings and the extent to which light from all external light sources is cast. The plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, the development is to occur in accordance with the revised plan.
- e. Prior to lodgement of a Building Permit, percent for art shall be provided to the satisfaction of the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- f. Prior to the lodgement of a Building Permit, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall detail:
 - i. Provision of vegetative landscaping within the site and the adjoining verges of the site, and the full management of verges adjoining the site.
 - ii. Detailed planting regime and plans, identifying the number of plants, species, size of tubs.
 - iii. A schedule of planting including the how vegetation is planted, monitored for failure, and replaced where required.

Once approved, the Landscaping Plan shall be implemented prior to occupation and maintained thereafter.

- g. Prior to lodgement of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
 - i. Management of car parking, delivery vehicles and traffic associated with the construction of the development;
 - ii. Management of dust and noise.

Once approved, the Construction Management Plan shall be adhered to at all times.



- h. Prior to occupation of the development, a detailed Noise Management Plan must be submitted and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan must detail all measures to mitigate noise emissions to the satisfaction of the Shire of Serpentine Jarrahdale, including guidance to those visiting the site between the hours of 7pm to 7am. Once approved, the development shall be carried out in accordance with the Noise Management Plan.
- i. Prior to occupation of the development, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Waste Management Plan must include the management of waste generated from the development. Once approved, development must be in accordance with the approval Waste Management Plan.
- j. All loading and unloading associated with the development must be undertaken within the subject property boundaries.
- k. Prior to lodgement of a Building Permit, a Signage Strategy shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, signage shall be displayed in accordance with the approved Strategy.

Main Road Conditions:

- l. No vehicular access to South West Highway is approved for the operation of the development. Gates and crossover must be deleted from the approved plans.
- m. No part of the development, other than approved landscaping is to be located within the proposed land requirement for South Western Highway as detailed in the attached Land Protection Plan 201232-0006 (extract). The Fire Pump & Tank, Bio Retention and any associated infrastructure services as depicted in the Stormwater Management Plan (23-11-135/400), dated February 2024 is to be removed from the future road reserve.
- n. Prior to the issue of a Building Permit, the redundant vehicle crossovers to South Western Highway are to be removed and kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction and specifications of the Shire.
- o. Stormwater shall not be discharged to the South Western Highway Road Reserve.

Perth Transport Authority Conditions:

- p. Prior to lodgement of Building Permit complete engineering drawings are to be provided to demonstrate integration of the crossovers into the MetConnx design for George Street.
- q. Prior to lodgement of Building Permit the applicant/owner must obtain approval from the PTA for works in and around the operating railway reserve in accordance with the PTA 8810-450-003 - *Procedure - Working in and around the PTA Rail Corridor, Assets, and Infrastructure*. To the satisfaction of the Shire on the advice of the PTA.

Option 2

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Joint Development Assessment Panel REFUSES the development application for the proposed Warehouse/Storage at Lot 10, 777 South Western Highway, Byford due to insufficient car parking provision, and inadequate information to demonstrate that stormwater is capable of management as part of the development.

Option 1 is recommended.



Conclusion

The application seeks approval for a Warehouse (Self Storage Facility). Officers consider that the development is generally consistent with the planning framework. The proposal has been reviewed by MRWA and the PTA which have provided support on the basis the access network is sufficiently addressed via conditions. The proposed use is compatible with the service commercial zone. The application is recommended for support subject to conditions.

Attachments

- **10.1.2 - attachment 1** - Responsibility Authority Report (E24/6881)
- **10.1.2 - attachment 2** - Initial Development Plans (E24/8269)
- **10.1.2 - attachment 3** - Current Development Plans (E24/8270)
- **10.1.2 - attachment 4** - Applicant’s response to RFI (E24/8271)
- **10.1.2 - attachment 5** - Summary of Submissions (E24/8273)
- **10.1.2 - attachment 6** - Clause 67 Assessment (E24/8274)
- **10.1.2 - attachment 7** - Transport Impact Statement (E24/8275)
- **10.1.2 - attachment 8** - Stormwater Management Plan (E24/8277)
- **10.1.2 - attachment 9** - Noise Technical Note (E24/8278)
- **10.1.2 - attachment 10** - Landscaping Plan (E24/8281)
- **10.1.2 - attachment 11** - Combined Documents for Determination (E24/8282)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
Liveable
1. Advocate for public transport and focus on connectivity within communities
2. Improve maintenance and investment in roads and paths
Connected
2. Contribute to a well-connected, accessible and health community

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is considered the lowest risk option possible.						
2	That Council RESOLVES the Responsible Authority Recommendation for the MOJDAP to refuse the application, and MODAP refuse it causing an appeal to the SAT which requires staff to attend.	Planning Framework	Reputation	Possible	Moderate	MODERATE	Clear reasons for refusal.

Voting Requirements: Simple Majority

OCM183/07/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Development Assessment Panel APPROVES the development application for the proposed Warehouse/Storage at Lot 10, 777 South Western Highway, Byford as contained within attachment 11 with the following conditions:
 - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specification	Development Plans dated June 2024 Stormwater Management Plan dated June 2024 Transport Impact Statement dated June 2024 Environmental Noise Technical Note dated June 2024
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Landscaping Plan dated June 2024

b. Prior to the lodgement of a Building Permit, a revised Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate:

- i. That offsite discharge rates of stormwater do not exceed predevelopment flow rates, or the maximum levels set under the Byford DWMS;**
- ii. That the storage requirement for rainfall events can cater for a 1% AEP (annual exceedance probability) while ensuring that the ground floor units, car parking area and traffic circulation areas do not flood.**

The revised Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines to the satisfaction of the Shire, in consultation with the PTA. Once approved, development shall be in accordance with the approved revised Stormwater Management Plan.

c. Prior to lodgement of a Building Permit, civil drawings are to be provided to the satisfaction of the Shire, detailing the vehicle parking areas, accessways, internal roads and crossovers which must:

- i. Be designed in accordance with the relevant Australian/New Zealand Standard;**
- ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;**
- iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.**

The works are to be completed prior to operation of the development, and thereafter maintained.

d. Prior to lodgement of a Building Permit, a revised Elevations Plan (including Lighting Plan) is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The revised plan must demonstrate the provision of an appropriate recycled brick/masonry material, applied as a suitable horizontal band along the Highway frontage of the development. This band is to be highlighted through suitable lighting, which provides a night time glow to that prominent building material aspect of the development, facing the Highway. The plan shall also demonstrate the provision of lighting to all access ways, car parking areas, exterior entrances to all buildings and the extent to which light from all external light sources is cast. The plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, the development is to occur in accordance with the revised plan.

e. Prior to lodgement of a Building Permit, percent for art shall be provided to the satisfaction of the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.



- f. Prior to the lodgement of a Building Permit, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall detail:
- i. Provision of vegetative landscaping within the site and the adjoining verges of the site, and the full management of verges adjoining the site.
 - ii. Detailed planting regime and plans, identifying the number of plants, species, size of tubs.
 - iii. A schedule of planting including the how vegetation is planted, monitored for failure, and replaced where required.

Once approved, the Landscaping Plan shall be implemented prior to occupation and maintained thereafter.

- g. Prior to lodgement of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
- i. Management of car parking, delivery vehicles and traffic associated with the construction of the development;
 - ii. Management of dust and noise.

Once approved, the Construction Management Plan shall be adhered to at all times.

- h. Prior to occupation of the development, a detailed Noise Management Plan must be submitted and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan must detail all measures to mitigate noise emissions to the satisfaction of the Shire of Serpentine Jarrahdale, including guidance to those visiting the site between the hours of 7pm to 7am. Once approved, the development shall be carried out in accordance with the Noise Management Plan.
- i. Prior to occupation of the development, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Waste Management Plan must include the management of waste generated from the development. Once approved, development must be in accordance with the approval Waste Management Plan.
- j. All loading and unloading associated with the development must be undertaken within the subject property boundaries.
- k. Prior to lodgement of a Building Permit, a Signage Strategy shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, signage shall be displayed in accordance with the approved Strategy.

Main Road Conditions:

- l. No vehicular access to South West Highway is approved for the operation of the development. Gates and crossover must be deleted from the approved plans.
- m. No part of the development, other than approved landscaping is to be located within the proposed land requirement for South Western Highway as detailed in the attached Land Protection Plan 201232-0006 (extract). The Fire Pump & Tank, Bio Retention and any associated infrastructure services as depicted in the Stormwater Management Plan (23-11-135/400), dated February 2024 is to be removed from the future road reserve.



n. Prior to the issue of a Building Permit, the redundant vehicle crossovers to South Western Highway are to be removed and kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction and specifications of the Shire.

o. Stormwater shall not be discharged to the South Western Highway Road Reserve.

Perth Transport Authority Conditions:

p. Prior to lodgement of Building Permit complete engineering drawings are to be provided to demonstrate integration of the crossovers into the MetConnx design for George Street.

q. Prior to lodgement of Building Permit the applicant/owner must obtain approval from the PTA for works in and around the operating railway reserve in accordance with the PTA 8810-450-003 - *Procedure - Working in and around the PTA Rail Corridor, Assets, and Infrastructure*. To the satisfaction of the Shire on the advice of the PTA.

CARRIED UNANIMOUSLY 6/0



10.1.3 - Banksia Woodland Management Plan - Release for Public Comment (SJ816)

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

Authority / Discretion

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

The purpose of this report is to request Council to consider releasing the draft Banksia Woodland Management Plan (**attachment 1**) for public comment.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The Shire has a number of individual management plans for natural area reserves, published on its website. Many of these management plans are more than ten years old, and the actions within the plans require updating. In the meantime, the best practice style for a management plan has also changed.

The draft Banksia Woodland Management Plan presents a new style for managing the Shire's natural reserves. The reserves are grouped according to vegetation complex into three management plans, for banksia woodland, marri woodland, and scarp/plateau forest, with the draft Banksia Woodland Management Plan being the first produced.

The draft Banksia Woodland Management Plan contains information relevant to managing any area of banksia woodland, plus Action Plans for the nine Shire reserves which contain banksia woodland. These reserves are:

- Brickwood Reserve (Briggs Park), Byford
- King Road Pony Club Reserve, Oldbury
- Serpentine Sports Reserve (Paul Robinson Reserve), Serpentine
- Yangedi Airfield Reserve, Hopeland
- Bella Cumming Reserve, Mundijong
- Tonkin Street Flora Reserve, Mundijong
- Craghill Way Reserve, Oakford



- Pony Place Reserve (Oakford Community Centre), Oakford
- Wattle Road Nature Reserve, Serpentine

Community / Stakeholder Consultation

The draft Banksia Woodland Management Plan has been produced in consultation with internal staff and is proposed to be advertised for public comment on Your Say SJ for not less than 28 days and promoted on social media.

Statutory Environment

Nil.

Comment

Four Shire natural area reserves which contain banksia woodland have had individual management plans prepared and adopted by Council: Brickwood Reserve (second edition 2016), King Road Pony Club Reserve (2011), Serpentine Sports Reserve (second edition 2021), and Yangedi Airfield Reserve (2011). The reserve management plans are written in an outdated style, going into great detail on the reserve's characteristics, threats, history and uses, and containing many detailed actions that mostly address balancing competing priorities for the use of the reserve.

The current best practice format for reserve management plans is to group together all of the reserves in one area under a single management plan. This format is used by the Department of Biodiversity, Conservation and Attractions, and is proposed to be used for the Shire's natural area reserves.

The Shire's natural area reserves are proposed to be grouped according to vegetation complex into three management plans, for banksia woodland, marri woodland, and scarp/plateau forest. The draft Banksia Woodland Management Plan is the first to be produced, with the others proposed for later this year.

Some of the reserves (Brickwood Reserve, Serpentine Sports Reserve, Yangedi Airfield Reserve, King Road Pony Club Reserve, Craghill Way Reserve, and Wattle Road Nature Reserve) contain more than one vegetation type. The draft Banksia Woodland Management Plan will address the areas of banksia woodland, while the other vegetation types (marri woodland and/or clay-based wetlands) will be covered under other management plans. Clay-based wetlands are most commonly associated with marri woodland, so will be included in the marri woodland management plan.

The draft Banksia Woodland Management Plan contains information relevant to managing any area of banksia woodland, plus Action Plans for the nine Shire reserves which contain banksia woodland. The concept is that the first part of the draft Management Plan can be used by anyone wishing to manage an area of banksia woodland, while the nine Action Plans are brief enough to be easily used by Shire staff responsible for managing the reserve and user groups. The draft Management Plan is intended as an environmental management plan for the natural areas of each reserve, as other uses of the reserves are managed by leases, licences and/or memoranda of understanding with the user groups.

The section of the draft Banksia Woodland Management Plan that can be used for any area of banksia woodland covers the characteristics of banksia woodland and the threats and pressures that apply. This is followed by a brief description of the Shire reserves that contain banksia woodland and an Action Plan that is applicable to any area of banksia woodland.



Appendices contain lists of flora and fauna found in the banksia woodland reserves, and a general fire management strategy for banksia woodland.

The individual reserve Action Plans contain a number of maps detailing the reserve’s location, management zones, soils, biodiversity and water resources, lists specific threats and pressures, and details the reserve’s user groups and infrastructure. This is followed by an Action Plan specific to the reserve and a fire management strategy.

Community input is essential for the protection and conservation of the Shire’s natural area reserves. While banksia woodland is protected under Federal legislation, many reserves have areas under lease or licence to user groups with an interest in the management of the reserve. Input from the user groups and community will ensure that stakeholders are engaged in the management of an important natural asset.

Options

Option 1

That Council:

1. RESOLVES to release the draft Banksia Woodland Management Plan for public comment for a period of 28 days.
2. REQUESTS the Chief Executive Officer present, following the public comment period, the revised Banksia Woodland Management Plan back to Council (inclusive of recommended changes emanating from community consultation) for endorsement.

Option 2

That Council DOES NOT release the draft Banksia Woodland Management Plan for public comment.

Option 1 is recommended.

Conclusion

The draft Banksia Woodland Management Plan contains information relevant to managing any area of banksia woodland, plus Action Plans for the nine Shire reserves which contain banksia woodland. While banksia woodland is protected under Federal legislation, many reserves have areas under lease or licence to user groups with an interest in the management of the reserve. Input from the user groups and community will ensure that stakeholders are engaged in the management of an important natural asset.

Attachments (available under separate cover)

- **10.1.3 - attachment 1** - Banksia Woodland Management Plan (E24/7941)

Alignment with our Council Plan 2023-2033

Liveable
3. Preserve and enhance our natural places, parks, trails and reserves
4. Invest in facilities and amenities to meet current and future needs
Connected
3. Empower the community to engage with the Shire and collaborate on matters that are important to them



Financial Implications

The public comment period will have no direct financial implications for the Shire.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council receives negative comments regarding the draft Banksia Woodland Management Plan from a section of the community.	Council has existing management plans for four of the nine reserves which will continue to represent Council's position.	Reputation	Unlikely	Insignificant	LOW	Public engagement designed to garner community support.
2	Council does not agree to release the draft Banksia Woodland Management Plan for public comment, delaying best practice management of the nine natural area reserves.	Council has existing management plans for four of the nine reserves which will continue to represent Council's position.	Organisational Performance	Unlikely	Minor	LOW	Implement the existing management plans.



Voting Requirements: Simple Majority

OCM184/07/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Bishop, seconded Cr Jerrett

That Council:

- 1. RESOLVES to release the draft Banksia Woodland Management Plan for public comment for a period of 28 days.**
- 2. REQUESTS the Chief Executive Officer present, following the public comment period, the revised Banksia Woodland Management Plan back to Council (inclusive of recommended changes emanating from community consultation) for endorsement.**

CARRIED UNANIMOUSLY (en bloc at 7:21pm) 6/0



10.1.4 - Request for Western Australian Planning Commission to Initiate Metropolitan Region Scheme Amendment - Rezoning of a Portion of the West Mundijong Industrial Area from 'Rural' to 'Industrial' (SJ206)

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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Proponent: Shire of Serpentine Jarrahdale

Owner: Various

Date of Receipt: N/A

Lot Area: N/A

Local Planning Scheme No. 3 Zoning: Rural, Rural Smallholdings

Metropolitan Region Scheme Zoning: Rural

Report Purpose

The purpose of this report is for Council to consider requesting the Western Australian Planning Commission (WAPC) to initiate an amendment to the Metropolitan Region Scheme (MRS) pertaining to the West Mundijong Industrial Area.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 22 February 2016 - OCM017/02/16 COUNCIL DECISION / Amended Motion:

That Council endorse the draft submission on Metropolitan Region Scheme Amendment 1298/41 - West Mundijong Industrial Precinct, as contained within attachment OCM017.3/02/16 with the following amendment:

- The Shire recommends the Department amend its proposal to include a portion of land adjacent to Tonkin Hwy to be contained in a Railway Reserve and allow for further planning tools to control the use of land to protect the proposed future realignment of the freight rail.

Background

The West Mundijong Industrial Area was zoned 'Industrial' under the MRS through an MRS Amendment which came into effect on 18 October 2017.



As part of this MRS Amendment, an approximately 150 metre wide strip of 'Rural' zoned land was excluded from the MRS Amendment, in order to accommodate the future Mundijong freight railway realignment.

It was advised at the time that further investigations were required to determine the exact area for the future railways reservation, and therefore it would be appropriate to retain a 'Rural' zoned strip of land until such studies had been finalised.

Main Roads WA have been undertaking a planning study since 2019 to realign the existing freight rail line. In November 2022, Main Roads announced that a preferred rail realignment corridor had been selected. In December 2023, a Planning Control Area over the land identified for the realignment of the freight railway came into effect, to protect the land required for railway and road realignment purposes.

The finalisation of the Planning Control Area has resulted in a redundant strip of 'Rural' zoned land remaining under the MRS. Given that the freight rail realignment corridor has been confirmed, Officers consider this 'Rural' zoned land should be zoned 'Industrial' under the MRS to enable the completion of the zoning West Mundijong Industrial Area. Accordingly, this report is presented for Council to consider requesting the WAPC to initiate an MRS Amendment to rezone the remaining portion of 'Rural' zoned land to 'Industrial'.

Community / Stakeholder Consultation

Should Council resolve to request the WAPC to initiate an MRS amendment and should the WAPC decide to initiate an amendment as requested, the WAPC will seek formal comment on the proposal from the Shire, State agencies, stakeholders and the community.

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy
- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- West Mundijong Industrial Area Structure Plan

Planning Assessment

Strategic Framework

The WAPC's Perth and Peel @ 3.5 Million Sub-Regional Planning Frameworks provide a land use planning and infrastructure framework to accommodate 3.5 million people by 2050, defining the urban form of the Perth and Peel regions. Under the South Metropolitan Peel Sub-Regional Planning Framework, the subject site is identified as 'Industrial'.



The Shire's approved Local Planning Strategy, which sets out a 10-year framework for the Shire's future planning and development, is required to reflect the regional planning framework. In this regard, the Local Planning Strategy depicts an 'Industry' designation abutting the proposed Mundijong Freight Rail Realignment, aligned with the regional planning framework that prevails.

West Mundijong Industrial Area Zoning

The West Mundijong Industrial Area was zoned 'Industrial' under the MRS through an MRS Amendment which came into effect on 18 October 2017. As part of this MRS Amendment, an approximately 150 metre wide strip of 'Rural' zoned land was excluded from the MRS Amendment to accommodate the future Mundijong freight railway realignment. At the time of this MRS amendment, the WAPC advised that further investigations would be required to determine the exact area for the future railway reservation and therefore it would be appropriate to retain a 'Rural' zoned area until such studies had been finalised. The WAPC further advised that a future MRS amendment could zone this area 'Industrial' and/or reserve it 'Railways' as appropriate once the planning of the West Mundijong Freight Rail Realignment had progressed.

The Shire's Local Planning Scheme No.3 zones the West Mundijong Industrial Area as 'Industrial Development', consistent with the 'Industrial' zoning under the MRS. On 2 November 2022, the WAPC approved the West Mundijong Industrial Area Structure Plan to guide the future subdivision and development of the area.

West Mundijong Freight Rail Realignment and Planning Control Area

Main Roads WA have been undertaking a planning study since 2019 to realign the existing freight rail line which currently traverses Mundijong and Mardella. The primary benefits of this realignment are to improve the safety and amenity of the Mundijong Town Centre. This study included assessment of multiple corridor alignments, environmental and heritage studies and extensive stakeholder consultation with Government agencies, affected landowners and the community. In conjunction with the rail corridor study, a short section of the future Tonkin Highway extension south of Mundijong Road was also incorporated in the planning study. In November 2022, Main Roads announced that a preferred rail realignment corridor had been selected following extensive analysis and stakeholder engagement, as shown in Figure 1.

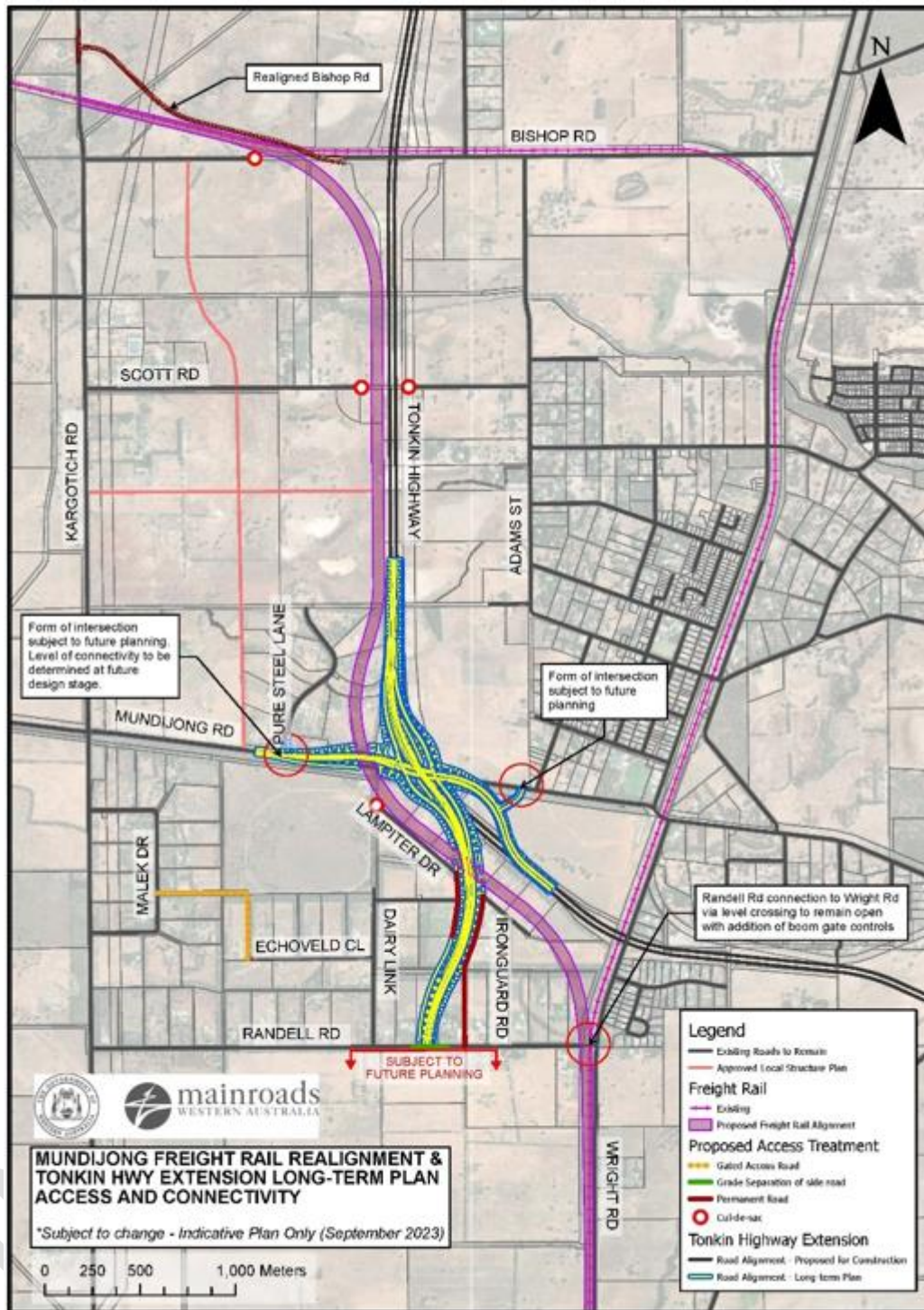


Figure 1: Preferred Freight Rail Realignment Corridor

At the time of the selection of the preferred freight rail realignment corridor, it was also stated that a Planning Control Area would be progressed over this corridor to protect the land for railway and highway reservations. The Minister for Planning granted approval to the declaration of a Planning Control Area (PCA) over the subject land identified for the realignment of the freight railway, with a notice being published in the Government Gazette on 22 December 2023. The purpose of the PCA is to protect the land required for railway and road realignment purposes, and to allow (as required) the future reservation of land in the MRS. The PCA is shown in Figure 2.

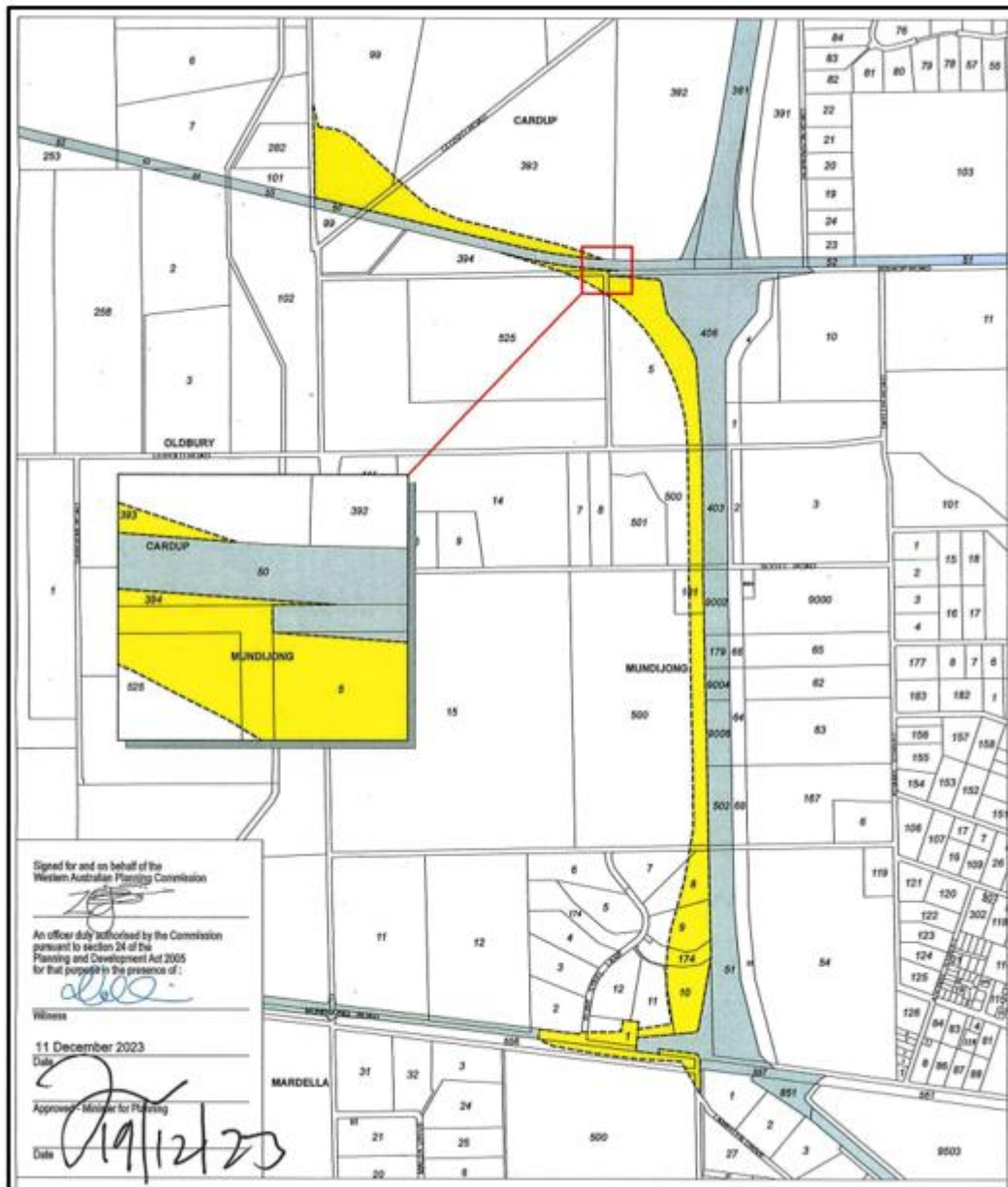


Figure 2: Planning Control Area

Proposed MRS Amendment

The finalisation of the PCA has resulted in a redundant strip of 'Rural' zoned land remaining under the MRS between the 'Industrial' zoned land and the PCA. Given that the freight rail realignment corridor has been confirmed and formalised through the PCA, Officers consider that this 'Rural' zoned land should be zoned 'Industrial' under the MRS to enable the completion of the zoning of the West Mundijong Industrial Area. Rezoning this area of land as 'Industrial' would apply a consistent zoning to facilitate the future coordination of development proposals within the West Mundijong Industrial Area. Officers consider that it is not appropriate for this land to remain as being zoned 'Rural' as it may impact the future development of the West Mundijong Industrial Area. As such, Officers recommend that Council request the WAPC to initiate an MRS Amendment to rezone the remaining Rural portion of land within the West Mundijong Industrial Area from 'Rural' to 'Industrial'. The proposed MRS Amendment map is shown in Figure 3.

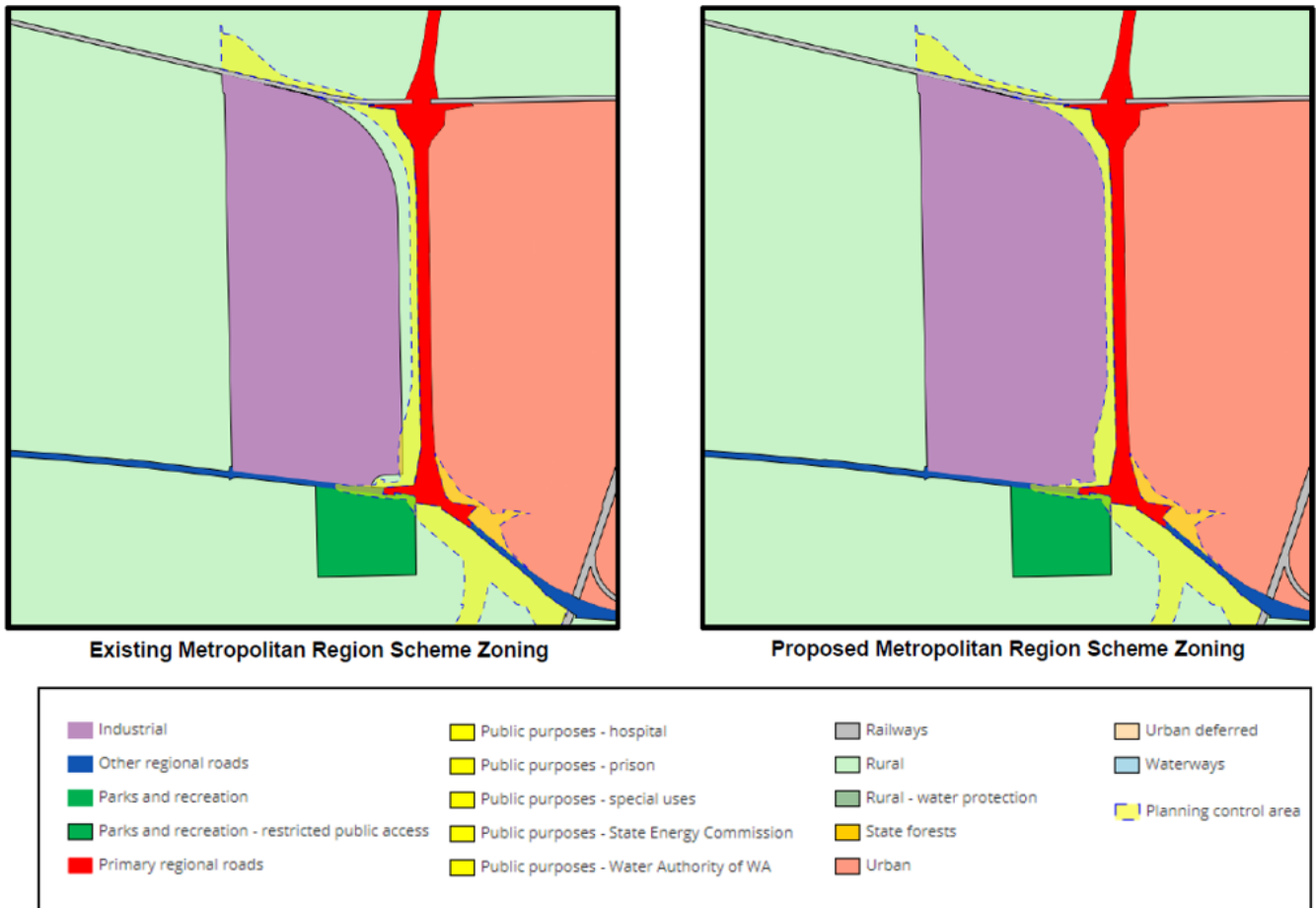


Figure 3: Proposed MRS Amendment Map

Options

Option 1

That Council REQUESTS the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment to rezone the portion of 'Rural' zoned land to the west of the Planning Control Area within the West Mundijong Industrial Area from 'Rural' to 'Industrial'.

Option 2

That Council DOES NOT REQUEST the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment to rezone the portion of 'Rural' zoned land to the west of the Planning Control Area within the West Mundijong Industrial Area from 'Rural' to 'Industrial'.

Option 1 is recommended.

Conclusion

The 2017 rezoning of the West Mundijong Industrial Area from 'Rural' to 'Industrial' excluded an approximately 150 metre wide strip of 'Rural' zoned land to accommodate the future Mundijong freight railway realignment, pending further studies. Since this time, a preferred rail realignment corridor has now been selected and a Planning Control Area has come into effect over the land identified for the realignment of the freight railway.



As such, this report is presented for Council to consider requesting the WAPC to initiate an MRS Amendment to rezone the remaining portion of 'Rural' zoned land to 'Industrial'.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Proposed MRS Amendment Map (E24/8388)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment

Financial Implications

There are no direct financial implications relating to this matter.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is the lowest strategic risk option.						
2	That Council DOES NOT REQUEST the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment, which causes difficulties in the form of interfacing development to the future rail corridor.	Planning framework	Social Community Outcomes /	Possible	Moderate	MODERATE	Accept Option 1.



Voting Requirements: Simple Majority

OCM185/07/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Bishop, Seconded Cr Jerrett

That Council REQUESTS the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment to rezone the portion of 'Rural' zoned land to the west of the Planning Control Area within the West Mundijong Industrial Area from 'Rural' to 'Industrial'.

CARRIED UNANIMOUSLY (en bloc at 7:21pm) 6/0



10.1.5 - Proposed Metropolitan Region Scheme Amendment - Mundijong South Precinct - Request for Preliminary Comment (SJ206)

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g., under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Dynamic Planning
Owner:	G & G Projects Pty Ltd and various landowners
Date of Receipt:	22 May 2024
Lot Area:	54.3ha
Local Planning Scheme No. 3 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

Report Purpose

The purpose of this report is for Council to consider the request for preliminary comments regarding the proposed Metropolitan Region Scheme amendment to the Mundijong South Precinct. The Western Australian Planning Commission (WAPC) requested that the Shire provide preliminary comments on the proposed amendment, relating to various site and planning considerations.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

On 22 May 2024, the Western Australian Planning Commission requested that the Shire provide preliminary comments on a proposed Metropolitan Region Scheme (MRS) amendment relating to the 'Mundijong South Precinct'.



The Mundijong South Precinct is identified as the land parcels shown in Figure 1 below, bounded by South Western Highway to the east, Shanley Road and the future Tonkin Highway to the south, and Watkins Road to the north. The majority of the lots within this subject site are owned by G & G Projects Pty Ltd.

The MRS amendment proposes to change the site's MRS zoning from 'Rural' to 'Urban', to facilitate low density residential development. An MRS amendment was lodged to rezone this land in 2013, however this application was deferred due to the incompleteness of the Perth and Peel @ 3.5 Million Sub-Regional Planning Framework. As this framework has now been completed, and the subject site has now been identified for future urban purposes under both the State and local planning frameworks, a revised MRS amendment has now been lodged.



Figure 1 - Site

Community / Stakeholder Consultation

Community consultation will be required if, after considering preliminary comments received, the Western Australian Planning Commission makes the decision to formally initiate an MRS amendment. Community consultation is not required at the preliminary comments stage.

Statutory Environment

Legislation

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



- Metropolitan Region Scheme

State Government Policies

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

Local Planning Framework

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

Planning Assessment

State Planning Framework

The subject site is currently zoned 'Rural' under the Metropolitan Region Scheme. The subject site's surroundings are zoned Rural to the east and south, Urban to the west, and reserved as Parks and Recreation (Bush Forever) to the north. The MRS reserves South Western Highway as a Primary Regional Roads, and the future Tonkin Highway as an Other Regional Roads. This amendment proposes to rezone the subject site from 'Rural' to 'Urban', as shown in Figure 2 below.

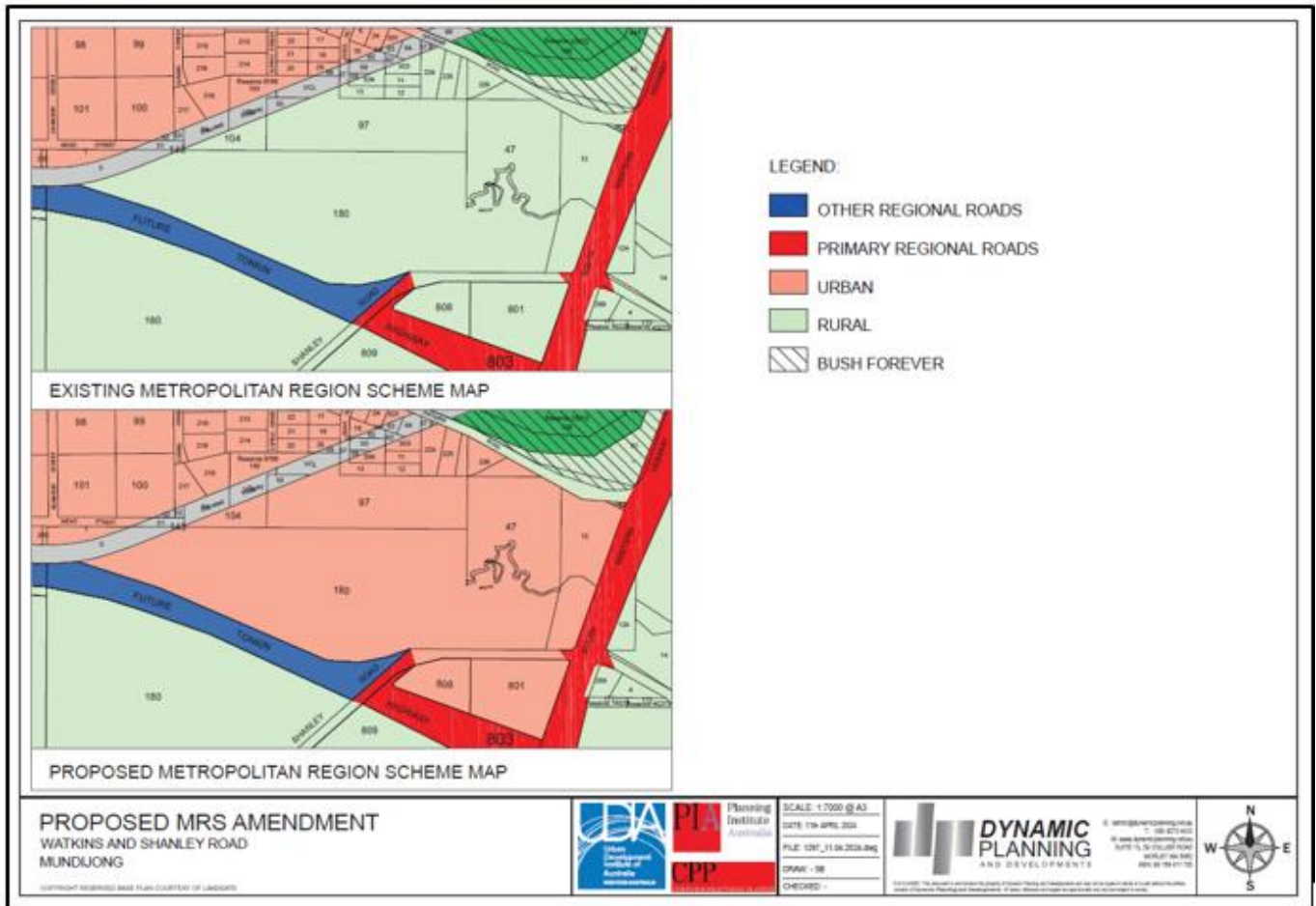


Figure 2 - Proposed MRS Amendment



The Perth and Peel @ 3.5 Million South Metropolitan Peel Sub-Regional Planning Framework identifies the subject site as 'Urban Expansion', as shown in Figure 3 below. Urban Expansion areas are identified within this framework due to their strategic locations and site considerations, making the locations suitable for future urban development. The Framework states that Urban Expansion areas have been identified in Mundijong to consolidate and 'round off' the existing urban area. Urban Expansion areas are required to be rezoned, and to undergo the preparation of a Local Structure Plan to ensure an integrated and coordinated outcome.



Figure 3 - Sub-Regional Planning Framework

Local Planning Framework

The Shire's Local Planning Strategy identifies the subject site as 'Development Investigation Area 2' (DIA2), reflecting the state planning framework's intent for future urban development. The Local Planning Strategy identifies this site as being intended to accommodate future low density residential development with larger lots with a rural lifestyle character. DIA2 intends to produce a different residential outcome to that of the Mundijong Urban area, serving as a transitional site with a greater rural focus, between the Mundijong Urban area and the surrounding Rural zone. The Local Planning Strategy states that the site is intended to have a gradual transition to larger lot sizes to protect the natural landscape character of the site and with the necessary provision of reticulated services. The proposed rezoning from Rural to Urban aligns with the intent and strategic direction of the Local Planning Strategy.

The subject site is also identified as 'Development Investigation Area 2' within the Mundijong District Structure Plan (DSP). The proposed amendment is consistent with this DSP, which identifies this area as being purposed for a future rural-urban interface, with housing opportunities that are considerate of the rural landscape. The DSP prescribes that a structure plan be prepared over this site, addressing matters such as integration and management of the landscape, rural character, and interfaces.



Figure 4 - Local Planning Strategy

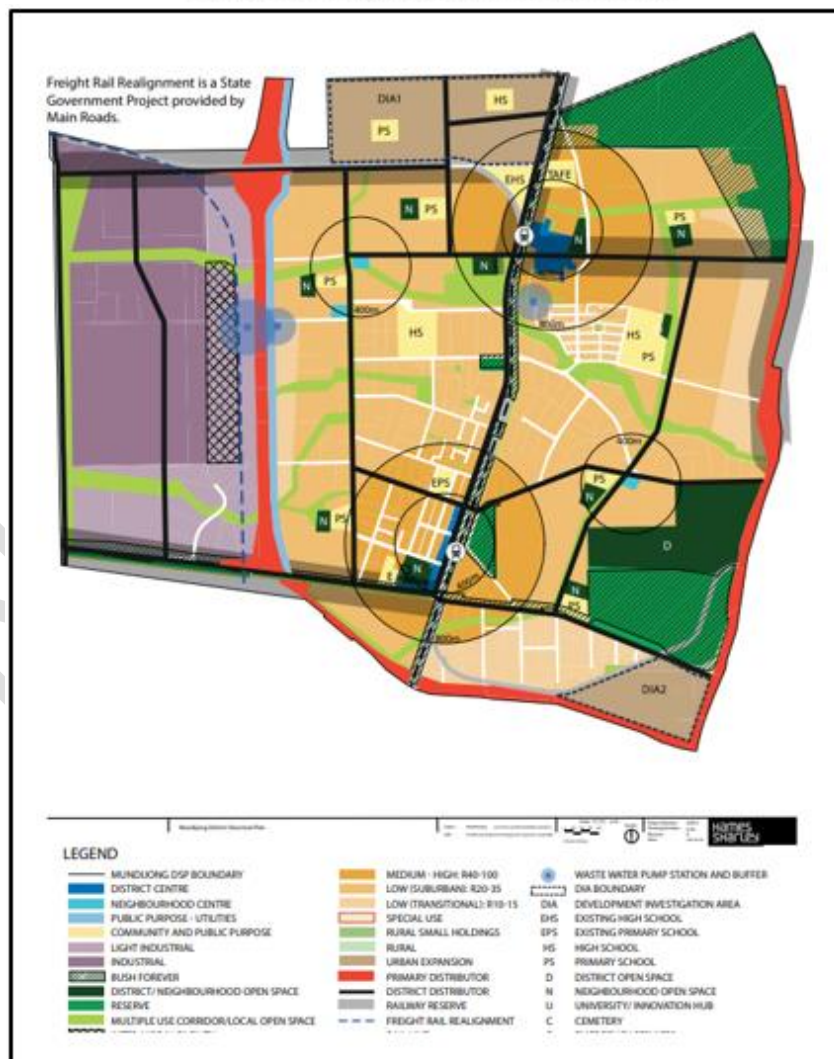


Figure 5 - Mundijong District Structure Plan



Residential Densities

The subject site is located adjacent to lots zoned Urban Development to the north under the Shire's Local Planning Scheme No. 3. These existing residential lots are sized between 2,000m² - 4,000m² in the area directly adjacent north west of the subject site, and between 1.5ha - 2ha further westward. This existing urban area is identified within Local Structure Plan Area D under the Mundijong DSP and a local structure plan is required to be prepared for this precinct under Section 1.6.4. This area is shown under the DSP to have an intended density of R10-15, with potential for average lot sizes of 666m² - 1,000m². This prescribed R10-15 density differs significantly from the intended R40-R100 densities north of Watkins Road within the centre of Mundijong, as these areas to the south of Watkins Road are not intended to accommodate medium or high-density development. Given its surroundings and its intent with the planning framework, it is appropriate for the subject site to be rezoned to allow for low density residential development. However, it is recommended that the residential development within the Mundijong South Precinct be subject to larger lots and a stronger rural character than that of the planned development to the west, to ensure a transition between these existing urban lots and the Rural properties further south.

Northern Interface

The proposed amendment includes a concept plan depicting lot sizes, Public Open Spaces, and road network details, as shown in Figure 6 below. The concept plan proposes smaller lots sized approximately 2,000m² along the northern interface with the existing residential area. These 2,000m² lots are indicative of an R5 density. This delivers a lower density than that of its immediate urban surrounds and provides an appropriate transitional interface with the existing residential lots to the northwest, which are prescribed under the DSP as R10-R15.

Southern interface

The interface of the subject site with the south is an important consideration, as the subject site contributes to a significant rural landscape which can be viewed from South Western Highway and the surrounds. The land to the south of the subject site is identified as Rural Residential RR-1, with a Residential and Stables designation. The concept plan demonstrates larger lot sizes throughout the centre of the subject site, sized between approximately 2000m² and 1.2ha. However, further south of the proposed POS, lot sizes again begin to decrease to between approximately 2,000m² and 4,000m². It is recommended that the subject site reflects a gradual transition in density with smaller lots to the north and lots increasing in size towards the southern boundary, within the southeastern portion of the site, to deliver a more appropriate transition with the future Rural Residential development to the south. Larger lot sizes are also recommended to be located along the interface with the Tonkin Highway and the interface with South Western Highway.

Public Open Space Interface

The concept plan proposes lots abutting the southern interface of the POS to have a higher density than the lots separated from the POS to the north, via a road. Given that the subject site is aimed at providing a transition between the existing urban area to the northwest and the future rural residential lots to the southeast, there should be a general gradient across the site of lot sizes increasing from the northwest to the southeast. The proposal to contain the largest lot sizes within the centre of the site is not conducive with this aim. Officers recommended that the largest lot sizes within the site be located at the interface with the future Rural Residential zone, and suggest that the locations of the larger lots north of the POS and the smaller lots south of the POS be interchanged.



Furthermore, under Liveable Neighbourhoods, street frontages bounding all POS boundaries is preferred to ensure an acceptable level of passive surveillance. The proposed concept plan, which identifies lots directly backing onto POS is not preferred for reasons including a lack of passive surveillance, security concerns and safety of the POS, as well as bushfire management.



Figure 6 - Proposed Subdivision Concept Plan

Movement Network

The subject site is bounded by the future Tonkin Highway to the south, and South Western Highway to the east. Both of these regional roads do not permit direct vehicular access. Therefore, access to the residential lots is proposed via one access point to Watkins Road, and through Shanley Road, connecting to South Western Highway. Given the intensification of development from a Rural use to an Urban use, Watkins Road and its intersection with South Western Highway are required to be upgraded. As the Tonkin Highway extension is a Main Roads Western Australia project, MRWA support is required for the proximity and design of lots adjacent to this road reserve.

The latest plans from MRWA indicate that Shanley Road will underpass Tonkin Highway. Therefore, it is Officers understanding that Shanley Road will not accommodate direct traffic associated with Tonkin Highway, despite the Tonkin Highway road reservation under the MRS indicating a potential interchange with Shanley Road to the north. It should be noted that the concept plan proposes lots abutting Shanley Road, which would not be appropriate (due to traffic and safety reasons) if this portion of Shanley Road was to become an interchange with Tonkin Highway. Roundabout intersections have been identified for the intersections between Shanley Road and South Western Highway and the Tonkin Highway and South Western Highway. The traffic impact of these intersections on the subject site are an important consideration in the future planning of the subject site and must be informed by Main Roads.

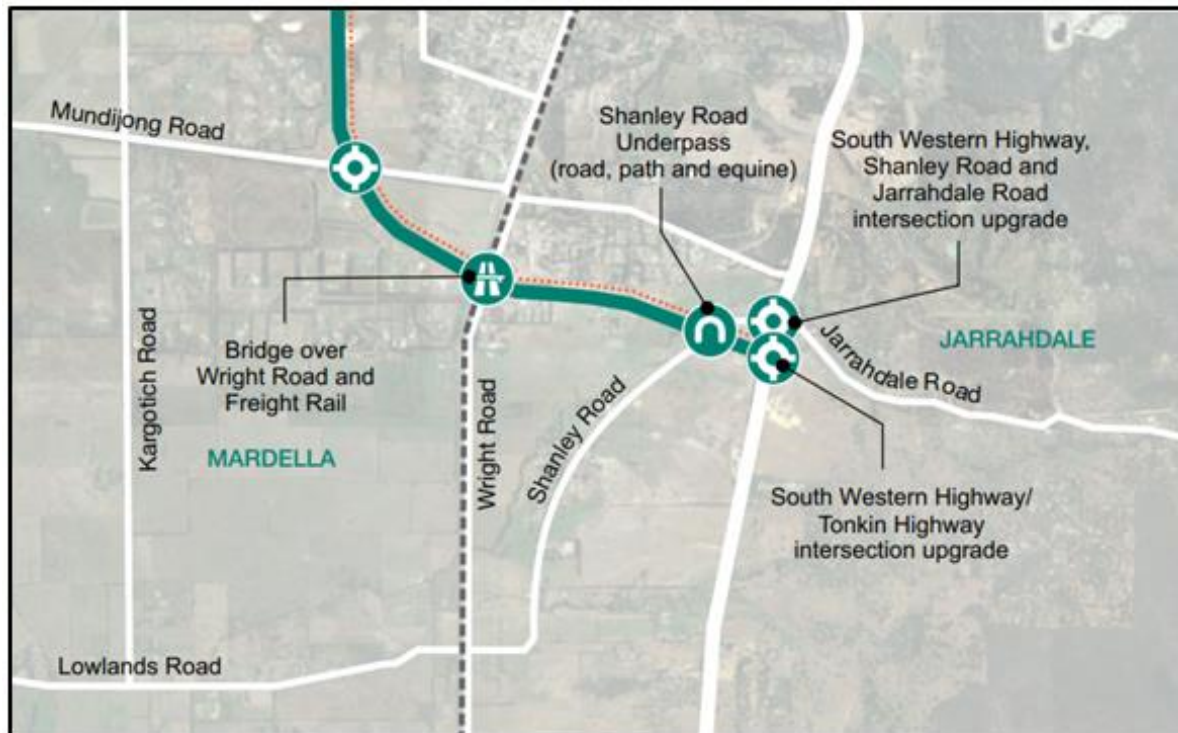


Figure 7 - Main Roads WA Tonkin Highway Extension Indicative Plan

Noise Management

The subject site will be significantly impacted by transport noise from the adjacent South Western Highway and Tonkin Highway. A noise assessment has not been conducted to demonstrate the impacts of transport noise on residential development within the subject site. A noise assessment is required at the Structure Plan stage to demonstrate requirements for lot configuration and design, noise barriers and Quiet House Design Packages. Additionally, subject to the findings of the noise assessment, several lots may be required to be increased in depth to accommodate for noise impacts, such as the proposed lots sized 3,706m² adjacent to South Western Highway, and the lots sized 3,117m² and 4,599m² adjacent to Tonkin Highway. The concept plan will likely be required to be modified in this regard.

Bushfire Management

The subject site is located within a Bushfire Prone Area, and as such bushfire considerations are required and a Bushfire Management Plan (BMP) has been provided. According to the State Planning Policy 3.7 Planning in Bushfire Prone Area Guidelines, multiple access routes are required providing access to multiple different locations. The subject site can achieve multiple routes of access, to the north via Watkins Road, and to the south via Shanley Road onto South Western Highway.

The site's road network is constrained by its immediate surroundings. The site is bounded by residential lots on its western boundary, Tonkin Highway on its southern boundary, and South Western Highway on its eastern boundary. No direct vehicular access will be permitted to be taken off either of these two regional roads. Given these constraints, the internal road network is proposed to consist of loop roads and cul-de-sacs, with only two access points out of this precinct. Loop roads and cul-de-sacs create poor emergency services access, as well as poor pedestrian connectivity. Given these constraints, Officers recommend that consideration be given to include a perimeter road within the concept plan.



This perimeter road will assist in achieving a separation from classified vegetation in the rural surroundings, as well as providing more effective bushfire access internally.

The proposed Multiple Use Corridor Public Open Space containing the Medulla Brook will contain significant vegetation and drainage functions. Therefore, this POS must be classified appropriately and must not be assumed to be maintained to the typical low-threat standard of many recreational open spaces. The BMP accounts for the existing and future vegetation within the Medulla Brook foreshore reserve area and POS, classifying this as Class A Forest vegetation, and as such resulting in an extreme bushfire hazard level. This highlights the need for a street frontage be provided on all boundaries of the POS in accordance with Liveable Neighbourhoods to provide an adequate separation and interface to the residential lots. Lots directly abutting the POS as proposed by the concept plan are not preferred. The BMP classifies the POS and primary regional road reserves as an extreme bushfire risk, reflecting the vegetation.

Environmental Considerations

An Environmental Report has been provided alongside the proposed MRS Amendment. This report states that there are *“few environmental constraints that would preclude future development”*. However, there are several environmental site constraints which must be considered.

The subject site contains mature redgum trees, which may provide habitat for endangered fauna, shown on the aerial image in Figure 8 below. For example, there are three mapped locations for the Baudins Black Cockatoo within the subject site. Large trees are mainly present along the Medulla Brook, and within the Shanley Road reserve. This vegetation must be retained through Public Open Space, with revegetation implemented. The proposed location of the POS demonstrated within the concept plan shows consideration of these areas of existing vegetation. However, measures must be implemented to ensure that the vegetation along the site's boundary with Shanley Road be protected from subdivision works, such as any potential road upgrades or differences in ground levels and fill required. This must be addressed at the structure plan stage.

The majority of the subject site is categorised as a Multiple Use Wetland, as shown in Figure 9 below, as the Medulla Brook waterway traverses the site. The land surrounding the Medulla Brook will be required to be ceded as a reserve, with a Foreshore Management Plan implemented for the protection and maintenance of this asset, as is recommended by the Environmental Report. The Medulla Brook and the soils within its direct flood fringe span approximately 8.3ha of the subject site, and therefore it is suggested that a reserve with a 30m width either side of the waterway be implemented. Additionally, the Medulla Brook is an Indigenous Cultural Heritage listed place, ID 29599 and will therefore require approval under Section 18 of the *Aboriginal Heritage Act 1972 (as amended)*.

**Figure 8 - Aerial Imagery****Figure 9 - Multiple Use Wetland**

Drainage and Public Open Space Provision

The subject site is impacted by waterlogging, with separation to groundwater being a significant constraint which must be addressed through fill. Land capability mapping shows that 50-70% of the area has a moderate to very high waterlogging risk. Additionally, the site's topography has a significant slope toward the watercourse from the north and the south. Fill will therefore be required to allow for development, which in turn is a consideration that may impact the drainage strategy and the distribution and design of the public open space proposed.

A District Water Management Strategy (DWMS) has been provided alongside this amendment. The DWMS proposes that the first 15mm of stormwater be managed within private lots, with swales and biofiltration areas within road reserves. The DWMS proposes that the Medulla Brook waterway be rehabilitated and included within a Multiple Use Corridor Public Open Space, which will contain bioretention areas and stormwater storage areas. This overall approach is supported by Officers. The subdivision site is to demonstrate a free-flowing system with an outlet for drainage discharge, for example into the MUC, and is not to be serviced through a trapped drainage system or for outflow to impact neighbouring properties.

The concept plan proposes approximately 3.63ha of Public Open Space, through a Multiple Use Corridor. Liveable Neighbourhoods requires that '*a minimum contribution of 10 per cent of the gross subdivisible area must be given up free of cost by the subdivider for public open space*'. As the proposed rezoning is to facilitate an urban built form, the site is required to satisfy Liveable Neighbourhoods in this regard. The POS identified within the concept plan appears to represent approximately only 6.7% of the subject site area. Therefore, the proposed POS does not satisfy this 10% requirement, and as such the concept plan and future structure planning is required to be revised to demonstrate this.

Sewerage Servicing

The proposed development is not proposed to be connected to reticulated sewerage services, which is not supported by Officers. The subject site falls within a Sewage Sensitive Area and a Site and Soil Evaluation (SSE) has been prepared. The SSE proposes on site effluent disposal systems servicing the residential lots. However, the Government Sewage Policy 2019 (GSP) prescribes a 1ha minimum lot size for lots containing effluent disposal systems within a Sewage Sensitive Area.



The MRS amendment proposes rezoning to the Urban zone and the concept plan proposes lots less than 1ha in size, with many lots sized 2,000m² - 3,000m². The proposed Urban zoning and these proposed lot sizes are therefore inconsistent with the GSP.

The Shire does not support the servicing of lots sized less than 1ha, or Urban zoned lots, through onsite effluent disposal systems. Section 3.1.6 of the Local Planning Strategy, which specifically relates to development considerations at this site, states the need for *‘the necessary provision of reticulated services’* to facilitate development. Additionally, the Mundijong District Structure Plan requires any further subdivision within the adjacent urban areas to be serviced through a connection to reticulated sewage. A connection to reticulated sewage is required to be accounted for at the structure plan and subdivision stages.

Options

Option 1

That Council PROVIDES preliminary comments of SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - Mundijong South Precinct.

Option 2

That Council PROVIDES preliminary comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendment – Mundijong South Precinct to the Western Australian Planning Commission.

Option 1 is recommended.

Conclusion

This application proposes to amend the Mundijong South Precinct’s Metropolitan Region Scheme zoning from Rural to Urban, to allow for low density residential development. Officers recommend that this rezoning be supported, as it is consistent with the State planning framework and is in alignment with the Shire’s local planning framework, delivering a low-density residential transition between the urban development and the rural zone. However, Officers recommend that additional information be provided and considerations relating to the planning framework, residential densities, the movement network, noise management, bushfire management, the environment, drainage and POS and servicing be addressed at the future planning stages.

Attachments (available under separate cover)

- **10.1.5 - attachment 1** - Proposed MRS Amendment - Mundijong South Precinct (E24/9163)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
Liveable
3. Preserve and enhance our natural places, parks, trails and reserves
Connected
2. Contribute to a well-connected, accessible and health community



Financial Implications

There are no direct financial implications relating to this matter.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This Option is considered the lowest strategic risk Option.						
2	That Council PROVIDES preliminary comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendment – Mundijong South Precinct to the Western Australian Planning Commission.	Current planning framework.	Social / Community Outcomes	Possible	Moderate	MODERATE	Give reason for decision.



Voting Requirements: Simple Majority

Officer Recommendation

That Council PROVIDES preliminary comments of SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - Mundijong South Precinct.

OCM186/07/24

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Jerrett

That Council PROVIDES preliminary comments of SUPPORT to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - Mundijong South Precinct SUBJECT TO the following issues being suitably addressed at the subsequent structure planning phase:

- lot density, such that this is to be characterised by larger lots with a strong rural character, respecting the landscape qualities of the site and setting of the foothills of the Darling Scarp;
- lot transition, with smaller lots (2000m²) at the northern interface of the site and larger lots to the southern interfaces;
- POS interfaces, to include public roads and trails, as well as adjustment of lot sizes to reflect the intended transition of smaller lots in the north to larger lots in the south;
- a legible and connected road structure, which is informed by the requirements for managing the hazard associated with bushfire in the landscape, and which configures access according to the road changes associated with the Tonkin Hwy project;
- lot access arrangements, which provides for appropriate management of the new highway and road access interfaces;
- noise management, specifically considerations pertaining to the future Tonkin Hwy and current SW Hwy interfaces;
- hazard management, specific to bushfire and flood risk
- environmental considerations, such as likely occurrence of habitat supporting the endangered black cockatoo species and restoration of the creek line and foreshore environment;
- equine trail connectivity, reflecting the priorities and principles set within the adopted Equine Trails Master Plan.

CARRIED UNANIMOUSLY 6/0

Reason for difference to Officer Recommendation:

To provide clarity over the specific details and issues that need to be addressed at future planning stages.



10.1.6 - Byford Train Station and Town Centre Parking Management - Final Consideration (SJ2633-3)

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

Authority / Discretion

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 advise Council of the outcome of the community consultation for the Draft Byford Town Centre Parking Management Plan and request endorsement to implement the plan. The draft plan was formulated in advance of the Byford Station Project being completed, recognising the need to manage how commuter parking occurs within the town centre.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 November 2023 – OCM275/11/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ENDORSE for the purposes of community consultation, the Draft Parking Management Plan for Byford Town Centre, based on the plans contained in this report.*
2. *NOTE the Communications Plan provided in attachment 1 will be used as the basis for community consultation.*

Background

The Byford Train Station is being built with 400 commuter parking bays, 100 bicycle stands and six bus stands. The station design includes a focus on promoting pedestrian, bus and cycle access, however there is also an expectation that a large component of commuters will access the station by private motor vehicle.

The Public Transit Authority (PTA) will be requiring a fee to utilise their parking station adjoining the train station, as it does across its entire network of stations and commuter carparks.

Based on consultation with other local governments, there has been some evidence of uncontrolled parking taking place which has caused issues to occur in some instances.

This report presents a Draft Parking Management Plan for Council to consider endorsing, following public consultation which has included residents and businesses.



This Draft Plan has been developed from the perspective of being proactive with respect of managing commuter parking, and ensuring the Shire maintains good accessibility of the town centre for customers throughout the day.

Community / Stakeholder Consultation

The Draft Parking Management Plan for Byford Town Centre was advertised for a period of 28 days from 8 February 2024 to 11 March 2024. The Draft Plan was also advertised on the Shire's website for the same period. At the conclusion of the consultation, a total of 91 responses were received, 55% of which were in support, 33% objected and 12% neither agreed nor disagreed. A list of submissions received is referred to at **attachment 1**. A summary of the concerns received are outlined in the table below:

Concern theme	Number
Concerns regarding the train station parking capacity	19
Requests for permits for businesses	13
Time period too short (noting that 3 thought the time restrictions were for train station)	7
Time period too long	6
Having to pay at the train station	6
Residential area concerns	4
Shire resources to enforce the restrictions	4
Private parking concerns	3
Wanting better bus service	3
Wanting a trailer parking bay	1

Concerns regarding train station parking capacity:

Persons who provided feedback on this matter have been forwarded the link for Metronet project consultation as this is outside the scope of the Shire's project.

Request for parking permits for businesses:

This can be implemented as a per business or per vehicle type of process. The issuing of permits to a specific vehicle would provide ease of enforcement matters as they would not be easily interchangeable to unauthorised users.

The specifics of how many permits can be issued will need to factor in business size, hours of operation, employee numbers and if the business is required to supply staff parking on site.

These permits would need to be displayed clearly at all times parked within the sign posted area.



Time period too short:

A four hour limit is seen as adequate for the businesses in the area and is a time limit that is reasonable to patrol and police. One submission has shown a hairdresser may have customers at the location for longer than four hours. Issuing permits to an unspecified person/vehicle is open to misuse, as a blank permit may be used by anyone and even copied easily. Blank permits are not recommended.

Time period too long:

Having multiple or shorter time limits would create a level of complexity that requires significant additional patrols. As the town centre businesses currently exist without parking limitations, the four-hour limit should be adequate for all users whilst meeting the primary objective of preventing train commuters parking in the town centre.

Having to pay at the train station:

Persons who provided feedback on this matter have been forwarded the link for Metronet, where a current consultation in regard to Metronet's project is asking for submissions.

Residential area concerns:

These areas will be monitored, and any complaints or feedback recorded. Where there is an issue shown, the four hour restrictions can be implemented within these areas, further promoting the use of the train station parking for commuters.

Shire resources to enforce the restrictions:

Where the one-time restriction of four hours is implemented, this would only require two visits of the area when being patrolled. Some tools are currently being explored, such as digital infringement systems and where the patrols were to be shown as burdensome to the staffing level, there are further tools or resources that can be implemented. Initial education and consistent enforcement of any issues would be best benefit in mitigation of commuters avoiding the train station parking fees.

Private parking concerns:

Private car parks and land are the responsibility of the owner. Owners may investigate their own parking restrictions and enforcement measures.

Wanting better bus service:

This would benefit the community and could mitigate some of the parking issues where residents can catch a bus to the train station, rather than having to drive. This is beyond the scope of the Shire's project.

Wanting a trailer parking bay:

This is beyond the scope of this project, however, could be considered as part of future parking bay designs.



Statutory Environment

The Draft Plan is based upon the Shire's *Parking and Parking Facilities Local Law 2014*. This local law enables, inter alia, time limit restrictions to be imposed and compliance and (where necessary) enforcement undertaken. This is per s3(3)(b) which states:

"A person shall not park a vehicle in a parking area, except in accordance with both signs associated with the parking area, which includes a specified time, and with this local law."

The Shire's *Parking and Parking Facilities Local Law 2014* would ensure signs are enforceable by way of:

- Warning Notice / Verbal Warning.
- Infringement Notice (\$60).
- Court prosecution (maximum penalty \$1,000).

Comment

Feedback has been summarised as per **attachment 1**.

The Plan, as proposed, has a four hour time limit, which has been shown to be a reasonable time for people attending the local businesses.

Parking permits are being shown to likely be a requirement for some businesses to operate and can be issued to a specific vehicle once the business has shown a legitimate need for the permit and no on-site options are available. A yearly application would be required to ensure all permits are relevant. Permit application draft example is shown as per **attachment 2**.

Businesses within this area will be contacted and asked what their staff parking needs are, so the Shire can ascertain where permits may be issued.

Permits are recommended to be issued to a specific vehicle to mitigate wrongful use and counterfeiting. Permits would also be implemented once the signs are installed, likely prior to the opening of the train station, to be able to assess the amount of staff parking in the area.

The enforcement process will form part of the standard Ranger process, where parking warnings are issued to a first-time offence to that vehicle, and any subsequent breaches will incur an infringement.

Once the restrictions are implemented, both commercial and residential areas nearby will be monitored in relation to parking management effectiveness. The approach or signage can be adjusted where required.

Image A and Image B below indicated the proposed parking restrictions along George Street. Note that the developers at 813 and 815 South Western Highway are required to install a number of roadside parking bays along George Street between the development site and Evans Way. Once the proposed parking bays are determined, appropriate signage will be installed indicating them as four hour parking bays. Image C below indicates the proposed parking restrictions along Pioneer Parade and Bushman Glade between the Woolworths and Coles shopping complexes.

Officers have investigated digital permit systems, similar to other Local Governments and have established that the Shire's enterprise planning resource system, OneComm will be able to implement a permit system as part of the enforcement system, included in the Property and Rating module, scheduled for implementation in 2025.



The current OneComm system will also enable for on-site printable infringement and warning notice issuing for a more efficient enforcement and record keeping process.

Keeping all digital actions to the one program of OneComm will mitigate integration and updating issues and also aid in being significantly more cost and Officer time efficient than implementing multiple programs.

The Shire has previously trialled vehicle Licence Plate Recognition technology and while this could likely have a place in the future, current perceived needs for this project reflect an undue cost for the expected patrols. This technology will be reassessed as the restrictions are actioned and monitored, and can be implemented if required.



Image A: George Street North parking restrictions (Evans Way to Pitman Way)

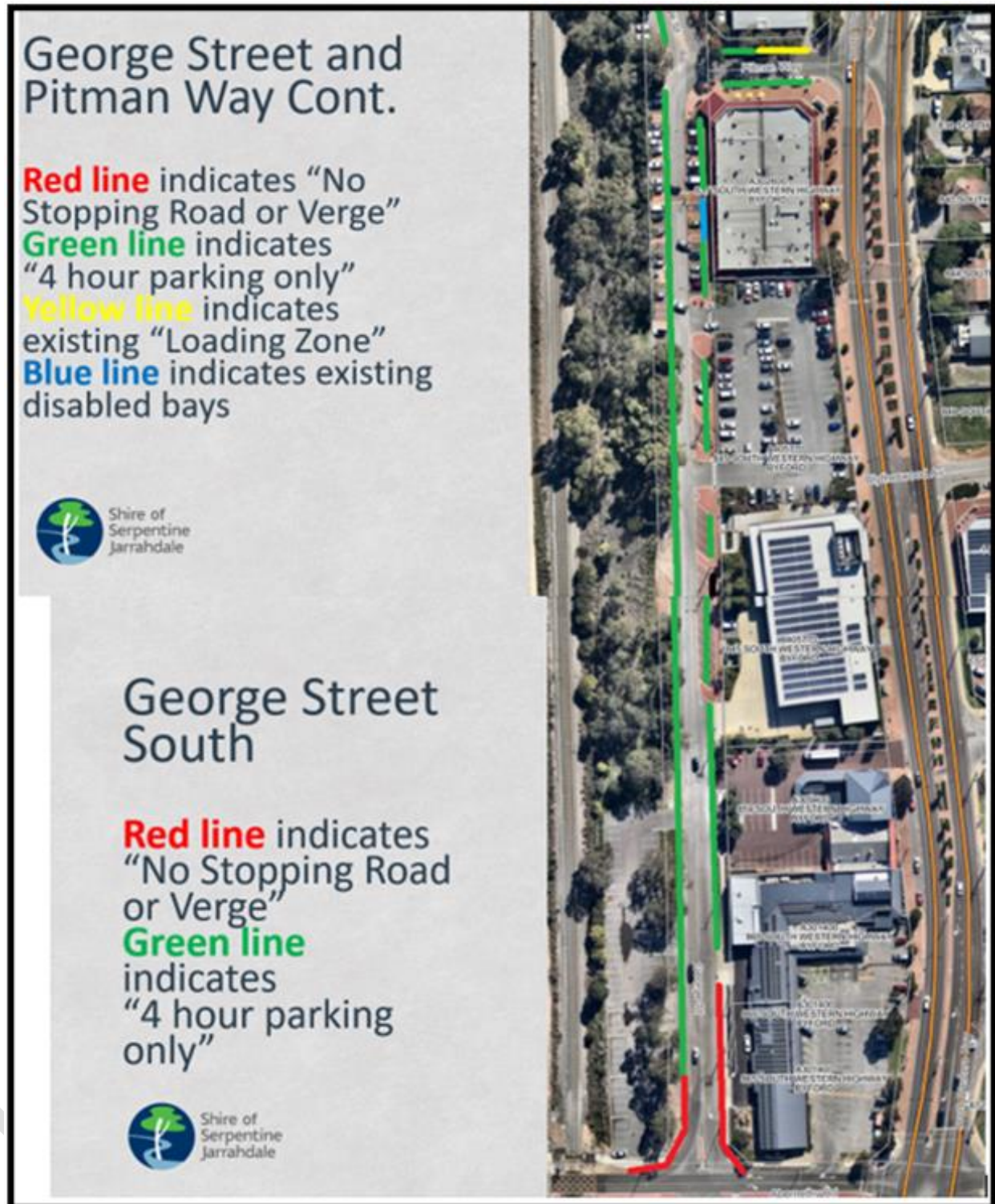


Image B: George Street South parking restrictions (Pitman Way to Abernethy Road)



Image C: Pioneer Parage and Bushman Glade parking restrictions

Options

Option1

That Council:

1. ENDORSE the Draft Parking Management Plan for Byford Town Centre, supporting the implementation of timed parking restrictions, no stopping restrictions, and the provision of staff parking permits to affected businesses.
2. NOTE the new parking arrangements, including signage and public awareness raising campaigns, will be introduced prior to the operation of the new Byford Station in order to allow the community and businesses to adjust to the new parking approach.

Option 2

That Council DOES NOT ENDORSE the Parking Management Plan for Byford Town Centre.

Option 1 is recommended.

Conclusion

After consideration of the feedback provided by the community, the majority of submissions are in support of the proposal.

The installation of the signs restricting parking within the town centre to a maximum of four (4) hours (with the exception of staff parking permit holders) will aid in ensuring train commuters utilise the dedicated PTA car parking in lieu of congesting the limited parking available in Byford.

This will be of great benefit to the local businesses and the customers visiting the businesses in Byford. Ongoing monitoring of the town centre and nearby residential areas will inform any necessary changes to the parking management plan.



The surrounding area would be monitored and have feedback of any concerns assessed to ensure businesses, residents and visitors to the Shire continue to benefit from the restrictions and that train commuters are continually using the parking station provided by Metronet.

Attachments

- **10.1.6 - attachment 1** - Summary of Submissions E24/4152
- **10.1.6 - attachment 2** - Draft Permit Application E24/4147

Alignment with our Strategic Community Plan)

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
4. Ensure sustainable and optimal use of Shire resources and finances

Financial Implications

The implementation of the parking restrictions pictured would be approximately \$9,000 to purchase and install the required signage for the business area. This can be accommodated as part of normal budget operations. Any future signage to restrict parking in residential areas would be dependent on the need identified after the opening of the train station.

Resources will need to be carefully managed, and it is likely that in future years, additional Ranger resource may be required.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered the lowest strategic risk.						
2	No time limits are introduced and there is the risk that commuters start parking inappropriately within the town centre by utilising street parking which impacts the town centre.	There are no controls in the absence of timed parking	Social Community Outcomes /	Possible	Major	MODERATE	Support Officer recommendation



Voting Requirements: Simple Majority

OCM187/07/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Bishop, Seconded Cr Jerrett

That Council:

- 1. ENDORSE the Draft Parking Management Plan for Byford Town Centre, supporting the implementation of timed parking restrictions, no stopping restrictions, and the provision of staff parking permits to affected businesses.**
- 2. NOTE the new parking arrangements, including signage and public awareness raising campaigns, will be introduced prior to the operation of the new Byford Station in order to allow the community and businesses to adjust to the new parking approach.**

CARRIED UNANIMOUSLY (en bloc at 7:21pm) 6/0

**10.2 Infrastructure Services reports:**

10.2.1 - Road Closure - Falls Road, Serpentine (SJ140)	
Responsible Officer:	Manager Engineering Services
Senior Officer:	Acting 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 permanent closure and related advertising of a portion of Falls Road, Serpentine located within the Serpentine National Park, and to be informed of the Department of Biodiversity, Conservation and Attractions (DBCA) proposed improvements to the recreational infrastructure in the Serpentine National Park at the Serpentine Falls recreation precinct.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The Shire has received information from the Department of Biodiversity, Conservation and Attractions (DBCA) of their planned improvements to the recreational infrastructure within the Serpentine National Park at the Serpentine Falls recreation precinct. Refer to **attachment 1**.

The proposed improvement plans confirm that a 350m long portion of the Falls Road road reserve, is located within the boundaries of the Serpentine National Park reserve.

DBCA have therefore requested the Shire's support in permanently closing the portion of Falls Road that is located within the national park to rationalise the park boundaries. Refer to **attachment 2** and the image below.

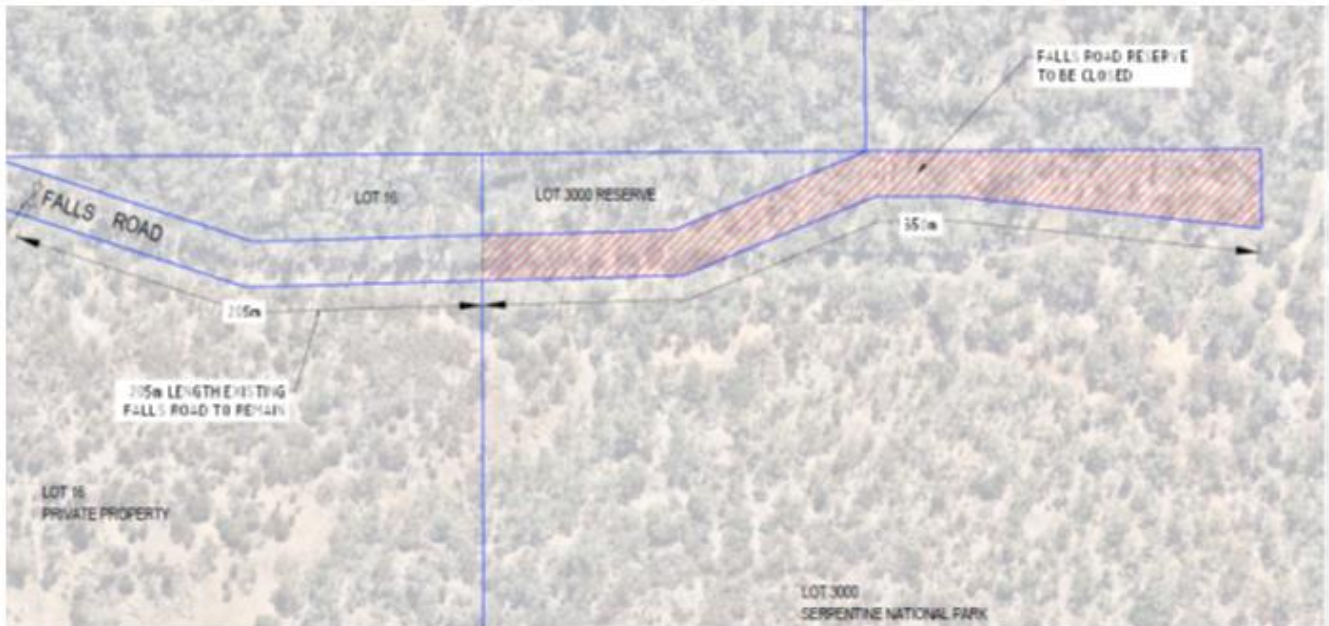


Image of Road Reserve to be closed

Community / Stakeholder Consultation

Policy Concept Forum

Nil

Statutory Environment

The request to permanently close a road reserve is made under the *Land Administration Act 1997 Part 5 Division 1 section 58*.

The legal process is to request the Minister for Lands to close the road. If the Minister for Lands supports the closure request, then the land becomes Unallocated Crown Land. Once unallocated, all or a portion of the land may be amalgamated into neighbouring lots. For reference, the relevant section of the Act is provided below:

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
 - (a) *by order grant the request; or*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*



(c) *refuse the request.*

(5) *If the Minister grants a request under subsection (4) —*

(a) *the road concerned is closed on and from the day on which the relevant order is registered; and*

(b) *any rights suspended under section 55(3)(a) cease to be so suspended.*

(6) *When a road is closed under this section, the land comprising the former road —*

(a) *becomes unallocated Crown land; or*

(b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

Purchase of a closed road reserve for a nominal or discounted price is considered under the *Land Administration Act 1997 Part 6 Division 2 section 75*. For reference the relevant section of the Act is provided below:

(1) *The Minister may transfer Crown land in fee simple subject to such conditions concerning the use of the land (the **specified use**) as the Minister determines.*

(2) *For the purposes of this section and of section 76, the unimproved value of conditional tenure land must be calculated as if the use of the land were not subject to any conditions.*

(3) *The fee simple of conditional tenure land may be transferred under subsection (1) for a nominal price or a discounted price because of the community benefit to be provided by the proposed development of the conditional tenure land for the specified use.*

Comment

The Department of Biodiversity, Conservation and Attractions has written to the Shire to advise of its planned improvements to the recreational infrastructure within the Serpentine National Park at the Serpentine Falls recreation precinct, providing a draft plan of the proposed improvements. This plan is attached as **attachment 1**. The planned improvements include:

- Park entry station;
- Long vehicle drop off zone;
- New traffic bridge;
- New parking area with approximately 125 bays;
- Expanded main picnic area;
- Existing traffic bridge converted to a pedestrian bridge;
- Additional gathering and picnic areas;
- New toilet block;
- New walk trail bridge;
- Rehabilitate unused road alignments.

The improvements are proposed to be delivered over 3 stages, however a timeframe for the commencement and completion of the upgrades has not yet been provided.



During DBCA's planning process, it was identified that a 350m long portion of the Falls Road road reserve is located within the boundaries of the Serpentine National Park reserve and is affected by the proposed project. This 350-metre portion of Falls Road is the eastern most portion of the Road Reserve. Refer to **attachment 2**.

As the Shire has responsibility for the care, control, and management of the road reserve, DBCA has requested the permanent closure of the of the portion of Falls Road that is within the national park boundaries. Supporting this closure will rationalise the management of Falls Road within the park and rationalise the parks boundaries.

It makes sense that the portion of Falls Road within the park boundary alignment is closed, and the boundaries be rationalised given the Shire is not actively managing this portion of road. In accordance with the Land Administration Act process, the portion of closed road will be amalgamated with the adjacent lot.

Currently, Falls Road has an informal turn around area in front of the Serpentine Falls gate, which is only partially constructed and consists of gravel. As part of the review of this request, Shire Officers have requested DBCA formalise and construct the cul de sac head in front of the gate, upgrading it to a circular turn around area and asphalt sealing it. DBCA have agreed to include the upgrade and construction of the cul de sac head within the scope of their upgrade works. This confirmation is contained in record number IN24/14377.

Between the section of Falls Road considered in this report to be closed and the location of the existing DBCA park gate, a 205m long section of the Falls Road road reserve exists which is not proposed to be closed. This portion of Falls Road will remain as a public road reserve, remaining under the care and control of the Shire. This is due to privately owned land being located on each side of this section of Falls Road - Lot 16. In addition, an Aboriginal Heritage site of significance is registered over this 205m portion of road and extends into the Park reserve, with the whole project site is a site of mythological significance. The relocation of the existing entry gate to the East, to be in line with the Serpentine National Park cadastral boundary was discussed so as to align it with the road closure extent, however this was not supported by the Traditional Owners group consulted with by DBCA as it would impact the Heritage site. The existing informal turn around area and gate, are both located within the boundary of the Heritage site by a distance of approximately 800mm. As this length is extremely short, as part of the works and cul de sac head construction, DBCA propose to relocate the cul de sac head and gate to the West by approximately 800mm, so they are not located within the Heritage Site. To demonstrate this, the location of the existing gate, along with boundary alignment of the Heritage site is indicated within the **attachment 4**.

Options

Option 1

That Council:

1. ENDORSES the closure of the portion of Falls Road, Serpentine, as indicated within **attachment 2**;
2. PROCEEDS with advertising of the closure at the cost of the applicant in accordance with Section 58(3) of the *Land Administration Act 1997*, for a period of not less than 35 days;



3. Subject to no objections being received during the advertising period required in 2. above, formally REQUESTS, pursuant to Section 58(1) of the *Land Administration Act 1997*, the Minister for Lands to formally close the portion of road as depicted in **attachment 2**; and
4. NOTES the planned improvements to the recreational infrastructure in the Serpentine National Park at the Serpentine Falls recreation precinct to be carried out by the Department of Biodiversity, Conservation and Attractions.

Option 2

That Council

1. DOES NOT endorse the closure of the portion of Falls Road, as indicated within **attachment 2**;
2. NOTES the planned improvements to the recreational infrastructure in the Serpentine National Park at the Serpentine Falls recreation precinct to be carried out by the Department of Biodiversity, Conservation and Attractions.

Option 1 is recommended

Conclusion

The proposed road closure is based on a request from adjacent land managers, DBCA, who currently manage the Serpentine National Park, and would ensure DBCA has sole responsibility for management of the land within the national park boundaries.

Attachments (available under separate cover)

- **10.2.1 - attachment 1** – Serpentine Falls planned upgrades concept plan (IN24/11678)
- **10.2.1 - attachment 2** – Falls Road closure plan (E24/7057)
- **10.2.1 – attachment 3** – Department of Biodiversity, Conservation and Attractions – letter outlining Serpentine National Park Recreational Precinct Improvements (IN24/5481)
- **10.2.1 – attachment 4** – Department of Biodiversity, Conservation and Attractions – Falls Road closure (IN24/14831)

Alignment with our Council Plan 2023-2033

Thriving	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
	Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
	Strengthen and grow the local tourism industry
	Ensure sustainable and optimal use of Shire resources and finances
Liveable	Advocate for public transport and focus on connectivity within communities
	Improve maintenance and investment in roads and paths
	Preserve and enhance our natural places, parks, trails and reserves
	Invest in facilities and amenities to meet current and future needs
	Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment
Connected	Invest in community recreation and support local clubs and groups to increase opportunities for participation
	Contribute to a well-connected, accessible and health community



	Empower the community to engage with the Shire and collaborate on matters that are important to them
	Facilitate an inclusive community that celebrates our history and diversity

Financial Implications

There are no financial Implications for the Shire. As the section of road is already gated, the Shire does not actively undertake maintenance of the road. The reduction in asset replacement liability value to the Shire for this portion of road is calculated at \$207,700.

DBCA are to pay the road closure application fee and advertising fee in accordance with the Shires Fees and Charges Schedule.

Risk Implications

Risk has been assessed on the Officer Options:

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 do not support the closure and advertising.	Applicant becomes aggrieved causing the Shire Reputational Hardship	Reputation	Possible	Moderate	MODERATE	



Voting Requirements: Simple Majority

OCM188/07/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Bishop, seconded Cr Jerrett

That Council

- 1. ENDORSES the closure of the portion of Falls Road, Serpentine, as indicated within attachment 2;**
- 2. PROCEEDS with advertising of the closure at the cost of the applicant in accordance with Section 58(3) of the *Land Administration Act 1997*, for a period of not less than 35 days;**
- 3. Subject to no objections being received during the advertising period required in 2. above, formally REQUESTS, pursuant to Section 58(1) of the *Land Administration Act 1997*, the Minister for Lands to formally close the portion of road as depicted in attachment 2; and**
- 4. NOTES the planned improvements to the recreational infrastructure in the Serpentine National Park at the Serpentine Falls recreation precinct to be carried out by the Department of Biodiversity, Conservation and Attractions.**

CARRIED UNANIMOUSLY (en bloc at 7:21pm) 6/0



10.3 Operations reports:

10.3.1 - Lake Allambee, The Glades - Floating Garden (SJ1239)	
Responsible Officer:	Manager Operations
Senior Officer:	Executive Manager of Operations
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

This report is for Council to consider the feasibility and cost of introducing a floating garden or habitat at Lake Allambee, The Glades.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 18 March 2024 – OCM033/02/24 – COUNCIL RESOLUTION / Elected Member Recommendation</i></p> <p><i>That Council REQUESTS the Chief Executive Officer to:</i></p> <ol style="list-style-type: none"> <i>1. Investigate the feasibility of putting a floating garden/habitat in Lake Allambee, The Glades, in collaboration with the Byford Community Garden.</i> <i>2. Investigate external funding opportunities to install a floating garden/habitat in Lake Allambee, The Glades.</i> <i>3. Provide a report back to Council at a future date advising of the outcomes of points 1 and 2.</i>
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Background

Lake Allambee captures localised stormwater and overflows downstream for approximately 1.2km, filtrating into the surrounding site and ground water. Multiple aerators are in place and following a recent inspection of the lake, a range of water birds were observed on the water and in the surrounding vegetation of the water body.

At the March 2024 meeting, Council requested the Chief Executive Officer investigate the feasibility of putting a floating garden/habitat in Lake Allambee, The Glades, in collaboration with the Byford Community Garden.

An image of a floating garden is provided below:



Example 1 – Common Lake - City of Subiaco



Example 2 – Water Garden

Community / Stakeholder Consultation

Byford Community Garden members

Officers have engaged with the Byford Community Garden regarding the initiative, and they have advised they are supportive of the floating garden for Lake Allambee and that they could grow the plants for the floating garden. Further external funding would need to be secured to deliver on this project although the ongoing maintenance and any future replacement would remain the responsibility of the Shire.



City of South Perth

The report obtained by the Shire detailed the design and implementation of the gardens and the desired outcomes. Whilst initial reports were promising, the vegetation on the islands were trampled and eaten by larger birds using them as roosting points. Maintenance of the floating gardens incurred further costs to the City.

City of Subiaco

The City of Subiaco installed floating islands within the Subiaco Common Lake to help improve the water quality within the Lake. At the conclusion of the initial 12 months, whilst the gardens were well received by the local community, there was uncertainty of the improved benefits to the water quality due to feral and Koi fish within the Lakes.

Statutory Environment

Nil.

Comment

Officers have investigated the feasibility of installing floating gardens within Lake Allambee and have detailed the research within the Feasibility Study, provided at **attachment 1**.

The Feasibility Study indicated that while installation of a floating garden would provide aesthetics and support for local bird habitat, there would be no significant benefit to the quality of water in the lake.

The key findings of the Study indicate that:

1. As of May 2024, Lake Allambee is exhibiting high water quality due to the use of multiple aerators. These aerators are working effectively to aerate the water, stabilizing the oxygen-water levels, pH levels, reduced alkalinity, and removal of carbon dioxide. A major benefit of a floating garden is its ability to improve water quality and availability of microbes that can attach and remove nutrients from the water. As the water at Lake Allambee is currently in good condition, no major benefit will be seen by their installation.
2. Lake Allambee is surrounded by rushes and sedges and borders Truman Reserve. Shire Officers believes this habitat is sufficient at this stage as it helps absorb nutrients and reduce algae bloom.
3. A review of the City of South Perth and City of Subiaco's programs have determined that the floating gardens were considered viable as there was a decline in water quality and a large Swan population that needed an increase in available habitat.
4. Research into the City of South Perth's program determined that one of the floating gardens was not being utilised as intended by local fauna, and the other was being trampled/eaten which resulted in additional costs for repair and replacement of plants. This would result in additional costs not already outlined within the feasibility study.
5. As external funding has not been obtained, any additional costs would be at the Shire's expense.
6. Ongoing maintenance would be required by the Shire or contractor for:
 - weed control and removal,
 - rubbish removal,



- replacement and harvesting of plant stock to maintain appropriate densities,
 - re-anchoring to secure the floating garden,
 - remove any trapped or injured fauna from the floating garden.
7. All maintenance and monitoring would have to be completed using a boat or kayak as the wetland will not be accessible by foot. As the Shire does not have these available resources or staff, should Officers be required to undertake maintenance activities, the following issues may be encountered:
- staff training for working on water,
 - compliant Safe Work Method Statement (SWMS) and Job Safety Analysis (JSA)
 - purchasing of equipment (dinghy or kayak) specifically for this task, and
 - transport and storing of equipment.
8. With the Lake having a liner as its base, the standard method of securing the floating garden/s is not possible without causing damage. Four (4) anchor wiring systems per garden would need to be employed which would be problematic due to the:
- potential for vandalism,
 - cost and operational issues with installing anchoring points on the lake banks, and
 - unsightly vegetation and potential for ducks and other water animals encountering the anchoring system.
9. Maintenance of the garden/s could potentially become expensive due to, including:
- Plant replacement due to fauna damage,
 - Contractor pricing for maintenance due to limited competition and Shire reliance, and
 - Vandalism due to the location of the gardens within a social area.

Options

Option 1

That Council:

1. NOTES the Lake Allambee, Floating Garden Feasibility Study at **attachment 1**; and
2. DOES NOT PROCEED with the floating garden initiative within Lake Allambee, The Glades.

Option 2

That Council:

1. NOTES the Lake Allambee, Floating Garden Feasibility Study at **attachment 1**; and
2. REQUESTS the Chief Executive Officer include \$8,741 (ex GST) in the 2024-25 budget to establish one (1) floating garden in Lake Allambee, The Glades.

Option 1 is recommended.



Conclusion

On the basis of the Feasibility Study, Officers do not consider that installation of floating gardens to be of benefit at this time. While installation of a floating garden would provide aesthetics and support for local bird habitat, there would be no significant benefit to the quality of water in the lake which would justify the initial and ongoing maintenance costs required.

Attachments (available under separate cover)

- **10.3.1 - attachment 1** – Lake Allambee The Glades – Floating Garden – Feasibility Study (IN24/12115)

Alignment with our Council Plan 2023-2033

Thriving	Ensure sustainable and optimal use of Shire resources and finances
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Financial Implications

The estimated financial costs for establishing the floating garden are:

- Cost to supply, install and establish a 6x1.8m floating wetland with nesting platforms and ramps, moorings, anti-bird netting and plants - \$6,341.00 exc. GST (per floating wetland).
- Ongoing maintenance of Lake Allambee is expected to cost \$2,400 annually, including staff time and resources. This will need to be factored into the long-term financial planning.
- Additional costs to repair, replace, modify elements of the garden, remove rubbish, perform weed control, re-anchor the wetland and remove trapped/injured fauna.

If Council wish to approve funding for the project, \$8,741 (ex GST) per garden would need to be allocated in the 2024-25 budget, plus in ongoing future budgets for maintenance.



Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is the lowest risk option						
2	Community group concerns about not progressing the project.		Reputation	Unlikely	Insignificant	LOW	Communication with the Byford Community Gardens

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. NOTES the Lake Allambee, Floating Garden Feasibility Study at attachment 1; and
2. DOES NOT PROCEED with the floating garden initiative within Lake Allambee, The Glades.

OCM189/07/24

COUNCIL RESOLUTION

Moved Cr Mack, seconded Cr Mazzini

That Council:

1. NOTES the Lake Allambee, Floating Garden Feasibility Study at attachment 1; and
2. DOES NOT PROCEED with the floating garden initiative within Lake Allambee, The Glades at this time.
3. REQUESTS the Chief Executive Officer to continue to work with the Byford Community Garden and other stakeholders to identify external funding opportunities for a floating garden at Lake Allambee.

CARRIED UNANIMOUSLY 6/0

Reason for difference to Officer Recommendation:

To allow any future funding opportunities to be explored as they may become available.



10.3.2 - Minutes of the Rivers Regional Council - Ordinary Council Meeting - 20 June 2024

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

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to enable Council to note the minutes of the Rivers Regional Council Ordinary Meeting held on 20 June 2024.

Relevant Previous Decisions of Council

Nil.

Background

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

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

Community / Stakeholder Consultation

Nil.

Statutory Environment

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

Comment

The RRC Council Meeting was held on 20 June 2024. The Shire was represented by Cr Mack.

The following items were discussed and carried unanimously:

- Payments for the Period 1 April 2024 to 31 May 2024;
- Financial Report for the Period 1 April 2024 to 31 May 2024;
- Draft Budget for the Financial Year ending 30 June 2025;
- CEO Report.



The CEO's report included a late item in relation to the on-going application for the Rivers Regional Council to become a Regional Subsidiary.

From the CEO's report:

The application to form the Regional Subsidiary is with the Minister for Local Government for approval. Recent discussions with Department of Local Government staff indicate that the decision has been delayed in the legislative review program which is approaching completion.

The Rivers Regional Council Chairperson and CEO met with the Minister for Local Government on Wednesday, 19 June to discuss the application and try and find a way forward. The CEO had a follow-up meeting with Ministerial Advisers and Department of Local Government staff, which concluded at 3pm on the day of the meeting.

The CEO tabled the changes proposed at the 20 June 2024 meeting to keep the process moving. Councillors discussed the matter and unanimously carried a motion for the changes to be referred to the Technical Officers Committee with a further report and final recommended Charter to be presented to the Councillors at a special meeting of the Rivers Regional Council.

Options

Option 1

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 20 June 2024 as contained in **attachment 1**.

Option 2

That Council DOES NOT NOTE the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 20 June 2024.

Option 1 is recommended.

Conclusion

As a member of the RRC, the unconfirmed minutes of the RRC Ordinary Council Meeting held on 20 June 2024 are attached for Council's information.

Attachments (available under separate cover)

- **10.3.2 - attachment 1** – Rivers Regional Council Ordinary Council Meeting Minutes – 20 June 2024 (E24/8671)

Alignment with our Council Plan 2023-2033

Liveable
5. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment

Financial Implications

The Shire's annual contribution to the Rivers Regional Council for 2024/25 is increasing by \$302 to a total of \$25,832. This amount has been budgeted for in the Shire's 2024/25 budget to be adopted by Council.



Risk Implications

Nil.

Voting Requirements: Simple Majority

OCM190/07/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Bishop, seconded Cr Jerrett

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 20 June 2024 as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 7:21pm) 6/0



10.4 Corporate Services reports:

10.4.1 - Confirmation of Payment of Creditors - June 2024 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Nil.

Community / Stakeholder Consultation

Not Applicable.

Statutory Environment

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

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

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

**Comment**

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

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

A detailed list of invoices for the period 01 June 2024 to 30 June 2024 is provided in **attachment 1**.

OptionsOption 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 June 2024 to 30 June 2024, totalling \$6,060,513.64

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 01 June 2024 to 30 June 2024, totalling \$6,060,513.64

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 30 June 2024 (E24/9254)
- **10.4.1 - attachment 2** – Westpac Purchasing Card Report – 29 April 2024 to 28 May 2024 – Redacted (E24/9255)
- **10.4.1 - attachment 3** – Fuel Purchasing Cards Report – 01 May 2024 to 31 May 2024 – Redacted (E24/9256)

Alignment with our Council Plan 2023-2033

Thriving
4. Ensure sustainable and optimal use of Shire resources and finances

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 01 June 2024 to 30 June 2024 totalled \$6,060,513.64.



Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	That Council does not accept the payments	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	

Voting Requirements: Simple Majority

OCM191/07/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Bishop, seconded Cr Jerrett

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 June 2024 to 30 June 2024 totalling \$6,060,513.64 as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 7:21pm) 6/0



10.4.2 - Monthly Financial Report - May 2024 (SJ4229)

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

Authority / Discretion

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

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

This report is about the financial position of the Shire as at 31 May 2024.

Relevant Previous Decisions of Council

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

7. *That Council, in accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2023/24 for reporting material variances shall be:*

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

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

Background

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

The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. Furthermore, Council has resolved that each Capital project outside of the materiality thresholds be reported on separately. This gives an indication that the Shire is performing against expectations at a point in time.

Community / Stakeholder Consultation

Nil.



Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of 31 May 2024.

The municipal surplus as at 31 May 2024 is \$5,630,957 which is favourable, compared to a budgeted amount of \$3,677,448. Further information on material variances are listed in the analysis below.

Operating Activities

Operating Revenue

Rates

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

Operating Grants, Subsidies and Contributions

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

Fees and Charges

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

Interest Earnings

Favourable permanent variance of \$438,206 primarily due to:

- Higher than anticipated interest received on Municipal Term Deposits - \$110,789.
- Higher than anticipated interest received on Reserve Term Deposits - \$213,451.
- Permanent variance due to interest on overdue rate higher than anticipated. \$134,831.

Other Revenue

Favourable permanent variance of \$136,979 primarily due to:

- Refund received from Telstra due to overcharge in prior months - \$82,618.

Profit on Asset Disposal

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

Operating Expenses

Employee Costs

Favourable variance of \$1,000,032 primarily due to vacancies across organisation. Employee saving are offset by increases in labour hire costs in materials and contractors to cover these vacant budgeted roles.



Materials and Contracts

Favourable variance of \$319,947. This is resulting from a net balance of overspends offsetting underspends over multiple categories as detailed below:

- Permanent unfavourable variance in Agency Labour hire of \$518,072 to cover vacancies in budgeted positions.
- Favourable permanent variance of \$317,676 for Bush Fire Mitigation due to a revised change in treatment methodology – specifically that treatments initially quoted as requiring hand crews were able to be completed with forestry mulching. This decreased the cost of many of the approved treatments and enabled three additional treatment projects to be completed within this round of funding. Additionally, the following planned burn treatments were not able to be completed due to resource availability and/or weather conditions being unsuitable for burning:
 - Treatment 25285 – Planned Burn Manjedal Brook Reserve west
 - Treatment 25283 – Planned Burn Manjedal Brook East
- Favourable permanent variance in Materials in Parks and Garden, Community Activation, Engineering and Plant & Fleet - \$412,024.

Utility Charges

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

Depreciation

Unfavourable permanent variance of \$3,551,922 primarily due to an higher than anticipated asset value following the 2022/23 revaluation, resulting in higher than anticipated depreciation.

Finance Costs

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

Insurance Expenses

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

Other Expenditure

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

Loss on Disposal of Assets

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

Investing Activities

Contributions/Grants for the Construction of Assets

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

Proceeds from Disposal of Assets

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

Capital Expenditure

Unfavourable variance of \$60,940 primarily due to:

- 80361 - Whitby Falls Trail Path - Overspent due to officers contributing more time than anticipated - \$23,445



- 80314 - Nettleton Road (SLK 13.87- SLK 16.65) – Project Completed. Officers will be submitting the final grant claim for this project and requesting additional funds in relation to the overspends - \$18,398
- 80411 - Mundijong Road (SLK 5.62- SLK 7.32) - Project Completed. Officers will be submitting the final grant claim for this project and requesting additional funds in relation to the overspends - \$21,836.
- 80450 - Baskerville Rd Mundijong Resurfacing - Overspent due to officers contributing more time than anticipated. Officers will be submitting the final grant claim for this project and requesting additional funds in relation to the overspends \$43,160.
- 80289 - Karnup Rd & Yangedi Rd intersection: Refund of the final 50% retention to the contractors after the 12-month defects period has ended - \$17,357.
- 80458 - Adonis Street, Mundijong, Footpath - Overspent due to officers contributing more time than anticipated - \$90,222.
- 80366 - 1 large Machine purchase instead of 2 smaller mowers - \$30,310. The overspend will be covered by 80367 - Kubota Mower.

The following project was completed under budget:

- 80455 - Nettleton Road Rehabilitation - The project was completed ahead of schedule due to contractors' early availability. Additionally, due to weather conditions, bad workmanship (rectifications), smooth government agency procedures (MRWA), internal processes (time for approvals, etc.), supply chain, changes to legislations (clearing permits, etc.) has contributed to underspend in this project - \$44,293.
- 80448 - Gossage Road, Oldbury Resurfacing: The project was completed ahead of schedule due to contractors' early availability. Additionally, due to weather conditions, bad workmanship (rectifications), smooth government agency procedures (MRWA), internal processes (time for approvals, etc.), supply chain, changes to legislations (clearing permits, etc.) has contributed to underspend in this project - \$54,115.

Financing Activities

Proceeds from new Borrowings

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

Transfer from Reserve

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

Repayment of new Borrowings

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

Payment for principal portion of lease liabilities

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

Transfer to Reserve

Permanent variance of \$316,146 primarily due to:

- Higher than anticipated interest received on Municipal Term Deposits - \$110,789.



- Higher than anticipated interest received on Reserve Term Deposits - \$213,451.

Options

Option 1

That Council RECEIVES the Monthly Financial Report for May 2024 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 May 2024, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Monthly Financial Report – May 2024 (E24/8778)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
3. Ensure sustainable and optimal use of Shire resources and finances
Liveable
1. Improve maintenance and investment in roads and paths
2. Invest in facilities and amenities to meet current and future needs
Connected
1. Invest in community recreation and support local clubs and groups to increase opportunities for participation

Financial Implications

As at 31 May 2024, the Shire’s respective cash position was as follows:

Municipal Fund: \$5,383,100
Trust Fund: \$304,221



Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for May 2024 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

OCM192/07/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Bishop, seconded Cr Jerrett

That Council **RECEIVES** the Monthly Financial Report for May 2024 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 7:21pm) 6/0

OCM193/07/24

MOTION

Moved Cr Mazzini, seconded Cr Duggin

That the meeting be closed to members of the public while item 10.7.1 is discussed pursuant to section 5.23(2)(b) and (f) of the *Local Government Act 1995*.

MOTION LOST 6/0

The Presiding Member advised the gallery that the meeting will remain open.



10.4.3 - Update to Delegations and Authorisations Register (SJ538-2)

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

Authority / Discretion

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

The purpose of this report is for Council to consider and approve amendments to delegations and authorisations as a result of the new Operations Directorate, pursuant to section 5.46 of the *Local Government Act 1995* (the Act).

Relevant Previous Decisions of Council

Ordinary Council Meeting – 19 February 2024 – OCM030/02/24 – COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. APPROVES the creation of a two-year Executive Manager Operations and Personal Assistant roles as outlined in this report reporting to the Chief Executive Officer.*
- 2. NOTES that funding for these positions will be drawn down from the Operations Optimisation Reserve.*
- 3. RESOLVES that any additional positions resulting from this change are considered by Council as part of the 2023/24 FY budget process.*

Background

This report deals with two separate but related concepts:

- delegations; and
- authorisations.

Delegation is a formal means of empowering one entity to perform functions and duties that are otherwise reserved in legislation for another entity. Delegation is a tool used in government at all levels to enable the efficient and effective delivery of services while ensuring clarity regarding who is permitted to perform specific discretionary functions.

The appointment of authorised persons is a similar but distinct concept. Legislation occasionally enables a decision-making body or source of authority to appoint persons to perform specific tasks on their behalf. In this case, the authorising entity does not have the power themselves to perform the task and can only authorise others to do so. Legislative provisions related to enforcement often employ the appointment of authorised persons.



Local government exercises many of its functions through a combination of delegated powers and authorisations. This includes functions under the Act but also legislation related to planning, dogs, cats, health, building, bush fire prevention and management and food safety.

Both delegations and authorisations must be in writing. In line with the principles of good governance, delegations and authorisations should be regularly reviewed. As noted below, delegations made under the Act must be reviewed annually.

The Shire's delegations and authorisations are recorded in a register available on the Shire's website. The Shire's register contains over 120 delegations and authorisations across a dozen pieces of legislation.

Community / Stakeholder Consultation

Nil.

Statutory Environment

The power to delegate or appoint authorised persons is drawn from legislation. Legislation that permits delegation or the appointment of authorised persons has a specific section, regulation, or clause known as the 'head of power'. In the case of the Act, the head of power for Council to delegate certain functions is section 5.42. The power to appoint authorised persons is provided directly to the CEO by section 9.10.

Importantly, each separate Act requires its own head of power. The head of power provided by section 5.42 of the Act that permits Council to delegate certain functions cannot be used to delegate functions in other pieces of legislation. The ability to use the Act's head of power more widely is a common misconception in local government.

Another source of confusion is section 5.45 of the Act, which introduces the concept of 'acting through'. Section 5.45 of the Act states that provisions concerning delegations do not prevent a local government from performing any of its functions by acting through a person or a CEO from performing any of his or her functions through the actions of another person. While what constitutes an 'acting through' arrangement is not defined in legislation, the Department's published guidance on the matter states that acting through arrangements can occur where an Officer performs tasks at the direction of the authority holder. While some examples of this approach are straightforward, the varying approaches employed across local government demonstrate that this can be a grey area, and wherever there is doubt and it is practicable, formal delegations or appointments as authorised officers should be used.

Regulation 19 of the *Local Government (Administration) Regulations 2005 (the Admin Regulations)* requires the exercised use of a delegated power under the Act to be recorded. The requirement to record exercised use of delegations from other legislation varies. Legislation does not require exercised use to be published or available for inspection.

Regulation 29 of the *Admin Regulations* requires a local government to make its delegations register available to the public for inspection. The Shire exceeds this legislative requirement by publishing the register on the Shire's website and includes information in the published register pertaining to delegations by the CEO and the instruments used to appoint authorised officers.

While legislation requires the authorisation of people as authorised officers or people to be in writing, there is no general requirement to keep this information in a single register. In this way, the Shire's current approach exceeds legislative requirements.

Comment



In February 2024, Council endorsed the creation of a new Directorate to effectively manage the workload and growth across the organisation. In addition to the introduction of a new position, Executive Manager Operations, the new Directorate, Operations, separated functions from the existing Infrastructure Directorate, resulting in position title changes.

To reflect the changes, the Register of Delegations and Authorisations has been updated to ensure that Officers have appropriate delegations and authorisations so the Shire can continue to operate efficiently and effectively.

A summary of the changes to Council Delegations and Authorisations to account for the new positions are highlighted below:

Executive Manager of Operations

Council authorisation

1.11 – *Local Government Act 1995* – Execution of Documents

Manager Facilities

Council authorisation

1.12 – *Local Government Act 1995* – Power to remove and impound

Options

Option 1

That Council APPROVES the changes to the Register of Delegations and Authorisations as contained within **attachment 1**.

Option 2

That Council DOES NOT APPROVE the changes to the Register of Delegations and Authorisations as contained within **attachment 1**.

Option 1 is recommended.

Conclusion

Ensuring the Register of Delegations and Authorisations is accurate and reflects the Shire’s new structure is important to enable the Shire to continue to conduct business effectively and efficiently.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** – Register of Delegations and Authorisations – tracked changes (E24/9243)

Alignment with our Council Plan 2023-2033

Thriving
4. Ensure sustainable and optimal use of Shire resources and finances

Financial Implications

There are no financial implications associated with the implementation of this report.

Risk Implications

Risk has been assessed on the Officer Options:



Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with option 1.						
2	If Council do not approve the changes, it may impact on operational effectiveness and efficiency.	Nil.	Organisational Performance	Unlikely	Minor	LOW	Nil.

Voting Requirements: Absolute Majority (s5.42 of the *Local Government Act 1995*)

OCM194/07/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, Seconded Cr Jerrett

That Council APPROVES the changes to the Register of Delegations and Authorisations as contained within attachment 1.

CARRIED UNANIMOUSLY 6/0

**10.5 Community Engagement reports:**

10.5.1 - Local Emergency Management Committee Information Report (SJ716)	
Responsible Officer:	Coordinator Emergency Services
Senior Officer:	Director Community Engagement
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Information	For the Council to note.
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Report Purpose

The purpose of this report is for Council to receive the minutes from the Shire of Serpentine Jarrahdale Local Emergency Management Committee Meeting held on Tuesday, 11 June 2024.

Relevant Previous Decisions of Council

Nil.

Background

Section 38 of the *Emergency Management Act 2005* requires that the Shire of Serpentine Jarrahdale convene a Local Emergency Management Committee (LEMC). The Shire of Serpentine Jarrahdale LEMC operates under a Terms of Reference as endorsed by Council; however, the LEMC is not a Committee of Council as described in the *Local Government Act 1995*.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Emergency Management Act 2005

Section 38 local emergency management committees

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
 - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*



(4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

Section 39 Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and*
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

Comment

The LEMC met on Tuesday, 11 June 2024 and the minutes can be reviewed at **attachment 1**. There are no recommendations for Council's consideration from this meeting.

Options

Option 1

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee Meeting held on 11 June 2024 as contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee Meeting held on 11 June 2024 as contained in **attachment 1**, for the following reasons:

[Elected Member to specify reasons]

Option 1 is recommended.

Conclusion

The minutes of the Local Emergency Management Committee Meeting held on Tuesday, 11 June 2024 are provided to Council.

Attachments (available under separate cover)

- **10.5.1 - attachment 1** – Local Emergency Management Committee Meeting Minutes – 11 June 2024 (E24/7927)



Alignment with our Council Plan 2023-2033

Thriving
4. Ensure sustainable and optimal use of Shire resources and finances
Connected
3. Empower the community to engage with the Shire and collaborate on matters that are important to them

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	That the LEMC members feel their contribution is not respected.	Nil	Reputation	Rare	Moderate	LOW	Nil

Voting Requirements: Simple Majority

OCM195/07/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Bishop, Seconded Cr Jerrett

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee Meeting held on 11 June 2024 as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 7:21pm) 6/0



10.6 Executive Services reports:

Nil.

UNCONFIRMED



10.7 Confidential reports:

10.7.1 - CONFIDENTIAL - Allegation of breach of code of conduct SJ2024-2 (SJ3105)

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> .
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OCM196/07/24

COUNCIL RESOLUTION

Moved Cr Mazzini, seconded Cr Jerrett

That the meeting be closed to members of the public while item 10.7.1 is discussed pursuant to section 5.23(2)(b) and (f) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 6/0

At 7:35pm, the meeting went behind closed doors.

Officers assisting the meeting stopped the recording of the meeting.

The following Officers left the meeting at 7:35pm and did not return:

Mr A TrosicDirector Development Services

Mr B Oliver.....Director Community Engagement

Mr N Scidone.....Acting Director Infrastructure Services

Ms E Liley.....Governance Officer (Minute taker)

The Manager of Corporate Performance, Mrs C Mortimer, assumed the role of the Minute Taker.

Voting Requirements: Simple Majority

Officer Recommendation

For Council's consideration.

OCM197/07/24

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Bishop

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 7.49pm in order to further discuss item 10.7.1.

CARRIED UNANIMOUSLY 6/0



OCM198/07/24

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Bishop

That Standing Orders be reinstated at 7.59pm.

CARRIED UNANIMOUSLY 6/0

OCM201/07/24

COUNCIL RESOLUTION

Moved Cr Duggin, Seconded Cr Bishop

In accordance with Standing Orders Local Law 2002 clause 11.1(b), that the question be adjourned to the August Ordinary Council Meeting.

CARRIED 3/3

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

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

*Councillors Duggin, Jerrett and Bishop voted FOR the motion.
Councillors Mazzini, Byas and Mack voted AGAINST the motion.*

OCM202/07/24

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Mack

That the meeting be reopened to members of the public.

CARRIED UNANIMOUSLY 6/0

At 8.36pm, the doors were reopened, and the public returned to the Gallery.

Officers assisting the meeting resumed the recording of the meeting.

The Presiding Member advised the public gallery of the Council Resolution for item 10.7.1.



11. Urgent business:

Nil.

12. Elected Member questions of which notice has been given:

Nil.

13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 8.38pm.

Officers assisting the meeting stopped the recording of the meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on

.....

..... Presiding Member – Tricia Duggin

.....Date

UNCONFIRMED